
Appendix C: Agency Correspondence

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APPENDIX C AGENCY CORRESPONDENCE



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N01CE1/1137
30 Aug 2011

XXXXXX
XXXXXX
XXXXXX

Dear Name:

Subj: NOTIFICATION OF PREPARATION OF THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) ENVIRONMENTAL IMPACT
STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS)

This letter is to inform you that the United States (U.S.) Navy, on behalf of the U.S. military services, is preparing an EIS/OEIS to assess the potential environmental impacts from proposed military readiness training and research, development, testing and evaluation activities ("training and testing activities") in the MITT Study Area. Some of these proposed training and testing activities may include the use of active sonar and explosives. The services request your comments on the scope, content and issues to be considered in the development of the EIS/OEIS.

The MITT Study Area is comprised of air, land and sea space and includes the existing Mariana Islands Range Complex (MIRC), additional areas on the high seas and a transit corridor where training and testing activities may occur (see Enclosure 1). The MIRC is the only Navy range complex in the Study Area.

The Proposed Action is to conduct military training and testing activities in the MITT Study Area. The purpose of the Proposed Action is to achieve and maintain military readiness to meet the requirements of Title 10 of the U.S. Code, thereby ensuring that the military services meet their mission to maintain, train and equip combat-ready military forces capable of winning wars, deterring aggression and maintaining freedom of the seas.

Subj: NOTIFICATION OF PREPARATION OF THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) ENVIRONMENTAL IMPACT
STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS)

The Proposed Action would support military training and testing activities associated with the development, testing and introduction of new vessels, aircraft and weapons systems within the MITT Study Area to ensure critical military requirements are met. This action is needed to support applicable environmental reauthorizations, consultations and other associated environmental requirements for those training and testing activities. The MITT EIS/OEIS is the reevaluation and reauthorization of training and testing activities reviewed in the MIRC EIS/OEIS, which the Navy completed with community input in 2010.

Environmental issues to be addressed in the EIS/OEIS include, but are not limited to, the following resource areas: ocean and biological resources (including marine mammals and threatened and endangered species), terrestrial resources, air quality, airborne soundscape, cultural resources, transportation, regional economy, recreation, and public health and safety. Your input in identifying specific issues and concerns that should be assessed, in these areas and any additional areas, is important to the process.

In compliance with the National Environmental Policy Act of 1969 (NEPA) and the National Historic Preservation Act, the Navy is holding five open house public scoping meetings to support an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to the Proposed Action. Scoping meetings will inform the public of the Proposed Action and NEPA process and give community members an opportunity to submit written and oral comments on the scope, environmental resources and local issues to be addressed in the EIS/OEIS. Input from the public scoping meetings will be used to help identify potentially significant issues to be analyzed in the Draft EIS/OEIS.

The public scoping meetings will be conducted in an open house format and members of the public may arrive at any time during the meetings. There will be no formal presentation; however, service representatives will be available to provide information and answer questions about the Proposed Action.

Subj: NOTIFICATION OF PREPARATION OF THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) ENVIRONMENTAL IMPACT
STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS)

The public scoping meetings will be held from **5 to 8 p.m.** at
the following locations:

On Guam: Thursday, Sept. 22, 2011

University of Guam
Leon Guerrero School of Business and Public
Administration Building,
Anthony Leon Guerrero Multi-Purpose Room 129
Mangilao, Guam 96923

Friday, Sept. 23, 2011

Southern High School, Cafeteria
#1 Jose Perez Leon Guerrero Drive
Santa Rita, Guam 96915

On Saipan: Monday, Sept. 26, 2011

Multi-Purpose Center in Susupe
Saipan, MP 96950

On Tinian: Tuesday, Sept. 27, 2011

Tinian High School, Cafeteria
San Jose Village
Tinian, MP 96952

On Rota: Thursday, Sept. 29, 2011

Sinapalo Elementary School, Cafeteria
Sinapalo I, Songsong Village
Rota, MP 96951

Regardless of whether you are able to participate in the
public scoping meetings, you may send written comments to:

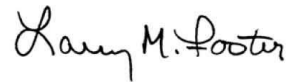
Naval Facilities Engineering Command, Pacific
Attention: MITT EIS/OEIS Project Manager
258 Makalapa Drive, Suite 100
Pearl Harbor, HI 96860-3134

You may also submit comments online at www.mitt-eis.com. All
comments must be postmarked or received online by **Nov. 7, 2011**,
to be considered in the development of the Draft EIS/OEIS.

Subj: NOTIFICATION OF PREPARATION OF THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) ENVIRONMENTAL IMPACT
STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS)

For more information, please visit the project website at
www.mitt-eis.com or contact Ms. Nora Macariola-See, Navy
Technical Representative, (808) 472-1402, email
nora.macariola-see@navy.mil.

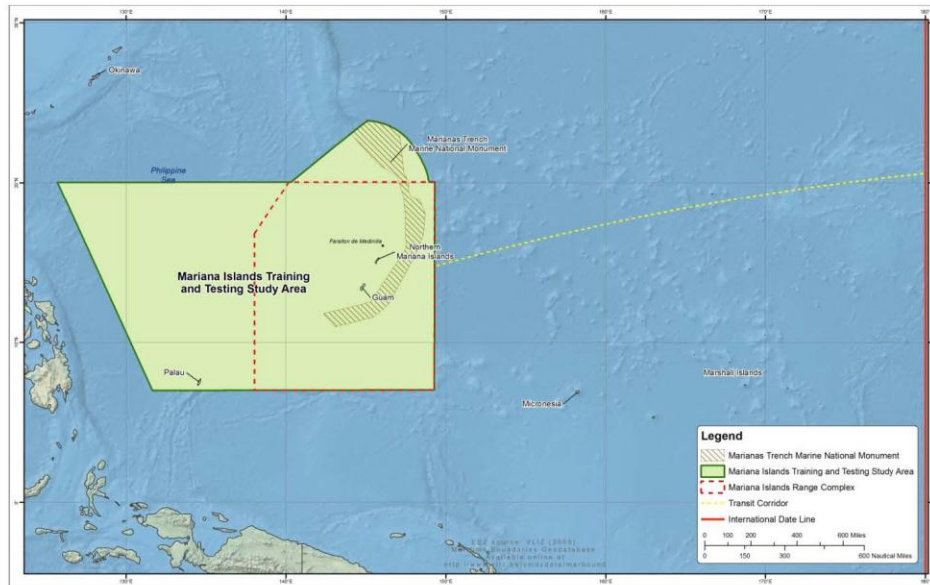
Sincerely,



L. M. FOSTER
Director, Environmental Readiness
By direction

Enclosure: 1. MITT Study Area

Enclosure: 1. Mariana Islands Training and Testing (MITT) Study Area



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DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5090
N454/11U158200
15 September 2011

Mr. Timothy K. Bridges
Deputy Assistant Secretary of the Air Force
(Environment, Safety and Occupational Health)
HQ SAF/IEE
1670 Air Force Pentagon
Washington, D.C. 20330-1760

Dear Mr. Bridges:

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) – COOPERATING AGENCY

In accordance with the National Environmental Policy Act (NEPA), the United States (U.S.) Department of the Navy (Navy) is initiating the preparation of an Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) to evaluate the potential environmental effects associated with military readiness training and research, development, testing, and evaluation (hereafter referred to as “training and testing”) activities that include the use of active sonar and explosives in the Mariana Islands Training and Testing (MITT) EIS/OEIS Study Area. The MITT Study Area includes the existing Mariana Islands Range Complex (MIRC), additional areas on the high seas, and a transit corridor where training and testing activities may occur (see enclosure (1)). The Mariana Islands Range Complex (MIRC) is the only range complex in the MITT Study Area.

The proposed action is to conduct training and testing activities in the MITT study area. The purpose of the proposed action is to achieve and maintain military readiness to meet the requirements of Title 10 of the U.S. Code, thereby ensuring that the Navy and other Services meet their mission to maintain, train, and equip combat-ready military forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. The proposed action also serves to support force structure changes and emerging and future training and testing associated with new systems within the MITT EIS/OEIS Study Area, thereby ensuring critical military requirements are met.

The following alternatives are under consideration in this EIS/OEIS:

- (1) No Action Alternative: Continue baseline training and testing activities, as defined by existing environmental planning documents, including the *2010 Mariana Islands Range Complex EIS/OEIS* and the *Office of Naval Research Acoustic Impact Analysis for the North Pacific Acoustic Laboratory Philippine Sea 2010 through 2011 Experiment*.

(2) Alternative 1: Consists of baseline training and testing activities and overall expansion of the Study Area plus adjustments to types and levels of activities as necessary to support current and planned military training and testing activities requirements. This Alternative considers activities conducted throughout the Study Area and mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new platforms (vessels, aircraft) and weapons systems.

(3) Alternative 2: Consists of Alternative 1 plus the establishment of new range capabilities, modifications of existing capabilities, adjustments to type and tempo of training and testing activities, and the establishment of additional locations to conduct training and testing activities within the Study Area.

The EIS/OEIS will analyze the effects of sound in the water on marine mammals in the areas where training activities occur. In addition, other environmental resource areas that will be addressed as applicable in the EIS/OEIS include air quality; airspace; biological resources, including threatened and endangered species; cultural resources; terrestrial resources, geology and soils; hazardous materials and waste; health and safety; land use; noise; socioeconomic; transportation; and water resources.

In order to adequately evaluate the potential environmental effects of the proposed action, DoD components need to work together in assessing potential impacts to training and testing activities within the MITT study area. To assist in this effort and in accordance with 40 Code of Federal Regulations Part 1501 and the Council on Environmental Quality Cooperating Agency guidance issued on January 30, 2002, the Navy requests that the U.S. Air Force serve as a cooperating agency for the development of the EIS/OEIS.

As defined in 40 CFR Part 1501.6, the Navy is the lead agency for the MITT EIS/OEIS. As the lead agency, the Navy shall:

- Request the participation of each cooperating agency in the NEPA process at the earliest possible time.
- Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise to the maximum extent possible consistent with its responsibility as lead agency.
- Determine scope of the EIS/OEIS, including the alternatives evaluated.
- Meet with a cooperating agency at the latter's request.
- Circulate the appropriate NEPA documentation to the general public and any other interested parties.
- Schedule and supervise meetings held in support of the NEPA process and compiling any comments received.

- Maintain an administrative record and respond to any Freedom of Information Act requests relating to the EIS/OEIS.

Each cooperating agency shall:

- Participate in the NEPA process at the earliest possible time.
- Participate in meetings hosted by the Navy, including public scoping meetings and hearings, for discussion of issues relating to the EIS/OEIS.
- Assume, on request of the lead agency, responsibility for developing information and preparing environmental analyses, including portions of the environmental impact statement for which the cooperating agency has special expertise.
- Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.
- Provide comments on the draft EIS/OEIS document (Version 2.0) within 30 working days.
- Use their own funds.
- Adhere to the overall schedule as set forth by the Navy.
- Provide a formal, written response to this request.

The Navy views this agreement as important to the successful completion of the environmental planning process for the MITT EIS/OEIS. It is the Navy's goal to complete the analysis as expeditiously as possible, while using the best scientific information available. The Draft EIS is scheduled for public review in July 2013 with the Final EIS released in February 2015. The Record of Decision is anticipated to be signed in May 2015. The U.S. Air Force assistance will be invaluable in that endeavor. See enclosure 2 for the notional schedule for the MITT EIS/OEIS.

We appreciate your consideration of our request and look forward to your response. The point of contact for this matter is Ms. Dawn Schroeder at (703) 695-5219, email dawn.schroeder@navy.mil.

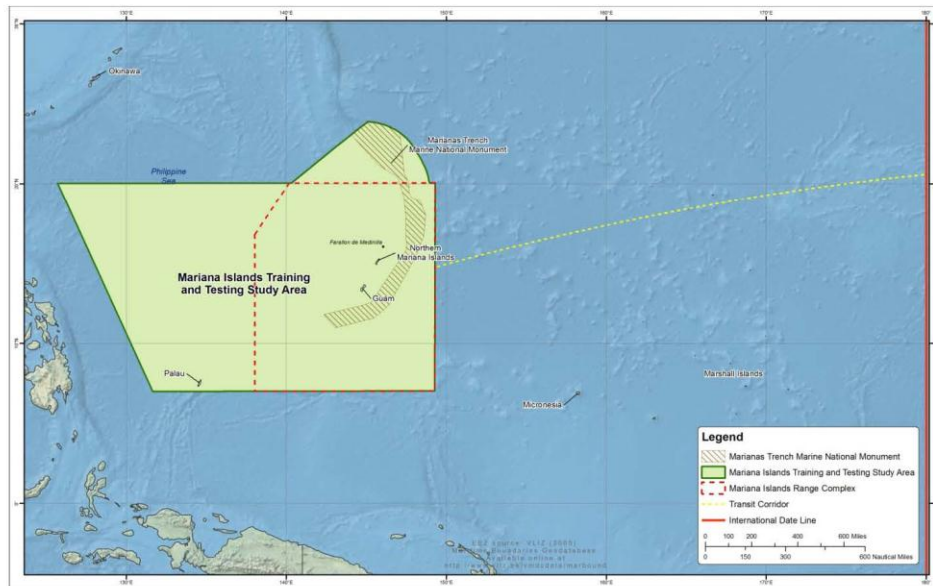


J. P. Quinn
Deputy Director, Energy and Environmental
Readiness Division (OPNAV N45)

Enclosure: 1. MITT Study Area
2. Notional Schedule

Copy to:
PACFLT NO1CE
ASN (EI&E)
DASN (E)
OAGC (EI&E)
CNIC (N45)
PACAF
COMMANDER, JOINT REGION MARIANAS
NAVFAC PACIFIC
NAVFAC MARIANAS

Enclosure: 1. Mariana Islands Training and Testing (MITT) Study Area



Enclosure 2: NOTIONAL SCHEDULE OF EVENTS

MARIANA ISLANDS TRAINING AND TESTING
ENVIRONMENTAL IMPACT STATEMENT/
OVERSEAS ENVIRONMENTAL IMPACT STATEMENT (EIS/OEIS)

Notice of Intent Published in Federal Register	September 2011
Scoping Meetings	September 2011
Request for Marine Mammal Protection Act Letter of Authorization to National Marine Fisheries Service	April 2013
Draft Environmental Impact Statement Notice of Availability	July 2013
Draft Environmental Impact Statement Public Hearings	August 2013
Final Environmental Impact Statement Notice of Availability	February 2015
Record of Decision	May 2015



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC

OFFICE OF THE ASSISTANT SECRETARY

21 OCT 2011

SAF/IEE
1665 Air Force Pentagon
Washington, DC 20330-1665

Mr. J.P. Quinn
Deputy Director, Energy and Environmental
Readiness Division
Department of the Navy
Office of the Chief Naval Operations
2000 Navy Pentagon
Washington, D.C. 20330-1760

Dear Mr. Quinn:

The Air Force accepts the invitation to act as a Cooperating Agency during preparation of the Mariana Islands Training and Testing Environmental Impact Statement/Overseas Environmental Impact Statement, as prescribed in the President's Council on Environmental Quality National Environmental Policy Act (NEPA) Regulations, 40 CFR § 1501.6, *Cooperating Agencies*.

As a Cooperating Agency, the Air Force understands it is expected to participate in various portions of EIS development. As a Cooperating Agency, the Air Force shall:

- a. Participate in the NEPA process, including scoping;
- b. Assume responsibility, upon request by your organization, for developing information and preparing analyses on issues for which it has special expertise; and
- c. Make Air Force staff available for interdisciplinary reviews.

The Air Force requests your office provide appropriate, related information in a timely fashion. In turn, the Air Force will respond in a prompt manner. The Air Force point of contact for this action is Mr. Jack Bush, HQ USAF/A7CIB at (703) 614-0237; jack.bush@pentagon.af.mil.

Sincerely,

A handwritten signature in black ink, reading "Timothy K. Bridges", is written over the typed name.

TIMOTHY K. BRIDGES
Deputy Assistant Secretary of the Air Force
(Environment, Safety & Occupational Health)

cc:
SAF/IEI/GCN
HQ USAF/A7C
HQ USAF/A30
HQ PACAF/A7
AFLOA/JACE

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DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

NEIL, INFO

5090
N454/11158201
15 September 2011

Mr. Eric C. Schwaab
Assistant Administrator
National Marine Fisheries Service
1315 East West Highway
Silver Springs, MD 20910

Dear Mr. Schwaab:

In accordance with the National Environmental Policy Act (NEPA), the Department of the Navy (Navy) is initiating the preparation of an Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) to evaluate the potential environmental effects associated with military readiness training and research, development, testing, and evaluation (hereafter referred to as "training and testing") activities that include the use of active sonar and explosives in the Mariana Islands Training and Testing (MITT) EIS/OEIS Study Area. The MITT Study Area includes the existing Mariana Islands Range Complex (MIRC), additional areas on the high seas, and a transit corridor where training and testing activities may occur (see enclosure (1)). The Mariana Islands Range Complex (MIRC) is the only Navy range complex in the MITT Study Area.

An important aspect of the MITT EIS/OEIS will be the analysis of the acoustic effects to marine species protected under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA). The MITT EIS/OEIS is also intended to serve as a basis for the renewal of current regulatory permits and authorizations; address current training and testing not covered under the existing permits and authorizations; and obtain those permits and authorizations necessary to support force structure changes and emerging and future training and testing requirements. The MMPA Final Rule and ESA Section 7 Programmatic Biological Opinion for MIRC expire in August 2015 and June 2015, respectively.

To complete the analysis required by the permitting and consultation process, the Navy and the National Marine Fisheries Service (NMFS) will need to work together. Therefore, in accordance with the Council on Environmental Quality's (CEQ) NEPA guidelines (specifically 40 CFR Part 1501) and CEQ's 2002 guidance on cooperating agencies, the Navy requests that NMFS serve as a cooperating agency for the development of the MITT EIS/OEIS.

As the lead agency, the Navy will be responsible for overseeing preparation of the EIS/OEIS that will include, but not limited to, the following:

- Gathering all necessary background information and preparing all necessary permit applications associated with the proposed action.

- Working with NMFS personnel to determine the method of estimating potential effects to protected marine species, including threatened and endangered species.
- Determining the scope of the EIS/OEIS, including the alternatives evaluated.
- Circulating the appropriate NEPA documentation to the general public and any other interested parties.
- Scheduling and supervising meetings held in support of the NEPA process and compiling any comments received.
- Maintaining an administrative record and responding to any Freedom of Information Act requests relating to the EIS/OEIS.

Navy respectfully requests NMFS, in its role as a cooperating agency, provide support as follows:

- Providing timely comments after the Agency Information Meeting (which will be held at the onset of the EIS/OEIS process) and on working drafts of the EIS/OEIS documents. The Navy requests that comments on draft EIS/OEIS documents (Version 2) be provided within 30 working days.
- Responding to Navy requests for information, in particular related to review of the acoustic effects analysis and evaluation of the effectiveness of protection and mitigation measures.
- Coordinating, to the maximum extent practicable, any public comment periods required by the MMPA permitting process with the Navy's NEPA public comment periods.
- Participating, as necessary, in meetings hosted by the Navy for discussion of issues related to the EIS/OEIS, including public hearings and meetings.
- Adhering to the overall schedule as set forth by the Navy.
- Providing a formal, written response to this request.

The Navy views this agreement as important to the successful completion of the environmental planning process for the MITT EIS/OEIS. NMFS' assistance will be invaluable in this endeavor. Please see Enclosure 2 for the MITT EIS/OEIS notional schedule.

The point of contact for this action is Ms. Dawn Schroeder, (703) 695-5219, email: dawn.schroeder@navy.mil.

Sincerely,



J.P. QUINN

Deputy Director, Energy and Environmental
Readiness Division (OPNAV N45)

Enclosure: 1. MITT Study Area
2. Notional Schedule

Copy to:

Commander, U.S. Pacific Fleet

Commander, U.S. Fleet Forces Command

Commander, Naval Installations Command

Commander, Joint Region Marianas

Joint Guam Program Office

Commander, Naval Facilities Engineering Command, Pacific

Mr. Michael D. Tosatto, Regional Administrator, Pacific Islands Regional Office, National
Marine Fisheries Service, 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814

Enclosure 1: Mariana Islands Training and Testing (MITT) Study Area



Enclosure 2: NOTIONAL SCHEDULE OF EVENTS

MARIANA ISLANDS TRAINING AND TESTING ENVIRONMENTAL IMPACT STATEMENT/ OVERSEAS ENVIRONMENTAL IMPACT STATEMENT (EIS/OEIS)

Notice of Intent Published in Federal Register	September 2011
Scoping Meetings	September 2011
Request for Marine Mammal Protection Act Letter of Authorization to National Marine Fisheries Service	April 2013
Draft Environmental Impact Statement Notice of Availability	July 2013
Draft Environmental Impact Statement Public Hearings	August 2013
Final Environmental Impact Statement Notice of Availability	February 2015
Record of Decision	May 2015

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

Mr. John P. Quinn
Deputy Director, Energy and
Environmental Readiness Division
Department of the Navy
2000 Navy Pentagon
Washington, DC 20350-2000

JUL 11 2013

Dear Mr. Quinn:

Thank you for your letter requesting that NOAA's National Marine Fisheries Service (NMFS) participate as a cooperating agency in the preparation of an Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) to evaluate potential environmental effects of military readiness training and research, development, testing, and evaluation (RDT&E) activities conducted within the Mariana Islands Training and Testing (MITT) Study Area. We reaffirm our support of the Navy's decision to prepare an EIS/OEIS and agree to be a cooperating agency, due, in part, to our responsibilities under section 101(a)(5)(A) of the Marine Mammal Protection Act (MMPA) and section 7 of the Endangered Species Act.

In response to your letter, NMFS staff will continue to, to the extent possible,

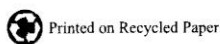
- Provide timely review and comments, within 30 working days, after the Agency Information Meeting and on working drafts of the EIS/OEIS documents;
- Respond to Navy requests for information, in particular those related to the acoustic effects analysis and the evaluation of the effectiveness of protection and mitigation measures, in a timely manner;
- Participate in meetings, as necessary, hosted by the Navy to discuss issues related to the EIS/OEIS, including public hearings on the draft EIS/OEIS; and
- Adhere to the overall schedule as agreed upon by NMFS and the Navy.

If you need any additional information, please contact Ms. Jolie Harrison, NMFS Office of Protected Resources, at (301) 427-8401.

Sincerely,

Samuel D. Rauch, III
Deputy Assistant Administrator
for Regulatory Programs,
performing the functions and duties of the
Assistant Administrator for Fisheries

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES



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DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N01CE1/0258
22 Feb 12

Mr. Loyal Mehrhoff
Field Office Supervisor
U.S. Fish and Wildlife Service
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850

Dear Mr. Mehrhoff:

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) - COOPERATING AGENCY

In accordance with the National Environmental Policy Act (NEPA), the Commander, U.S. Pacific Fleet is initiating the preparation of an Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS) to evaluate the potential environmental effects associated with military readiness training and research, development, testing, and evaluation (hereafter referred to as "training and testing") activities that include the use of active sonar and explosives in the Mariana Islands Training and Testing (MITT) EIS/OEIS Study Area. The MITT Study Area includes the existing Mariana Islands Range Complex (MIRC), additional areas on the high seas, and a transit corridor where training and testing activities may occur (see Enclosure 1).

The proposed action is to conduct training and testing activities within the MITT study area. The purpose of the proposed action is to achieve and maintain military readiness to meet the requirements of Title 10 of the U.S. Code, thereby ensuring that the Navy and other Services meet their mission to maintain, train, and equip combat-ready military forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. The proposed action also serves to support force structure changes and emerging and future training and testing associated with new systems within the MITT EIS/OEIS Study Area, thereby ensuring critical military requirements are met.

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) - COOPERATING AGENCY

The following alternatives are under consideration in this
EIS/OEIS:

- (1) No Action Alternative: Continue baseline training and testing activities, as defined by existing environmental planning documents, including the *2010 Mariana Islands Range Complex EIS/OEIS* and the *Office of Naval Research Acoustic Impact Analysis for the North Pacific Acoustic Laboratory Philippine Sea 2010 through 2011 Experiment*.
- (2) Alternative 1: Consists of baseline training and testing activities and overall expansion of the Study Area plus adjustments to types and levels of activities as necessary to support current and planned military training and testing activities requirements. This Alternative considers activities conducted throughout the Study Area and mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new platforms (vessels, aircraft) and weapons systems.
- (3) Alternative 2: Consists of Alternative 1 plus the establishment of new range capabilities, modifications of existing capabilities, adjustments to type and tempo of training and testing activities, and the establishment of additional locations to conduct training and testing activities within the Study Area.

The EIS/OEIS will analyze the effects of sound in the water on marine mammals in the areas where training activities occur. In addition, other environmental resource areas that will be addressed as applicable in the EIS/OEIS include air quality; airspace; biological resources, including threatened and endangered species; cultural resources; terrestrial resources, geology and soils; hazardous materials and waste; health and safety; land use; noise; socioeconomics; transportation; and water resources.

In order to adequately evaluate the potential environmental effects of the proposed action, the Navy and the U.S. Fish and Wildlife Service would need to work together on the analysis of

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) - COOPERATING AGENCY

effects to terrestrial species protected under the Endangered Species Act. To assist in this effort and in accordance with 40 Code of Federal Regulations Part 1501 and the Council on Environmental Quality Cooperating Agency guidance issued on January 30, 2002, the Navy requests that the U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office serve as a cooperating agency for the development of the EIS/OEIS.

As the lead agency, the Navy will be responsible for overseeing preparation of the EIS/OEIS that includes, but is not limited to, the following:

- Gathering all necessary background information and preparing the EIS/OEIS and all necessary permit applications associated with acoustic issues within the MITT Study Area.
- Working with U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office personnel to determine the method of estimating potential effects to protected species, including threatened and endangered species.
- Determining the scope of the EIS/OEIS, including the alternatives evaluated.
- Circulating the appropriate NEPA documentation to the general public and any other interested parties.
- Scheduling and supervising meetings held in support of the NEPA process, and compiling any comments received.
- Maintaining an administrative record and responding to any Freedom of Information Act requests relating to the EIS/OEIS.

Navy respectfully requests the U.S. Fish and Wildlife Service, in its role as a cooperating agency, provide support as follows:

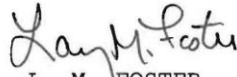
Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) - COOPERATING AGENCY

- Providing timely comments after the Agency Information Meeting (which will be held at the onset of the EIS/OEIS process) and on working drafts of the EIS/OEIS documents. The Navy requests that comments on draft EIS/OEIS documents (Version 2) be provided within 30 working days.
- Responding to Navy requests for information. Timely U.S. Fish and Wildlife Service input will be critical to ensure a successful environmental planning process.
- Coordinating, to the maximum extent practicable, any public comment periods that are necessary in the Endangered Species Act process with the Navy's NEPA public comment periods.
- Participating, as necessary, in meetings hosted by the Navy for discussion of issues related to the EIS/OEIS, including public hearings and meetings.
- Adhering to the overall schedule as set forth by the Navy.
- Providing a formal, written response to this request.

The Navy views this agreement as important to the successful completion of the environmental planning process for the MITT EIS/OEIS. It is the Navy's goal to complete the analysis as expeditiously as possible, while using the best scientific information available. The Draft EIS is scheduled for public review in July 2013 with the Final EIS released in February 2015. The Record of Decision is anticipated to be signed in May 2015. The U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office assistance will be invaluable in that endeavor.

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) - COOPERATING AGENCY

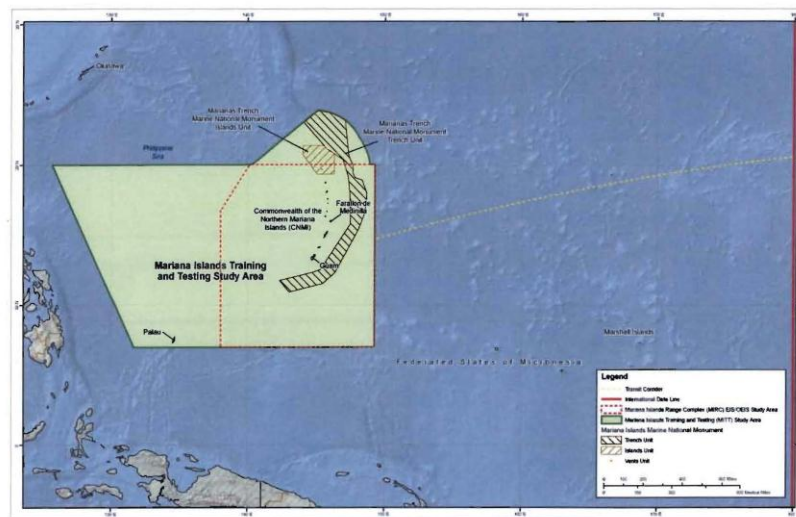
We appreciate your consideration of our request and look forward to your response. The point of contact for this matter is Ms. Nora Macariola-See, NAVFAC Pacific at (808) 472-1402, email: nora.macariola-see@navy.mil).



L. M. FOSTER
Director, Environmental Readiness
By direction

Enclosure: 1. MITT Study Area

Copy to:
CNO (N45)
CNIC (N45)
COMMANDER, JOINT REGION MARIANAS
NAVFAC PACIFIC
NAVFAC MARIANAS



Enclosure: 1. Mariana Islands Training and Testing (MITT) Study Area



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
2012-TA-0228

Mr. Larry M. Foster
Department of the Navy
250 Makalapa Drive
Pearl Harbor, Hawaii 96860-3131

MAR 27 2012

Subject: Request to be a Cooperating Agency for the Mariana Islands Training and Testing
Environmental Impact Statement/Overseas Environmental Impact Statement

Dear Mr. Foster:

Thank you for your letter dated February 22, 2012, requesting the U.S. Fish and Wildlife Service Pacific Islands Fish and Wildlife Office (PIFWO) be a cooperating agency on the preparation of a Mariana Islands Training and Testing (MITT) Environmental Impact Statement/Overseas Environmental Impact Statement (EIS/OEIS). We appreciate the offer; however, we cannot serve as a cooperating agency on the EIS/OEIS due to workload constraints.

We do recognize the importance of collaboration between the Department of Navy (DoN) and Service in preparation of the EIS/OEIS and in the section 7 consultation required under the Endangered Species (ESA) of 1973 (16 U.S.C. 1531 *et seq.*), as amended. The Service will still provide comments on preliminary or draft EIS/OEIS documents, and respond to Navy requests for biological information. We will also assist you with ensuring that the best available scientific information is used in the EIS/OEIS and that impacts to ESA-listed species and other natural resources are minimized and offset. We are interested in working collaboratively with the Navy towards these ends without being a formal cooperating agency.

If you have any questions or concerns regarding this consultation, please contact Rachel Rounds, Fish and Wildlife Biologist (phone: 808-792-9400, email: rachel_rounds@fws.gov).

Sincerely,

LM Loyal Mehrhoff
Field Supervisor



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DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N01CE1/1133
27 Aug 12

CAPT Casey J. White
Commander
USCG Sector Guam
PSC 455-Box 176
FPO AP-96540-1056

Dear CAPT White:

SUBJECT: MARIANA ISLANDS TRAINING AND TESTING (MITT)
ENVIRONMENTAL IMPACT STATEMENT/OVERSEA ENVIRONMENTAL
IMPACT STATEMENT (EIS/OEIS) - COOPERATING AGENCY

In accordance with the National Environmental Policy Act (NEPA), the United States (U.S.) Department of the Navy (Navy) is initiating the preparation of an EIS/OEIS to evaluate the potential environmental effects associated with military readiness training and research, development, testing, and evaluation (hereafter referred to as "training and testing") activities that include the use of active sonar and explosives in the MITT EIS/OEIS Study Area. The MITT Study Area includes the existing Mariana Islands Range Complex (MIRC), additional areas on the high seas, and a transit corridor where training and testing activities may occur (see Enclosure 1).

The proposed action is to conduct training and testing activities within the MITT study area. The purpose of the proposed action is to achieve and maintain military readiness to meet the requirements of Title 10 of the U.S. Code, thereby ensuring that the Navy and other Services meet their mission to maintain, train, and equip combat-ready military forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. The proposed action also serves to support force structure changes and emerging and future training and testing associated with new systems within the MITT EIS/OEIS Study Area, thereby ensuring critical military requirements are met.

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) - COOPERATING AGENCY

The following alternatives are under consideration in this
EIS/OEIS:

- (1) No Action Alternative: Continue baseline training and testing activities, as defined by existing environmental planning documents, including the 2010 MIRC EIS/OEIS.
- (2) Alternative 1: Consists of baseline training and testing activities and overall expansion of the Study Area plus adjustments to types and levels of activities as necessary to support current and planned military training and testing activities requirements. This Alternative considers activities conducted throughout the Study Area and mission requirements associated with force structure changes, including those resulting from the development, testing, and ultimate introduction of new platforms (vessels, aircraft) and weapons systems.
- (3) Alternative 2: Consists of Alternative 1 plus the establishment of new range capabilities, modifications of existing capabilities, adjustments to type and tempo of training and testing activities, and the establishment of additional locations to conduct training and testing activities within the Study Area.

The EIS/OEIS will analyze the effects of sound in the water on marine mammals in the areas where training activities occur. In addition, other environmental resource areas that will be addressed as applicable in the EIS/OEIS include air quality; airspace; biological resources, including threatened and endangered species; cultural resources; terrestrial resources, geology and soils; hazardous materials and waste; health and safety; land use; noise; socioeconomic; transportation; and water resources.

In order to adequately evaluate the potential environmental effects of the proposed action, the Navy and the U.S. Coast Guard (Guam Sector) would need to work together in assessing the potential impacts associated with the establishment of safety zones in accordance with 33 Code of Federal Regulations (CFR) Part 165 for military ordnance training conducted at the following locations: (1) Orote Point Known Distance Range;

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) - COOPERATING AGENCY

(2) Small Boat Small Arms Range; (3) Agat Bay Floating Mine Neutralization Site; (4) Piti Point Floating Mine Neutralization Site; (5) Apra Harbor Underwater Detonation Site; (6) Finegayan Small Arms Range; (7) Pati Point Combined Arms Training and Maintenance Range; and (8) Pati Point Explosive Ordnance Disposal Range. To assist in this effort and in accordance with 40 CFR Part 1501 and the Council on Environmental Quality Cooperating Agency guidance issued on January 30, 2002, the Navy requests that the U.S. Coast Guard (Guam Sector) serve as a cooperating agency for the development of the EIS/OEIS.

The Navy is the lead agency for the MITT EIS/OEIS. As the lead agency, the Navy shall:

- Request the participation of each cooperating agency in the NEPA process at the earliest possible time.
- Use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise, to the maximum extent possible consistent with its responsibility as lead agency.
- Meet with a cooperating agency at the latter's request.
- Circulate the appropriate NEPA documentation to the general public and any other interested parties.
- Schedule and supervise meetings held in support of the NEPA process, and compiling any comments received.
- Maintain an administrative record and respond to any Freedom of Information Act requests relating to the EIS/OEIS.

Navy respectfully requests the U.S. Coast Guard, in its role as a cooperating agency, provide support as follows:

- Participate in the NEPA process at the earliest possible time.
- Assume, on request of the lead agency, responsibility for developing information and preparing environmental

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) - COOPERATING AGENCY

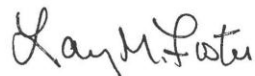
analyses, including portions of the environmental
assessment for which the cooperating agency has special
expertise.

- Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.
- Participate, as necessary, in meetings hosted by the Navy for discussion of issues related to the EIS/OEIS, including public hearings and meetings.
- Coordinate, to the maximum extent practicable, any public comment periods related with the 33 CFR Part 165 process with the Navy's NEPA public comment periods.
- Utilize U.S. Coast Guard resources (including funding) to support role as a cooperating agency.
- Adhere to the overall schedule as set forth by the Navy.
- Provide a formal, written response to this request.

The Navy views this agreement as important to the successful completion of the environmental planning process for the MITT EIS/OEIS. It is the Navy's goal to complete the analysis as expeditiously as possible, while using the best scientific information available. The Draft EIS is scheduled for public review in July 2013 with the Final EIS released in February 2015. The Record of Decision is anticipated to be signed in May 2015. The U.S. Coast Guard's (Guam Sector) assistance will be invaluable in that endeavor. See enclosure 2 for the notional schedule of the MITT EIS/OEIS.

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) - COOPERATING AGENCY

We appreciate your consideration of our request and look forward to your response. The point of contact for this matter is Mr. John Van Name, Environmental Program Manager, COMPACFLT N01CE1JVN at (808) 471-1714, email john.vannname@navy.mil.

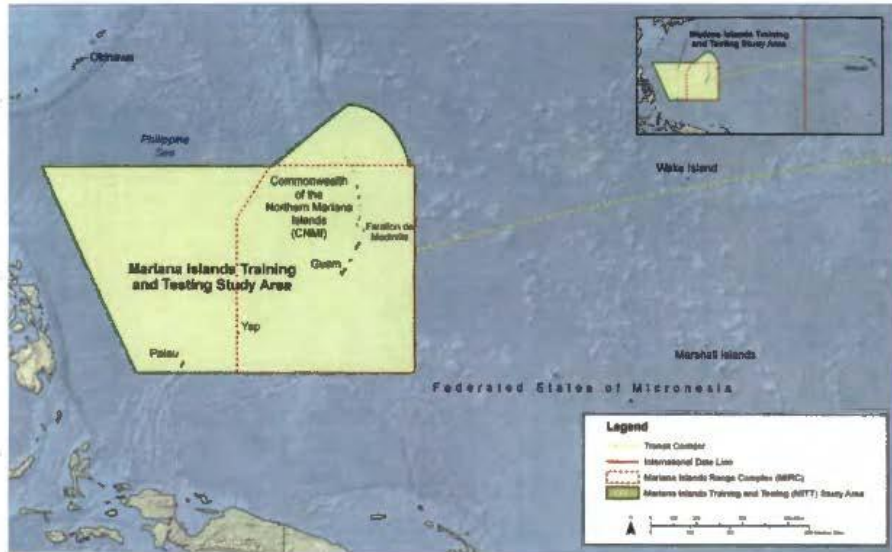


L. M. FOSTER
Director, Environmental Readiness
By direction

Enclosure: 1. MITT Study Area

Copy to:
ASN (EI&E)
DASN (E)
OAGC (EI&E)
CNIC (N45)
COMMANDER, JOINT REGION MARIANAS
NAVFAC PACIFIC
NAVFAC MARIANAS
CNO (N45)

Enclosure: 1. Mariana Islands Training and Testing (MITT) Study Area



U.S. Department of
Homeland Security

United States
Coast Guard



Commander
U. S. Coast Guard
Sector Guam

PSC 455 BOX 176
FPO, AP 96540-1056
Staff Symbol: s
Phone: 671-355-4800
Fax: 671-355-4803
Email: casey.j.white@uscg.mil

5090
10 Oct 2012

MEMORANDUM

From: Casey J White, CAPT
CG SECTOR Guam (s)

Reply to BMC Whitaker
Attn of: 671-355-4866

To: Mr. John Van Name
COMPACFLT Pearl Harbor HI (NO1CE1)

Subj: MARIANA ISLANDS TRAINING AND TESTING (MITT) ENVIRONMENTAL
IMPACT STATEMENT

Ref: (a) Your memo dated 27 Aug 2012

1. I am in receipt of reference (a) and have reviewed your proposal to extend the study area. Please keep my office informed of your progress in this regard.
2. If I can be of assistance to you, please do not hesitate to contact Sector Guam. My point of contact for this issue is BMC Thomas Whitaker, who can be reached at the number provided above or at Thomas.E.Whitaker@uscg.mil.

#

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U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

2100 2nd Street, S.W. Stop 7355
Washington, DC 20593-7355
Staff Symbol: DCO
Phone: (202) 372-2000
Fax: (202) 372-2900

MEMORANDUM

16475

SEP 11 2013

From: Peter V. Neffenger, VADM
COMDT (DCO)

Reply to: Mr. Ed Wandelt
Attn of: (202) 475-5687

To: Mr. L. M. Foster
Director
Environmental Readiness Division
United States Pacific Fleet

Subj: MARIANA ISLANDS TESTING AND TRAINING (MITT) ENVIRONMENTAL
IMPACT STATEMENT/OVERSEAS ENVIRONMENTAL IMPACT STATEMENT
(EIS/OEIS) – COOPERATING AGENCY

Ref: (a) Your letter 5090 of 27 Aug 12

1. The Coast Guard is pleased to accept the offer, as per reference (a), to participate as a cooperating agency in the subject EIS/OEIS. Doing so will materially further the Coast Guard's interest in the use of Navy range complexes for necessary Coast Guard weapons and military readiness training and will assist in mutual efforts associated with the operation of the Range Complex and establishment of safety zones in accordance with 33 Code of Federal Regulations (CFR) Part 165. As the Coast Guard is a military service and a branch of the Armed Forces, this action is in full compliance with 40 CFR Part 1501 and the Council on Environmental Quality Cooperating Agency guidance issued on 30 January 2002.

2. The Coast Guard agrees with the Navy's statements on page 3 of reference (a) concerning the Navy's actions as the lead agency in the EIS/OEIS. As a cooperating agency, the Coast Guard will, to the extent allowed by available resources and fiscal constraints:

- Participate in the NEPA process;
- Provide data to the Navy on Coast Guard activities and operations that take place in the MITT EIS/OEIS study areas;
- Assume, on request of the Navy, responsibility for developing information and preparing environmental analyses, for which the Coast Guard has special expertise;
- Make available staff support at the lead agency's request to enhance the Navy's interdisciplinary capability, consistent with operational requirements;
- Participate, as necessary, in meetings hosted by the Navy for discussion of issues related to the EIS/OEIS;

SEP 11 2013

16475

Subj: MARIANA ISLANDS TESTING AND TRAINING (MITT)
ENVIRONMENTAL IMPACT STATEMENT/OVERSEA ENVIRONMENTAL
IMPACT STATEMENT (EIS/OEIS) – COOPERATING AGENCY

- Coordinate public comment periods for Coast Guard and Navy actions concerning the EIS/OEIS and safety zone processes;
- Utilize available Coast Guard resources, including funding where appropriate, to support our role as a cooperating agency; and
- Adhere to the overall schedule as set forth by the Navy.

3. As a cooperating agency, I request that the U.S. Coast Guard, as an armed force of the United States within the Department of Homeland Security, be expressly mentioned and described in the MITT EIS/OEIS, and our operations and activities that take place in the study area be analyzed for environmental effects in any and all MITT EISs/OEISs.

4. This letter constitutes the formal written response requested by your letter. I request that Navy supply the Coast Guard with two preliminary copies of all draft and final MITT EISs/OEISs for our review and comment prior to publicizing them. We request a minimum 14 day period for Coast Guard review of these documents. This action is important to the successful completion of the environmental planning process for the MITT EIS/OEIS. We look forward to working with the Navy to facilitate mission accomplishment through productive use of the Marianas Range Complex.

5. The Coast Guard point of contact for all correspondence and exchange of information with the Navy concerning the MITT EIS/OEIS is Mr. Terry Rice. Mr. Rice's address and contact information are as follows:

Mr. Terry Rice
Commander (dre)
Fourteenth Coast Guard District
300 Ala Moana Blvd., Suite 9-232
Honolulu, HI 96850-4982

#

Copy: DCMS, PACAREA, CG-4, CG-47, CG-0941, CG-7, CGD FOURTEEN, CG SECTOR
GUAM,
N45



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N01CE1/0484
17 Apr 2013

Ms. Helen Golde
Acting Director, Office of Protected Resources
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
1315 East-West Highway
SSMC3, Room 13821
Silver Springs, MD 20910-3282

Dear Ms. Golde:

SUBJECT: REQUEST FOR MARINE MAMMAL PROTECTION ACT (MMPA) INCIDENTAL TAKE
AUTHORIZATION AND REGULATIONS FOR THE MARIANA ISLANDS TRAINING AND
TESTING (MITT) ACTIVITIES

In accordance with MMPA, as amended and 50 C.F.R. Part 216, the U.S. Navy requests 5-year incidental take authorization and regulations for the incidental taking of marine mammals associated with MITT activities occurring within the MITT Study Area.

The Proposed Action may incidentally expose marine mammals that reside within the MITT study area to sound and other environmental stressors associated with training and testing activities. The enclosure further describes the MITT activities and study area and provides the specific information required by National Marine Fisheries Service (NMFS) for consideration of an incidental take request.

The U.S. Navy requests that the regulation and the 5-year Letter of Authorization (LOA) be issued to Commander, U.S. Pacific Fleet for training and testing activities. We appreciate your continued support in helping the U.S. Navy to meet its environmental responsibilities. My point of contact for this matter is Ms. Julie Rivers (808) 471-1714, or e-mail: julie.rivers@navy.mil.

Sincerely,

L. M. FOSTER
Director, Environmental Readiness
By direction

Enclosure: Request for Regulations and LOA for the Incidental Taking of
Marine Mammals Resulting from U.S. Navy Training and Testing
Activities in the MITT Study Area

Copy to: (w/o enclosure)
Ms. Jolie Harrison, NMFS Office of Protected Resources
Ms. Gina Shultz, NMFS Office of Protected Resources

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DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
280 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
N01CE1/0244
March 6, 2014

Ms. Cathryn E. Tortorici
Chief, Endangered Species Act Interagency Cooperation Division
Office of Protected Resources
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
SSMC3, Room 13821
1315 East-West Highway
Silver Spring, MD 20910-3282

Dear Ms. Tortorici:

SUBJECT: REQUEST FOR INITIATION OF ENDANGERED SPECIES ACT (ESA)
SECTION 7 FORMAL CONSULTATION FOR THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) ACTIVITIES

In accordance with section 7 of the ESA, the U.S. Navy requests initiation of formal consultation on the MITT activities occurring within the MITT Study Area.

The proposed action may affect listed species that reside within the MITT Study Area by exposing them to sound and other environmental stressors associated with training and testing activities. The enclosed CD with the Biological Evaluation of MITT Activities in the Mariana Islands Training and Testing Study Area: Marine Species and Habitats provides information pursuant to 50 C.F.R. §402.12(f). The U.S. Navy is requesting formal consultation on Alternative 1 within the Draft Environmental Impact Statement (DEIS)/Draft Overseas Environmental Impact Statement (DOEIS).

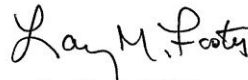
The Navy is requesting formal consultation on ESA-listed species addressed in this consultation package including the humpback whale (*Megaptera novaeangliae*), sei whale (*Balaenoptera borealis*), fin whale (*Balaenoptera physalus*), blue whale (*Balaenoptera musculus*), sperm whale (*Physeter macrocephalus*), green turtle (*Chelonia mydas*), hawksbill turtle (*Eretmochelys imbricata*), olive ridley turtle (*Lepidochelys olivacea*), loggerhead turtle (*Caretta caretta*), and leatherback turtle

SUBJECT: REQUEST FOR INITIATION OF ENDANGERED SPECIES ACT (ESA)
SECTION 7 FORMAL CONSULTATION FOR THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) ACTIVITIES

(*Dermochelys coriacea*). The Navy is requesting a conference opinion for the 43 proposed coral species found in the Study Area.

We appreciate your continued support in helping the U.S. Navy to meet its environmental responsibilities. My point of contact for this matter is Ms. Julie Rivers (808) 474-6391, or e-mail: julie.rivers@navy.mil.

Sincerely,



L. M. FOSTER
Dir, Environmental Readiness
By direction

Enclosure: CD-ROM of the BE, Draft EIS/OEIS for the Navy's
MITT Activities and Excel file with 1dB and 6dB bin
modeled exposure data by species

Copy to: (w/o encl)
Mr. Stan Rogers, NMFS Office of Protected Resources
Ms. Michelle Magliocca, NMFS Office of Protected Resources



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
 NATIONAL MARINE FISHERIES SERVICE
 Silver Spring, MD 20910

APR 16 2014

Mr. L. M. Foster
 Director, Environmental Readiness
 U.S. Pacific Fleet
 250 Makalapa Drive
 Pearl Harbor, HI 96860-3131

Dear Mr. Foster:

RE: Request for Endangered Species Act Section 7 consultation for U.S. Navy Mariana Islands Training and Testing

On March 6, 2014, we received a request for formal consultation pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; ESA) for proposed U.S. Navy Mariana Islands Testing and Training (MITT) activities. Following initial review of the submittal, we determined that there is sufficient information in the submittal package to initiate formal section 7 consultation. However, during the consultation process we may need to request additional information or clarification from the U.S. Navy.

We also determined that National Marine Fisheries Service (NMFS) Permits and Conservation Division's proposed promulgation of a rule in accordance with the Marine Mammal Protection Act (MMPA) and subsequent issuance of two Letters of Authorization (LOAs) for take of marine mammals incidental to training and testing activities are interrelated and interdependent with the U.S. Navy's proposed action. As such, section 7 consultation with the U.S. Navy will require information on the proposed rulemaking and draft LOAs from NMFS' Permits and Conservation Division to complete our analysis and prepare a biological opinion.

Considering the complexity of the U.S. Navy and NMFS proposed actions, and ongoing discussions among my staff and the Navy regarding defining the proposed Navy actions for all Phase II consultations, we suggest extending the ESA Section 7 consultation timeline to complete the consultation phase and deliver a draft biological opinion on or before October 14, 2014 concurrent with submittal of the draft Federal Register Notice of the draft MMPA rule. A draft opinion would not be provided on July 28, 2014 per the MITT timeline (revised December 11, 2013); however, we will provide status updates throughout the consultation. We plan to finalize our biological opinion on or before January 30, 2015 prior to promulgation of the MMPA rule, LOAs and signature of the record of decision for the U.S. Navy's Final Environmental Impact Statement. Mutual agreement is required by the ESA (7(b)(1)(B)(ii)) for formal consultations extending beyond the statutory timeline of 90 days to conduct the consultation and 45 days to complete the biological opinion for a total of 135 days. Therefore, we request that you provide a written response indicating your agreement with the proposed consultation timeline above.



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If you have questions regarding the consultation, please contact Ms. Cathy Tortorici, Chief, Endangered Species Act Interagency Cooperation Division at (301) 472-8495 or by Email at Cathy.Tortorici@noaa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna S. Weiting".

Dr. Donna S. Weiting
Director,
Office of Protected Resources



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
N01CE1/0426
2 May 2014

Ms. Donna S. Weiting
Director, Office of Protected Resources
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
SSMC3, Room 13821
1315 East-West Highway
Silver Spring, MD 20910-3282

Dear Ms. Weiting:

SUBJECT: REVISED TIMELINE FOR ENDANGERED SPECIES ACT (ESA) SECTION 7 FORMAL
CONSULTATION FOR MARIANA ISLANDS TRAINING AND TESTING (MITT)
ACTIVITIES

The U.S. Navy (Navy) received the National Marine Fisheries Service (NMFS) April 16, 2014 letter requesting concurrence with shifting the delivery of the draft biological opinion to on or before October 14, 2014. This is concurrent with the submittal of the draft Federal Register Notice of the Marine Mammal Protection Act (MMPA) Final Rule. The letter further states that NMFS plans to finalize the biological opinion on or before January 30, 2015 prior to NMFS promulgation of the MMPA rule, letter of authorization, and signature of the record of decision for the MITT EIS/OEIS.

The Navy agrees with the proposed shift since the October 14, 2014 submittal of the draft biological opinion still tracks with the development and completion of the MITT Final EIS/OEIS, which is scheduled for public release by December 2014. The Navy will provide NMFS comments on the draft biological opinion and draft MMPA rule by November 10, 2014. We request that Mr. Stan Rogers conditionally reserve Nov 14, 2014 for a comment discussion and resolution meeting.

We appreciate your continued support in helping the U.S. Navy to meet its environmental compliance responsibilities. My point of contact for this matter is Ms. Julie Rivers (808) 474-6391, or e-mail: julie.rivers@navy.mil.

Sincerely,

A handwritten signature in black ink, reading "L. M. Foster", is positioned above the typed name and title.

L. M. FOSTER
Director, Environmental Readiness
By direction

Copy to:

Mr. Stan Rogers, NMFS Office of Protected Resources
Mr. Brian Hopper, NMFS Office of Protected Resources
Ms. Kelly Ebert, CNO N45

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DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0850
August 19, 2014

Ms. Cathryn E. Tortorici
Chief, Endangered Species Act Interagency Cooperation Division
Office of Protected Resources
National Marine Fisheries Service
National Oceanic and Atmospheric Administration
SSMC3, Room 13821
1315 East-West Highway
Silver Spring, MD 20910-3282

Dear Ms. Tortorici:

SUBJECT: ADDENDUM TO THE BIOLOGICAL EVALUATION (BE) OF MILITARY
TRAINING AND TESTING ACTIVITIES IN THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) STUDY AREA

The final determination to list the Indo-West Pacific Distinct Population Segment (DPS) of scalloped hammerhead shark as threatened species under the Endangered Species Act (ESA) was issued by the National Marine Fisheries Service (NMFS) in the Federal Register on July 3, 2014. The Indo-West Pacific DPS of scalloped hammerhead shark is present in the MITT Study Area. An effects determination for this DPS was not included in the formal consultation package Navy submitted to NMFS on March 5, 2014 since the scalloped hammerhead shark was not an ESA listed species at that time.

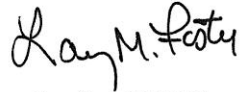
Upon subsequent review of the pertinent biology literature combined with the consideration of proposed Navy training and testing activities in MITT, Navy has reached a "may affect" determination for the Indo-West Pacific DPS of scalloped hammerhead shark.

The enclosed Addendum to the BE of Military Training and Testing Activities in the MITT Study Area: Marine Species and Habitats provides the required information pursuant to 50 C.F.R. §402.12(f).

Subj: ADDENDUM TO THE BIOLOGICAL EVALUATION (BE) OF MILITARY
TRAINING AND TESTING ACTIVITIES IN THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) STUDY AREA

We appreciate your continued support in helping the U.S. Navy
to meet its environmental responsibilities. My point of contact
for this matter is Ms. Julie Rivers (808) 471-1714,
julie.rivers@navy.mil or alternatively Ms. Meredith Fagan
(808) 472-1410, meredith.fagan@navy.mil at NAVFAC PAC.

Sincerely,



L. M. FOSTER
Dir, Environmental Readiness
By direction

Enclosure: 1. CD-ROM of the Addendum to the BE

Copy to: (w/o encl)
Mr. John Fiorentino, NMFS Office of Protected Resources



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:

5090

Ser N01CE1/0962

August 7, 2013

Loyal Merhoff, PhD
Field Supervisor
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard
Room 3-122
Honolulu, HI 96850

Dear Dr. Merhoff:

SUBJECT: REQUEST FOR CONCURRENCE ON SPECIES LIST AND CRITICAL HABITAT
UNITS FOR THE MARIANA ISLANDS TRAINING AND TESTING (MITT) ACTION
AREA

We are writing to retract our July 23, 2013 letter in order to clarify our request. In accordance with the Department of the Navy's obligations under Section 7(a)(2) of the Endangered Species Act (ESA), we are requesting concurrence from your office on the extant species and critical habitat units under U.S. Fish and Wildlife Service jurisdiction to be included in the MITT analysis. The proposed action area and the list of species and critical habitat units are included in Attachments 1 and 2.

We look forward to receiving your written concurrence on the species list and critical habitat units and engaging with the Pacific Islands Fish and Wildlife Office on the MITT consultation. For any questions regarding this consultation, please contact Ms. Julie Rivers (COMPACFLT, 808-474-6391, julie.rivers@navy.mil) or Dr. Frans Juola (NAVFAC Pacific, 808-472-1433, frans.juola@navy.mil).

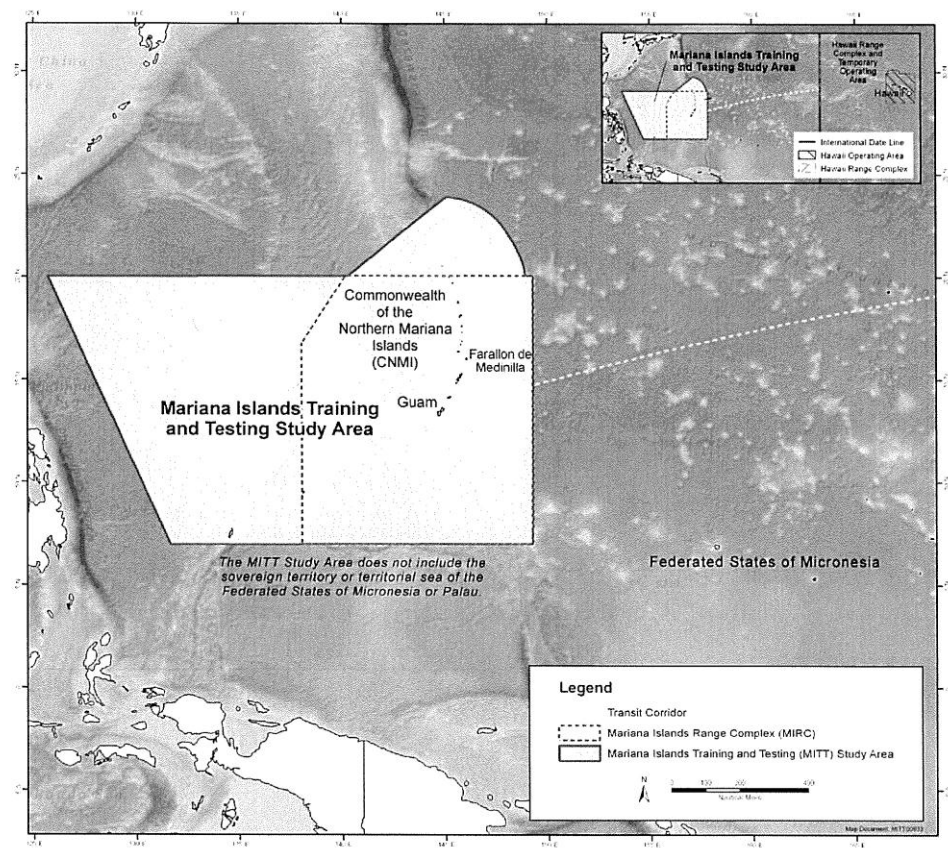
Sincerely,

L. M. FOSTER
By direction

Attachments: 1. MITT Study Area
2. Potentially Affected ESA-listed Species and Designated
Critical Habitat Units on Guam and the Commonwealth of the
Northern Mariana Islands

Attachment 1

MITT Study Area



Attachment 2:
Extant ESA-listed Species and Designated Critical Habitat Units on Guam and the Commonwealth of the Northern Mariana Islands that maybe affected by MITT activities
Table A-1: ESA-listed Species

Common Name	Scientific Name	ESA Listing Status	Island Occurrence ¹
Plants			
Hayun lagu	<i>Serianthes nelsonii</i>	Endangered	Guam, Rota
-	<i>Osmoxylon mariannense</i>	Endangered	Rota
-	<i>Nesogenes rotensis</i>	Endangered	Rota
Nesting Sea Turtles			
Green sea turtle	<i>Chelonia mydas</i>	Threatened	Guam, Rota, Saipan, Tinian
Hawksbill turtle	<i>Eretmochelys imbricata</i>	Endangered	
Birds			
Nightingale reed warbler	<i>Acrocephalus luscinia</i>	Endangered	Saipan
Mariana crow	<i>Corvus kubaryi</i>	Endangered	Rota
Mariana swiftlet	<i>Aerodramus bartschi</i>	Endangered	Guam, Saipan
Mariana common moorhen	<i>Gallinula chloropus guami</i>	Endangered	Guam, Rota, Tinian, Saipan
Micronesian megapode	<i>Megapodius laperouse</i>	Endangered	Guam, Rota, Tinian, Saipan, FDM
Rota bridled white-eye	<i>Zosterops rotensis</i>	Endangered	Rota
Short-tailed albatross	<i>Phoebastria albatrus</i>	Endangered	-
Hawaiian petrel	<i>Pterodroma sandwichensis</i>	Endangered	-
Newell's shearwater	<i>Puffinus auricularis</i>	Threatened	-
Mammals			
Mariana fruit bat	<i>Pteropus mariannus</i>	Threatened	Guam, Rota, Tinian, Saipan, FDM

Notes:

1. The Action Area for this consultation will include portions of Guam, Rota, Tinian, and Saipan, and all of Farallon de Medinilla (FDM).

Table A-2: Critical Habitat Units

Critical Habitat Unit	Species	Size
Guam National Wildlife Refuge Ritidian Point Unit	Mariana fruit bat, Mariana crow, Guam Micronesian kingfisher	376 acres (152 hectares)
Rota	Mariana crow	6,409 acres (2,594 hectares)
Rota	Rota bridled white-eye	3,958 acres (1,602 hectares)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
2013-SL-0437

SEP 07 2013

Mr. L.M. Foster
Department of the Navy
250 Makalapa Drive
Pearl Harbor, Hawaii 96860

Subject: Species List for the Mariana Islands Training and Testing (MITT)

Dear Mr. Foster:

This letter is in response to your August 7, 2013, request for a list of federally threatened and endangered species, or designated critical habitat within the subject project action area. The Department of Navy proposes to conduct training and testing activities on Guam, Rota, Tinian, Saipan, and Farallon de Medinilla and within air space primarily north, west, and south of the Mariana Islands.

We have reviewed the information you provided and pertinent information in our files. We have attached a list of federally listed species and designated critical habitat that may be affected by your proposed project. If you have any additional questions, please contact Leilani Takano, Fish and Wildlife Biologist (phone: 671-355-5096; email: leilani_takano@fws.gov).

Sincerely,

ACTIVE FILE Loyal Mehrhoff
Field Supervisor

Attachment

Attachment 1. Species List for the Mariana Islands Training and Testing Area on Guam, Rota, Tinian, Saipan and Farallon de Medinilla (FDM).

Common Name	Scientific Name	ESA Listing Status	Islands
Plants			
-	<i>Osmoxylon mariannense</i>	Endangered	Rota
-	<i>Nesogenes rotensis</i>	Endangered	Rota
Hayun lagu	<i>Serianthes nelsonii</i>	Endangered	Guam, Rota
Mammals			
Mariana fruit bat*	<i>Pteropus mariannus mariannus</i>	Threatened	Guam, Rota, Tinian, Saipan, FDM
Birds			
Nightingale reed-warbler	<i>Acrocephalus luscini</i>	Endangered	Saipan
Mariana swiftlet	<i>Aerodramus bartschi</i>	Endangered	Guam, Saipan
Mariana crow*	<i>Corvus kubaryi</i>	Endangered	Guam ¹ , Rota
Mariana common moorhen	<i>Gallinula chloropus guami</i>	Endangered	Guam, Rota, Tinian, Saipan
Guam rail	<i>Gallirallus owstoni</i>	Endangered	Guam ^{1,2}
Micronesian megapode	<i>Megapodius laperouse</i>	Endangered	Tinian, Saipan, FDM
Guam Micronesian kingfisher*	<i>Todiramphus cinnamominus cinnamominus</i>	Endangered	Guam ¹
Rota bridled white-eye*	<i>Zosterops rotensis</i>	Endangered	Rota
Seabirds³			
Short-tailed albatross	<i>Phoebastria albatrus</i>	Endangered	-
Newell's shearwater	<i>Puffins auricularis</i>	Threatened	-
Reptiles⁴			
Green sea turtle	<i>Chelonia mydas</i>	Threatened	Guam, Rota, Tinian, Saipan
Hawksbill turtle	<i>Eretmochelys imbricate</i>	Endangered	Guam, Rota, Tinian, Saipan

* Critical habitat for the Mariana fruit bat, Mariana crow, and Guam Micronesian kingfisher has been designated on the Guam National Wildlife Refuge. Critical habitat for the Mariana crow and Rota bridled white-eye has been designated in areas on Rota.

¹ Extirpated in the wild on Guam. Sufficient amount of habitat is needed on Guam for the recovery of the species. ² A non-essential experimental population was designated for this species on Rota. ³ The project action area is within the non-breeding range of the species. ⁴ Only includes species utilizing terrestrial resources (e.g., turtle nesting on beaches).



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:

5090

Ser N01CE1/0339

03 Apr 2014

Loyal Mehrhoff, PhD
Field Supervisor
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard
Room 3-122
Honolulu, HI 96850

Dear Dr. Mehrhoff:

SUBJECT: REQUEST FOR INITIATION OF ENDANGERED SPECIES ACT (ESA)
SECTION 7 FORMAL CONSULTATION FOR THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) ACTIVITIES

In accordance with section 7(a)(2) of the ESA, the U.S. Navy requests initiation of formal consultation on the land portions of MITT activities. The U.S. Navy is requesting consultation because (1) the previous biological opinion covering military training activities expires in 2015 (Mariana Islands Range Complex [MIRC] 2010 Biological Opinion), and (2) some training activities included in the proposed action have changed relative to the 2010 MIRC Biological Opinion.

The enclosed "Biological Assessment of Military Training Activities in the MITT Study Area: Terrestrial Species and Habitats" provides information pursuant to 50 C.F.R. §402.12(f). The U.S. Navy is requesting formal consultation on Alternative 1 (the preferred alternative) within the Draft Environmental Impact Statement (DEIS)/Draft Overseas Environmental Impact Statement (DOEIS).

The proposed action may affect ESA-listed species that utilize habitat within the action area by exposing them to various stressors. The action area defined in the enclosed biological assessment includes portions of Guam, Rota, Tinian, and Saipan, and the entire island of Farallon de Medinilla. The U.S. Navy determined that:

Subj: REQUEST FOR INITIATION OF ENDANGERED SPECIES ACT (ESA)
SECTION 7 FORMAL CONSULTATION FOR THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) ACTIVITIES

1. The proposed action on Guam may affect, but is not likely to adversely affect the green sea turtle and hawksbill sea turtle on shore, Mariana fruit bat, Mariana common moorhen, and Mariana swiftlet. The proposed action will not affect designated critical habitat on Guam.
2. The proposed action on Rota may affect, but is not likely to adversely affect the Mariana fruit bat and Mariana crow. The proposed action will not affect designated critical habitat on Rota.
3. The proposed action on Tinian may affect, but is not likely to adversely affect the green sea turtle and hawksbill sea turtle on shore, Mariana fruit bat, Micronesian megapode, and Mariana common moorhen.
4. The proposed action on Saipan may affect, but is not likely to adversely affect the Micronesian megapode, nightingale reed-warbler, and the Mariana swiftlet.
5. The proposed action on Farallon de Medinilla may affect, and is likely to adversely affect the Mariana fruit bat and Micronesian megapode.

The U.S. Navy determined that the proposed action would have no effect on some ESA-listed species and candidate species considered for ESA listing as threatened or endangered. This conclusion was based on (1) the presence of the species relative to the action area, (2) the type of stressors introduced from the proposed action within the action area, (3) the status of recovery actions for extirpated species planned for portions of the action area, and (4) how stressors introduced from the proposed action may impact these future recovery efforts. These analyses are included in the MITT Final EIS/OEIS.

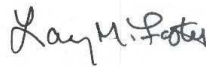
JRM maintains responsibility for most aspects of environmental and archeological compliance for terrestrial training activities on Guam and in the Marianas. Therefore, the U.S. Navy requests that the Biological Opinion be addressed to the Commander, Joint Region Marianas (JRM).

Subj: REQUEST FOR INITIATION OF ENDANGERED SPECIES ACT (ESA)
SECTION 7 FORMAL CONSULTATION FOR THE MARIANA ISLANDS
TRAINING AND TESTING (MITT) ACTIVITIES

Rear Admiral Tilghman D. Payne
Commander, Joint Region Marianas
PSC 455 Box 211
FPO AP, Guam 96540

We look forward to engaging with you and your staff for this consultation. For any questions regarding this consultation, please contact Ms. Julie Rivers (COMPACFLT, 808-474-6391, julie.rivers@navy.mil) or Dr. Frans Juola (NAVFAC Pacific, 808-472-1433, frans.juola@navy.mil).

Sincerely,



L. M. FOSTER
Director, Environmental Readiness
By direction

Enclosures: Biological Assessment of Military Training
Activities in the MITT Study Area: Terrestrial
Species and Habitats (2 hard copies, 2 CDs)

Copy to: (w/o encl)
National Marine Fisheries Service, Pacific Islands Regional
Office (Mr. Michael D. Tosatto)
Commander, Joint Region Marianas (Rear Admiral Tilghman D. Payne)

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122
Honolulu, Hawaii 96850



In Reply Refer To:
2014-F-0262
2009-F-0345

MAY 09 2014

Mr. L.M. Foster
Department of the Navy
250 Makalapa Drive
Pearl Harbor, Hawaii 96860

Subject: Reinitiation of Formal Consultation for the Mariana Islands Range Complex (MIRC), identified as Mariana Islands Training and Testing Activities after 2015, Guam and the Commonwealth of the Northern Mariana Islands

This letter acknowledges the receipt of your April 3, 2014, letter and biological assessment (BA) requesting initiation of formal consultation for the proposed Mariana Islands Training and Testing (MITT) Activities pursuant to section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act). We received your request on April 14, 2014. At issue are the potential impacts on federally-listed threatened and endangered species from the Department of Navy's (DoN) proposed action, which is described in your April 3, 2014, letter as Alternative 1 (the preferred alternative) from the Draft Environmental Impact Statement/Draft Overseas Environmental Impact Statement (September 13, 2013).

In the April 3, 2014 letter, the DoN determined that implementation of the proposed MITT activities may affect, and are likely to adversely affect the threatened Mariana fruit bat (*Pteropus mariannus mariannus*) and endangered Micronesian megapode (*Megapodius laperouse laperouse*) on Farallon de Medinilla. The DoN also determined that implementation of the proposed MITT activities may affect, but are not likely to adversely affect the threatened green sea turtle (*Chelonia mydas*) and the endangered hawksbill sea turtle (*Eretmochelys imbricata*) located on shores on Guam and Tinian; the endangered Mariana common moorhen (*Gallinula chloropus guami*) on Guam and Tinian; the endangered Mariana swiftlet (*Aerodramus bartschi*) on Guam and Saipan; the endangered nightingale reed-warbler (*Acrocephalus luscini*) on Saipan; the Micronesian megapode on Tinian; and the endangered Mariana crow (*Corvus kubaryi*) and Mariana fruit bat on Rota. The DoN also determined that the proposed action will not affect designated critical habitat for listed species on Guam and Rota.



Mr. L.M. Foster

Service File No. 2014-F-0262

In a subsequent May 8, 2014, email from Julie Rivers, DoN, to Loyal Mehrhoff, Fish and Wildlife Service (Service), the DoN provided the following additional information and modifications to the April 3, 2014 request: 1) a request for reinitiation of formal consultation for the Mariana Islands Range Complex (MIRC) action, rather than initiation of a new consultation on MITT; 2) a request that the Service's biological opinion follow the format of the project's biological assessment (*e.g.*, by island); 3) clarified that the timeline for the proposed action is the reasonably foreseeable future; and 4) provided a comparison of brown treesnake (*Boiga irregularis*) control and interdiction measures, with a request to work out details of the measures during the formal consultation period.

We appreciate the additional information and herein provide our response to your requests:

- We acknowledge your request is now to reinitiate consultation on MIRC, as the MITT action is a continuation of the MIRC action (biological opinion 2009-F-0345; dated February 22, 2010).
- We agree that in our biological opinion, we will describe the project activities and analyze effects to listed species on an island by island basis as much as possible. However, in order to analyze the likelihood of the action jeopardizing the continued existence of the species, we must also analyze project impacts at the population and species levels; therefore this part of the analysis cannot be formatted by island.
- We agree to work with the DoN on the details of the brown treesnake measures to ensure that the subject project's proposed action includes the following: 1) rapid response support, 2) barrier implementation, and 3) a greater level of specificity related to BTS measures. The attached DoN and Service documents, exchanged on May 8, 2014, provide examples of BTS conservation measures from earlier biological opinions. These documents should provide numerous examples of the specificity related to BTS measures that should be included in the MITT proposed action. We acknowledge your request to work out these details during the consultation period; however, given other concerns with the BA that prevent us from starting the consultation at this time (see below), we believe we can resolve these issues prior to initiating consultation.

We commend the DoN on its clear, well-written BA. However, based on our review of the BA and the additional information regarding the timeframe of the proposed action (described as "reasonably foreseeable future"), the Service has determined that the information you provided to reinitiate formal consultation on the MIRC, now identified as MITT, is insufficient. To complete this reinitiation package, we request the following information and clarifications:

- Please provide an analysis of project effects to the aforementioned listed species as a result of the proposed action occurring within the timeline of a reasonable foreseeable future, which should include a reconsideration of the DoN's determination of "not likely to adversely affect" for some species based on the ongoing nature of the proposed action.

Mr. L.M. Foster

Service File No. 2014-F-0262

- Please clarify if the conservation measures committed to in the MIRC biological opinion (2009-F-0345) will be incorporated into the MITT proposed action. If these conservation measures are no longer part of the MITT action, please describe appropriate equivalent conservation measures that will be implemented as part of the MITT proposed action and how the DoN will offset the impacts due to the loss of the previously agreed-upon conservation measures.
- Considering the timeline of the proposed action, please provide an assessment of the effects of the proposed action to the Mariana fruit bat, the Mariana crow, the endangered Guam rail (*Rallus owstoni*), and the endangered Guam Micronesian kingfisher (*Todiramphus cinnamominus cinnamominus*) on Guam.

As discussed in previous meetings, and stated in past correspondence from the Service to the DoN, the eventual repatriation and recovery of the Mariana crow, Guam rail and Guam Micronesian kingfisher in the wild is dependent upon the preservation and restoration of adequate amounts of suitable habitat on Guam. An action that results in habitat destruction or degradation that reduces the capability of remaining habitat to support viable populations of these listed species requires consultation in accordance with section 7 of the Act.

- The BA provides limited detail related to implementation of broader biosecurity activities. Please provide additional information on specific biosecurity measures that the DoN will implement to prevent the introduction or spread of invasive species such as the little fire ant (*Wasmannia auropunctata*) and native cycad pests and pathogens from Guam to/within the Commonwealth of the Northern Mariana Islands. Similarly, please provide further description related to biosecurity measures that will be taken to prevent the introduction of invasive species to Hawaii and the mainland United States due to the proposed action. The recent introduction of the coconut rhinoceros beetle (*Oryctes rhinoceros*), to the island of Oahu is of particular concern. The BA should include a discussion of both specific interdiction efforts and rapid response to eradicate accidental introductions.

Saipan -

- On page 39 of the BA, it states field training is generally confined to the Saipan Marpi Maneuver Area. We ask that the DoN identify circumstances when field training would not be confined to the Marpi Maneuver Area and the location of these alternative training sites. This information will help inform our analysis of project impacts to the nightingale reed-warbler and this species' habitat.
- On page 40 of the BA, it states that prior to planning exercises, the MIRC Operations will coordinate with appropriate local officials on Saipan to determine the latest species locations, and "the Navy will plan exercises that avoid ESA-listed species to the extent practical". We are concerned about project impacts to the nightingale reed-warbler. Given that DoN has determined that adverse effects to reed-warblers are not likely to

Mr. L.M. Foster

Service File No. 2014-F-0262

occur as result of the proposed action, the ambiguous language of “extent practical” does not provide assurances that adverse effects to reed-warblers are truly insignificant or discountable. In addition, we ask that DoN clarify which local officials would be contacted and how the DoN will determine these local officials have both the expertise and capacity to conduct surveys for listed species before each exercise. Please also clarify how the exercises will be conducted if the local officials are not able to assist with surveys prior to each exercise.

Rota –

- On page 39 of the BA, it states that on Rota, “the Navy will plan exercises that avoid ESA-listed species to the extent practical”. We ask that DoN identify areas on Rota that may be used for training if DoN determines it is not practical to avoid listed species. This clarification will help inform our analysis on the Mariana crow and Mariana fruit bat on Rota. As discussed during our meeting with DoN staff on April 23, 2014, we can provide DoN with a map of areas to avoid so that adverse effects to the crow and bat are not likely.

The formal consultation process for the proposed action will not begin until we receive all of the information, or receive a statement explaining why that information cannot be made available. We will notify you when we receive this additional information; our notification letter will also outline the dates within which formal consultation should be complete.

As a reminder, the Act requires that, after initiation of formal consultation, the Federal action agency may not make any irreversible or irretrievable commitment of resources that limits future options. This practice insures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitats.

We appreciate the opportunity to assist you with the proposed project. If you have any questions or concerns about this consultation or the consultation process, please feel free to contact me.

Sincerely,



L.M. Loyal Mehrhoff
Field Supervisor

Enclosures

**BTS Measures - BO Comparison
(MIRC, JGPO, DIVERT)**

08 MAY 2014

Compiled by:

Sylvan O. Igisomar
Biologist
U.S. Fish and Wildlife Service

<p>Biological Opinion for the Mariana Islands Range Complex, Guam and the Commonwealth of the Northern Mariana Islands Feb 22, 2010 (MIRC)</p>	<p>The following are similar segments taken directly from the above three documents relative to Brown Treesnake effort commitments.</p> <p>(MIRC pg. 20) 1.1.1 Per Public Law 110-417, [Division AI, title III, Section 316, October 14, 2008, 122 Statute 4410 and per DoD Defense Transportation Regulations, Chapter 505 protocols, the USN commits to implementing 100 percent inspection of all outgoing vessels and aircraft with trained quarantine officers and dog detection teams, which could be supplemented by other pest control expertise (with appropriate U.S. Department of Agriculture Wildlife Services brown treesnake detection training and oversight) to meet 100 percent inspection goals for large scale training activities. As a stakeholder, the USFWS would have input on the USN protocols for implementing brown treesnake interdiction and control strategies. The USN will work cooperatively with USFWS and US. Department of Agriculture to seek information in development of protocols for implementing of brown treesnake interdiction and control methods aimed at controlling brown treesnake as related to training activities within the MIRC action area. On an as needed basis, the USFWS, US. Department of Agriculture and USN may request meetings to discuss interdiction and control method protocols as related to military training in the MIRC.</p>	<p>Biological Opinion for the Joint Guam Program Office Relocation of the U.S. Marine Corps from Okinawa to Guam and Associated Activities on Guam and Tinian Sept 8, 2010 (JGPO)</p> <p>(JGPO pg. 72) 11. To fully support the National Defense Reauthorization Act of 2009, the DoN will establish a DoD (i.e., representatives from the Navy, Marine Corps, Army, and Air Force) Brown Tree Snake Working Group to establish and implement a comprehensive program to control and, to the extent practicable, eradicate brown treesnake from military facilities in Guam. Implementation of this activity is ongoing and long-term. The DoN will assist with coordination of funding, planning, and streamlining implementation of DoN brown treesnake projects on Guam. Additional actions include, but are not limited to: a) committing to implement inspections and quarantine procedures at new facilities; b) actively participating in the Brown Tree Snake Working Group and work with partners to develop, prioritize, and implement projects that target landscape-level brown treesnake suppression, interdiction and control for human health and safety and provide areas with low snake densities. The DoN will support implementation and monitoring of efficacy for current techniques that address Integrated Pest Management and landscape level brown treesnake control in Ecological Reserve Areas and other DoN priority areas; c) expanding the existing environmental education program for new personnel arrivals (personnel undergoing Permanent Change of Station). The current program includes online testing and a brown treesnake factsheet; d) funding the development of methods to eradicate or significantly suppress brown treesnake island-wide. As part of the proposed action, the DoN will provide funding for brown treesnake research and suppression throughout the construction phase.</p>	<p>Formal Consultation for Divert Activities and Exercises at the Saipan International Airport, Commonwealth of the Northern Mariana Islands June 27, 2013 (DIVERT)</p> <p>(DIVERT pg. 11) Per Public Law 110-417, [Division AI, title III, Section 316, October 14, 2008, 122 Statute 4410 and per DoD Defense Transportation Regulations, Chapter 505 protocols, the USAF, with support from Joint Region Marianas (JRM), commits to implementing 100 percent inspection of all outgoing cargo and aircraft that are leaving from Guam associated with the Divert project. Inspections will be performed with trained quarantine officers and dog detection teams, which could be supplemented by other pest control expertise (with appropriate U.S. Department of Agriculture-Wildlife Services (USDA-W5) brown treesnake detection training and oversight) to meet 100 percent inspection goals for training activities, as required by Joint Region Marianas Instruction 5090.4. As a stakeholder, the Service will have input on the USAF protocols for implementing brown treesnake interdiction and control strategies. The USAF will work cooperatively with JRM, the Service, and USDA-W5 to seek information in development of protocols for implementing of interdiction and control methods aimed at controlling brown treesnake as related to Divert training activities. On an as needed basis, the Service, USDA-W5, and USAF may request meetings to discuss interdiction and control method protocols as related to Divert military exercises.</p>
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<p>(MIRC pg. 20)</p> <p>a. In the event military units, vehicles, and equipment accidentally leave Guam without inspection, as soon as possible, the DoD will notify: (1) their inspection contractor and (2) the point of destination port or airport authorities and work with the destination port to resolve the issue. Urgency of notification is a priority so that rapid response or other actions can be implemented to reduce risk.</p> <p>(MIRC pg. 20)</p> <p>b. In addition, the USN will route inbound personnel and cargo for tactical approach exercises (that require an uninterrupted flow of events) directly to CNMI training locations to avoid Guam seaports and airfields. If Guam cannot be avoided, USN in cooperation with US Department of Agriculture and USFWS shall identify and USN will implement appropriate interdiction methods that may include redundant inspections (see 1.1.1.c) or other interdiction methods as agreed to by the USFWS, US Department of Agriculture and USN. Additionally, tactical approach exercises will involve only cargo equipment that has not originated from areas containing a brown treesnake population or will be 100 percent inspected by certified brown treesnake canine programs. If the US Department of Agriculture develops performance standards for this activity, the USN will adopt those standards, provided they are compatible with military mission.</p>	<p>(IGPO pg. 72)</p> <p>2. In the event military units, vehicles, and equipment accidentally leave Guam without inspection the DoN will as soon as possible notify their inspection contractor and the point of destination port or airport authorities and work with the destination port to resolve the issue. Urgency of notification is a priority so that rapid response or other actions can be implemented to reduce risk.</p> <p>(IGPO pg. 72)</p> <p>3. the DoN will route inbound personnel and cargo for tactical approach exercises that require an uninterrupted flow of events directly to CNMI training locations to avoid Guam seaports and airfields. If Guam cannot be avoided, the DoN in cooperation with USDA shall identify and the DoN will implement appropriate interdiction methods that may include repeated inspections or other interdiction methods as agreed to by USDA and the DoN. Additionally, tactical approach exercises will involve only cargo equipment that has not originated from areas containing a brown treesnake population or will be 100% inspected by certified brown treesnake canine programs. If the USDA develops performance standards for this activity, the DoN will adopt those standards, provided they are compatible with military mission;</p>	<p>(pg. 11)</p> <p>a. In the event military units, vehicles, and equipment accidentally leave Guam without inspection, as soon as possible, the USAF will notify: (1) USDA-WS and (2) the point of destination port or airport authorities and work with the destination port to resolve the issue. Urgency of notification is a priority so that rapid response or other actions can be implemented to reduce risk.</p> <p>(DIVERT pg. 11)</p> <p>b. In addition, the USAF will route inbound personnel and cargo for tactical approach exercises or humanitarian operations (that require an uninterrupted flow of events) directly to CNMI training locations to avoid Guam seaports and airfields. If Guam cannot be avoided, the USAF, in cooperation with USDA-WS and the Service, shall identify, and USAF will implement appropriate interdiction methods that may include redundant inspections (see 1.c) or other interdiction methods as agreed to by the Service, USDA-WS, USAF and JRM. Additionally, tactical approach exercises will involve only cargo equipment that has not originated from areas containing a brown treesnake population or will be 100 percent inspected by certified brown treesnake canine programs. If the USDA-WS develops performance standards for this activity, the USAF will adopt those standards, provided they are compatible with military mission.</p>
<p>(MIRC pg. 21)</p> <p>c. The USN is committed to implementing redundant inspections after discussions with appropriate stakeholders. Redundant inspections include inspections on Guam and at the receiving jurisdiction for administrative and logistical movements that do not require a tactical approach to complete the training requirements. It is anticipated that redundant inspections would utilize existing quarantine and inspection protocols at receiving ports. Appropriate stakeholders include, but are not limited to: the USFWS to ensure the inspections are adequate to reduce risks to trust resources, U.S. Department of Agriculture Wildlife Services, receiving jurisdictions and their supporting agencies with expertise in invasive species control, and other inspection authorities as needed to ensure inspection methods are current and revised as new techniques, technology, or data become available.</p>	<p>(IGPO pg. 73)</p> <p>4. the DoN is committed to implementing repeated inspections. Repeated inspections include inspections on Guam and at the receiving jurisdiction for administrative and logistical movements that do not require a tactical approach to complete the training requirements. It is anticipated that repeated inspections will utilize existing quarantine and inspection protocols at receiving ports;</p>	<p>(DIVERT pg. 11)</p> <p>c. The USAF is committed to implementing 100% redundant inspections after discussions with appropriate stakeholders. Redundant inspections include inspections on Guam and at the receiving jurisdiction for administrative and logistical movements that do not require a tactical approach to complete the training requirements. It is anticipated that redundant inspections to the extent possible would utilize existing quarantine and inspection protocols at receiving ports, but in the event that there is inadequate inspection coverage the USAF will coordinate with the USDA-WS to provide additional canine inspection teams that will augment quarantine and inspection protocols at the receiving ports. Appropriate stakeholders include, but are not limited to: the Service to ensure the inspections are adequate to reduce risks to trust resources, USDA-WS, receiving jurisdictions and their supporting agencies with expertise in invasive species control, and other inspection authorities as needed to ensure inspection</p>

<p>(MIRC pg. 21)</p> <p>1.1.2 The USN will also establish snake-free quarantine areas for cargo traveling from Guam to CNMI and locations outside of the MIRC. These brown treesnake sterile areas will be subject to: (1) multiple day and night searches with appropriately trained interdiction canine teams that meet performance standards under 1.1.b; (2) snake trapping; and (3) visual inspection for snakes. Temporary barriers may be preferable to permanent enclosures because of the variable sizes needed for various training activities. The USN will produce standard operating procedures for temporary barrier construction and use. Standard operating procedures will ensure that temporary barriers will be constructed and maintained in a manner that assures the efficacy of the barrier tool and that staff maintaining and constructing the temporary barriers will receive training related to this activity prior to construction. Standard operating procedures will be developed in cooperation with the USFWS, U.S. Geological Survey Biological Resources Discipline, and the U.S. Department of Agriculture Wildlife Services to ensure risk to trust resources is adequately minimized. If risks are not adequately minimized, recommendations will be provided for incorporation into the protocols until the USN and USFWS mutually agree the risk has been minimized. The USFWS, USN, and other appropriate parties will meet, if necessary, to resolve concerns such that the protocols ensure risk is adequately minimized.</p>	<p>(IGPO pg. 73)</p> <p>5. the DoN will also establish snake-free quarantine areas for cargo traveling from Guam to the CNMI and other locations. These brown treesnake sterile areas will be subject to: multiple day and night searches with appropriately trained interdiction canine teams; snake trapping, and visual inspection for snakes. Temporary (i.e., movable) barriers may be preferable to permanent enclosures because of the variable sizes needed for various training activities. The DoN will use OPNAVINST 5090.10A for standard operating procedures for temporary barrier construction and use. Standard operating procedures will ensure that temporary barriers are constructed and maintained in a manner that assures the efficacy of the barrier tool and that staff maintaining and constructing the temporary barriers will receive training related to this activity prior to construction. Review of standard operating procedures will be conducted in cooperation with the USGS Biological Resources Discipline, and the USDA APHIS. The DoN and other appropriate parties will meet, if necessary, to resolve concerns such that the protocols ensure risk is adequately minimized;</p>	<p>methods are current and revised as new techniques, technology, or data become available.</p> <p>(DIVER pg. 12)</p> <p>2. The USAF will also establish snake-free quarantine areas (barriers) for cargo traveling from Guam to CNMI and other brown treesnake-free areas. These barriers will be subject to: (1) multiple day and night searches with appropriately trained interdiction canine teams that meet performance standards under 1b; (2) snake trapping; and (3) visual inspection for snakes. In lieu of permanent barriers, temporary barriers may be preferable to permanent enclosures because of the variable sizes needed to handle different cargo amounts for the various training activities. The USAF will produce standard operating procedures for temporary barrier construction and use within two years of the issuance of this Biological Opinion. Standard operating procedures will ensure that temporary barriers will be constructed and maintained in a manner that assures the efficacy of the barrier and that staff maintaining and constructing the temporary barriers will receive training related to this activity prior to construction. The construction and maintenance of temporary barriers utilized for cargo traveling from Guam to CNMI and other brown treesnake-free areas must be approved by the Service prior to use. During the construction phase of this project, the existing permanent snake-free quarantine area at the Saipan seaport should be utilized for surface cargo following relevant CNMI and DoD regulations. Standard operating procedures will be developed in cooperation with the Service, U.S. Geological Survey, Fort Collins Science Center, Invasive Species Science Branch, and the USDA-WIS to ensure risk to trust resources is adequately minimized. If risks are not adequately minimized, additional recommendations will be provided for incorporation into the protocols until the USAF and Service mutually agree the risk has been minimized. The Service, USAF, and other appropriate parties will meet, if necessary, to resolve concerns such that the protocols ensure risk is adequately minimized.</p>
<p>(MIRC pg. 21)</p> <p>1.1.3 The USN will support rapid response actions to brown treesnake sightings within the CNMI and locations outside of the MIRC (specifically Hawaii) by working with U.S. Geological Survey Biological Resources Discipline to develop procedures and protocols that will</p>		<p>(DIVER pg. 12)</p> <p>3. The USAF, in conjunction with the Service and JRM, will develop procedures and protocols specific to Divert training events that will support a rapid response action in the event of a brown treesnake sighting resulting from Divert activities. Divert activities</p>

<p>support rapid action for a brown treesnake sighting. For example, USN personnel (civilian and uniform) could be trained to augment response teams on Guam and Hawaii or the USN may retain an agreement with trained, local pest control contractors that meet performance. USN will contact the Brown Treesnake Rapid Response Team Coordinator (Coordinator) on Guam (coordinates and runs the Rapid Response Training course) within 90 days of receiving the BO to request the course. The Coordinator arranges the training based on trainers and attendees.</p>	<p>(JGPO pg. 73) 6. working in collaboration with the USDA APHIS, DoN will decide how best to implement the Brown Treesnake Control Plan (BTS TWG 2009, 37 pp.) relevant to DoD actions;</p>	<p>and exercises will be varied in the number of aircraft and personnel, and each event will have differing logistics support capabilities depending on the nature of the event. The type and amount of logistic support will be agreed to prior to each major event. Logistic support will include consideration of both in-kind assistance through air transport, shared billeting, security detail, food, materials, and ground transportation, and financial compensation for agreed-to response actions that could not be supported by in-kind assistance, including compensation for performance of services to support the deployment and execution of rapid response search teams. (DIVERT pg. 13) 4. The USAF, working in collaboration with the Service, and USDA-WS, will decide how best to implement the Brown Treesnake Control Plan (BTS TWG 2009, 37 pp.) relevant to Divert activities. The USAF and Service must mutually agree on the Brown Treesnake Control Plan implementation.</p>
<p>1.2 DoD participation in the Brown Treesnake Control Plan (MIRC pg. 22) 1.2.1 The USN, working in collaboration with the USFWS, and U.S. Department of Agriculture Wildlife Services and Animal and Plant Health Inspection Service will decide how best to implement the Brown Treesnake Control Plan (BTS TWG 2009, 37 pp.) relevant to MIRC activities. (pg. 22) 1.2.2 The USN provides an environmental education program for new arrivals (see a through d, below). Additionally, the current environmental education program may be updated to provide more recent information to ensure each individual has the most up-to-date training. a. All new service personnel will receive the "Area Training Welcome Aboard Brief." b. Mandatory viewing of a brown treesnake educational video. c. Pocket guides with brown tree snake information and personal inspection guidelines will be carried at all times. d. Assurance that brown treesnake awareness extends from the chain of command to the individual military service member.</p>		<p>(DIVERT pg. 13) 5. The USAF will provide invasive species awareness training for all military and contractor personnel prior to all training activities. This would include a mandatory viewing of a brown treesnake educational video, distribution of pocket guides with brown treesnake information and personal inspection guidelines to be carried at all times, and assurance that brown treesnake awareness extends from the chain of command to the individual military service member.</p>
		<p>(DIVERT pg. 13) 6. Due to limited availability of inspectors, trained dogs, and quarantine facilities and equipment on Guam and the CNMI, the USAF will coordinate closely with the Service, U.S. Department of Agriculture, CNMI Department of Land and Natural Resources, and Joint Region Marianas staff responsible for managing their brown</p>

		<p>tresnake program, on planning for training activities on Saipan. The USAF, along with cooperating agencies, will identify the inspection and interdiction requirements for the Divert training, including the number of trained quarantine officers and dog detection teams required. The USAF will coordinate and consult with the Service on the inspection and interdiction requirements identified by the USAF, and the Service must concur with these requirements prior to the implementation of the exercise or training activity. The USAF, along with the cooperating agencies, will develop plans to ensure that inspection personnel are available and that all requirements can be met, and will identify the support that the USAF will need to provide for the inspections. Planning for training exercises generally begins months prior to implementation of an exercise, and planning for complex training that would require a substantial number of inspectors, quarantine areas, or other personnel or equipment for control and interdiction generally begins more than a year in advance. If adequate resources, such as trained inspectors and dog teams, are not available during training activities, training will not occur until resources are available.</p>
	<p>(IGPO pg. 73)</p> <p>7. adherence to DoN Instruction 5090.7, which calls for individual troops to be responsible for conducting self-inspections to avoid potential introductions of invasive species to Guam and the CNMI. Troops will inspect all gear and clothing (e.g., boots, bags, weapons, pants) for soil accumulations, seeds, invertebrates, and vertebrates. The intent of this measure is to minimize the potential risks and subsequent effects associated with transport of troops and personnel to Guam and to CNMI from areas that contain species that are not native to Guam and Tinian terrestrial habitats;</p>	<p>Prevention of Invasive Species Introductions and Spread (DIVERT pg. 13)</p> <p>I. All personnel involved in Divert training will adhere to DoD Instruction 5090.10A and the 2005 Brown Treesnake Control and Interdiction Plan, which calls for individual troops to conduct self-inspections to avoid potential transport of brown treesnakes. Troops will inspect all personal gear and clothing (e.g., boots, bags, weapons, pants), hand-carried equipment and supplies and tent canvas. The intent of this measure is to minimize the potential risks and subsequent effects associated with transport of troops and personnel from Guam to the CNMI and other areas that do not have brown treesnakes.</p>
<p>(MIRC pg. 22)</p> <p>1.3 Prevention of Invasive Species Introductions and Spread (pg. 22)</p> <p>1.3.1 All personnel involved in MIRC training will adhere to DoD Instruction 5090.7, which calls for individual troops to be responsible for conducting self-inspections to avoid potential introductions of invasive species to Guam and the CNMI. Troops will inspect all gear and clothing (e.g., boots, bags, weapons, pants) for soil accumulations, seeds, invertebrates, and vertebrates). The intent of this measure is to minimize the potential risks and subsequent effects associated with transport of troops and personnel to Guam and to CNMI from areas that contain species that are not native to terrestrial habitats within the MIRC (extra-MIRC travel). In addition, compliance with Instruction 5090.7 will be required for travel to and from training sites within the MIRC (inter-MIRC travel).</p>	<p>(IGPO pg. 73)</p> <p>8. each action will undergo a pathway risk analysis as a tool to improve programmatic efficiency while preventing the spread or introduction of invasive species. Actions at risk of transporting invasive species will have prevention tasks identified and implemented to reduce risk. Methods such as HACCP planning (see http://www.haccp-nrm.org) may be utilized to conduct pathway analysis;</p>	<p>(DIVERT pg. 13)</p> <p>2. In addition to self-inspections, each training action will undergo a pathway risk analysis as a tool to improve programmatic efficiency while preventing the spread and introduction of invasive species. Actions at risk of transporting invasive species will have prevention tasks identified and implemented to reduce risk. Methods employed such as HACCP planning development and</p>
<p>(MIRC pg. 22)</p> <p>1.3.2 In addition to self inspections, each action will undergo a pathway risk analysis as a tool to improve programmatic efficiency while preventing the spread or introduction of invasive species. Actions at risk of transporting invasive species will have prevention tasks identified and implemented to reduce risk. Methods such as Hazard Analysis and Critical Control Point (HACCP) planning (see</p>		

<p>http://www.haccp-nrm.org may be utilized to conduct pathway analysis.</p>		<p>Implementation by the USAF may be utilized to conduct pathway analysis. Pathway risk analysis must be completed prior to each training action being implemented.</p>
<p>(MIRC pg. 22) 1.3.3 The USN is a participating agency in the development of the Regional Biosecurity Plan. Once completed, the Regional Biosecurity Plan will be applicable to MIRC training activities when such procedures do not unduly interfere with military training. The USN will continue to work cooperatively with USFWS and U.S. Department of Agriculture in development of protocols for implementation of interdiction and control methods in accordance with recommendations contained in the Regional Biosecurity Plan aimed at controlling brown tree snake and other invasive species as related to training activities within the MIRC action area. The Regional Biosecurity Plan will coordinate and integrate inter-agency invasive species management efforts such as control, interdiction, eradication, and research. This plan is currently in development and draft components of the plan will be completed in March 2010. The final plan is anticipated to be completed in January 2011.</p>		<p>(DIVERT pg. 14) 3. The USAF is a participating agency in the development of the Micronesia Biosecurity Plan. The Micronesia Biosecurity Plan is intended to coordinate and integrate inter-agency invasive species management efforts such as control, interdiction, eradication, and research. Once completed, any portions of the Micronesia Biosecurity Plan determined to be applicable to Divert construction and training activities, will be implemented when such procedures do not unduly interfere with military training. The USAF will continue to work cooperatively with the Service and U.S. Department of Agriculture in development of protocols for implementation of interdiction and control methods in accordance with recommendations contained in the Micronesia Biosecurity Plan identified as being tied to USAF actions.</p>
<p>(MIRC pg. 23) 1.4 Cooperative Development of Regional Training Standard Operating Procedures and Exercise Planning. The USN will invite the USFWS to participate in the development of regional standard operating procedures and exercise planning to better meet invasive species management needs associated with MIRC training. Current procedures can be found in 5090.1 OA "Brown Tree Snake Control and Interdiction Plan" (USN 2005, 28 pp.).</p>	<p>(JGPO pg. 74) 9. the DoN will invite the Service to participate in the development of regional standard operating procedures and exercise planning to better meet invasive species management needs associated with proposed training. Current procedures can be found in 5090.10A "Brown Tree Snake Control and Interdiction Plan" (DoN 2005, 28 pp.);</p>	
<p>(MIRC pg. 23) 1.5 Coordination of Training Events The DoD Representative will assure that "Area Training" coordinates meetings for brown tree snake interdiction on all training activities for the training execution phase and an after action review phase. If a snake is found during training, the USN policy is to kill the snake and is reported to USN Environmental Staff.</p>	<p>(JGPO pg. 74) 10. the DoN representative will assure that "Area Training" coordinates meetings for brown treesnake interdiction on all training activities for the training execution phase and an after action review phase. If a snake is found during training, the DoN policy is to kill the snake and report it to DoN Environmental staff;</p>	
<p>Additional Brown Treesnake commitments found throughout the three documents.</p>		

<p>(MIRC pg. 34) 4.5.15 The USN will continue (per their INRMP) to trap brown treesnakes in areas surrounding the Mariana swiftlet caves to reduce or prevent brown treesnake predation on the swiftlets and will continue to monitor swiftlet population trends on Guam to evaluate success of avoidance, minimization, and conservation measures described above.</p> <p>(MIRC pg. 75) 2.4 Using a standard template, the USN will develop and submit semi-annual reports to the USFWS on the first of October and the first of April of each year beginning 2010 through 2015. The October report will be combined with the report required under 2.2 above. The purpose of the reporting template is to ensure report preparation time is limited, while still concisely discussing the successes and failures of all avoidance, minimization, and conservation measures and terms and conditions listed in this biological opinion for invasive species control and interdiction in relation to the anticipated and observed impacts and incidental take. The report will include details regarding which cargo was inspected or un-inspected, potential level of risk associated with each cargo type, and where the cargo was shipped from training related actions only. The reports should include explanations if specific cargo shipments were missed and document all snake detections or other high risk incidents and the method used for the detection for training related actions only. The report will also include the number of brown treesnake kills during training actions.</p>	<p>2.1 Project Description (JGPO pg. 18) The DoD has a long history of success in preventing the dispersal of the brown treesnake from Guam in its transport of personnel and cargo. After publication of the DEIS, various agencies within the U.S. Department of Interior (DOI) expressed concern regarding the adequacy of brown treesnake interdiction efforts in response to the relocation of Marine Corps forces to Guam. DoN agrees that it will fund the increase of current federally funded brown treesnake interdiction measures (in Guam, CNMI, and Hawaii) where the increase is related to direct, indirect and induced-growth caused by the Marine Corps relocation to Guam. That funding will continue and become part of the DoN's current brown treesnake interdiction funding under authority of the Brown Tree Snake Control and Eradication Act. The DoI agrees that it is not DoN's responsibility to fund increased interdiction measures that are identified more than one year after the end of the fiscal year in which both Marine Corps relocation construction undertaken to implement the proposed relocation decisions made in the Record of Decision (ROD) for the "Environmental Impact Statement/Overseas Environmental Impact Statement for Guam and CNMI Military Relocation: Relocating Marines from Okinawa, Visiting Aircraft Carrier Berthing, and Army Air and Missile Defense Task Force" has ended and the permanent nontransient Marine Corps military units relocated as a result of decisions made in that ROD have concluded their relocation to Guam. For the purposes of this Project Description, interdiction is defined as: "to hinder, prohibit, or prevent the brown treesnake from becoming established in new locations by conducting inspection and suppression processes."</p> <p>Naval Base Guam Construction Projects (JGPO pg. 32) In-water ship berthing and embarkation areas, staging areas, an amphibious craft laydown area, a military working dog kennel relocation, a medical and dental clinic, washdown facilities, brown treesnake barriers, and quarantine areas will be developed at Naval Base Guam. In addition, a United States Coast Guard berthing and crew support building will be relocated to an area that is not currently forested. The military working dog kennel will be relocated from its existing site to a new site on Naval Base Guam. The proposed project location is in an existing laydown area for base maintenance with existing access roads and utility tie-ins. Associated with the aircraft carrier berthing at Naval Base Guam are the shore-side facilities (recreation, gathering, laundry, waiting for transportation, and food and beverage sales), staging areas, new</p>	<p>(DIVERT pg. 8) 7. All on-site personnel will receive instruction regarding the brown treesnake (<i>Boiga irregularis</i>) and what to do immediately in case of a sighting.</p> <p>(DIVERT pg. 10) <i>Invasive Species Interdiction and Control</i> The USAF will be responsible for oversight of avoidance, minimization, and mitigation implementation by the construction contractors for projects associated with the proposed Divert activities. In addition, the USAF will be responsible for oversight of training, review, and guidance on Hazard Analysis and Critical Control Point (HACCP) plan development, implementation and revision during the construction phase of the project. The HACCP plans will incorporate measures to ensure invasive species, including the brown treesnake, are not transported to the CNMI from Guam via project vehicles, materials and equipment. The USAF will be responsible for ensuring that any HACCP plans are implemented by construction contractors to prevent the inadvertent movement of non-native, invasive species from other locations to the project site. The USAF will coordinate development of HACCP plans with the Service, including, but not limited to, annual meetings and reports to ensure the actions to eliminate or reduce risk are sufficient and on-going during construction activities.</p> <p>Biosecurity (DIVERT pg. 25) To reduce the risk of introduction and spread of non-native, invasive species via Divert activities, the USAF has proposed to implement a variety of conservation measures throughout the action area. Effective interdiction of brown treesnakes on Guam and the CNMI is critical to preventing the spread of this species. The USAF has committed to snake inspection (100% as a goal), construction of snake barriers and brown treesnake rapid response to support military training. In addition, the USAF has committed to the establishment of a biosecurity program during construction and implementation of the proposed project. Successful implementation of the biosecurity program will prevent adverse effects to listed species, and other native wildlife, from introduction of non-native species.</p>
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<p>(DIVERT pg. 28)</p> <p>1.(b) The USAF will submit annual reports to the Service on the first of December of each year beginning in 2014. The purpose of the annual report is to discuss successes and failure of all avoidance, minimization, and conservation measures, and terms and conditions listed in this biological opinion in relation to the anticipated and observed impacts and incidental take. The report will include details regarding invasive species control and interdicting including which cargo lights were inspected or non-inspected, potential level of risk associated with each cargo/light type, and where the cargo/flights originated from for training related actions only. The reports should include explanations if specific inspections were missed and document all snake detections or other high risk incidents and the method used for the detection for training related actions only. The report will also include the number of brown treesnake kills during training actions.</p>	<p>buildings, and parking. The Apra Branch Medical and Dental Clinic will be built on a previously disturbed area that is currently vacant. The Morale, Welfare, and Recreation area will be developed to provide food and beverage booths, seating for 500 people, 40 phone bank seats, 100 stalls for visitor and rental car parking, portable restrooms, laundry facilities, temporary lighting, and trash dumpsters.</p> <p>All facilities will have security lights mounted on buildings or steel poles. Lighting along the wharves will consist of 1,000-watt high pressure sodium floodlights mounted on new or existing poles. Lighting will be shielded and aimed such that the majority of the illumination will be directed towards the wharf deck, extending over water approximately 100 ft (30.5 m). All actions related to development and improvement of waterfront facilities will occur in currently paved or landscaped areas. All utility distribution lines and ductwork will be located underground, generally within existing utility corridors.</p> <p>The DoN will develop permanent and temporary washdown, quarantine, and inspection areas at arrival areas on Guam at Apra Harbor (Ship and amphibious vehicle loading and unloading) and Andersen Air Force Base (DoN 2010a, p. 70) as follows.</p> <p>1. A washdown, quarantine, and inspection facility will be built at Apra Harbor within 600 ft (183 m) of Victor Wharf to reduce the risk of exposure to invasive species after leaving the clean, biosecure area. During construction, invasive species and debris will be removed from the site. Prior to operation, the biosecure area will be inspected and will only begin operations when the area is invasive species-free. These facilities will provide vehicle cargo quarantine, inspection, and storage areas. These areas will be constructed with a brown treesnake barrier and active trapping for brown treesnakes will occur. These facilities will provide a pre-wash down area, vacuum equipment, wash racks (raised platforms with ramps at either end that facilitate cleaning and inspection of undercarriages), an inspection building, and fenced area that will meet the requirements for the use of inspection dogs and a cargo loading and inspection area. Specifically, these facilities will be built in a designated paved area with a wash down area and sufficient space for segregating "clean" from "dirty" equipment, cargo, and vehicles. The areas will be surrounded by brown treesnake barriers following specifications received from the Service: The barriers will be 4.5 ft (1.4m) tall; made from pre-</p>
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	<p>cast concrete with an outward projecting lip to deter snakes; the barriers will have only two gates providing one-way flow of traffic through the site; each gate made from sliding chain-link with fabric barriers to prevent snake ingress and egress.</p> <p>2. When in Apra Harbor, the vehicles and equipment unloaded or loaded onto a ship will be inspected and receive a wash down on arrival and departure to prevent introduction of any pest or invasive species that may present a potential threat to agriculture, public health, or the natural resources of Guam or other Pacific Islands. All wash downs will be conducted and supervised by trained personnel in accordance with Armed Forces Technical Guide 31. U.S. Department of Agriculture (USDA) inspections will be conducted with involvement of USDA Animal and Plant Health Inspection Service (APHIS) personnel. Vehicles will be inspected (internally and externally) prior to passing into the biosecure area. The water used to wash vehicles will be captured and circulated through filters to prevent pests from spreading. All waste on board ships will continue to be steam sterilized prior to disposal in regulated landfills in accordance with base operating procedures.</p> <p>7. There are several projects in Apra Harbor. For all facilities, the DoN will attempt to include USDA APHIS at the earliest possible time to plan for brown treesnake inspections. Planning for cargo storage will include considerations of the length of time for storage, risk of brown treesnake or other invasive species, and origin and destination of cargo. These considerations need to be vetted through the Biological Monitor (detailed in subsequent sections of the Project Description) and this staff person will coordinate with other partners. Permanent barriers and moveable brown treesnake barriers will be used as the situation dictates.</p> <p>8. The DoN will develop permanent and temporary quarantine and inspection areas at a new Air Embarkation and Disembarkation area at Andersen Main Base to load and unload passengers and cargo from aircraft (DoN 2010a, p. 62-63). USDA APHIS will be included in the design of this facility as early as possible to assist with planning. This facility will be surrounded by a brown treesnake barrier built to the specifications described above and will have inspection and quarantine areas to separate "clean" from "dirty" areas such that all aircraft, baggage, equipment, and cargo are 100% inspected upon arrival and 100%</p>	
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	<p>inspected upon departure. The aircraft carrier berthing will bring up to 59 aircraft to Guam that may beddown at Andersen Air Force Base. All transient aircraft will follow all existing invasive species inspection protocols, including brown treesnake protocols (DoN 2010a, p. 83).</p> <p>The following procedures will be in place prior to personnel arrival on Tinian: (JGPO pg. 42)</p> <ul style="list-style-type: none"> a) Training activity will be scheduled and notice provided in newspapers or otherwise posted at least one week prior to training event. The focus of the public notice efforts will be on Tinian and Saipan. b) Biosecurity training will be completed through informal coordination with Service, USDA, Guam Division of Aquatic and Wildlife Resources and CNMI Division of Fish and Wildlife, through the regional training authority one week prior to the training event. All materials, equipment (including personnel and vehicles), and supplies will be inspected less than 48 hours prior to departure and loaded onto the aircraft. If necessary, inspected equipment may be stored in a "clean" area up to 48 hours, prior to departure. An area is considered "clean" of brown treesnakes if the area is enclosed by a permanent or temporary snake barrier and successful snake suppression is in place. <p>The following procedures will be in place after arrival on Tinian and prior to any movement or training begins: (JGPO pg. 43)</p> <ul style="list-style-type: none"> a) Vehicles and equipment will be subject to brown treesnake inspection protocols on the airfield apron upon arrival. b) All military related cargoes (construction and training equipment, vehicles, materials, and supplies) will be inspected by USDA APHIS and determined to be clean prior to leaving the quarantine and inspection areas for training on Tinian. <p>(JGPO pg. 46)</p> <p>The transport of 200 to 400 Marines to Tinian from Guam for the proposed one week per month company-level training exercises will be via aircraft between Andersen Air Force Base and Tinian International Airport. If equipment is moved by barge, a single barge will be able to carry the equipment necessary to support the training evolution. The DoN will utilize the existing single individual and canine conducting all brown treesnake interdiction activities on Tinian. The current brown treesnake interdiction quarantine facility is surrounded by a typhoon proof snake</p>	
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	<p>barrier. This facility is adequate for the current import rate of cargo proposed for movement onto Tinian. All military related cargoes (construction and training equipment, vehicles, materials, and supplies) from the proposed project will be inspected by USDA APHIS and determined to be clean prior to leaving the quarantine and inspection areas for work or training on Tinian and for shipment off Tinian.</p> <p>(IGPO pg. 63)</p> <p>8. Consistent with the MIRC BO, the DoD will maintain 328-ft (100-m) no training buffers around the known Mariana swiftlet nesting caves (e.g., Mahlac Cave, Fachi Cave, Maemong Cave) in the Naval Munitions Site and will continue to trap brown treesnake within areas surrounding the swiftlet caves.</p> <p>General Biosecurity Measures (IGPO pg.69)</p> <p>Existing levels of federally funded brown treesnake interdiction efforts will be increased, as necessary, to address increases in outbound civilian cargo exports to U.S. states and territories resulting from the proposed action. In order to guide the level of brown treesnake interdiction efforts, an iterative process employing adaptive management techniques will be used. The DoN commits to convening a working group to identify a system of reporting, monitoring and threshold metrics that can be used to guide the appropriate level of brown treesnake interdiction associated with the Marine Corps relocation effort. The prospective working group members will include representatives from DoI-Office of Insular Affairs, USDA APHIS Wildlife Services, Hawaii Department of Agriculture, Government of Guam, CNMI, the Service, and USGS Biological Resources Discipline. The DoN will initiate discussions with prospective working group members within 90 days of the Record of Decision. The working group will serve as a subgroup to the Civil Military Coordination Council (Council). The Council implements Adaptive Program Management for the proposed action as described in the "Environmental Impact Statement/Overseas Environmental Impact Statement for Guam and CNMI Military Relocation: Relocating Marines from Okinawa, Visiting Aircraft Carrier Berthing, and Army Air and Missile Defense Task Force."</p> <p>1. The working group will serve in an advisory capacity to facilitate efficient and effective brown treesnake interdiction efforts. The working group will meet, at a minimum, on a biannual basis. If an issue arises that warrants immediate attention, the working group will convene via</p>	
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	<p>electronic mail or telephone. If timing does not allow for engaging the working group, the DoN and Service will coordinate to develop an agreed-upon response.</p> <p>2. The DoN will provide the Service and the working group with annual reports detailing brown treesnake interdiction measures on Guam and the CNMI and anticipated levels of future DoD construction activity associated with the Marine Corps realignment efforts. The working group will advise the Council on brown treesnake interdiction efforts relative to the construction tempo and sequencing associated with the Marine Corps realignment construction effort. Following completion of the construction phase of the project, the Brown Treesnake Working Group will function as a mechanism to monitor the brown treesnake interdiction program.</p> <p>3. The DoN will develop a biosecurity program to be employed throughout the construction phase of the military buildup. The program will have terrestrial and aquatic resources response capabilities. The DoN's Biosecurity program will address non-native, invasive species issues on DoD property within Guam and the CNMI. DoN will work with partners to develop newspaper, radio, and television public service messages and website and education materials for the public and DoN describing non-native invasive species, their impacts to native species, what can be done for their prevention and control, and training. The Biosecurity program will work to control and eradicate existing non-native plants and animals. DoD will support opportunities to work collaboratively through Memorandums of Understanding or Memorandums of Agreement with the local government, which will afford improved biosecurity for both DoD and the community as a whole. The Biosecurity program will include cross training for non-native invasive plant and animal species where inspection and rapid response techniques have been developed. The Biosecurity program will be initiated prior to initiation of construction within recovery habitat on the proposed Main Cantonment area or Andersen Air Force Base.</p> <p>In addition, biosecurity program efforts will:</p> <p>a) establish a process for the DoN to determine rapid response situations identifying when and how, to transfer long-term control efforts to when applicable. This will be part of the Biosecurity Response Team Operations Manual (to be developed as part of this action), which will be modeled</p>	
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	<p>after the National Park Service Exotic Plant Management Teams Operations Manual (2002). The Biosecurity Team Operations Manual will be developed within one year of filling the Biosecurity Team.</p> <p>b) Biosecurity Team members will participate in regional and local invasive species work groups (i.e., Regional Invasive Species Council, Guam Invasive Species Committee, Coconut Rhinoceros Beetle Incident Command, Brown Tree Snake Working Group, and other invasive species specific groups) throughout Micronesia. These groups provide opportunities for cross-training, technology transfer, and sharing of current issues with a specific species or region. These venues also provide for the Teams to report on activities to partners.</p> <p>c) assist existing federally-funded brown treesnake rapid response teams to enable coverage of each brown treesnake detection incident in CNMI and Hawaii. The DoN will support USGS Biological Resources Discipline to develop procedures and protocols that will support rapid response team actions for a brown treesnake detection incident. DoN personnel will be trained on rapid response procedures or the DoN may retain agreements with trained, local pest control contractors or cooperating partner agencies that would assist in the response actions. DoN support for rapid response actions would be subject to a Memorandum of Understanding that will be initiated within 180 days of the Record of Decision. Implementation of brown treesnake rapid response is currently provided for pursuant to the MIRC Biological Opinion. If the action is not funded pursuant to the MIRC Biological Opinion in the future, alternate sources of funding would be secured to ensure implementation of this rapid response conservation measure.</p> <p>(IGPO pg. 71)</p> <p>6. The contractor shall provide documentation that supports prevention, worker awareness, and control of non-native invasive and pest species in the project area and efforts to prevent the movement of non-native invasive species to areas outside the project area, whether in a purposeful or inadvertent manner. The contractor is responsible for ensuring that their employees receive applicable environmental and occupational health and safety training, and keep up to date on regulatory required specific training for the type of work to be conducted onsite. This may include, but is not limited to HACCP planning, species- (e.g., brown treesnake and coconut rhinoceros beetle) specific</p>
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	<p>information, regulated pest list, threatened and endangered species information, and proper washdown and inspection techniques for equipment. Vehicle hygiene, that is vehicle washdown and inspection for soil and other material, is required to prevent the inadvertent movement of non-native invasive species from the project site to other locations. The Contractor is required to establish appropriate facilities that comply with all environmental laws and regulations, provide training for proper vehicle hygiene, and promptly take corrective and preventative actions for noncompliance. All large dumpsters without lids shall be inspected by the Biological Monitor for non-native invasive species prior to movement of the dumpster off the project site.</p> <p>7. The DoN will work with partners to develop, prioritize, and implement eradication and control projects that target non-native invasive lizard species. As an example, eradication or suppression of non-native invasive lizard species to reduce prey for brown treesnake could be implemented in the Ecological Reserve Areas. These types of management actions will be implemented within one year of establishing the Ecological Reserve Area.</p> <p>8. The DoN will work with partners to develop, prioritize, and implement non-native rodent control (suppression) on Guam for conservation and human health and safety concerns. As an example, suppression of rodents to reduce prey for brown treesnakes or prevent rodent explosions after control of brown treesnakes could be implemented in the Ecological Reserve Areas.</p>	
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**BTS Measures - BO Comparison
(MIRC, JGPO, DIVERT)**

08 MAY 2014

Complied by:

Stephen M. Mosher
Brown Treesnake Program Manager
JRM/NAVFAC Marianas

Summary of BO BTS Interdiction and Control Measures

1. 100% Inspections of all outgoing vessels, aircraft, and cargo/equipment leaving Guam for off-island destinations.
 - a. If BTS inspection missed, USN to notify USDA-WS and Destination
 - b. Route tactical approach exercises directly to the CNMI to avoid Guam. If Guam cannot be avoided for tactical approaches then, the USN will work with the Service and USDA-WS to implement appropriate interdiction methods.
 - c. 100% redundant BTS inspections for receiving jurisdiction for administrative and logistical movements.
2. Use of snake-free temporary barriers when deemed necessary. Produce SOPs for temporary barrier maintenance and use.
3. Develop procedures and protocols specific to MITT training events that will support a rapid response action in an event of a BTS sighting resulting from MITT training exercises.
4. Work collaboratively with the Service and USDA-WS to best implement the BTS Control Plan relevant to MITT training activities.
5. Provide invasive species awareness training for all military and contractor personnel prior to all MITT training activities. Mandatory viewing of a BTS educational video, pocket guides with BTS information and personal inspection guidelines, and assurance that BTS awareness extends the chain of command.
6. Coordinate closely with Service, USDA-WS, and CNMI DLNR for planning training activities in the CNMI. Coordinate and consult with the Service on inspection and interdiction requirements identified by the USN, for the Service's concurrence prior to implementation of the exercise or training activity.

1. 100% Inspection for out going from Guam:

A. MIRC BO (FEB 2010)

Page 20, Sec 1.1;

"1.1.1 Per Public Law 110-417, [Division A], title III, Section 316, October 14, 2208, 122 Statute 4410 and per DoD Defense Transportation Regulations, Chapter 505 protocols, the USN commits to implementing 100 percent inspection of all outgoing vessels and aircraft with trained quarantine officers and dog detection teams, which could be supplemented by other pest control expertise (with appropriate U.S. Department of Agriculture Wildlife Services brown treesnake detection training and oversight) to meet 100 percent inspection goals for large scale training activities."

Page 20, Sec 1.1b, line 7;

"Additionally, tactical approach exercises will involve only cargo equipment that has not originated from areas containing a brown treesnake population or will be 100 percent inspected by certified brown treesnake canine programs."

B. JGPO BO (SEP 2010)

Page 72, Sec. Biosecurity Measures Specific to Training Actions:

"The following measures pertain to training and training cargo movements

1. 100% inspection of all outgoing cargo on vessels and aircraft from Guam with trained quarantine officers and dog detection teams, which could be supplemented by other pest control expertise with appropriate USDA APHIS brown treesnake detection training and oversight to meet 100% inspection goal for large scale training activities;

3.Additionally, tactical approach exercises will involve only cargo equipment that has not originated from areas containing a brown treesnake population or will be 100% inspected by certified brown treesnake canine programs."

C. Divert BO (JUN 2013)

Page 11, Sec. 1;

"1. Per Public Law 110-417, [Division A], title III, Section 316, October 14, 2008, 122 Statute 4410 and per DoD Defense Transportation Regulations, Chapter 505 protocols, the USAF, with support from Joint Region Marianas (JRM), commits to implementing 100 percent inspection of all outgoing cargo and aircraft that are leaving from Guam associated with the Divert project. Inspections will be performed with trained quarantine officers and dog detection teams, which could be supplemented by other pest control expertise (with appropriate U.S. Department of Agriculture-Wildlife Services (USDA-WS) brown treesnake detection training and oversight) to meet 100 percent inspection goals for training activities, as required by Joint Region Marianas Instruction 5090.4."

Page 11, Sec. 1.b, line 7;

"Additionally, tactical approach exercises will involve only cargo equipment that has not originated from areas containing a brown treesnake population or will be 100 percent inspected by certified brown treesnake canine programs."

Comparison: Included Northwest Field Beddown consultation and ISR Strike BO for additional comparisons. See table and note below for direct comparisons.

Northwest Field Beddown Sec. 7 consultation on AAFB (MAY 2006):

Page 5, paragraph 1, line 4;

"As part of the proposed action, the Air Force has committed to 100-percent inspection of all outbound cargo, supplies, household goods, and aircraft from Guam for brown treesnake interdiction."

ISR Strike BO on AAFB (OCT 2006):

Page 14, paragraph 2;

"Brown Treesnake Interdiction and Control - To prevent brown treesnakes from leaving Guam in any Air Force cargo, vehicles, munitions, household goods, and other items the Air Force will program for and facilitate a 100 percent inspection rate for all of these items departing Guam from Andersen AFB or other sites on Guam where they are staged for departure from Guam."

BTS Inspections	NWF Beddown	ISR Strike BO	MIRC BO	JGPO BO	DIVERT BO
Cargo/Equipment/Supplies	X	X	X	X	X
Aircraft	X		X		X
Vessels			X		
Vehicles		X			
Munitions		X			
Other		X			

Note: JRM is committed to funding USDA-WS to conduct 100% inspections of all DoD aircraft, cargo, munitions, equipment, POVs, and Household goods that depart Guam for another off-island destinations on a daily basis, per COMNAVMAR INST5090.10A Brown Tree Snake Control and Interdiction Plan (FEB 2005) and 36 WG INST32-7004 Brown Tree Snake Management on AAFB (MAR 2006).

1a. Missed Inspection Notification:**A. MIRC BO (FEB 2010)**

Page 20, Sec. 1.1.1.a;

“a. In the event military units, vehicles, and equipment accidentally leave Guam without inspection, as soon as possible, the DoD will notify: (1) their inspection contractor and (2) the point of destination port or airport authorities and work with the destination port to resolve the issue. Urgency of notification is a priority so that rapid response or other actions can be implemented to reduce risk.”

B. JGPO BO (SEP 2010)

Page 72, Sec. Biosecurity Measures Specific to Training Actions:

“2. in the event military units, vehicles, and equipment accidentally leave Guam without inspection the DoN will as soon as possible notify their inspection contractor and the point of destination port or airport authorities and work with the destination port to resolve the issue. Urgency of notification is a priority so that rapid response or other actions can be implemented to reduce risk;”

C. DIVERT (JUN 2013)

Page 11, Sec. 1.a;

“a. In the event military units, vehicles, and equipment accidentally leave Guam without inspection, as soon as possible, the USAF will notify: (1) USDA-WS and (2) the point of destination port or airport authorities and work with the destination port to resolve the issue. Urgency of notification is a priority so that rapid response or other actions can be implemented to reduce risk.”

Comparison: Identical statement among the three BOs.

1b. Tactical Approach Exercises/Training**A. MIRC BO (FEB 2010)**

Page 20, Sec. 1.1.1.b

“b. In addition, the USN will route inbound personnel and cargo for tactical approach exercises (that require an uninterrupted flow of events) directly to CNMI training locations to avoid Guam seaports and airfields. If Guam cannot be avoided, USN in cooperation with U.S. Department of Agriculture and USFWS shall identify and USN will implement appropriate interdiction methods that may include redundant inspections (see 1.1.1.c) or other interdiction methods as agreed to by the USFWS, US. Department of Agriculture, and USN. Additionally, tactical approach exercises will involve only cargo equipment that has not originated from areas containing a brown treesnake population or will be 100 percent inspected by certified brown treesnake canine programs. If the U.S. Department of Agriculture develops performance standards for this activity, the USN will adopt those standards, provided they are compatible with military mission.”

B. JGPO BO (SEP 2010)

Page 72, Sec. Biosecurity Measures Specific to Training Actions:

“3. the DoN will route inbound personnel and cargo for tactical approach exercises that require an uninterrupted flow of events directly to CNMI training locations to avoid Guam seaports and airfields. If Guam cannot be avoided, the DoN in cooperation with USDA shall identify and the DoN will implement appropriate interdiction methods that may include repeated inspections or other interdiction methods as agreed to by USDA and the DoN. Additionally, tactical approach exercises will involve only cargo equipment that has not originated from areas containing a brown treesnake population or will be 100% inspected by certified brown treesnake canine programs. If the USDA develops performance standards for this activity, the DoN will adopt those standards, provided they are compatible with military mission;”

C. DIVERT (JUN 2013)

Page 11, Sec. 1.b;

“b. In addition, the USAF will route inbound personnel and cargo for tactical approach exercises or humanitarian operations (that require an uninterrupted flow of events) directly to CNMI training locations to avoid Guam seaports and airfields. If Guam cannot be avoided, the USAF, in cooperation with USDA-WS and the Service, shall identify, and USAF will implement appropriate interdiction methods that may include redundant inspections (see 1c) or other interdiction methods as agreed to by the Service, USDA-WS, USAF and JRM. Additionally, tactical approach exercises will involve only cargo equipment that has not originated from areas containing a brown treesnake population or will be 100 percent inspected by certified brown treesnake canine programs. If the USDA-WS develops performance standards for this activity, the USAF will adopt those standards, provided they are compatible with military mission.”

Comparison: Identical statements among the three BOs.

1c. 100% Redundant BTS inspections at Receiving Jurisdiction:**A. MIRC BO (FEB 2010)**

Page 21, Sec. 1.1.1.c

"c. The USN is committed to implementing redundant inspections after discussions with appropriate stakeholders. Redundant inspections include inspections on Guam and at the receiving jurisdiction for administrative and logistical movements that do not require a tactical approach to complete the training requirements. It is anticipated that redundant inspections would utilize existing quarantine and inspection protocols at receiving ports. Appropriate stakeholders include, but are not limited to: the USFWS to ensure the inspections are adequate to reduce risks to trust resources, U.S. Department of Agriculture Wildlife Services, receiving jurisdictions and their supporting agencies with expertise in invasive species control, and other inspection authorities as needed to ensure inspection methods are current and revised as new techniques, technology, or data become available."

B. JGPO BO (SEP 2010)

Page 73, Sec. Biosecurity Measures Specific to Training Actions:

"4. the DoN is committed to implementing repeated inspections. Repeated inspections include inspections on Guam and at the receiving jurisdiction for administrative and logistical movements that do not require a tactical approach to complete the training requirements. It is anticipated that repeated inspections will utilize existing quarantine and inspection protocols at receiving ports;"

C. DIVERT (JUN 2013)

Page 11, 1.c

"c. The USAF is committed to implementing 100% redundant inspections after discussions with appropriate stakeholders. Redundant inspections include inspections on Guam and at the receiving jurisdiction for administrative and logistical movements that do not require a tactical approach to complete the training requirements. It is anticipated that redundant inspections to the extent possible would utilize existing quarantine and inspection protocols at receiving ports, but in the event that there is inadequate inspection coverage the USAF will coordinate with the USDA-WS to provide additional canine inspection teams that will augment quarantine and inspection protocols at the receiving ports. Appropriate stakeholders include, but are not limited to: the Service to ensure the inspections are adequate to reduce risks to trust resources, USDA-WS, receiving jurisdictions and their supporting agencies with expertise in invasive species control, and other inspection authorities as needed to ensure inspection methods are current and revised as new techniques, technology, or data become available."

Comparison: Similar statements in all three BOs.

2. Use of Snake-Free Quarantine Areas:

A. MIRC BO (FEB 2010)

Page 21, Sec. 1.1.2

"1.1.2 The USN will also establish snake-free quarantine areas for cargo traveling from Guam to CNMI and locations outside of the MIRC. These brown treesnake sterile areas will be subject to: (1) multiple day and night searches with appropriately trained interdiction canine teams that meet performance standards under 1.1.1.b; (2) snake trapping, and (3) visual inspection for snakes. Temporary barriers may be preferable to permanent exclosures because of the variable sizes needed for various training activities. The USN will produce standard operating procedures for temporary barrier construction and use. Standard operating procedures will ensure that temporary barriers will be constructed and maintained in a manner that assures the efficacy of the barrier tool and that staff maintaining and constructing the temporary barriers will receive training related to this activity prior to construction. Standard operating procedures will be developed in cooperation with the USFWS, U.S. Geological Survey Biological Resources Discipline, and the U.S. Department of Agriculture Wildlife Services to ensure risk to trust resources is adequately minimized. If risks are not adequately minimized, recommendations will be provided for incorporation into the protocols until the USN and USFWS mutually agree the risk has been minimized. The USFWS, USN, and other appropriate parties will meet, if necessary, to resolve concerns such that the protocols ensure risk is adequately minimized."

B. JGPO BO (SEP 2010)

Page 73, Sec. Biosecurity Measures Specific to Training Actions:

"5. the DoN will also establish snake-free quarantine areas for cargo traveling from Guam to the CNMI and other locations. These brown treesnake sterile areas will be subject to: multiple day and night searches with appropriately trained interdiction canine teams; snake trapping, and visual inspection for snakes. Temporary (i.e., movable) barriers may be preferable to permanent exclosures because of the variable sizes needed for various training activities. The DoN will use OPNAVINST 5090.10A for standard operating procedures for temporary barrier construction and use. Standard operating procedures will ensure that temporary barriers are constructed and maintained in a manner that assures the efficacy of the barrier tool and that staff maintaining and constructing the temporary barriers will receive training related to this activity prior to construction. Review of standard operating procedures will be conducted in cooperation with the USGS Biological Resources Discipline, and the USDA APHIS. The DoN and other appropriate parties will meet, if necessary, to resolve concerns such that the protocols ensure risk is adequately minimized;"

C. DIVERT (JUN 2013)

Page 12, Sec 2;

"2. The USAF will also establish snake-free quarantine areas (barriers) for cargo traveling from Guam to CNMI and other brown treesnake-free areas. These barriers will be subject to: (1) multiple day and night searches with appropriately trained interdiction canine teams that meet performance standards under 1b; (2) snake trapping; and (3) visual inspection for snakes. In lieu of permanent barriers, temporary barriers may be preferable to permanent exclosures because of the variable sizes needed to handle different cargo amounts for the various training activities. The USAF will produce standard operating procedures for temporary barrier construction and use within two years of the issuance of this Biological Opinion. Standard operating procedures will ensure that temporary barriers will be constructed and maintained in a manner that assures the efficacy of the barrier and that staff maintaining and constructing the temporary barriers will receive training related to this activity prior to construction. The construction and maintenance of temporary barriers utilized for cargo traveling from Guam to CNMI and other brown treesnake-free areas must be approved by the Service prior to use. During the construction phase of this project, the existing permanent snake-free quarantine area at the Saipan seaport should be utilized for surface cargo following relevant CNMI and DoD regulations. Standard operating procedures will be developed in cooperation with the Service, U.S. Geological Survey, Fort Collins Science Center, Invasive Species Science Branch, and the USDA-WS to ensure risk to trust resources is adequately minimized. If risks are not adequately minimized, additional recommendations will be provided for incorporation into the protocols until the USAF and Service mutually agree the risk has been minimized. The Service, USAF, and other appropriate parties will meet, if necessary, to resolve concerns such that the protocols ensure risk is adequately minimized."

Comparison: Similar statements in all three BOs. Divert BO however puts a timeline on developing temporary barrier SOPs (w/in 2 years) and also adds language on temporary barrier use during the Divert construction phase on Saipan.

3. Rapid Response Action Support/Assistance:

1. MIRC BO (FEB 2010)

“1.1.3. The USN will support rapid response actions to brown treesnake sightings within the CNMI and locations outside the MIRC (specifically Hawaii) by working with the U.S. Geological Survey Biological Resources Discipline to develop procedures and protocols that will support rapid action for a brown treesnake sighting. For example, USN personnel (civilian and uniform) could be trained to augment response teams on Guam and Hawaii or the USN may retain an agreement with trained, local pest control contractors that meet performance. USN will contact the Brown Treesnake Rapid Response Team Coordinator (Coordinator) on Guam (coordinates and runs the Rapid Response Training course) within 90 days of receiving the BO to request the course. The Coordinator arranges the training based on trainers and attendees.”

2. JGPO BO (SEP 2010)

“c) assist existing federally-funded brown treesnake rapid response teams to enable coverage of each brown treesnake detection incident in CNMI and Hawaii. The DoN will support USGS Biological Resources Discipline to develop procedures and protocols that will support rapid response team actions for a brown treesnake detection incident. DoN personnel will be trained on rapid response procedures or the DoN may retain agreements with trained, local pest control contractors or cooperating partner agencies that would assist in the response actions. DoN support for rapid response actions would be subject to a Memorandum of Understanding that will be initiated within 180 days of the Record of Decision. Implementation of brown treesnake rapid response is currently provided for pursuant to the MIRC Biological Opinion. If the action is not funded pursuant to the MIRC Biological Opinion in the future, alternate sources of funding would be secured to ensure implementation of this rapid response conservation measure.”

3. DIVERT (JUN 2013)

“3. The USAF, in conjunction with the Service and JRM, will develop procedures and protocols specific to Divert training events that will support a rapid response action in the event of a brown treesnake sighting resulting from Divert activities. Divert activities and exercises will be varied in the number of aircraft and personnel, and each event will have differing logistics support capabilities depending on the nature of the event. The type and amount of logistic support will be agreed to prior to each major event. Logistic support will include consideration of both in-kind assistance through air transport, shared billeting, security detail, food, materials, and ground transportation, and financial compensation for agreed-to response actions that could not be supported by in-kind assistance, including compensation for performance of services to support the deployment and execution of rapid response search teams.”

Comparison: See table and statements below.

Difference among the BOs	DIVERT BO	MIRC BO	JGPO BO
Assist existing federally-funded BTS rapid response team			X
USAF w/ Service and JRM, will develop procedures and protocols...that will support a rapid response action	X		
Work w/USGS to develop procedures & protocols that will support rapid action for a BTS sighting		X	
Support USGS to develop procedures & protocols that will support rapid response team actions for a BTS detection incident			X
Support rapid response actions by USGS	X		
Rapid Response actions subject to an MOU			X
DoN personnel will be trained on Rapid Response or retain others			X
Example of support, USN could train personnel to augment response teams on Guam and Hawaii or retain others		X	
If MIRC does not fund rapid response, then JGPO will find other funds			X
Logistic support will include consideration of both in-kind assistance through air transport, shared billeting, security detail, food, materials, and ground transportation, and financial compensation for agreed-to response actions that could not be supported by in-kind assistance....	X		

The MIRC BO is vague in what Rapid Response support should be in working with USGS; the JGPO BO is a little more specific in saying, that they will support the USGS Rapid Response Team and draft an MOU, as well as saying DoN personnel will be trained in Rapid Response or to retain others.

The JGPO BO, above states: "If the action is not funded pursuant to the MIRC BO in the future, alternate sources of funding would be secured to ensure implementation of this rapid response conservation measure." This statement implies that MIRC was committed to providing funding some type of support for Rapid Response.

The Divert BO has the USAF committed to compensation for a rapid response action that occurs as a result of Divert activities.

USGS is currently funded by Office of Insular Affairs (OIA) for the USGS BTS Rapid Response Team to deploy to BTS sightings outside of Guam. There are local government personnel on Saipan, Tinian, Rota, and in Hawaii that have USGS BTS rapid response training. OIA also funds travel costs in some instances for local government personnel from the CNMI and Hawaii to attend the 3-week initial Rapid Response Training course and/or 1-week refresher course on Guam.

4. Work collaboratively with the Service & USDA-WS to implement the BTS Control Plan:**A. MIRC BO (FEB 2010)**

Page 22, Sec 1.2;

“1.2 DoD participation in the Brown Treesnake Control Plan

1.2.1 The USN, working in collaboration with the USFWS, and U.S. Department of Agriculture Wildlife Services and Animal and Plant Health Inspection Service will decide how best to implement the Brown Treesnake Control Plan (BTS TWG 2009, 37 pp.) relevant to MIRC activities.”

B. JGPO BO (SEP 2010)

Page 73, Sec. Biosecurity Measures Specific to Training Actions:

“6. working in collaboration with the USDA APHIS, DoN will decide how best to implement the Brown Treesnake Control Plan (BTS TWG 2009, 37 pp.) relevant to DoD actions;”

C. DIVERT (JUN 2013)

Page 13, Sec. 4;

“4. The USAF, working in collaboration with the Service, and USDA-WS, will decide how best to implement the Brown Treesnake Control Plan (BTS TWG 2009, 37 pp.) relevant to Divert activities. The USAF and Service must mutually agree on the Brown Treesnake Control Plan implementation.”

Comparison: Almost identical statements in each BO.

5. BTS Awareness/Education Training:

A. MIRC BO (FEB 2010)

Page 22, Sec 1.2.2;

"1.2.2 The USN provides an environmental education program for new arrivals (see a through d, below). Additionally, the current environmental education program may be updated to provide more recent information to ensure each individual has the most up-to-date training.

- a. All new service personnel will receive the "Area Training Welcome Aboard Brief."
- b. Mandatory viewing of a brown treesnake educational video.
- c. Pocket guides with brown tree snake information and personal inspection guidelines will be carried at all times.
- d. Assurance that brown treesnake awareness extends from the chain of command to the individual military service member."

B. JGPO BO (SEP 2010)

No BTS awareness training stated in relation to training exercises.

C. DIVERT (JUN 2013)

Page 13, Sec. 5;

"5. The USAF will provide invasive species awareness training for all military and contractor personnel prior to all training activities. This would include a mandatory viewing of a brown treesnake educational video, distribution of pocket guides with brown treesnake information and personal inspection guidelines to be carried at all times, and assurance that brown treesnake awareness extends from the chain of command to the individual military service member."

Comparison: MIRC and Divert similar statements. No BTS awareness mentioned in JGPO in regards to training actions.

6. Coordinate closely with Service, USDA-WS, and CNMI DLNR for planning training:**A. MIRC BO (FEB 2010)**

Page 23, Sec. 1.4

“1.4 Cooperative Development of Regional Training Standard Operating Procedures and Exercise Planning

The USN will invite the USFWS to participate in the development of regional standard operating procedures and exercise planning to” better meet invasive species management needs associated with MIRC training. Current procedures can be found in 5090.10A “Brown Tree Snake Control and Interdiction Plan” (USN 2005,28 pp.).”

B. JGPO BO (SEP 2010)

Page 74, Sec. Biosecurity Measures Specific to Training Actions:

“9. the DoN will invite the Service to participate in the development of regional standard operating procedures and exercise planning to better meet invasive species management needs associated with proposed training. Current procedures can be found in 5090.10A “Brown Tree Snake Control and Interdiction Plan” (DoN 2005, 28 pp.);”

C. DIVERT (JUN 2013)

Page 13, Sec. 6;

“6. Due to limited availability of inspectors, trained dogs, and quarantine facilities and equipment on Guam and the CNMI, the USAF will coordinate closely with the Service, U.S. Department of Agriculture, CNMI Department of Land and Natural Resources, and Joint Region Marianas staff responsible for managing their brown treesnake program, on planning for training activities on Saipan. The USAF, along with cooperating agencies, will identify the inspection and interdiction requirements for the Divert training, including the number of trained quarantine officers and dog detection teams required. The USAF will coordinate and consult with the Service on the inspection and interdiction requirements identified by the USAF, and the Service must concur with these requirements prior to the implementation of the exercise or training activity. The USAF, along with the cooperating agencies, will develop plans to ensure that inspection personnel are available and that all requirements can be met, and will identify the support that the USAF will need to provide for the inspections. Planning for training exercises generally begins months prior to implementation of an exercise, and planning for complex training that would require a substantial number of inspectors, quarantine areas, or other personnel or equipment for control and interdiction generally begins more than a year in advance. If adequate resources, such as trained inspectors and dog teams, are not available during training activities, training will not occur until resources are available.”

Comparison: Almost identical statements for MIRC and JGPO, but Divert goes into more detail.

7. Other similar language:**A. MIRC BO (FEB 2010)**

Page 22, Sec. 1.3.1;

"1.3.1 All personnel involved in MIRC training will adhere to DoD Instruction 5090.7, which calls for individual troops to be responsible for conducting self inspections to avoid potential introductions of invasive species to Guam and the CNMI. Troops will inspect all gear and clothing (e.g., boots, bags, weapons, pants) for soil accumulations, seeds, invertebrates, and vertebrates). The intent of this measure is to minimize the potential risks and subsequent effects associated with transport of troops and personnel to Guam and to CNMI from areas that contain species that are not native to terrestrial habitats within the MIRC (extra-MIRC travel). In addition, compliance with Instruction 5090.7 will be required for travel to and from training sites within the MIRC (inter-MIRC travel)."

B. JGPO BO (SEP 2013)

Page 73, Sec. 7;

"7. adherence to DoN Instruction 5090.7, which calls for individual troops to be responsible for conducting self inspections to avoid potential introductions of invasive species to Guam and the CNMI. Troops will inspect all gear and clothing (e.g., boots, bags, weapons, pants) for soil accumulations, seeds, invertebrates, and vertebrates. The intent of this measure is to minimize the potential risks and subsequent effects associated with transport of troops and personnel to Guam and to CNMI from areas that contain species that are not native to Guam and Tinian terrestrial habitats;"

C. DIVERT BO (JUN 2013)

Page 13, Sec 1;

"Prevention of Invasive Species Introductions and Spread

1. All personnel involved in Divert training will adhere to DoD Instruction 5090.10A and the 2005 Brown Treesnake Control and Interdiction Plan, which calls for individual troops to conduct self-inspections to avoid potential transport of brown treesnakes. Troops will inspect all personal gear and clothing (e.g., boots, bags, weapons, pants), hand-carried equipment and supplies and tent canvas. The intent of this measure is to minimize the potential risks and subsequent effects associated with transport of troops and personnel from Guam to the CNMI and other areas that do not have brown treesnakes."

Comparison: Similar statements, but Divert BO adds BTS reference in regards to personal self-inspection.



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:

5090
Ser N465/0583
19 June 2014

Dr. Loyal A. Mehrhoff
Field Supervisor
Pacific Islands Fish and Wildlife Office
U.S. Fish and Wildlife Service
300 Ala Moana Blvd, Suite 3-122
Honolulu, HI 96825

RECEIVED

JUN 19 2014

**U.S. FISH & WILDLIFE SVC
PACIFIC ISLANDS FWO
HONOLULU, HI 96850**

Dear Dr. Mehrhoff:

SUBJECT: REINITIATION OF CONSULTATION FOR THE MARIANA ISLANDS
RANGE COMPLEX (MIRC) ACTIVITIES, GUAM AND THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

This responds to your letter dated May 9, 2014 requesting additional information to augment the Navy's April 3, 2014 request to initiate consultation for activities analyzed in the Mariana Islands Training and Testing (MITT) Environmental Impact Statement within the Mariana Islands Range Complex.

Addendum #1 to the Biological Assessment of Military Training Activities in the Mariana Islands Training and Testing Study Area: Terrestrial Species and Habitats is provided as Enclosure (1) and fully responds to the seven issues outlined in your May 9, 2014 letter, including those discussed via email between our staffs on May 8, 2014 (Enclosure 2). A copy of the Marianas Training Manual (COMNAVMARIANAS Instruction 3500.4A, dated October 8, 2013) referenced in the Biological Assessment and Addendum #1 is provided on a CD-ROM for your use (Enclosure 3).

During a June 9, 2014 teleconference with Ms. Julie Rivers of my staff, your team requested that the Navy assist the USFWS in the efficient preparation of the Biological Opinion by providing a revised Biological Assessment in addition to the Addendum. The Navy agrees to provide a revised BA as soon as possible after receiving confirmation that consultation has been re-initiated. We hope that by providing the revised BA that USFWS might complete the consultation process prior to the statutory deadline.

Subj: REINITIATION OF CONSULTATION FOR THE MARIANA ISLANDS RANGE
COMPLEX (MIRC) ACTIVITIES AFTER 2015, GUAM AND THE COMMONWEALTH
OF THE NORTHERN MARIANA ISLANDS

We look forward to continuing to work with you through the
consultation. For any questions regarding this consultation,
please contact Ms. Julie Rivers (COMPACFLT 808-474-6391,
julie.rivers@navy.mil) or Dr. Frans Juola (NAVFAC Pacific, 808-
472-1433, frans.juola@navy.mil).

Sincerely,



C. M. HANSEN
Captain, CEC, USN
Deputy Fleet Civil Engineer

- Enclosures:
1. Addendum #1 to the Biological Assessment of
Military Training and Testing Activities in the
MITT Study Area: Terrestrial Species and
Habitats (two hard copies and two CD-ROM)
 2. Email from Ms. Julie Rivers to Loyal Merhoff,
USFWS (two hard copies and two CD-ROM)
 3. Marianas Training Manual (COMNAVMARIANAS
Instruction 3500.4A, dated 8 October 2013 (CD-ROM
only)

Copy to:

Commander, Joint Region Marianas (Rear Admiral Tilghman D.
Payne) (w/encl 1 only on CD-ROM)

Ms. Kelly Ebert, CNO N45

National Marine Fisheries Service, Pacific Islands Regional
Office (Mr. Michael D. Tosatto) (w/encl 1 only on CD-ROM)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pacific Islands Fish and Wildlife Office
300 Ala Moana Boulevard, Room 3-122, Box 50088
Honolulu, Hawaii 96850



In Reply Refer To:
2014-F-0262
2009-F-0345

AUG 07 2014

Mr. L.M. Foster
Department of the Navy
250 Makalapa Drive
Pearl Harbor, Hawaii 96860

Subject: Reinitiation of Formal Consultation for the Mariana Islands Range Complex, identified as Mariana Islands Training and Testing Activities after 2015, Guam and the Commonwealth of the Northern Mariana Islands

This letter acknowledges the U.S. Fish and Wildlife Service's (Service) receipt of your June 19, 2014, letter and addendum to the Biological Assessment (BA) for the subject project. Your letter and addendum was in response to our letter dated May 9, 2014, requesting additional project information needed to reinitiate formal consultation under section 7 of the Endangered Species Act of 1973 as amended (Act) (16 U.S.C. 1531 *et seq.*). The consultation concerns the possible effects of the Mariana Islands Test and Training (MITT), a revision of the Mariana Islands Range Complex (MIRC) activities, on listed species in the Mariana islands.

On July 9, 2014, we met with Navy staff to discuss components of the addendum, including impacts to nightingale reed warbler (*Acrocephalus luscini*) from the proposed training on Saipan, conservation measures to offset unavoidable impacts from proposed bombing activities, the proposed biosecurity measures, and proposed brown treesnake interdiction and control measures. On July 11, 2014, we received an email from your staff that provided different language on the biosecurity and brown treesnake measures from what we discussed at our July 9, 2014, meeting. We again met on July 17, 2014, to further clarify the proposed biosecurity and brown treesnake measures. Meanwhile, at a meeting on July 14, 2014, between Don Schregardus, Deputy Assistant Secretary of the Navy, and Robyn Thorson, Regional Director for the Service's Pacific Region, the Navy agreed to consider whether it could delay the MITT action for one year, while formal consultations for other, higher priority Navy actions were completed. Accordingly, on July 21, 2014, the Service informed your staff it would suspend discussions on reinitiating consultation for MIRC/MITT until the Navy made a determination about the possible delay. Mr. Schregardus provided a response to Ms. Thorson via email



Mr. L.M. Foster

Service File No. 2014-F-0262

on August 4, 2014, indicating that the Navy was unable to delay MITT and requested that the Service restart its review of the MITT BA, addendum, and related documentation.

Accordingly, on August 4, 2014, we began reviewing the MITT proposal again. The purpose of this letter is to inform you that all information required of you to reinitiate consultation has been provided or is otherwise accessible to us. We have assigned log number 2014-F-0262 to this consultation. We understand that you will provide an updated Biological Assessment that includes the additional information from the addendum, and as further discussed in our July meetings and email messages. We request that you provide the updated BA within one week upon receipt of this letter.

Section 7 allows the Service up to 90 calendar days to conclude formal consultation with your agency, and an additional 45 calendar days to prepare our biological opinion (unless we mutually agree to an extension). Given the uncertainty regarding whether the Navy would move forward with MITT or delay it one year, we have determined the date consultation was formally reinitiated for this project was August 4, 2014, with the receipt of the email from Mr. Schregardus. Therefore, we expect to provide you with our biological opinion no later than December 17, 2014. However, because there are certain aspects of the proposed action that are still under discussion, in particular the biosecurity and brown treesnake measures, please be aware that if we are unable to come to agreement on appropriate language, the scope and effect of this proposed action will expand greatly. At such time, we may suspend consultation until new information relating to the broader scope is provided to us, including describing any impacts the proposed action may have on other listed species not previously considered.

Although we are reinitiating consultation on the MIRC/MITT proposed action at this time, during our July 9 and July 17 meetings, we agreed to continue to work together to develop appropriate language to address a variety of outstanding issues. We will be following up this letter shortly with an additional letter outlining the issues that require resolution. My staff will also be contacting your staff soon to schedule a meeting to continue our discussions.

As a reminder, the Endangered Species Act requires that after initiation of formal consultation, the Federal action agency may not make any irreversible or irretrievable commitment of resources that limits future options. This practice insures agency actions do not preclude the formulation or implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species or destroying or modifying their critical habitat.

We appreciate the opportunity to assist you with the proposed project. If you have any questions or concerns about this consultation or the consultation process in general, please feel free to contact Kristi Young or Earl Campbell at 808-792-9400.

Sincerely,



Loyal Mehrhoff
Field Supervisor
2



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0822
14 Aug 2014

Dr. Loyal A. Mehrhoff
Field Supervisor
Pacific Islands Fish and Wildlife Office
U.S. Fish and Wildlife Service
300 Ala Moana Blvd, Suite 3-122
Honolulu, HI 96825

Dear Dr. Mehrhoff:

SUBJECT: REINITIATION OF CONSULTATION FOR THE MARIANA ISLANDS RANGE
COMPLEX (MIRC) ACTIVITIES, GUAM AND THE COMMONWEALTH OF THE
NORTHERN MARIANA ISLANDS

Enclosed is the revised Biological Assessment (BA) of Military
Training Activities in the Mariana Islands Training and Testing Study
Area: Terrestrial Species and Habitats. This BA incorporates changes
made in the BA Addendum #1 delivered on July 17, 2014 as well as other
clarifications. Please see the Document Notes on page three of the
PDF for an explanation on how the changes were made.

We look forward to continuing to work with you through the
consultation. For any questions regarding this consultation, please
contact Ms. Julie Rivers (COMPACFLT 808-474-6391, julie.rivers@
navy.mil) or Dr. Frans Juola (NAVFAC Pacific, 808-472-1433,
frans.juola@navy.mil).

Sincerely,

L. M. FOSTER
By direction

Enclosure: 1. BA of Military Training and Testing Activities in
the MITT Study Area: Terrestrial Species and
Habitats. Re-initiation of Consultation 2009-F-0345.
Revised August 2014. (One hard copy and one CD-ROM)

Copy to:
Commander, Joint Region Marianas (w/encl on CD-ROM)
Regional Administrator, National Marine Fisheries Service, Pacific
Islands Regional Office (w/encl on CD-ROM)
Chief, Naval Operations (N454) (w/o encl)

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DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N01CE1/0522
June 4, 2014

Ms. Lorilee T. Crisostomo
Director
Bureau of Statistics and Plans
P.O. Box 2950
Hagatna, Guam 96932

Dear Ms. Crisostomo:

In accordance with the Federal Coastal Zone Management Act (CZMA) and the National Oceanic and Atmospheric Administration regulations (15 C.F.R. § 930), the U.S. Navy submits the enclosed Federal Consistency Determination (CD) for proposed activities in the Mariana Islands Training and Testing (MITT) Study Area that have reasonably foreseeable coastal effects on Guam.

Based on the enclosed consistency assessment and the activities and analysis contained in the enclosed Draft Environmental Impact Statement/Overseas Impact Statement (DEIS/OEIS), the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Management Program (GCMP).

We look forward to your timely review of and concurrence with the Navy's determination. If you have any questions on this matter, please contact Mr. John Van Name at (808) 471-1714 or john.vannname@navy.mil.

Sincerely,

L. M. FOSTER
By direction

Enclosures: 1. CZMA Consistency Determination for Guam
2. CD-ROM of the MITT DEIS/OEIS

Copy to: (w/o encls)
Chief of Naval Operations (N45)
Naval Facilities Engineering Command, Pacific (EV)
Commander, Joint Region Marianas

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Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor



Lorilee T. Crisostomo
Director

AUG 29 2014

Mr. Larry M. Foster
Director,
U.S. Pacific Fleet Environmental Readiness Division
Department of the Navy
250 Makalapa Drive
Pearl Harbor, Hawaii 96860-3131

Greetings Mr. Foster:

Hafa Adai. The Bureau of Statistics and Plans' Guam Coastal Management Program has reviewed the Department of the Navy's Federal Consistency Determination (CD) for the proposed activities in the Mariana Islands Training and Testing (MITT) Study Area, Ref: 5090 Ser NO1CE1/0522, June 4, 2014.

The Proposed Action is to continue to conduct training and testing activities, which may include the use of active sonar and explosives, primarily in established operating and military warning areas of the MITT Study Area, including the pier-side sonar maintenance and testing in the Inner Apra Harbor, and land-based training activities at existing ranges and other training locations on Guam and the Commonwealth of the Northern Mariana Islands (CNMI). As we understand, "the proposed action is to ensure that the Navy accomplishes its mission to maintain, train, and equip combat-ready military forces capable of winning wars, deterring aggression and maintaining freedom of the seas."

Your letter indicates that the proposed military training and testing activities would not occur within Guam's "coastal zone" and therefore, are not subject to Guam's jurisdiction. It was acknowledged on the submitted consistency determination that certain Department of Defense (DoD) actions that occur on federal land could have reasonably foreseeable effects on coastal uses or resources subject to federal consistency review requirements. The MITT study area includes the existing Mariana Islands Range Complex (MIRC), additional areas on the high seas, and a general transit corridor between Hawaii to MITT where training and testing activities may occur and that the Mariana Island Range Complex (MIRC) is the only major Navy range complex in the study area. It states that the EIS/OEIS was prepared by the Navy to renew current regulatory permits and authorizations, address current training and testing not covered under existing permits and authorizations, and to obtain the permits and authorizations necessary to support force structure changes and emerging and future training and testing requirements including those associated with new platforms and weapons systems within the MITT Study Area starting in 2015, needed to ensure that critical DoD requirements are met. The MITT Study Area is composed of the established ranges at sea ranges and land based training areas in Guam and Commonwealth of the Northern Mariana Islands (CNMI), operating areas, and its special use airspace of the Mariana Islands Range Complex (MIRC), its surrounding seas, including a transit corridor outside the geographic boundaries of the MIRC.

Page 1 of 4

Guam Coastal Management Program ♦♦ Land Use Planning ♦♦ Socio-Economic Planning ♦♦ Planning Information ♦♦ Business and Economic Statistics Program

Accordingly, the GCMP Resource Policies that will be affected by the Navy Activities are as follows:

RP1 – Air Quality: All activities and uses shall comply with all local air pollution regulations and all appropriate Federal air quality standards in order to ensure the maintenance of Guam's relatively high air quality. [10 GCA, Chapters 47-52; P.L. 25-152; P.L. 12-200, as amended by P.L. 20-147; P.L. 12-208].

- The foreseeable direct and indirect effect of military training and testing on Guam is in the increase of air pollutants on Guam's air quality that are considered minimal because the training and testing activities described in the MITT DEIS/OEIS will occur mostly offshore of Guam, beyond Guam's territorial boundaries.
- Training and testing activities for sulfur dioxide will be outside the nonattainment areas, such as CNMI, AAFB, Naval Base Guam Munitions Site, Naval Base Telecommunications Site and many other training locations in the Mariana Islands.
- Trace amounts of hazardous air pollutants emitted by combustion sources and use of ordinance during missile and target use are typically smaller in magnitude than emissions of air pollutants from large amounts of fuel, explosives, or those materials consumed during single activity or in one location.

The Navy indicates that because the emissions are intermittent and short-term, its effect is considered minimal with regards to any foreseeable direct or indirect effect on uses and other resources of the Guam coastal zone.

RP2. Water Quality- Safe drinking water shall be assured and aquatic recreation sites shall be protected through the regulation of uses and discharges that pose a pollution threat to Guam's waters, particularly in estuaries, reef and aquifer areas. [P.L. 12-200, as amended by P.L. 20-147; P.L. 24-161; P.L. 25-152; P.L. 26-32 as amended by P.L. 26-113].

- Most activities involving explosives and explosion by products would be conducted beyond the 3 nautical miles off Guam. The reasonably foreseeable direct and indirect effects to the uses and resources of the Guam coastal zone from chemicals other than explosives would be minimal because of where these activities would be conducted and the very low concentrations of the chemicals in seawater.
- Based on the Navy's Comprehensive Water Quality Impact analysis of the proposed action, the potential impacts from training and testing activities could be associated with explosives and explosion by products, metals, chemicals other than explosives, and other material. The resulting concentrations in seawater are expected to be very low and not harmful to aquatic organisms.
- Military expended materials with metal components used in nearshore areas specifically designated for mine countermeasure and mine neutralization activities within Apra Harbor and Agat would be subject to State Sediment and Water Quality Standards and guidelines for metals.

RP3. Fragile Areas – Development in the following types of fragile areas including Guam's Marine Protected Areas (MPA) shall be regulated to protect their unique character. - Historical and archeological sites- wildlife habitats;- pristine marine and terrestrial communities; - limestone forests; - mangrove stands and other wetlands and coral reefs shall be regulated to protect their unique character[[P.L. 12-200, as amended by P.L. 20-147; P.L. 24-21; P.L. 27-87; E.O. 97-10].

- Completion of consultation requirements under Section 7(a)(2) of the ESA with U.S. Fish and Wildlife Service Pacific Islands Fish and Wildlife office for species on Guam.
- The Navy has determined that the proposed action may affect, but is not likely to adversely affect the Mariana fruit bat, Mariana swiftlet, and Mariana common moorhen because the military training and testing activities would not be conducted in the Guam National Wildlife Refuge in Ritidian.
- Implementation of mitigation measures described in Chapter 5, Standard Operating Procedures, Mitigation, and Monitoring of the MITT DEIS/OEIS to minimize impacts on terrestrial species and habitats.
- Protective measures will continue to be implemented for all military training and testing activities for all military installations on Guam as iterated in the Programmatic Agreement among the Guam Defense Representative; Commonwealth of the Northern Mariana Islands; Federated States of Micronesia and Republic of Palau; Joint Region Marianas; Commander, Navy Region Marianas; Commander, 36th Wing, Andersen Air Force Base; the Guam Historic Preservation Officer; and the Commonwealth of the Northern Marianas Islands Historic Preservation Officer.

RP4. Living Marine Resources – All living resources within the waters of Guam, particularly fish, shall be protected from over-harvesting and, in the case of corals, sea turtles and marine mammals, from any taking whatsoever. [10 GCA, Chapters 47-52; P.L. 25-152; P.L. 12-200, as amended by P.L. 20-147; P.L. 12-208, P.L. 28-107, P.L. 26-25, P.L. 24-21]

- The Navy will implement mitigation measures resulting from consultations with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service under Section 7 of the ESA for proposed action and will implement mitigation measures for sea turtles and corals in the marine environment resulting from the consultation.
- Most of the training and testing activities that involve stressors would be conducted intermittently and more than 3 nautical miles offshore, outside of the Guam coastal zone. Impacts from stressors to fish would be localized.
- Mitigation measures will be implemented resulting from the Navy's consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act for this training and testing activities. The foreseeable direct and indirect effects to the uses and resources of the Guam coastal zone from impacts to fish from military training and testing activities would be minimal.
- Terms and conditions of the Section 7 consultation between the Navy and the NMFS and U.S. FWLS will be reflected in the Record of Decision (ROD) for the MITT EIS/OEIS.

As noted, the NMFS offered conservation recommendations in accordance with the Essential Fish Habitat provision of the Magnuson-Stevens Fishery Conservation and Management Act (50 C.F.R. §600.905-930) to avoid and minimize impacts to EFH, as iterated in a letter addressed to you from the NMFS, Assistant, Regional Administrator, Habitat Conservation Director dated July 21, 2014. Additionally, the DOD Policy Statement on Executive Order 13089, Coral Reef Protection Implementation Plan states, "DOD has committed to protect U.S. and International coral reef ecosystems and to avoid impacting coral reefs to the maximum extent feasible." *USEPA Dec.12, 2013 letter to NAVFAC.*

RP7. Public Access - The public's right of unrestricted access shall be ensured to all non-federally owned beach areas and all Territorial recreation areas, parks, scenic overlooks, designated conservation areas and other public lands; and agreements shall be encouraged with the owners of private and federal property

Page 3 of 4

for the provision of reasonable access to, and use of, resources of public nature located on such land. P.L. 12-200, P.L. 20-147, Seashore Protection Act, Territorial Beach Areas Act, Territorial Parks, Subdivision Law, Public Rights Provisions].

- No non-federally owned beach areas, recreational areas, parks, scenic overlooks, designated conservation areas, or other public lands will be affected by the proposed military activities. For security and safety reasons, public access normally allowed (by permit) within military installations may be temporarily curtailed during military training and testing activities and restored upon completion of the training and testing exercises.

Please note that on December 12, 2013, the Bureau provided the attached comments to the Department of Defense (DoD) for the preparation of EIS/OEIS for the MITT activities reviewed in the Mariana Islands Range Complex (MIRC) EIS/OEIS completed by the Navy. We feel that the issues and concerns we provided can be incorporated in the DOD preparation of the Final EIS/OEIS for the MITT.

Based on our review of the Department of the Navy's consistency determination, the Bureau fully understands that the DoD still has to maintain, train and equip the military forces as needed, to balance between protecting the environment and ensuring U.S. soldiers are trained. Therefore, we concur with the Navy consistency determination that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policies of the Guam Coastal Management Program, in accordance with the Coastal Zone Management Act of 1972, (P.L. 92-583) as amended (P.L. 94-370), 15 CFR Part 930 Federal Consistency Rules and Regulations. However, please note that this GCMP concurrence does not fully preclude the need to obtain other required Federal and Government of Guam concurrences, clearances/waivers and permit approvals.

Finally, we will appreciate receiving copies of the Final EIS when released. Please send a hard copy and an electronic copy to Edwin Reyes, Administrator of the Guam Coastal Management Program. Should you have further questions, please contact (671) 475-9672 or email:edwin.reyes@bsp.guam.gov. Si Yu'os Ma'ase and thank you for your attention.

Sincerely,


LORILEE T. CRISOSTOMO
Director

Enclosure: a/s

cc: GEPA
DoAg
DPR/GHPO
DLM
ACOE/R. Winn
Gov. Office/M. Calvo
NOAA-K. Kehoe/A. Loerzel
Navy/M. Cruz
OAG/J. Toft



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0668
July 2, 2014

Ms. Fran Castro
Director
Division of Coastal Resources Management
CNMI Bureau of Environmental and Coastal Quality
Gualo Rai Center, Suite 201F
P.O. Box 501304
Saipan, MP 96950

Dear Ms. Castro:

In accordance with the Federal Coastal Zone Management Act (CZMA) and the National Oceanic and Atmospheric Administration regulations (15 C.F.R. § 930), the U.S. Navy submits the enclosed Federal Consistency Determination (CD) for proposed activities in the Mariana Islands Training and Testing (MITT) Study Area that have reasonably foreseeable coastal effects on the Commonwealth of the Northern Mariana Islands (CNMI).

Based on the enclosed consistency assessment and the activities and analysis in the enclosed Draft Environmental Impact Statement/Overseas Impact Statement (DEIS/OEIS), the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the enforceable policies of the CNMI Coastal Resources Management Program (CRMP).

We look forward to your timely review of and concurrence with the Navy's determination. If you have any questions on this matter, please contact Mr. John Van Name at (808) 471-1714 or john.vannname@navy.mil.

Sincerely,

L. M. FOSTER
By direction

Enclosures: 1. CZMA Consistency Determination
2. CD-ROM of the MITT DEIS/OEIS

Copy to (w/o encls):
Naval Facilities Engineering Command, Pacific (EV)
Commander, Joint Region Marianas

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Frank M. Rabauliman
Administrator

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
Division of Coastal Resources Management
P.O. Box 10007, Saipan, MP 96950
Tel: (670) 664-8300; Fax: (670) 664-8315
www.crm.gov.mp



Frances A. Castro
Director

Mr. John Van Name
Naval Facilities Engineering Command, Pacific
258 Makalapa Drive, Suite 100
Pearl Harbor, HI 96860-3134

Re: Consistency Determination for MITT (letter 5090 Ser N01CE1/0523)

Dear Mr. Van Name:

The Commonwealth of the Northern Mariana Islands (CNMI) Division of Coastal Resources Management (DCRM) has received the U.S. Navy's Consistency Determination for the Mariana Islands Training and Testing (MITT) Study Area (letter: 5090 Ser N01CE1/0523). As we noted in our phone conversation on July 23rd 2014, the U.S. Navy's Consistency Determination is currently incomplete, as it does not address the *enforceable policies* of CRM. According to the federal regulations promulgated pursuant to the Coastal Zone Management Act (CZMA):

The consistency determination shall include a brief statement indicating whether the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the management program. The statement must be based upon an evaluation of the *relevant enforceable policies* of the management program. (italics added, 15 CFR § 930.39)

The current consistency determination addresses statutes listed in the CNMI's Coastal Resources Management Act. These statutes are largely directed towards the CNMI government and are precatory in nature. The enforceable policies of the CNMI can be found in the Coastal Resource Management Rules and Regulations, Chapter 15-10 of the Northern Mariana Islands Administrative Code (NMIAC), which can be accessed online at: <http://www.cnmilaw.org/mediawiki-1.21.2/index.php?title=15-10>

We have been discussing the CNMI's enforceable policies with the National Oceanic and Atmospheric Administration (NOAA). In order to be an enforceable policy under the CZMA, the policy must be approved by NOAA. As we discussed, we will be happy to provide you with further guidance regarding the CNMI's enforceable policies as soon as we have made a definitive determination as to which policies are applicable.

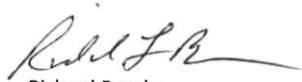
At a minimum, we request that the U.S Navy address the following sections of the regulations:

§ 15-10-310 Specific Criteria; Areas of Particular Concern (please note the Management Standards and Unacceptable Use Priorities for the various APCs).

§ 15-10-505 Specific Criteria for Major Sitings

After we receive the updated Consistency Determination, the 60 day review period shall commence. We greatly appreciate your assistance with this process. If you have any questions about this matter, please contact Megan Jungwiwattanaporn at (670) 664-8311 ext 225 or at megan.jungwi@crm.gov.mp.

Sincerely,



Richard Brooks
Acting Director
Division of Coastal Resources Management
Bureau of Environmental and Coastal Quality



Frank M. Rabauliman
Administrator

Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
Division of Coastal Resources Management
P.O. Box 10007, Saipan, MP 96950
Tel: (670) 664-8300; Fax: (670) 664-8315
www.crm.gov.mp



Frances A. Castro
Director

September 4, 2014

Mr. John Van Name
Naval Facilities Engineering Command, Pacific
258 Makalapa Drive, Suite 100
Pearl Harbor, HI 96860-3134

Re: 15 Day Extension for MITT Consistency Determination (letter 5090 Ser N01CE1/0523)

Dear Mr. Van Name:

The Commonwealth of the Northern Mariana Island's (CNMI) Division of Coastal Resources Management (DCRM) received the U.S. Navy's Consistency Determination for the Mariana Islands Training and Testing (MITT) Study Area (letter: 5090 Ser N01CE1/0523) on July 8, 2014. DCRM is seeking the mandatory 15 day extension for review under 15 CFR § 930.41. This extension will give DCRM until September 19th, 2014 to review and respond to the MITT Consistency Determination.

DCRM and the Department of the Navy have held several discussions over the past month regarding DCRM's concerns that the July 8th consistency determination did not fully address the enforceable policies of the CNMI's Coastal Management Plan (CMP). The Navy has agreed to update its MITT Consistency Determination. Once DCRM has received the new Consistency Determination, we hope to negotiate with DOD a subsequent deadline to review and respond to the new Consistency Determination.

If you have any questions about this matter, please contact Megan Jungwiwattanaporn at (670) 664-8311 ext 225 or at megan.jungwi@crm.gov.mp.

Sincerely,

for 
Fran Castro
Director

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DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0926
Sep 9, 2014

Ms. Fran Castro
Division of Coastal Resources Management
CNMI Bureau of Environmental and Coastal Quality
Gualo Rai Center, Suite 201F
P.O. Box 10007
Saipan, MP 96950

Dear Ms. Castro:

SUBJECT: CONSISTENCY DETERMINATION FOR MILITARY TRAINING AND TESTING WITHIN
THE COASTAL ZONE OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

In accordance with the Federal Coastal Zone Management Act (CZMA) and 15 C.F.R. § 930, the U.S. Navy submits the enclosed presumptive Federal Consistency Determination (CD) for proposed activities in the Mariana Islands Training and Testing (MITT) Study Area that have reasonably foreseeable coastal effects on the coastal zone of the Commonwealth of the Northern Mariana Islands (CNMI). The Navy originally submitted a CD to CNMI in July 2014. Thereafter, the Navy and CNMI Coastal Resources Management Program (CRMP) Office engaged in teleconference meetings and e-mail correspondence concerning the applicable enforceable policies of the CNMI CRMP. The enclosed CD is in accordance with those conversations. The Navy requested copies of public notices of NOAA's approval of the CNMI's enforceable policies required by 15 C.F.R. § 923.84(b)(4). This assessment presumes that required public notices have been published.

Based on the enclosed consistency assessment and the activities and analysis in the Draft Environmental Impact Statement/Overseas Impact Statement (DEIS/OEIS), the Navy finds that the proposed military training and testing activities are consistent to the maximum extent practicable with the presumptively enforceable policies of the CNMI CRMP.

We look forward to your timely review of and concurrence with the Navy's determination. If you have any questions on this matter, please contact Mr. John Van Name at (808) 471-1714 or john.vannname@navy.mil.

Sincerely,

L. M. FOSTER
By direction

Enclosure: 1. CZMA Consistency Determination for CNMI

Copy to: (w/o encl)
CNO (N454)
COMNAVJCS/PATUXENT RIVER, MD (AIR-1.6)
COMNAVSEASYS/COM WASHINGTON, DC (SEA 04)
ONR (3220A)
NAVFAC PAC (EV)
COMMANDER JOINT REGION MARIANAS

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Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
 Division of Coastal Resources Management
 P.O. Box 10007, Saipan, MP 96950
 Tel: (670) 664-8300; Fax: (670) 664-8315
www.crm.gov.mp



Frank M. Rabauliman
 Administrator

Frances A. Castro
 Director

October 7, 2014

Mr. John Van Name
 Naval Facilities Engineering Command, Pacific
 258 Makalapa Drive, Suite 100
 Pearl Harbor, HI 96860-3134

**Re. Federal Consistency Determination for Mariana Islands Training and Testing (MITT)
 Study Area (5090 Ser N465/0926)**

Dear Mr. Van Name:

The Commonwealth of the Northern Mariana Island's (CNMI) has completed its review of the U.S. Navy's Federal Consistency Determination (CD) for the Mariana Islands Training and Testing (MITT) Study Area. The Navy originally submitted a CD to the CNMI in July 2014. Thereafter, the Navy and the CNMI Division of Coastal Resources Management (DCRM) engaged in teleconference meetings and e-mail correspondence concerning the applicable enforceable policies of the CNMI Coastal Resources Management Program. A revised CD was received by the CNMI on September 11, 2014 (letter 5090 Ser N465/0926).

After careful review of the revised Federal Consistency Determination (CD) and the Draft Environmental Impact Statement (DEIS) upon which it is based, DCRM finds that the proposed MITT activities are not consistent with the enforceable policies of the CNMI Coastal Management Program. Therefore, the CNMI cannot support the proposal as currently proposed by the Department of the Navy, without further mitigation of potential effects on the CNMI's coastal resources.

The Government of the CNMI recognizes the needs of the U.S. military and hopes to accommodate those needs in a manner that is consistent with the federally approved coastal management policies of the CNMI Coastal Management Program. We look forward to the opportunity to discuss our concerns and how the policies of the CNMI Coastal Management Program can be met as soon as possible.

I. How the Navy Could Be Consistent and Move Forward With the MITT

As outlined below, DCRM finds that the MITT is not consistent with the enforceable policies of the CNMI Coastal Management Program. In order to be consistent with the enforceable policies of the CNMI, the Navy needs to implement further monitoring and mitigation, including:

- **Fish:** Mitigate permanent effects to essential fish habitat areas from near-bottom explosions. Collect and share baseline data on fish species diversity and abundance within training area, including populations around Saipan, Farallon de Medinilla (FDM), Tinian, and Rota.
- **Birds:** Develop and implement a monitoring plan that assesses the effects of the MITT on endangered bird populations, including collecting population data for the Micronesian megapode, Mariana crow, and Rota bridled white-eyes throughout the MITT study area, including populations on Saipan, FDM, Rota, and Tinian
- **Marine Invertebrates:** Develop and implement a monitoring plan that assesses the presence and population of US Endangered Species Act listed corals in the MITT study area, including coral populations around FDM and Tinian. Share data with DCRM. Restrict testing and training activities, such as amphibious landings and activities that create vessel noise, during coral mass spawning events.
- **Marine Mammals:** Develop and implement a monitoring plan that assesses effects of the MITT to marine mammals, including collecting and analyzing population data over time. Data must be shared with DCRM.
- **Marine Vegetation:** Develop and implement a plan to identify and address any serious damage to seagrass that may occur. The plan should include a pre-assessment of seagrass coverage and health, survey the recovery of marine vegetation, and provide mitigation for damage to seagrass beds. Baseline and recovery data must be shared with DCRM.
- **Sea turtles:** Since the incubation period for green sea turtles is around 62 days, daily beach monitoring at least 60 days prior to beach landing activities should be required to ensure that all sea turtle nests are detected and impacts on nests are avoided. If sea turtle nests are detected, no military activity should occur in the vicinity of the nests for 70 days, until after the nests have hatched.
- **Terrestrial Species:** Develop and implement a monitoring plan that assesses effects of the MITT to the Mariana fruit bat, including collecting and analyzing population data of the Mariana fruit bat over time. Particular care should be given to avoid effects to the Mariana fruit bat population on Rota.

- **Farallon de Medinilla:** Address major erosion, mass wasting, and changes to landforms on certain areas of FDM through a detailed assessment of changes to FDM's landforms over time and the development of a model/projections that may predict future loss of land and mass wasting due to ongoing military activity. Data must be shared with DCRM. If historic analysis and future projections indicate significant changes to the physical character of FDM, DCRM requests development of a detailed mitigation plan, outlining actions that will minimize loss of any additional land.
- **Rota:** Among the islands included in the study area, Rota is the most pristine and provides critical habitat for endangered and threatened species including the Mariana crow, Rota white-eye, and Mariana fruit bat. Rota should be removed as a location for any activities.
- **Water Quality:** Develop and implement a monitoring plan to ensure water quality stays within CNMI standards. Include an assessment of bio-accumulation of toxins in marine life and localized effects within the monitoring plan, including an assessment of fish around Saipan, FDM, Tinian, and Rota.

II. Insufficient Information

The CNMI's Division of Coastal Resources Management finds that the Navy has not provided sufficient information necessary for complete and adequate analysis for multiple components of the proposed action. Further, the CD presumes the Preferred Alternative will go into effect, but does not provide sufficient evidence that an increase in operations will, in fact, have a "negligible" contribution to environmental stressors.

CZMA Section 930.37 of the Federal Consistency regulations provides that the DEIS can be used as a vehicle for a consistency determination, "[h]owever, a Federal agency's federal consistency obligations under the Act are independent of those required under NEPA and are not necessarily fulfilled by the submission of a NEPA document. DCRM appreciates that the updated CD addresses coastal effects not included in the last submission. As stated in the CD, "updates to the Final EIS/OEIS are included in this CZMA consistency determination", including mentions of an improved analysis of sedimentation on Tinian, clarifications on activities on Rota, and measures to protect endangered species (including sea turtles and sea birds) once the Section 7 Endangered Species Act (ESA) consultation between the Navy and the U.S. Fish and Wildlife Service is completed. Although these items are mentioned in the CD, they cannot be considered part of the CD as they have not yet been completed.

As outlined in Section IV of this letter, additional information is needed on the following in order to assess the consistency of the MITT with the CNMI enforceable policies:

- Cumulative impacts - the CD does not look at the cumulative impacts of the MITT with other military activities in the study area, including the divert airfield and the CJMT (§15-10-305 and §15-10-505 of the CNMI's enforceable policies)

- Localized and long-term effects of water quality contamination on marine biota (§15-10-305)
- How testing and training will affect hazardous lands (§15-10-305)
- How testing and training will affect Anjota Island (§15-10-310)
- How testing and training will affect the Micronesian megapode, particularly on Saipan (§15-10-505)
- How testing and training will affect fish and fish habitat (§15-10-505)

The updated CD outlines the proposed increase in number of activities from the baseline number of activities analyzed in the 2010 Mariana Islands Range Complex (MIRC) EIS/OEIS. However there is little to no information on when these activities will occur, over what period of time the activities will take place, and whether these are separate or simultaneous activities for each location. It is impossible to evaluate the effects of the proposed activities without having these critical details.

DCRM holds that further mitigation measures are needed in addition to those mentioned in the DEIS/OEIS and looks forward to seeing the results of the Section 7 ESA consultation. In order to comply with the enforceable policies of the CNMI, further measures are needed to protect the wildlife and habitats of the CNMI (as outlined in Sections I and IV).

III. The Basis for Finding That the MITT is Consistent to the Maximum Extent Practicable Has Not Been Established

The Coastal Zone Management Act (CZMA) of 1972, 16 USC §§ 1451-1465, § 1456 (c)(1), and the Federal Consistency regulations, 15 CFR §§ 930.30-930.46, mandate that Federal agency activity with a reasonably foreseeable effect on the State's coastal zone must be consistent to the maximum extent practicable with the enforceable policies of the States' federally approved CZMA programs. Under 15 C.F.R. §930.32(a)(1), the standard for "consistent to the maximum extent practicable" means fully consistent with the enforceable policies of the CNMI's management programs unless full consistency is prohibited by existing law applicable to the Federal agency.

The Navy must show how existing law prohibits full consistency with the CNMI's Coastal Management Program. The Navy has not provided any description of any statutory provisions, legislative history, or other legal authority which limits the Navy's discretion to be fully consistent with the enforceable policies of the management program. Accordingly, for the reasons cited below, the proposed MITT is not fully consistent with the enforceable policies of the CNMI coastal management program.

IV. Consistency with Enforceable Policies

The CNMI has determined the MITT is inconsistent with the enforceable policies of the CNMI Coastal Management Program in the following ways:

Part 300 – § 15-10-305, Standards for DCRM Permit Issuance: General Criteria

a) Cumulative Impact

...determine whether the added impact of the proposed project seeking a DCRM permit will result, when added to the existing use, in a significant degradation of the coastal resource

As noted above, although the DEIS/OEIS looks at the cumulative impacts of the various components of the MITT, it does not look at the cumulative impacts of the MITT in combination with other military activities within the study area. These activities include, but are not limited to, activities described in the Guam and CNMI Military Relocation FEIS/OEIS, Divert Activities and Exercises, Guam and CNMI DEIS, and the upcoming CNMI Joint Military Training DEIS/OEIS. If implemented, these activities will undoubtedly have cumulative effects on the CNMI's coastal resources.

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

b) Compatibility

...determine, to the extent practicable, whether the proposed project is compatible with existing adjacent uses and is not contrary to designated land and water uses...

This section is addressed under Part 300, Areas of Particular Concern (APCs). DCRM needs further information on the effects the MITT will have on Rota's APCs.

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

c) Alternatives

...determine whether or not a reasonable alternative site exists for the proposed project.

As stated in the CD, "The Navy has assessed reasonable alternatives to training and testing locations" as described in Chapters 1 and 2 of the DEIS/OEIS. The CNMI understands that the MITT Study Area is strategically important for military training and testing. However, it is unclear why the military training and testing operations must be spread out over several islands. The Department of the Navy should consider and explain why testing and training cannot be consolidated to fewer areas in order to minimize environmental impact. In particular, Rota could be removed as a location for proposed terrestrial activities in order to protect its pristine habitat.

Conclusion: Inconsistent – the Navy should consolidate activities to fewer areas in order to minimize environmental impact.

d) Conservation

...determine, to the extent practicable, the extent of the impact of the proposed project...on its watershed and receiving waters, marine, freshwater, wetland, and terrestrial habitat, and preserve, to the extent practicable, the physical and chemical characteristics of the site necessary to support water quality and living resources.

The CD states that “When considered together, the impact of the four stressors (explosive byproducts, metals, chemicals other than explosives, and other military expended materials) would be additive”. The Navy maintains that “changes in sediment or water quality would not be detectable”, however the CD and the DEIS/OEIS appear to overly rely on dilution and settling of contaminants to keep water quality impacts within water quality standards. The CD includes the following reasons for its no-effect conclusion: “military expended materials and activities are widely dispersed in space and time throughout the MITT study area”, “When multiple stressors occur at the same time, it is usually for a brief period”, and “potential areas of negative impacts would be limited to small zones”.

However, the localized effects of such contaminants could adversely affect many forms of marine biota, potentially harming resources utilized by local stakeholders. The DEIS/OEIS continually mentions that effects to water quality would be short in duration, yet there is no in-depth discussion about possible long-term effects as a result of secondary impacts to the environment, such as sedimentation and bio-accumulation. A study by Woodley and Downs (2014) investigated whether munitions compounds or their breakdown products impact corals. The study found that all nine munitions compounds (six nitrotoluene compounds, RDX, HMX, and Picric acid) tested had some level of toxicity. Further, studies by Denton et al (2010) show bio-accumulation of toxins such as mercury, arsenic, and PCBs in fish caught in Saipan Lagoon.

Further, the CD does not address the effects the MITT will have on FDM. Satellite imagery and oblique photographs show there have been significant changes to the morphology of FDM, apparently through mass wasting along the eastern cliff lines. The land bridge on FDM shows significant signs of mass wasting on the eastern side. The southern end of FDM also shows a recent sea cave collapse. The total loss of land mass on FDM since bombing commenced must be presented.

Although FDM is a federally leased island, testing and training on FDM could lead to spillover effects. DCRM is particularly concerned with the effects of proposed ordinance use on FDM on mass wasting, vegetation loss, erosion, and sedimentation. Both Alternative 1 and Alternative 2 include substantial increases in explosive detonations on

FDM over the current level of activities (the no action alternative). These activities could lead to loss of habitat for migratory birds, while sedimentation could affect habitat for migratory fish.

DCRM requests that baseline data and ongoing monitoring be provided in order to assess the localized and long-term effects of water quality contamination on marine biota.

Conclusion: Inconsistent – the Navy should consider localized and long-term effects of water quality contamination, and provide baseline and monitoring data.

e) Compliance with Local and Federal Law

...require compliance with Federal and CNMI laws, including, but not limited to, air and water quality standards, land use, Federal and CNMI constitutional standards, and applicable permit processes necessary for completion of the proposed project

As outlined throughout this letter, DCRM finds that the MITT is not consistent with the enforceable policies of the CNMI Coastal Management Program. However, further mitigation of potential effects could bring the MITT in line with the CNMI's enforceable policies. The CNMI hopes to discuss possible mitigation efforts going forward and looks forward to the results of the Section 7 ESA consultation between the Navy, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

Conclusion: Inconsistent – MITT activities do not comply with local laws as outlined throughout this letter.

f) Right to a Clean and Healthful Environment

Projects shall be undertaken and completed so as to maintain and, where appropriate, enhance and protect the Commonwealth's inherent natural beauty and natural resources, so as to ensure the protection of the people's constitutional right to a clean and healthful environment.

Section f of § 15-10-305 appears to not have been included in the CD. DCRM holds, until shown otherwise, that the MITT will not "maintain and, where appropriate, enhance and protect the Commonwealth's inherent natural beauty and natural resources" (NMIAC, § 15-10-305).

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

g) Effect on Existing Public Services

Activities and uses which would place excessive pressure on existing facilities and services to the detriment of the Commonwealth's interests, plans and policies, shall be discouraged.

The CD states that: "The Proposed Action has no effect on existing public services within the CNMI coastal zone." DCRM concurs with this statement.

Conclusion: Consistent

h) Adequate Access

...determine whether the proposed project would provide adequate public access to and along the shoreline.

The updated CD states that: "The Proposed Action does not hinder public access to anywhere within the CNMI coastal zone. Public access will only be affected on Navy leased lands within the CNMI."

Historically significant and coastal public-use areas are located in and near the shoreline in the Military Lease Area on Tinian and public access to these areas and beaches for recreation and fishing remain a concern. DCRM is likewise concerned that the cumulative impacts from a combination of activities proposed in this DEIS/OEIS with other military activities in the region could limit public access to these important cultural areas. DCRM recognizes that these areas do not fall within the CNMI's Coastal Management Program. However *The Covenant to Establish a Commonwealth of Northern Mariana Islands* and the *Technical Agreement Regarding Use of Land to Be Leased by the United States in the Northern Mariana Islands* state that closures for military maneuvers will be "kept to a minimum". Further information regarding the closures, including a schedule of such closures is requested.

Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

i) Setbacks

...determine whether the proposed project provides adequate space between the project and identified hazardous lands including floodplains, erosion-prone areas, storm wave inundation areas...

The CD states that: "There is no construction associated with the Proposed Action; therefore, there is no requirement for setbacks." DCRM concurs with this statement.

Conclusion: Consistent

j) Management measures for control of nonpoint source pollution

...determine if the selected management measures are adequate for the control of nonpoint source pollution resulting from project construction, operations, and maintenance...

The CD states that: “Standard operating procedures for spill prevention and waste management are included in Chapter 5 of the MITT EIS/OEIS and are also specified in the Mariana Islands Training Manual (COMNAVMARIANSASINST 3500.4A), dated 13 October 2013.” It is unclear from Chapter 5 of the EIS/OEIS what the procedures for spill prevention and waste management are. Further, DCRM does not have a copy of the Mariana Islands Training Manual. DCRM requests more information on the control of nonpoint source pollution.

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

Part 300 – § 15-10-310, Standards for DCRM Permit Issuance: Specific Criteria/Area of Particular Concern

▪ **Lagoon and Reef APC (general)**

The CD states that: “MITT activities within the CNMI coastal zone do not hinder use categories considered high priority”; further, “Nor do MITT activities that would occur within the CNMI coastal zone contribute to unacceptable uses”.

Under the CNMI’s enforceable policies, “Unacceptable” uses for the Lagoon and Reef APC include:

- A) discharge of untreated sewage, petroleum products, or other hazardous materials
- C) destruction of coralline reef matter not associated with permitted activities and uses
- D) dumping of trash, litter, garbage or other refuse into the lagoon, or at a place on shore where entry into the lagoon is inevitable

The MITT plans to discharge hazardous materials (explosive byproducts, chemicals) and dump military expended materials into the Study Area (as outlined under ‘DEQ Water Quality Standards’). Corals may be impacted by testing and training activities, particularly around Tinian. Although activities may be restricted to federally leased waters, hazardous materials could travel to CNMI waters and negatively affect wildlife and habitat therein.

Conclusion: Inconsistent due to discharge of hazardous materials and military expended materials.

▪ **Lagoon and Reef APC (Anjota Island)**

The CD states that amphibious raid activities will occur on Anjota Island located off of the island of Rota. The CD claims that these activities and use of Anjota Island’s offshore areas will “not hinder activities that are considered high priority categories” or “contribute to the unacceptable activities identified in the regulations”. However, no information has been provided to DCRM so that DCRM can assess the effects on its own. In the DEIS/OEIS, listed potential impact concerns for amphibious raids include: vessel noise, weapons firing noise, vessel strike, vehicle strike (pedestrian), and physical disturbance (coral, sea-turtle nests). The only mention of Anjota (Angyuta in the

DEIS/OEIS) is a brief line under the 'Cultural Resources' section stating that there are no historic properties on Angyuta.

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

▪ **Port and Industrial APC (Rota, Tinian, Saipan)**

The CD notes that "Some training activities may occur within port and industrial areas of Rota" and that these activities "may include intelligence, surveillance, reconnaissance training, urban warfare training, and amphibious raid training at Anjota Island and Song Song Village". No information has been provided to DCRM so that DCRM can assess the effects on its own in either the CD or the DEIS/OEIS. It is unclear whether or how the MITT will affect port activities or wildlife within the Anjota Preserve.

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

Part 500- Standards for Determining Major Siting: Specific Criteria

Under the CNMI's enforceable policies, a "major siting" is defined as "any proposed project which has the potential to directly and significantly impact coastal resources" including "proposed projects with potential for significant adverse effects on submerged lands, ...reefs, wetlands, beaches and lakes...and endangered or threatened species or marine mammal habitats" (§15-10-020(jj)). As outlined below, DCRM believes the MITT could have significant adverse effects on the CNMI's coastal resources.

a) Project Site Development (§15-10-505)

The proposed project site development shall be planned and managed so as to ensure compatibility with existing and projected uses of the site and surrounding area.

The CD states that: "The Proposed Action does not include construction of any kind; therefore, there are no site development activities." DCRM concurs that the project complies with this particular enforceable policy.

Conclusion: Consistent

b) Minimum Site Preparation (§15-10-505)

Proposed projects shall, to the extent practicable, be located at sites with pre-existing infrastructure, or which require a minimum of site preparation

The CD states that: "Training activities that occur on land require minimal or no site preparation." DCRM concurs that the project complies with this particular enforceable policy.

Conclusion: Consistent

c) Adverse Impact on Fish and Wildlife (§15-10-505)

The proposed project shall not adversely impact fragile fish and wildlife habitats, or other environmentally sensitive areas

The MITT Study Area is home to several threatened and endangered species that may be adversely affected by the proposed action, including the green sea turtle, hawksbill turtle, a number of endangered bird species, the Mariana fruit bat, and several marine mammals.

- **Effects on Marine Mammals (§15-10-505 (c))**

According to the CD: “Potential impacts of the Proposed Action on marine mammals could be attributed to acoustic, energy, physical disturbance and strike, entanglement, ingestion, and secondary stressors. Under the [Marine Mammal Protection Act] MMPA, training and testing activities that involve the use of sonar, other active acoustic sources, and explosives may result in Level A harassment, Level B harassment, or mortality of certain marine mammals”.

DCRM is concerned about the effects the MITT will have on marine mammals and requests further mitigation measures so as to better protect the habitats and wildlife in and around the CNMI. One option, previously suggested by the CNMI Governor, is the creation of habitat protection areas which will exclude portions of the MITT Study Area from training and testing activities so as to better protect wildlife. Of absolute importance is an additional effort to acquire monitoring data on the effects of the MITT to marine mammal populations, and to share this data and any ensuing reports with the CNMI government.

The DEIS/OEIS also reports that: “Starting in 2015, specific allocation of monitoring effort (research objectives, studies, and focus) within the Study Area will be included in a monitoring plan to be developed in cooperation with NMFS.” (3.4.5.1) DCRM requests that data and reports developed through this monitoring effort be shared with DCRM.

- **Effects on Sea Turtles (§15-10-505 (c))**

The CD states that “Impacts of the Proposed Action may contribute to sea turtle mortality, injury, or short-term disturbance or behavioral modification. Mortality or injury could be caused by underwater explosions or vessel strikes.” Further, “Amphibious vehicles used on Tinian during amphibious warfare activities may potentially strike sea turtles on the beach or crush buried nests.” DCRM is encouraged to see that the updated CD addresses effects to sea turtles. The DEIS/OEIS does not discuss effects on nesting sea turtles on the beaches of Tinian, nor was it clear from Chapter 5 of the DEIS/OEIS what mitigation measures are in place for effects from amphibious vehicles.

The updated CD does note that “measures were not included in Chapter 5 of the Draft EIS/OEIS, but will be added to the Final EIS/OEIS once the Section 7 ESA consultation between the Navy and the U.S. Fish and Wildlife Service is completed.” DCRM requests increased protection for the sea turtles on Tinian and proposes longer periods of beach

monitoring prior to implementation of training activities. The CD states that “pre-exercise surveys for presence of sea turtles no more than six hours prior to an exercise” will occur. This is not enough time to ensure that there are no nests on the beach as nests are visible only for a very short time after initial egg-laying. The incubation period for the green sea turtles is around 62 days, daily beach monitoring at least 60 days prior to the beach landing activities should be required to ensure that all nests are detected.

Effects on Birds (§15-10-505 (c))

The CD states that:

- “the ESA-listed species Mariana common moorhen and the Micronesian megapode, may be impacted by military training on Tinian from acoustic (explosives and weapons firing, launch and impact noise), and physical (ground disturbance, aircraft and aerial target strike, military expended materials, and wildfires) stressors”
- “The Micronesian megapode, the nightingale reed-warbler...occur in the Marpi Maneuver Area in Saipan”
- “The Navy has determined that training activities on Rota would have no effect on the ESA-listed *Serianthesnelsonii*, *Osmoxylonmariannense*, *Nesogenesrotensis*, or Rota bridled white-eye. “

DCRM is concerned with inconsistencies and the lack of up-to-date data in the DEIS/OEIS that the CD is based on. Section 3.6.1.5 states that: “Not all of the land areas within the MITT Study Area are included for analysis for potential impacts on seabirds and shorebirds.... Rota is excluded from the analysis because training activities on Rota occur in urban and developed settings, such as urban warfare exercises. Saipan is also not included in the analysis for seabirds and shorebirds, although this island supports occasional land training. The area identified for land training activities is the Marpi Maneuver Area, and it does not contain aquatic or marine habitats or terrestrial roosting habitats for seabirds or shorebirds.”

The CD notes that the Micronesian megapode, listed as endangered under the US Endangered Species Act, does occur in the Marpi Maneuver Area in Saipan. More information on the effects of testing and training on the Micronesian megapode in Saipan is requested along with mitigation measures undertaken to protect this ESA listed species.

DCRM is also concerned that testing and training will negatively affect marine birds on Rota. Activities by low-flying (<3000 ft. above sea level) aircraft, including unmanned aircraft, over Rota may negatively affect nesting Mariana crows and Rota white-eyes, as a result of aircraft noise, vibration and fuel exhaust. DCRM recommends avoiding such activities on Rota.

Finally, although FDM is a federally leased island, the MITT could cause spillover effects. FDM is an important rookery location for a number of marine birds including black noddies, brown noddies, brown boobies, masked boobies, red-footed boobies, white terns, and great

frigate birds. These birds are migratory; MITT activities on FDM would likely lead to fewer birds traveling to other islands in the CNMI.

The CD notes several times that conservation measures are included in the Section 7 ESA consultation package submitted to the U.S. Fish and Wildlife Service. DCRM looks forward to seeing further mitigation in the Record of Decision for the MITT FEIS/OEIS once the Section 7 ESA consultation between the Navy and US FWS has concluded. DCRM requests that more monitoring is conducted and that data is shared with DCRM. Monitoring should include collecting population data and assessing population changes over the course of MITT activities, including an assessment of bird populations on Saipan, FDM, Tinian, and Rota.

Effects on Marine Vegetation (§15-10-505 (c))

The CD states: “Other marine resources, such as marine invertebrates, marine vegetation, fish, and marine habitats may be impacted by various stressors described in the MITT DEIS/OEIS. Terrestrial flora and fauna may also be impacted by the Proposed Action, which includes land training activities on Tinian, Saipan, Rota, and FDM.”

Section 3.7 of the DEIS/OEIS repeatedly states that impacts to marine vegetation (including seagrasses) from increased turbidity would be minor. However, there are also potential impacts from vessel, anchor, or propeller strikes to seagrass beds. These actions could cause more serious damage through the uprooting of seagrass, with a much longer recovery period. The section even cites a study by Dawes et al. (1997) which reported recovery times of up to 10 years. A plan must be put into place to identify and address any serious damage that may occur, survey the recovery of marine vegetation, and provide mitigation for damage to seagrass beds.

Effects on Marine Invertebrates (§15-10-505 (c))

The CD states that: “Marine invertebrates, including corals, may be impacted by military training and testing activities in and around Tinian from multiple stressors”; however, “the incremental contribution of these stressors...was determined to be negligible”. Although the increase in activities proposed under Alternative 1 may be incremental, DCRM notes that the cumulative effects on coral reefs over time may be severe. Further, although much of the proposed training occurs on federally leased lands, damaging corals on leased lands could have spillover effects, as coral reefs provide important habitat for wildlife (e.g. fish, coral larvae) that travel outside of leased lands and into the CNMI coastal zone.

Under Alternative 1 and Alternative 2, the DEIS/OEIS correctly states that “*Non-intermittent noise from testing activities (e.g., vessel noise) could mask reef noise. If this noise source overlapped with the larval settlement period, recruitment of larvae onto a reef habitat may be altered*”. Disruptions in coral recruitment processes could result in population declines and shifts in community composition (Hughes and Tanner 2000), which is clearly inconsistent with a conclusion of no adverse effects of active acoustic sources on the coral species proposed for ESA listing. Military testing and training activities that may mask reef noise or otherwise create noise pollution in the vicinity of coral reefs should be limited

around annual coral mass spawning events. For Sections 3.8.3.1.2.2 and 3.8.3.3.1.2, these activities should not take place during the spawning periods for corals or soft corals.

Amphibious assaults and amphibious raids are proposed for Una Babui and Una Chulu, in the northwest of Tinian and Unai Dankulo in the northeast of Tinian. Although these beaches are on federally leased lands, damaging corals near these beaches could have damaging spillover effects, as coral reefs provide important habitat for wildlife (e.g. fish, coral larvae) that travel outside of leased lands and into the CNMI coastal zone. The near shore areas associated with these beaches are characterized by medium to medium-high habitat complexity and relatively high coral cover and diversity (Brainard et al. 2012). Baseline biological surveys need to be conducted in these areas to determine the presence and abundance of the coral species proposed for listing under the ESA. Amphibious assaults and raids should not occur in areas where these species are present or during annual coral spawning events. Near shore areas used for amphibious assaults and raids need to be monitored for acute and long term effects of increased turbidity, propeller wash, incidental strikes and other physical damage caused by vessels, bottom-crawling unmanned underwater vehicles and towed devices.

Further, the CD does not address affects to the coral reefs around FDM. Although FDM is a federally leased island, damaging the coral reefs surrounding FDM could result in spillover effects. The reefs around FDM provide habitat to fish and wildlife that travel in and out of FDM's coast. DCRM requests monitoring of coral abundance and the effect the MITT has on fish populations traveling in and out of FDM's coastal zone.

Effects on Fish (§15-10-505 (c))

The CD states that "Fish and fish habitats may be impacted by military training and testing in and around Tinian from multiple stressors", however, with mitigation measures "the Proposed Action is consistent to the maximum extent practicable". It is unclear from Chapter 5 of the DEIS/OEIS what these mitigation measures will be. There is no mention in the CD of how military actions will affect fish around the islands of Saipan, FDM, or Rota.

In the DEIS/OEIS, Section 3.9.4 "Summary of Potential Impacts on Fish" states that: "Navy research and monitoring efforts include data collection through conducting long-term studies in areas of Navy activity, occurrence surveys over large geographic areas, biopsy of animals occurring in areas of Navy activity, and tagging studies where animals are exposed to Navy stressors. These efforts are intended to contribute to the overall understanding of what impacts may be occurring overall to animals in these areas". The DEIS/OEIS does not state where these studies occurred, and whether they were in the study area. DCRM requests that these studies be cited and made available for review.

In light of Section 3.9.3.1.1.1 "*Direct Injury Explosives and Other Acoustic Sources*", DCRM requests that fish killed as a result of training activities are collected for sampling. This would provide local agencies with useful baseline data on species diversity and abundance within the affected areas.

In Section 3.9.3.4.2 “*Impacts from decelerators/parachutes*” the number of parachutes released is a concern. The DEIS/OEIS states that decelerators/parachutes are rare. But the number of expended parachutes would amount to greater than 5,000, which could cause hazards to fish populations including entanglement and damage to habitat.

Section 3.3.3.1.2 states near-bottom explosions in non-living essential fish habitat areas (EFHA) will be permanent but minimal. Permanent impacts should be mitigated.

Effects on Terrestrial Species (§15-10-505 (c))

The updated CD states that on Rota: “the Navy has determined that potential acoustic impacts associated with aircraft overflights may affect, but would not adversely affect, the Mariana crow and Mariana fruit bat”.

The Mariana fruit bat (*Pteropus mariannus mariannus*) is listed as threatened or endangered under the CNMI DFW regulations and as threatened under the US Endangered Species Act. The Mariana fruit bat can be found on Saipan, Tinian, FDM and Rota within the MITT study area. The Rota Mariana fruit bat population has become increasingly important for recovery as bats on Guam have nearly disappeared. DCRM is particularly concerned that testing and training on Rota could have a detrimental effect on the Mariana fruit bat population as the Mariana fruit bat is extremely sensitive to disturbance events. More evidence is needed to show that acoustic impacts would not affect the Mariana fruit bat at the population level.

Conclusion – Inconsistent, due to effects on marine mammals, sea turtles, marine birds, vegetation, marine invertebrates, fish, and terrestrial species.

d) Cumulative Environmental Impact (§15-10-505)

The proposed project site shall be selected in order to minimize adverse primary, secondary, or cumulative environmental impacts.

As noted above, although the DEIS/OEIS looks at the cumulative impacts of the various components of the MITT, it does not look at the cumulative impacts of the MITT with other military activities in the study area. These activities include, but are not limited to, activities described in the Guam/CNMI relocation, divert airfield, and the CJMT.

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

e) Future Development Options (§15-10-505)

The proposed project site shall not unreasonably restrict the range of future development options in the adjacent areas.

The CD states that “any reasonably foreseeable effects would not hinder future development in adjacent areas”. The MITT could negatively affect adjacent wildlife and habitat, which in

turn, could negatively affect the tourism industry which relies heavily on the CNMI's natural resources.

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

f) Mitigation of Adverse Impact (§15-10-505)

Whenever practicable, adverse impact of the proposed project on the environment shall be mitigated. Mitigation shall include the incorporation of management measures for control of nonpoint source pollution.

The CD repeatedly mentions the Section 7 ESA consultation between the Navy and the U.S. Fish and Wildlife Service. DCRM looks forward to the mitigation efforts resulting from these consultations. Currently, the measures listed in Chapter 5 of the DEIS/OEIS include: lookouts to spot marine mammals and sea turtles, avoiding precision anchoring as well as mine countermeasure and neutralization activities within 350 yards of shallow coral reefs, live hard bottom, artificial reefs, and shipwrecks. These mitigation measures do not do enough to protect the habitats and wildlife within the MITT Study Area in order to comply with § 15-10-305 (d)(f) and § 15-10-505(c).

One option, previously suggested by the CNMI Governor, is the creation of habitat protection areas which will exclude portions of the MITT Study Area from training and testing activities so as to better protect wildlife. Of absolute importance is an additional effort to acquire monitoring data, and to share this data and any ensuing reports with the CNMI Government.

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

g) Cultural-historic and Scenic Values (§15-10-505)

Consider siting alternatives that promote the Commonwealth's goals with respect to cultural-historic and scenic values.

The CD states that training and testing activities will not occur in areas of historical and cultural significance in Saipan or Rota. On Tinian, there are resources eligible to be on the National Register of Historic places within the Military Lease Area. DCRM recognizes that these areas are in the Military Lease Area and do not fall within the CNMI's Coastal Management Program. The CNMI does appreciate continued access to these areas and hopes the military will continue to allow access to these important cultural areas.

Conclusion: Consistent

h) Watershed Conservation (§15-10-505)

In regard to site development...avoid development, to the extent practicable, of areas that are particularly susceptible to erosion and sediment loss; preserve areas that provide important water quality benefits and/or are necessary to maintain riparian and aquatic biota and/or protect to the extent practicable the natural integrity of water bodies and natural drainage systems.

The CD states that, "The Proposed Action does not include construction of any kind; therefore, no areas will be disturbed in the coastal zone that would be susceptible to erosion and sediment loss." Although the MITT will not include construction, DCRM is concerned that the MITT will include activities that could increase erosion and sediment loss. DCRM requests further information to ensure that there is no erosion or sediment loss due to MITT activities.

Conclusion: Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.

DEQ Water Quality Standards: Classification and Establishment of Water Use Areas and Specific Water Quality Criteria (Chapter 65-130)

The CD organizes the MITT's water quality effects into the following categories: explosives and explosive byproducts, metals, chemicals, and other materials. The CD and DEIS/OEIS rely largely on dilution and settling of contaminants to keep water quality impacts within water quality standards. DCRM is concerned about localized effects and the possibility of bio-accumulation of toxins in marine life. DCRM requests ongoing monitoring of localized effects and bio-accumulation in wildlife in order to assess these effects.

DCRM is also concerned with the effects of ordinance use on FDM on mass wasting, vegetation loss, erosion, and sedimentation. Although FDM is a federally leased island, testing and training on FDM could lead to spillover effects. Coral reefs could be negatively impacted by sedimentation. Wildlife that travel in and out of FDM and are dependent on reefs for habitat could also be affected.

In Table 4 of the CD, the Navy reports that all water quality standards will be adhered to. DCRM requests baseline and ongoing monitoring to ensure this remains true as military activities expand in the region.

Conclusion: Inconsistent – the Navy should consider localized and long-term effects of water quality contamination, and provide baseline and ongoing monitoring data.

V. Conclusion

In order for the Commonwealth to reconsider its finding, the Department of the Navy will need to modify its MITT proposal to mitigate impacts on CNMI coastal resources, wildlife and

habitats. DCRM's list of suggested measures can be found in Section I, page 2 of this letter. Implementing the measures listed would bring the MITT within the enforceable policies of the CNMI. DCRM, however, remains open to discussing specific measures and alternatives proposed by the Navy. The CNMI recognizes the needs of the U.S. military and looks forward to discussing ways the MITT can become consistent with the CNMI's enforceable policies.

If you have any questions about our position, please contact Megan Jungwiwattanaporn, Federal Consistency Specialist, Division of Coastal Resources Management, at 670-664-8311 or megan.jungwi@crm.gov.mp.

Sincerely,


for Fran Castro
Director, DCRM

References

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DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/1301
Dec 17, 2014

Ms. Fran Castro
Director
Division of Coastal Resources Management
CNMI Bureau of Environmental and Coastal Quality
Gualo Rai Center, Suite 201F
P.O. Box 10007
Saipan, MP 96950

Dear Ms. Castro:

SUBJECT: CONSISTENCY DETERMINATION FOR MILITARY TRAINING AND
TESTING ACTIVITIES WITHIN THE COASTAL ZONE OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

In accordance with the Federal Coastal Zone Management Act (CZMA) and 15 C.F.R. § 930, this letter responds to your October 7, 2014 review of the U.S. Navy's consistency determination for military activities within the Commonwealth of the Northern Mariana Islands (CNMI) coastal zone proposed in the Mariana Islands Training and Testing (MITT) Draft Environmental Impact Statement/Overseas Impact Statement.

In your letter, you found that the proposed MITT activities are not consistent with the enforceable policies of the CNMI Coastal Management Program and provided notice of your objection to the Director for the Office of Coastal Management under 15 C.F.R. § 930.43(c). Although the 90-day notice period expired on December 9, 2014, we have appreciated working with your office in that time and would like to continue to resolve our differences under 15 C.F.R. §930.43(d).

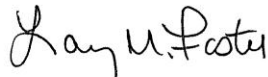
In the Navy's consistency determination, the MITT Proposed Action was analyzed in reference to the enforceable policies of the CNMI Coastal Management Program and the Navy concluded the Proposed Action is consistent to the maximum extent practicable with those policies. The additional information provided in Enclosure 1 should effectuate CNMI's concurrence with that

SUBJECT: CONSISTENCY DETERMINATION FOR MILITARY TRAINING AND
TESTING ACTIVITIES WITHIN THE COASTAL ZONE OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

determination. Please provide your response to the enclosed
information by January 15, 2015.

We appreciate your continued support. If you have any
questions on this matter, please contact Mr. John Van Name at
(808) 471-1714 or john.vannname@navy.mil.

Sincerely,



L. M. FOSTER
By direction

Enclosure: 1. Supplemental information to Support CZMA
Consistency Determination for CNMI

Copy to (w/o encl):

CNO (N454)

COMNAVAIRSYS COM PATUXENT RIVER, MD (AIR-1.6)

COMNAVSEASYS COM WASHINGTON, DC (SEA 04)

ONR 3220A

NAVFAC PAC (EV)

COMMANDER, JOINT REGION MARIANAS

ENCLOSURE 1:

**Coastal Zone Management Act
Consistency Determination for the
Commonwealth of the Northern Mariana Islands**

**Supplemental Information to Support the U.S. Navy's Consistency Determination for
Military Training and Testing within the Coastal Zone of the Commonwealth of the Northern
Mariana Islands**

Submitted to:

Commonwealth of the Northern Mariana Islands
Coastal Resources Management Office
Gualo Rai Center, Suite 201F
Saipan, MP 96950

Submitted by:

Commander, United States Pacific Fleet
Department of the Navy
250 Makalapa Drive
Pearl Harbor, Hawaii 96860-3131

DECEMBER 2014

**Coastal Zone Management Act
Consistency Determination for the
Commonwealth of the Northern Mariana Islands**

**Supplemental Information to Support the U.S. Navy's Consistency Determination for
Military Training and Testing within the Coastal Zone of the Commonwealth of the Northern
Mariana Islands**

Document Notes:

1. Scientific names are listed at first appearance; the common names are used thereafter.
2. Units are provided as English units followed by metric units parenthetically.
3. Suggested Citation:
U.S. Department of the Navy. (2014). *Supplemental Information to Support the U.S. Navy's Consistency Determination for Military Training and Testing within the Coastal Zone of the Commonwealth of the Northern Mariana Islands*. Prepared for Commander, U.S. Pacific Fleet and Naval Facilities Command Pacific by SRS-Parsons Joint Venture. Contract Number N68711-02-D-8043, Task Order 85. December 2014.

INTRODUCTION

This document provides the Commonwealth of the Northern Mariana Islands (CNMI) Bureau of Environmental and Coastal Quality (BECQ), Division of Coastal Resources Management (DCRM) with supplemental information to support the United States (U.S.) Department of the Navy's (Navy's) Consistency Determination under the Coastal Zone Management Act (CZMA) § 307(c)(1) and 15 C.F.R. Part 930, Subpart C, for the Commonwealth of the Northern Mariana Islands (CNMI) portion of the Proposed Action described in the Mariana Islands Training and Testing (MITT) Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS/OEIS).

Supplemental information contained in this document is provided in response to comments received from the CNMI dated October 7, 2014. The CNMI DCRM raised concerns regarding the following regulations cited from the CNMI administrative code:

- Part 300 – § 15-10-305, Standards for CRM Permit Issuance: General Criteria,
- Part 300 – § 15-10-310, Standards for CRM Permit Issuance: Specific Criteria/Area of Particular Concern,
- Part 500- Standards for Determining Major Siting: Specific Criteria, and,
- DEQ Water Quality Standards: Classification and Establishment of Water Use Areas and Specific Water Quality Criteria.

This document provides the CNMI DCRM conclusions presented in the 7 October 2014 letter with the Navy's responses, presented in the context of the CNMI administrative code language.

Part 300 – § 15-10-305, Standards for CRM Permit Issuance: General Criteria

(a) Cumulative impacts. *"The CRM Administrator and CRM agency officials shall determine the impact of existing uses and activities on coastal resources and determine whether the added impact of the proposed project seeking a CRM permit will result, when added to the existing use, in a significant degradation of the coastal resources. Consideration shall include potential coastal nonpoint source pollution, watershed setting, and receiving waters of the watershed in which a project is situated."*

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: The added impact of the MITT activities, when added to the existing uses, will not result in a significant degradation of the coastal resources. It should be noted that significant changes in activity levels within the CNMI coastal zone are not being proposed in the MITT EIS/OEIS. DCRM asks the Navy to consider the cumulative impacts of MITT in combination of other military activities within the Study Area, including Guam and CNMI Military Relocation EIS/OEIS and CNMI Joint Military Training EIS/OEIS. While these proposed activities are not appropriate for discussion under this standard as they are not "existing uses and activities", the Navy has considered the Guam and CNMI Military Relocation EIS/OEIS and CNMI Joint Military Training EIS/OEIS in the cumulative effects analysis in the MITT DEIS. Subsequent sections of this response do address existing activities, with particular attention to point and nonpoint source pollution, watershed setting, and receiving waters.

CNMI CZMA CONSISTENCY DETERMINATION

DECEMBER 2014

(b) Compatibility. *"The CRM Administrator and CRM agency officials shall determine, to the extent practicable, whether the proposed project is compatible with existing adjacent uses and is not contrary to designated land and water uses being followed or approved by the Commonwealth government, its departments or agencies."*

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: DCRM asks for further information on the effects of MITT activities on Rota's Areas of Particular Concern. Rota is not a primary training and testing area. Most military readiness activities described in the MITT EIS/OEIS would occur on Guam and to a lesser extent within the Tinian military leased area (MLA). The military readiness activities proposed for Rota are shown in Figure 1 and are listed in Table 1 of the Navy's original CD submission. Figure 1 illustrates that proposed military readiness activities on Rota would be restricted to developed areas, outside the critical habitats and conservation areas. All military readiness activities conducted on Rota are coordinated with CNMI and local authorities (e.g., local mayor's office, local law enforcement). Additional communication is provided to the CNMI Military Integration Management Committee (MIMC) via the DoD Joint Region Marianas (JRM).

In addition, the Navy is consulting with U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act (ESA) on potential impacts of the proposed military readiness activities on threatened and endangered species. Conservation measures resulting from the ESA Section 7 consultations to minimize, avoid, or offset impacts associated with military readiness activities will be implemented. These conservation measures will be formalized in the USFWS Biological Opinion and will be included in the Final MITT EIS/OEIS and Record of Decision (ROD).

(c) Alternatives. *"The CRM Administrator and CRM agency officials shall determine whether or not a reasonable alternative site exists for the proposed project."*

CNMI Conclusion: *Inconsistent – the Navy should consolidate activities to fewer areas in order to minimize environmental impact.*

Navy Response to CNMI: Rota and Saipan are not primary training locations and are infrequently used; however, they do provide unique capabilities due to the close proximity of the Marpi Maneuver Area to Saipan based reserve units and Rota's capability to support Special Forces and Humanitarian Relief training. As discussed above, Figure 1 shows that proposed military readiness activities on Rota would be restricted to developed areas, outside the critical habitats and conservation areas. In addition, pre-coordination with local authorities and the CNMI as well as adherence to conditions outlined in the pending USFWS Biological Opinion will ensure that training events can be conducted without any adverse environmental impacts.

(d) Conservation. *"The CRM Administrator and CRM agency officials shall determine, to the extent practicable, the extent of the impact of the proposed project, including construction, operation, maintenance and intermittent activities, on its watershed and receiving waters, marine, freshwater, wetland, and terrestrial habitat, and preserve, to the extent practicable, the physical and chemical characteristics of the site necessary to support water quality and living resources."*

CNMI Conclusion: *Inconsistent – the Navy should consider localized and long-term effects of water quality contamination, and provide baseline and monitoring data.*

Navy Response to CNMI: DCRM expresses concern over long term effects to water quality standards and spillover effects from FDM. Spillover effects into the CNMI's coastal zone from military readiness activities are highly unlikely. Military readiness activities that result in expended materials or involve explosives are conducted offshore or at FDM and Guam, outside of the CNMI coastal zone. Surface currents around the Mariana Archipelago are heavily influenced by the Northern Equatorial Current, driven by the northeast and southeast trade winds and predominantly westward, and would generally carry expended materials away from the archipelago. Other information that limits the potential for spillover effects into the CNMI coastal zone are discussed below.

The Navy has conducted annual marine ecological surveys of near shore marine resources at FDM between 1999 and 2012 (no survey was conducted in 2011). A report detailing the findings of these marine ecological surveys and providing baseline monitoring information specific to FDM is available at: <http://mitt-eis.com/DocumentsandReferences/EISDocuments/SupportingTechnicalDocuments.aspx>. This information has also been added to the Final EIS/OEIS in Section 3.1.3.1.5.3 (FDM Specific Impacts).

This area of marine habitat has been utilized for many years for military readiness activities. The conclusions for FDM water quality impacts do not rely on assumptions of dilution and settling; rather, the conclusions are drawn from direct observations of the marine environment surrounding FDM.

Based on these surveys, there is no evidence that long-term adverse impacts to the nearshore environment have taken place as a result of military readiness activities. These findings are based on the number of detectable impacts, the size of those impacts, and the apparent recovery time for the resource to recover. Impacts to the physical environment clearly attributable to military readiness activities were noted in 2007, 2008, 2010, and 2012. Indirect impacts, such as ordnance skipping or eroding off of FDM and rock and ordnance fragments blasted off of the island, were detected in every survey year:

“Although some damage can be directly attributed to ordnance impacts, natural factors also contribute to the changes. Examination of photographs from 1944 indicates that changes in the geologic structure of the island by erosion and mass wasting have been going on for decades.”¹

The ecological surveys completed in 2004 were completed shortly after Typhoon Ting Ting, which passed through the Mariana Islands in June 2004 and afforded an opportunity to observe damage to the island and nearshore environment of FDM from typhoons. Observations of fresh coral branch breakages, fresh boulder/rock slides, and submerged exposure of bright yellow-

¹ U.S. Department of the Navy. (2013). Calendar year 2012 assessment of near shore marine resources at Farallon de Medinilla, Commonwealth of the Northern Mariana Islands. Prepared by Stephen H. Smith, Donald E. Marx, Jr., & Lee H. Shannon. Project Number: 16940-57-001001

orange patches of underlying rock were attributed to concussive force of waves generated by Typhoon Ting Ting. Ecological surveys completed in 2005 noted that disturbed sites in 2004 showed no color differences with surrounding undamaged areas and new small (less than 3 cm) scattered colonies of coral and crustose coralline algae. By 2006 and observed again through 2012, no visual evidence of abnormalities, damaged, or diseased coral could be detected.

Further, no new submerged cliff blocks were observed between 2005 and 2012. Small to medium size fresh rock fragments (generally less than 1 ft. [30 cm]) have been observed yearly and are attributed to detonation impacts. In 2007, the first clear indication of a detonation of a bomb on the seafloor was observed. The impact area was measured to be approximately 100 square feet (9 square meters). During the subsequent survey in 2008, the impact area supported new growth of stony corals and crustose algae; by 2009, no trace of the disturbance could be detected by the surveyors. It should be noted that the vast majority of unexploded ordnance observed in the water lacked fins and tail assemblies, which indicates that the ordnance either skipped or ricocheted off of the island or were eroded or washed off of FDM at a later date.

Based on these direct observations of impacts off the coast of FDM, the majority of disturbances to the seafloor sediments, substrates, and mass wasting of FDM can be attributed to typhoons and storm surges. Further, damage attributed to military readiness activities was temporary as evidenced by recovery within 2 to 3 years at the same rate of damage associated with natural phenomenon. The ecological surveys have also monitored water quality indicators that have been associated with diminished water quality in other locations. For instance, high densities of macrobioeroders (e.g., boring sponges), bleaching of corals, surface lesions, or dead patches on stony corals or stony coral mucus production have been associated with sedimentation, pollutants, or other stressors that diminish water quality.^{2,3,4} A moderate bleaching event was noted in 2007 and a barnacle infestation was noted in 2012 (U.S. Department of the Navy 2013a). The bleaching event was regional and extended from southern Japan through the Mariana Islands and south through waters surrounding Palau. Subsequent surveys observed soft and fire corals had recovered completely and 75 percent of the stony corals had recovered by 2008.

Throughout all ecological surveys, the coral fauna at FDM were observed to be healthy and robust. The nearshore physical environment and basic habitat types at FDM have remained unchanged over the 13 years of survey activity. These conclusions are based on (1) a limited amount of physical damage, (2) very low levels of partial mortality and disease (less than 1 percent of all species observed), (3) absence of excessive mucus production, (4) good coral recruitment, (5) complete recovery by 2012 of the 2007 bleaching event, and (6) a limited number of macrobioeroders and an absence of invasive crown of thorns starfish (*Acanthaster*

² Riegl B. M. (1995). Effects of sand deposition on Scleractinian and Alcyonacean corals. *Marine Biology*, 121, 517-526.

³ Wild, C. (2005). Influence of Coral Mucus on Nutrient Fluxes in Carbonate Sands. *Mar Ecol Prog Ser*, 287, 87-98.

⁴ Cooper, T. F. (2008). Temporal Dynamics in Coral Bioindicators for Water Quality on Coastal Reefs of the Great Barrier Reef. *Marine Freshwater Resource*, 59, 703-716.

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planci). These factors suggest that sedimentation that may result from military use of FDM is not sufficient as to adversely impact water quality or fish habitat.

Further, Navy protective measures in place on FDM protect against the loss of migratory bird habitat. Measures that require avoidance of targeting cliffs and restricting naval ship gunnery from firing towards the eastern cliff face are specifically designed to minimize impact to migratory bird habitat.

(e) Compliance with Local and Federal Laws. *"The CRM Administrator and CRM agency officials shall require compliance with federal and CNMI laws, including, but not limited to, air and water quality standards, land use, federal and CNMI constitutional standards, and applicable permit processes necessary for completion of the proposed project."*

CNMI Conclusion: *Inconsistent – MITT activities do not comply with local laws as outlined throughout this letter.*

Navy Response to CNMI: The Navy is in compliance with all applicable federal and CNMI law and will continue to be in compliance of federal and CNMI law with the implementation of MITT activities. The Navy is confident that the information provided in this document will assure CNMI that the Navy is consistent to the maximum extent practicable with the enforceable policies of the CNMI Coastal Management Program.

(f) Ensuring Access to Clean and Healthful Environment. *"Projects shall be undertaken and completed so as to maintain and, where appropriate, enhance and protect the Commonwealth's inherent natural beauty and natural resources, so as to ensure the protection of the people's constitutional right to a clean and healthful environment."*

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: The Navy's determination regarding subsection (f) was inadvertently left out of the Navy's CD submission. As discussed above, the military readiness activities included in the MITT EIS/OEIS will not spillover into the coastal zone and will not restrict citizens' access to a clean and healthy environment on the CNMI. Further, these activities would not harm the aesthetic value of the environment as most activities would be short on duration, occur far offshore, occur on leased lands within the CNMI, or in locations coordinated with local authorities and the CNMI via the MIMC. **(g) Effect on Existing Public Services.** *"Activities and uses which would place excessive pressure on existing facilities and services to the detriment of the Commonwealth's interests, plans and policies, shall be discouraged."*

CNMI Conclusion: *Consistent.*

(h) Adequate Access. *"The CRM Administrator and CRM agency officials shall determine whether the proposed project would provide adequate public access to and along the shoreline."*

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

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Navy Response to CNMI: The military will avoid restricting public access to popular beaches and historic areas on Tinian as much as practicable without impacting military readiness activities. For example, during the recently completed training exercises within the Tinian MLA, Able Runway was avoided and training activities were concentrated on the Baker Runway. This was done to continue public access to the historical areas within the lease area. The military coordinates with the local mayor (e.g., Tinian mayor) if closure cannot be avoided. Military readiness activities that occur within the CNMI but outside of military lease areas are conducted in cooperation with local authorities and the MIMC. All other military readiness activities are conducted on federal lands not within the CNMI coastal zone or in coastal waters that would not be closed from public access.

(i) Setbacks. *"The CRM Administrator and CRM agency officials shall determine whether the proposed project provides adequate space between the project and identified hazardous lands including floodplains, erosion-prone areas, storm wave inundation areas, air installation crash and sound zones and major fault lines unless it can be demonstrated that such development does not pose unreasonable risks to the health safety, and welfare of the people of the Commonwealth, and complies with applicable laws."*

CNMI Conclusion: *Consistent.*

(j) Management Measures for Control of Nonpoint Source Pollution. *"The CRM Administrator and CRM agency officials shall determine if the selected management measures are adequate for the control of nonpoint source pollution resulting from project construction, operations and maintenance, including intermittent activities such as repairs, routine maintenance, resurfacing, road or bridge repair, cleaning, and grading, landscape maintenance, chemical mixing, and other nonpoint sources."*

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: The Navy provides guidance to commanders and exercise planners to ensure that hazardous materials and solid wastes are handled in an environmentally responsible and sustainable manner. Environmental staff personnel from JRM, Naval Base Guam, and Andersen AFB support proper materials handling during the planning and execution phases of planned exercises. All Navy shore installations, ships, and air detachments comply with hazardous materials and hazardous waste management requirements of OPNAVINST 5090.1 series of instructions⁵.

Major exercises within the Marianas are required to reduce the use of hazardous materials, and storage of hazardous materials must occur in proper storage areas lined with impervious barriers within a central storage areas away from catch basins, storm drains, and waterways with clear label protocols. Spill prevention and control measures are also required, which include spill prevention and control plans, collection points, assurance of final disposition by host commands, segregation and labeling at collection points, accountability of hazardous

⁵ The most recent iteration of OPNAVIST 5090.1 series instruction is M-5090.1D, dated 10 January 2014. The instruction may be accessed at: <http://doni.daps.dla.mil/SECNAV%20Manuals1/5090.1.pdf>

materials through the use of applicable Material Safety Data Sheets (MSDS) or Hazardous Material Information Sheets (HMIS) for each material, handling and packaging protocols for personnel and training requirements. Exercise planners are also required to include provisions for wastewater (black water)/human waste, such as portable toilets or field facilities accessible at all training sites. Solid waste generated during exercises is deposited in waterproofed containers (such as tri-wall containers) with collection points determined prior to the initiation of the exercise. Lithium batteries are considered dangerous at all times and are handled as hazardous waste with proper disposal protocols (burying is prohibited and batteries are transported to the Conforming Storage Facility on Naval Base Guam). Before leaving a training site, units are required to ensure that all occupied areas have been inspected for cleanliness including proper closing and marking of field latrines and drainage systems, and training areas have been cleared of all stores, equipment and refuse.

As demonstrated by the above summary of the various requirements for units to reduce the potential for point and non-point source pollution, the Navy is consistent to the maximum extent practicable with this regulation.

Part 300 – § 15-10-310, Standards for CRM Permit Issuance: Specific Criteria/Area of Particular Concern

Lagoon and Reef APC (general).

CNMI Conclusion: *Inconsistent due to discharge of hazardous materials and military expended materials.*

Navy Response to CNMI: As stated above (see discussions in item (d) Conservation), spillover effects into the CNMI's coastal zone from military readiness activities are unlikely. Military readiness activities that result in expended materials are conducted offshore, are widely dispersed throughout the Study Area, and are outside of the APCs and CNMI coastal zone. Furthermore, the unlikelihood of spillover effects is supported by the dynamics of the Northern Equatorial Current. Also, at-sea and ashore environmental protections limit or avoid the potential for hazardous materials to enjoin with sediments and be deposited as non-point source and point source pollution. Discussions on direct observations of reef conditions surrounding FDM are also included above. In summary, these factors reduce to the maximum extent practicable any potential impacts on the Lagoon and Reef APC within the CNMI coastal zone.

Lagoon and Reef APC (Anjota Island).

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: The activities that would occur within the Lagoon and Reef APC (Anjota Island) would be infrequent and would not be intrusive or impair this APC. If the Navy schedules amphibious raid exercises within this APC, it is done so in cooperation with the Mayor's Office on Rota, local law enforcement, and the CNMI MIMC.

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An amphibious raid on Rota would be a short event lasting 4 to 8 hours, occurring day or night (typically during the darkest part of the night), and would be characterized by its speed, stealth, and the minimum number of forces required to carry out the mission. A well planned and executed raid on Rota would typically go unnoticed and undetected. A typical amphibious raid carried out on Rota may involve a limited number of small craft in the near shore area that would come ashore under cover of darkness. Amphibious Raid for Rota would not involve the use of LCAC, LCU, or amphibious assault vehicles (AAV) to conduct beach landings.

Raid forces for Rota would typically involve few personnel (e.g., enough to fill a rubber raiding craft) and will not involve live fire munitions. Although exercises are designed with the minimum number of personnel to meet training requirements, larger raid exercises are possible. For example, a company-size amphibious group would include approximately 150 personnel, but this level of training would be extremely infrequent and would require careful coordination with the municipality during the exercise planning stage. Since it is standard operating procedure to avoid underwater obstructions such as coral, and highly illuminated areas, raid forces would avoid any landing area where coral cannot be avoided or where landings are highly illuminated. Anjota Island offers one potential site on Rota that may support amphibious raid events as described above.

Port and Industrial APC (Rota).

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: The Navy's CD and Figure 1 (included in this document) include a list of activities that could occur on Rota. Activities that could occur within the Port and Industrial APC (Rota) include amphibious raids (described above), as well as other activities that involve very few personnel in pedestrian reconnaissance activities. These are non-intrusive activities that are limited to potential training areas shown in Figure 1. If the Navy schedules amphibious raid exercises within this APC, it is done so in cooperation with the Mayor's Office on Rota, local law enforcement, and the CNMI MIMC.

Part 500- Standards for Determining Major Siting: Specific Criteria

(a) Project Site Development. *The proposed project site development shall be planned and managed so as to ensure compatibility with existing and projected uses of the site and surrounding area.*

CNMI Conclusion: *Consistent.*

(b) Minimum Site Preparation. *Proposed projects shall, to the extent practicable, be located at sites with pre-existing infrastructure, or which require a minimum of site preparation.*

CNMI Conclusion: *Consistent.*

(c) Adverse Impact on Fish and Wildlife. *"The proposed project shall not adversely impact fragile fish and wildlife habitats, or other environmental sensitive areas."*

CNMI Conclusion: *Inconsistent due to effects on marine mammals, sea turtles, marine birds, vegetation, marine invertebrates, fish, and terrestrial species.*

Navy Response to CNMI: As demonstrated below, MITT activities will not adversely impact fragile fish and wildlife habitats, or other environmentally sensitive areas.

Marine Mammals: The Navy is requesting a letter of authorization (LOA) from the NMFS under MMPA for potential impacts on marine mammals. The Navy is also consulting with NMFS and FWS under Section 7 of the ESA for potential impacts on threatened and endangered marine species from military readiness activities. The Navy implements mitigation measures during military readiness activities to reduce or avoid potential impacts on marine resources (e.g., marine mammals, sea turtles). Table 1 provides a summary of the mitigation measures implemented by the Navy to reduce or avoid potential impacts on marine resources.

The Navy has been implementing a marine species monitoring plan for military readiness activities since 2010 which is comprised of marine mammal and sea turtle monitoring throughout the MITT Study Area. The Navy annually reports these monitoring efforts to National Marine Fisheries Service. Marine species monitoring efforts are designed to track compliance with take authorizations, evaluate the effectiveness of mitigation measures, and improve the understanding of the effects of military readiness activities on marine resources. Marine species monitoring reports explaining annual efforts conducted in the MITT Study Area are posted on www.navy-marinespeciesmonitoring.us/reading-room/pacific/.

Sea Turtles: The Navy is consulting with NMFS (for marine species) and USFWS (for terrestrial species) under Section 7 of the ESA for potential impacts on threatened and endangered species from military readiness activities. Conservation measures specific to beach monitoring or other training restrictions resulting from these consultations to minimize, avoid, or offset impacts associated with military readiness activities will be included in the Final EIS/OEIS and ROD. Navy will ensure all measures outlined in the NMFS and USFWS Biological Opinions are implemented.

Birds: Activities on Saipan that may occur within the Saipan Marpi Maneuver Area would not occur within limestone forest areas (habitat for the Micronesian megapode). During the ESA Section 7 consultation between the Navy and the USFWS, the Navy requested, and received, locations of megapodes observed within the Marpi area. These detections were located just below Suicide Cliffs in intact limestone forest to the south and west of the Marpi Maneuver Area. This same habitat extends across the road into the southwestern portion of the maneuver area; however, this area is not used for training. On Rota, aircraft operations are prohibited within a 1,000 ft. horizontal and vertical buffer on the surface and coastline of Rota, with the exception of normal approaches and takeoffs that may occur at the Rota International Airport and combat search and rescue training activities based out of the airport.

The Navy has designed conservation measures in cooperation with USFWS for ESA-listed species, as well as for non-ESA listed seabird species to minimize the effects on FDM. These measures are listed below:⁶

- The Navy will continue to implement targeting and access restrictions, such as: (1) no targeting of the northern Special Use Area (north of the No Fire Line shown in Figures 2 and 3) and no targeting of the narrow land bridge, (2) only targeting Impact Areas 1, 2, and 3 during air-to-ground bombing exercises and air-to-ground missile and gunnery exercises and Impact Area 1 (closest to the northern Special Use Area) is for inert ordnance only, and (3) personnel are not authorized on FDM without approval from JRM Operations.
- There are six Naval Surface Firing Support (NSFS) targets on the western cliffs and flats of the island, no other cliff locations are targeted.
- Naval surface vessels only fire on FDM from the west to the east, avoiding impacts to roosting birds along the eastern cliff face.
- The Navy prohibits use of live cluster weapons/scatterable munitions, fuel air explosives, incendiary munitions, depleted uranium rounds, or bombs greater than 2,000 pounds. It should be noted that some spotting charges use small amounts of phosphorous and smoke markers will be used during some direct action activities for targeting.
- The Navy maintains brown treesnake interdiction and control protocols specific for FDM.

Marine Vegetation: CNMI requests a plan to identify and address any serious damage that may occur, survey the recovery of marine vegetation, and provide mitigation for damage to seagrass beds. However, the Navy's activities do not occur within seagrass beds. Seagrass beds are located in waters off of Tinian, but do not coincide with amphibious assault/raid approaches. Marine vegetation, including seagrass, surrounding Tinian, Saipan, and FDM from the National Oceanic and Atmospheric Administration (NOAA) satellite surveys are shown in Figures 3-38, 3-39, and 3-40 of the MITT EFH Assessment, respectively. The MITT EFH Assessment is available at: <http://mitt-eis.com/DocumentsandReferences/EISDocuments/SupportingTechnicalDocuments.aspx>.

Marine Invertebrates: As stated above (see discussions in item (d) Conservation), coral damage associated with military readiness activities on FDM has been noted, along with damage attributed to natural causes. But, the impacts are temporary and localized, with complete recovery witnessed within 2 to 3 years, with no significant long-term impacts to the nearshore marine environment. This is substantiated by the continued robust health of the coral communities surrounding FDM, with a lack of indicators attributed to diminished water quality.

Amphibious training activities that would occur on Tinian within the Tinian MLA use defined approaches that avoid corals. Avoidance of these areas protects personnel and amphibious

⁶ Some of the conservation measures may be subject to change, depending on the final Biological Opinion, expected to be released in 2015. The measures listed are existing conservation measures under the MIRC 2010 Biological Opinion.

vehicles, as well as avoids impacts on corals in nearshore environments surrounding Tinian. If impacts on corals cannot be avoided, additional mitigation measure and consultation with NMFS would be considered as appropriate before the activity would be conducted.

During offshore activities, where impacts to coral reefs are possible, the Navy maintains a 350 yard (320 meter) mitigation zone for coral reefs to avoid impacts to these habitats (see Table 1).

Scheduling of military readiness activities and locations inevitably overlaps a wide array of marine species habitats, including foraging habitats, reproductive areas, migration corridors, and seasonal coral spawning. Training schedules are based on deployment schedules and evolving events. Training schedules cannot be tailored to avoid seasonal coral spawning. Limiting activities to avoid certain seasons would adversely impact the effectiveness of the training or testing activity, and would therefore result in an unacceptable increased risk to achieving the purpose and need of the proposed action in the MITT EIS/OEIS. However, impact to coral larvae associated with an increase in ambient sound levels would be short-term and localized to the activity location. The noise levels would be restored to normal levels immediately following the completion of the training or testing activity. There is no anticipated effect of non-impulsive acoustic sources, including sonar, on benthic substrates and biogenic habitats.

These conclusions were included in the Navy's EFH consultation with NMFS, with no anticipated effects to coralline EFH or Habitats of Particular Concern (HAPC). FDM, the areas used for amphibious training activities on Tinian, and offshore areas used for activities that may impact coral reef areas, are outside of the CNMI coastal zone. Based on the protective measures and observations during long-term monitoring of FDM's nearshore environment, the likelihood of spillover effects into the CNMI coastal zone is considerably low; therefore, military activities proposed in the MITT EIS/OEIS are consistent to the maximum extent practicable with this regulation.

Fish: The Navy completed consultation with NMFS for potential impacts of military readiness activities on Essential Fish Habitat (EFH) under the MSA. The Navy has addressed NMFS concerns and EFH recommendations. Enclosed are copies of the NMFS EFH recommendations and the Navy's response to the recommendations. A copy of the MITT EFH Assessment is available on the MITT website at: <http://mitt-eis.com/DocumentsandReferences/EISDocuments/SupportingTechnicalDocuments.aspx>.

Mitigation measures that the Navy implements to avoid or reduce impacts to marine mammals and sea turtles may indirectly benefit EFH and HAPCs. Mitigation measures that have designated stand offs from benthic habitats will have a direct positive impact on EFH and HAPCs. Table 1 provides a crosswalk for mitigation measures that are relevant for fish and fish habitat impact minimization.

Research and monitoring efforts mentioned in Section 3.9.4 of the EIS/OEIS refer to the marine species monitoring plan the Navy has been implementing since 2010 throughout the MITT Study Area. As earlier mentioned, marine species monitoring efforts are designed to track compliance with take authorizations, evaluate the effectiveness of mitigation measures, and improve the understanding of the effects of military readiness activities on protected marine resources.

Marine species monitoring reports explaining annual efforts conducted in the MITT Study Area are posted on <http://www.navymarinespeciesmonitoring.us/reading-room/pacific/>.

Terrestrial Species: As shown in Figure 1, proposed military readiness activities on Rota would be restricted to developed areas, outside the critical habitats and conservation areas. In addition, all military readiness activities conducted on Rota will be coordinated with local and CNMI authorities (e.g., local mayor's office, local law enforcement). Additional communication will be provided to the CNMI MIMC via the JRM.

The Navy is consulting with USFWS under Section 7 of the ESA for potential impacts on threatened and endangered species from military readiness activities. Conservation measures resulting from these consultations to minimize, avoid, or offset impacts will be implemented. These measures exclude training activities from fruit bat habitat areas and maintaining a 1,000 ft. vertical and horizontal flight restriction on the island, with the exception of normal approaches and takeoffs at Rota International Airport (not part of training activities) and for combat search and rescue trainings that may occur at the airport.

(d) Cumulative Environmental Impact. *"The proposed project site shall be selected in order to minimize adverse primary, secondary, or cumulative environmental impacts."*

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: Please see the discussion presented under Part 300 – § 15-10-305(a) for cumulative impacts in the context of CNMI's coastal zone regulation. Cumulative impacts are evaluated in a NEPA context in the MITT EIS/OEIS.

As presented under Part 300 – § 15-10-305(a), the contribution to cumulative impacts is minimal. The planning, coordination, and siting efforts ensure that the military readiness activities described in the MITT EIS/OEIS is consistent to the maximum extent practicable with this regulation.

(e) Future Development Options. *"The proposed project site shall not unreasonably restrict the range of future development options in the adjacent area."*

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: CNMI expressed concern that MITT activities could negatively affect the tourism industry which relies on CNMI's natural resources. As discussed above, the proposed activities on Saipan (where most tourism infrastructure is expected to occur) and on Rota are conducted in coordination with local authorities and the MIMC. On Tinian, training activities would only occur within the military lease area. It is unlikely that these activities would impact wildlife on adjacent lands, and thereby constrain development. Coupled with the conservation measures designed to reduce or avoid impacts to wildlife, the potential impacts to adjacent lands and consequential constraining effects on tourism development are minimal; therefore, MITT-proposed military readiness activities that may occur within the CNMI are consistent to the maximum extent practicable with this regulation.

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(f) Mitigation of Adverse Impacts. *“Whenever practicable, adverse impact of the proposed project on the environment shall be mitigated. Mitigation shall include the incorporation of management measures for control of nonpoint source pollution.”*

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: The Navy has various training restrictions within the leased areas to reduce or avoid potential impacts to wildlife resources. For example, no training occurs within Hagoi or within intact limestone forest regions within the Tinian MLA. On FDM, various targeting and ordnance restrictions are in place to reduce impacts on the Mariana fruit bats, Micronesian megapodes, and non-ESA listed seabird species. As part of the natural resources management effort within the leased lands, the Navy has engaged in periodic long-term monitoring of natural resources. The Navy also maintains protections for training activities that occur outside of the leased areas. For example, on Rota, training is limited to previously developed areas and conducted in coordination with local authorities and the MIMC. On Saipan, training also avoids limestone forests within the Marpi Maneuver Area.

As mentioned above, the Navy is consulting with the following federal agencies:

- NMFS for potential impacts on: (1) marine mammals under the MMPA; (2) threatened and endangered marine species under Section 7 of the ESA; and (3) EFH under the MSA
- USFWS for potential impacts on threatened and endangered terrestrial species under Section 7 of the ESA

Conservation measures resulting from these consultations to minimize, avoid, or offset impacts associated with military readiness activities will be implemented. While CNMI states that “Current mitigation measures do not do enough to protect the habitats and wildlife within the MITT Study Area”, the Navy is confident that the mitigations and measures that result from our NMFS and FWS consultations will in fact provide adequate protections to habitats and wildlife.

(g) Cultural-Historic/Scenic Value. *“Consider siting alternatives that promote the Commonwealth’s goals with respect to cultural-historic and scenic values.”*

CNMI Conclusion: *Consistent.*

(h) Watershed Conservation. *“In regard to site development (including roads, highways, and bridges), avoid development, to the extent practicable, of areas that are particularly susceptible to erosion and sediment loss; preserve areas that provide important water quality benefits and/or are necessary to maintain riparian and aquatic biota and/or protect to the extent practicable the natural integrity of waterbodies and natural drainage systems.”*

CNMI Conclusion: *Insufficient information has been provided for DCRM to agree that the MITT activities are consistent with this regulation.*

Navy Response to CNMI: CNMI expressed concern that MITT will include activities that could increase erosion and sediment loss. Only activities on FDM have the potential for sediment loss due to military readiness activities. But, targeting restrictions are in place to reduce this potential. These measures include the establishment of impact areas and particular targets, and

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restricting targeting to only those areas as well as restricting the types of munitions used within these impact areas (see discussions in item (c) Adverse Impact on Fish and Wildlife: Birds). Further, long term monitoring studies of the surrounding reef zone are summarized in this document (see discussions in item (d) Conservation).

Direct observations of damage off the coast of FDM indicated that the majority of disturbances to the seafloor sediments, substrates, and mass wasting of FDM can be attributed to typhoons and storm surges and damage attributed to military readiness activities. However, the damage attributed to military readiness activities was temporary and evidence shows that any damage recovered within the same time frame as natural disturbances (2 to 3 years). Other indicators of diminished water quality attributed to sedimentation were absent from waters off of FDM. These indicators include a lack of high densities of macrobioeroders (e.g., boring sponges), bleaching of corals, surface lesions, or dead patches on stony corals' or stony coral mucus production. These factors, coupled with the minimization measures in place on FDM (targeting and ordnance restrictions) and the unlikely potential of spillover into the CNMI coastal zone, ensure that MITT activities are consistent to the maximum extent practicable with this regulation.

DEQ Water Quality Standards: Classification and Establishment of Water Use Areas and Specific Water Quality Criteria

CNMI Conclusion: *Inconsistent – the Navy should consider localized and long-term effects of water quality contamination, and provide baseline and ongoing monitoring data.*

Navy Response to CNMI:

The Navy, when assessing the potential for localized and long-term effects of water quality contamination from military activities considers a number of factors in the assessments of water ranges around the world. These considerations include munitions distribution, corrosion and constituent release rates, fate and transport of munitions constituents in the marine environment, and marine organism exotoxicity.

Munitions are distributed over a wide area during training and testing activities, with only the potential for concentrated munitions in waters surrounding FDM. Discussions on direct observations of reef conditions surrounding FDM are also included above. Once munitions are deposited in benthic environments, they tend to progress through rotation cycles, depending on the energy of the environment and shape of the munitions, followed by burying. In coral coasts, few munitions bury upon impact (approximately 10 percent), but scouring and colonization act to cover the munitions.⁷ For observations of colonization of munitions surfaces in waters surrounding FDM, see discussion above. Underwater corrosion has been the subject of considerable research over the years. Beaubien et al. (1972) provide an annotated bibliography

⁷ Inman, D.L. and Douglas, S.A. (2002). Scour and Burial of Bottom Mines: a Primer for Fleet Use. Integrative Oceanography Division, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, CA 92093-0209. Scripps Institution of Oceanography (SIO) Reference Series No. 02-8.

summarizing research completed prior to 1972.⁸ Additional testing has been performed, both in the laboratory and under real world conditions. One of the most extensive test programs has focused on understanding corrosion of the USS Arizona, which was sunk by the Japanese in Pearl Harbor and is now maintained as a memorial.^{9,10} The objective of this program was to understand the current state of the ship's structure and to predict how it could degrade in the future as a result of continued corrosion. These studies and others suggest that, in seawater, corrosion decreases to a steady rate after approximately 2 to 3 years. Further, the rate of corrosion generally decreases with depth and increases as the water flow increases. The Navy Research Laboratory (1972) presented information on the deterioration of materials, including munitions, based on published and unpublished studies, and on authoritative opinions. In general, the resistance of munitions to seawater depends on the following characteristics: type of packaging and packing; structural strength of the assembly; materials of construction; rate of corrosion; tightness of seals; and susceptibility of the propellant, explosives, and associated devices to water damage.

Munitions detonation is a fairly complete process based on the low levels of explosives contamination identified in range fate studies and range assessment characterizations.¹¹ In general, an average high-order detonation rate of 97 percent may be assumed for munitions used during military readiness activities in the Marianas, with a dud rate of 3 percent, and a low-order detonation rate (partial detonation) of 0.06 percent.¹² As a result, release rates of explosive materials due to in-water detonations would not be expected to be great. These low levels would lead to minimal environmental impacts.

Studies of munitions impacts on nearshore and deep waters off of Oahu Island, Hawaii, are available and support Navy conclusions for MITT. In the shallow water environment, Cox, De Carlo, and Overfield (2007)¹³ collected samples along Ordinance Reef, off of Wai'anae on Oahu.

⁸ Beaubien, L. A., Wolock, I., and Buchanan, C. L. (1972) Behavior of Materials in a Subsurface Ocean Environment, NRL Report 7447, Naval Research Laboratory, Washington, D. C., 1972.

⁹ Russell, M. A. (2006). A Minimum-Impact Method for Measuring Corrosion Rate of Steel-Hulled Shipwrecks in Seawater. *The International Journal of Nautical Archaeology*:35, pp. 310-318.

¹⁰ National Park Service. (2008). Long Term Management Strategies for USS Arizona, A Submerged Cultural Resource in Pearl Harbor, Submerged Resources Center Technical Report 27, Santa Fe, New Mexico, 2008.

¹¹ Naval Research Laboratory. (1972). Behavior of Materials in a Subsurface Ocean Environment. NRL Report 7447. Washington, D.C. July 14, 1972.

¹² Dauphin and Doyle. (2000). *Report of Findings For: Study of Ammunition Dud and Low Order Detonation Rates*. Prepared by U.S. Army Defense Ammunition Center, Technical Center for Explosives Safety, McAlester, Oklahoma. Prepared for the U.S. Army Environmental Center, ATTN: SFIM-AEC-ETD, Aberdeen Proving Ground, Maryland. July.

¹³ Cox, E., De Carlo, E., Overfield, M. (2007). Ordinance Reef, Wai'anae, HI.: Remote Sensing Survey and Sampling at Discarded Military Munitions Site. Marine Sanctuaries Conservation Series NMSP-07-01. U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Sanctuary Program, Silver Spring, MD. 112 pp.

This study was overseen by the NOAA National Marine Sanctuaries Program to collect screening level data to support the DoD's evaluation of potential explosive and human health hazards posed by military munitions. The objectives of the Ordnance Reef Project were to independently collect data to define the extent of a discarded military munitions sea disposal site and determine through biological, sediment and water column sampling whether munitions constituents, such as explosives, metals, may potentially impact human health and the environment. The discarded munitions off of Wai'anae ranged from small arms munitions to large caliber projectiles and naval gun ammunition. The results showed "very low" trace metal enrichment of marine sediments. There were no detections of the explosive materials cyclonite (RDX), trinitrotoluene (TNT), or tetryl in the sampling effort, although dinitrotoluene (DNT) was detected in 4 of the 47 sample sites. Of these 4 samples, 3 were associated with munitions (due to proximity to munitions). One sample was located near shore and not associated with munitions. It should be noted that DNT compounds are used in flexible polyurethane foams (bedding and furniture), as well as in dyes and air bags of automobiles. No explosives or related compounds were detected in any of the 49 fish samples. Overall, the results indicated that there was no significant impact from munitions disposal on the water quality of shallow waters off the Wai'anae Coast, and little evidence of contamination of sediments as a result of munitions disposal. With few exceptions, the overall ranges of concentrations of trace elements found in this study's samples were found to be consistent with those observed in uncontaminated settings. This study is applicable to FDM because the sediments off the Wai'anae coast are primarily carbonate sediments, similar to sediments surrounding FDM.

The University of Hawaii investigated 3 deepwater munitions dump sites 5 miles south of Pearl Harbor to see if any of the dumped munitions posed a threat to human health or the environment. Two of the sites are in waters 6,000 feet or more deep, while the third site was in water as deep as 1,500 feet. The data do not indicate any adverse effects on ecological health or human health from the consumption of fish and shrimp collected near the dump sites.

As stated above, spillover effects into the CNMI's coastal zone from military readiness activities are unlikely. Military readiness activities that result in expended materials are conducted offshore, outside of the CNMI coastal zone. In part, the low potential for spillover effects is due to the dispersed nature of most activities that involve expended materials and the dynamics of the Northern Equatorial Current. In summary, these factors ensure that activities described in the MITT EIS/OEIS are consistent to the maximum extent practicable with DEQ water quality standards.

Conclusion

As stated in the Navy's CD, the Navy has analyzed the MITT Proposed Action in reference to the enforceable policies of the CNMI Coastal Management Program and concludes the Proposed Action is consistent to the maximum extent practicable with those policies. The additional information provided in this document should effectuate CNMI's concurrence with that determination.

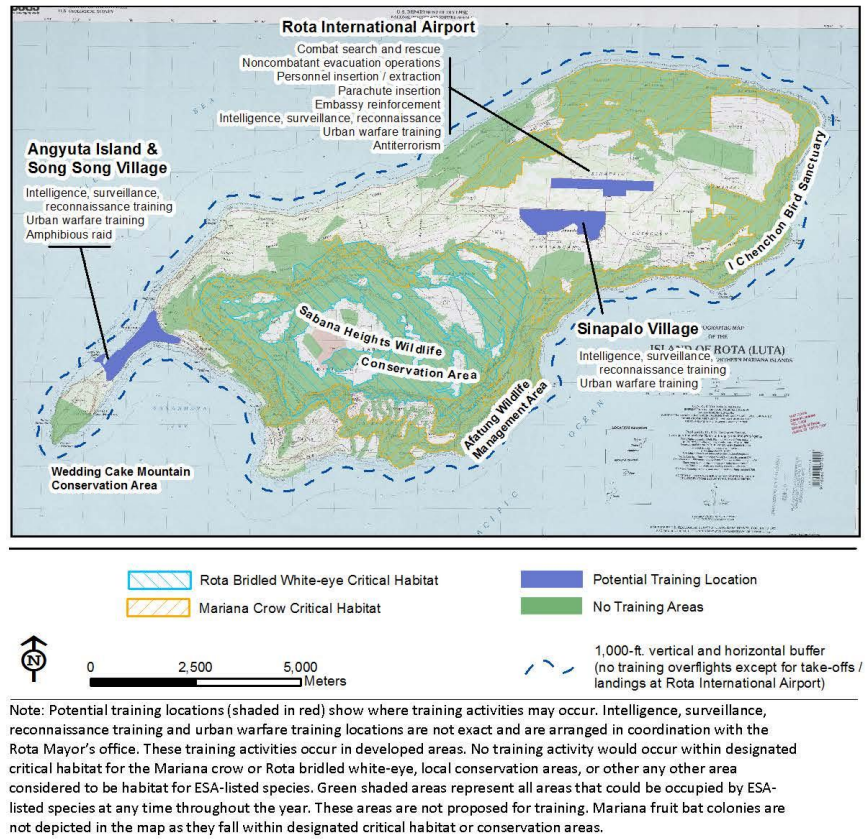


Figure 1: Rota Training Areas and Restricted Areas

CNMI CZMA CONSISTENCY DETERMINATION

DECEMBER 2014

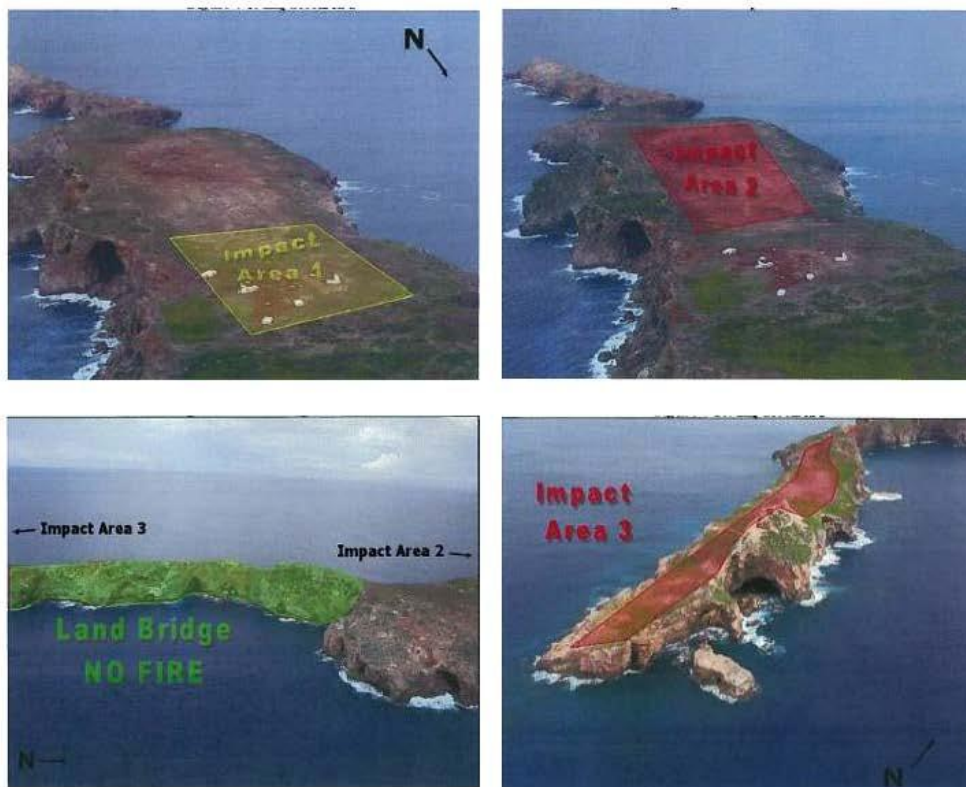
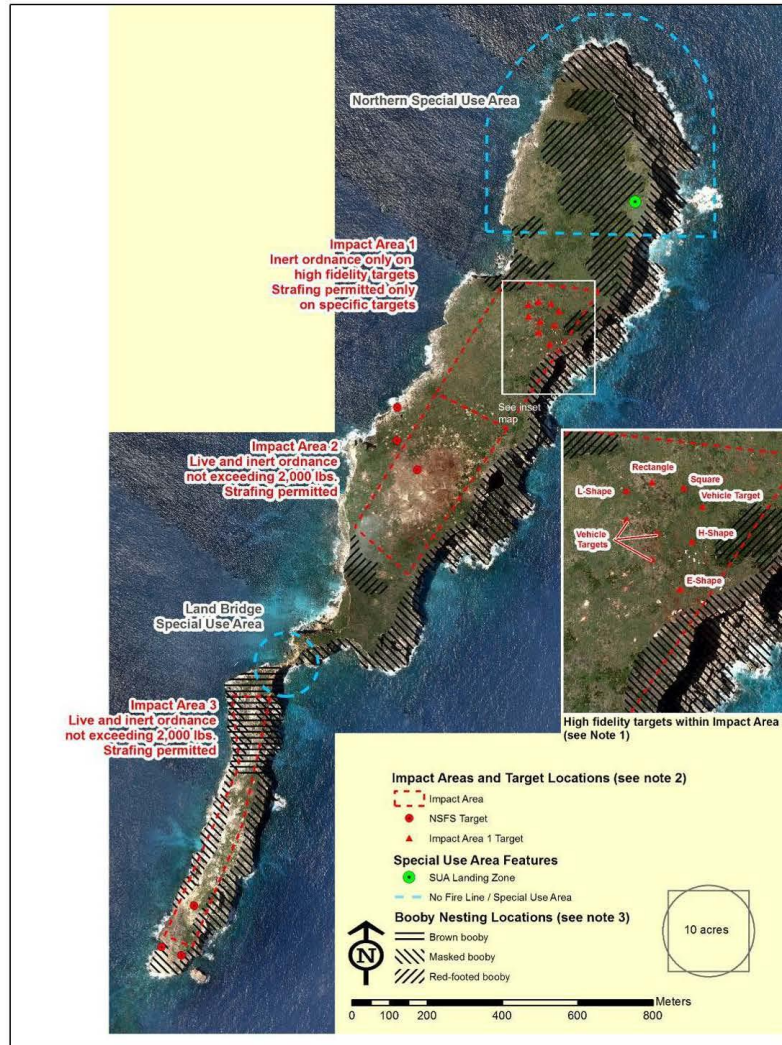


Figure 2: FDM Impact Areas and No Targeting Areas (Oblique View)



Source: Aerial photography provided by U.S. Department of the Navy (2014).

Note 1: Target vehicles, rectangular target, square target, and L-shaped target receive only lightweight inert ordnance not exceeding 100 lbs. Strafing prohibited. The H-shaped target may be targeted with inert ordnance not exceeding 500 lbs. Strafing prohibited. The E-shaped target may be targeted with inert ordnance not exceeding 2,000 lbs. Strafing authorized.

Note 2: Areas outside of designated Impact Areas are considered "No Fire Areas" in accordance with COMNAVMARIANASINST 3500.4A.

Note 3: Booby nesting locations are updated based on (1) observations of booby nesting during periodic aerial surveys, (2) species specific habitat preferences, and (3) information provided by Lusk et al. 2000.

Figure 3: FDM Impact Areas and No Targeting Areas (Plan View)

CNMI CZMA CONSISTENCY DETERMINATION

DECEMBER 2014

Table 1: Summary of Recommended Mitigation Measures

Activity Category or Mitigation Area	Recommended Lookout Procedural Measure	Recommended Mitigation Zone and Protection Focus	Indirect or Direct Beneficial Effects on EFH
Acoustic (Non-Impulsive Stressors)			
Low-Frequency and Hull-Mounted Mid-Frequency Active Sonar during Anti-Submarine Warfare and Mine Warfare	2 Lookouts (general) 1 Lookout (minimally manned, moored, or anchored)	Low-Frequency: 200 yd. (183 m) shutdown for marine mammals and sea turtles Hull-Mounted Mid-Frequency: 1,000 yd. (914 m) and 500 yd. (457 m) power downs and 200 yd. (183 m) shutdown for marine mammals and sea turtles.	Indirect
Acoustic (Explosive/Impulsive Stressors)			
Improved Extended Echo Ranging Sonobuoys	1 Lookout	600 yd. (549 m) for marine mammals and sea turtles.	Indirect
Explosive Sonobuoys using 0.6–2.5 lb. NEW	1 Lookout	350 yd. (320 m) for marine mammals and sea turtles.	Indirect
Anti-Swimmer Grenades	1 Lookout	200 yd. (183 m) for marine mammals and sea turtles.	Indirect
Mine Countermeasures and Mine Neutralization using Positive Control Firing Devices	General: 1 or 2 Lookouts (NEW dependent) Diver-placed: 2 Lookouts Lookouts will survey the mitigation zone for seabirds prior to and after the detonation event.	NEW dependent for marine mammals and sea turtles and flocks of seabirds.	Indirect
Mine Neutralization Activities Using Diver-Placed Time-Delay Firing Devices	4 Lookouts Lookouts will survey the mitigation zone for seabirds prior to and after the detonation event.	Up to 10 min. time-delay using up to 29 lb. NEW: 1,000 yd. (915 m) for marine mammals and sea turtles.	Indirect
Gunnery Exercises – Small- and Medium-Caliber using a Surface Target	1 Lookout	200 yd. (183 m) for marine mammals and sea turtles.	Indirect
Gunnery Exercises – Large-Caliber using a Surface Target	1 Lookout	600 yd. (549 m) for marine mammals and sea turtles. 70 yd. (64 m) within 30 degrees on either side of the gun target line on the firing side for marine mammals and sea turtles.	Indirect

CNMI CZMA CONSISTENCY DETERMINATION

DECEMBER 2014

Table 1: Summary of Recommended Mitigation Measures (continued)

Activity Category or Mitigation Area	Recommended Lookout Procedural Measure	Recommended Mitigation Zone and Protection Focus	Indirect or Direct Beneficial Effects on EFH
Missile Exercises (Including Rockets) up to 250 lb. NEW using a Surface Target	1 Lookout	900 yd. (823 m) for marine mammals and sea turtles. 350 yd. (320 m) for surveyed shallow coral reefs.	Direct
Missile Exercises (Including Rockets) from 251 to 500 lb. NEW using a Surface Target	1 Lookout	2,000 yd. (1.8 km) for marine mammals and sea turtles. 350 yd. (320 m) for surveyed shallow coral reefs.	Direct
Bombing Exercises, Explosive and Non-Explosive	1 Lookout	Explosive: 2,500 yd. (2.3 km) for marine mammals and sea turtles. Non-Explosive: 1,000 yd. (914 m) for marine mammals and sea turtles. Both: 350 yd. (320 m) for surveyed shallow coral reefs.	Direct
Torpedo (Explosive) Testing	1 Lookout	2,100 yd. (1.9 km) for marine mammals and sea turtles and jellyfish aggregations.	Indirect
Sinking Exercises	2 Lookouts	2.5 nm for marine mammals and sea turtles and jellyfish aggregations.	Indirect
At-Sea Explosive Testing	1 Lookout	1,600 yd. (1.4 km) for marine mammals and sea turtles.	Indirect
Physical Strike and Disturbance			
Vessel Movements	1 Lookout	500 yd. (457 m) for whales. 200 yd. (183 m) for all other marine mammals (except bow riding dolphins).	Indirect
Towed In-Water Device Use	1 Lookout	250 yd. (229 m) for marine mammals	Indirect
Precision Anchoring	No Lookouts in addition to standard personnel standing watch	Avoidance of precision anchoring within the anchor swing diameter of shallow coral reefs, live hardbottom, artificial reefs, and shipwrecks.	Direct

CNMI CZMA CONSISTENCY DETERMINATION

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Table 1: Summary of Recommended Mitigation Measures (continued)

Activity Category or Mitigation Area	Recommended Lookout Procedural Measure	Recommended Mitigation Zone and Protection Focus	Indirect or Direct Beneficial Effects on EFH
Shallow Coral Reefs, Hardbottom Habitat, Artificial Reefs, and Shipwrecks	No Lookouts in addition to standard personnel standing watch	<p>The Navy will not conduct precision anchoring within the anchor swing diameter, or explosive mine countermeasure and neutralization activities (except in existing anchorages and near-shore training areas around Guam and within Apra Harbor) within 350 yd. (320 m) of surveyed shallow coral reefs, live hardbottom, artificial reefs, and shipwrecks.</p> <p>No explosive or non-explosive small-, medium-, and large-caliber gunnery exercises using a surface target, explosive or non-explosive missile exercises using a surface target, explosive and non-explosive bombing exercises, or at-sea explosive testing within 350 yd. (320 m) of surveyed shallow coral reefs</p>	Direct

Notes: EFH = Essential Fish Habitat, NEW = Net Explosive Weight, lb. = pounds, yd. = yards, m = meters, km = kilometers



Commonwealth of the Northern Mariana Islands
OFFICE OF THE GOVERNOR
Bureau of Environmental and Coastal Quality
 Division of Coastal Resources Management
 P.O. Box 10007, Saipan, MP 96950
 Tel: (670) 664-8300; Fax: (670) 664-8315
www.crm.gov.mp



Frank M. Rabauliman
 Administrator

Frances A. Castro
 Director

January 20, 2015

Mr. John Van Name
 Naval Facilities Engineering Command, Pacific
 258 Makalapa Drive, Suite 100
 Pearl Harbor, HI 96860-3134

**Re. Federal Consistency Determination for Mariana Islands Training and Testing (MITT)
 Study Area (5090 Ser N465/1301)**

Dear Mr. Van Name:

The Commonwealth of the Northern Mariana Islands (CNMI) has completed its review of your December 17, 2014 letter providing additional information on the proposed activities in the Marianas Islands Training and Testing (MITT) study area. The CNMI previously found the activities of the MITT to be inconsistent with the enforceable policies of the CNMI Coastal Management Program. In light of the new information received, the CNMI is issuing a conditional concurrence for the MITT military activities.

The Department of the Navy submitted its final Federal Consistency Determination (CD) on September 11, 2014, and the CNMI replied on October 7, 2014 - finding that the MITT, as then described, was inconsistent with the enforceable policies of the CNMI. After receiving the Navy's December 17, 2014 letter, the CNMI and the Navy continued discussions to resolve our differences and agreed upon a January 20, 2015 due date for the CNMI's decision. The CNMI has appreciated working with the Navy over this time and the efforts the Navy has taken to explain the MITT.

The Navy is currently consulting with U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) under Section 7 of the ESA. The Navy references these consultations several times in its CD and in its December 17 reply. The Section 7 consultations are a process separate from the Federal Consistency process and the promise of future conservation measures under a separate federal law do not necessarily fulfill federal consistency requirements. However, the CNMI recognizes that for the threatened and endangered species on

and around Saipan, Rota, Tinian, and FDM, the federal consultation process is likely to provide sufficient protection for the purposes the CNMI's Coastal Management Program.

During its discussions with the Navy, the CNMI also raised concerns regarding military activities on Saipan, Tinian, and Rota. The Navy addressed the following concerns:

- **Military activities on Saipan:**

The CNMI was concerned that military activities on Saipan could negatively affect local lifestyles, tourism, and wildlife habitats. Marpi is public land, not leased to the military, and the CNMI was concerned that military activities could hinder access and damage habitat. However, given the small size of the planned trainings and the Navy's willingness to coordinate with local authorities, DCRM believes MITT trainings on Saipan could be conducted with minimal impact.

The Navy clarified that military activities on Saipan would occur in the "Cowtown" area of Marpi, and would involve one to two dozen individuals training at a time. "Urban warfare training" would consist of maneuvering in the existing environment with no construction or clearing taking place. There would be no use of helicopters in the Marpi area. All activities would be coordinated with local authorities and notice would be given to the public ahead of time. Limestone forests would be avoided to limit effects to sensitive bird species in the Marpi area.

Condition: Training on Saipan will be limited to the area around Cowtown and trainings will not significantly exceed two dozen individuals at a time. Helicopters will not be used in Marpi and no construction will occur. As outlined in the CD, trainings on Saipan will be coordinated with local authorities. Given these conditions the Navy will be consistent with § 15-10-505 (c)(e)(f) of the Northern Mariana Islands Administrative Code (NMIAC).

- **Military activities on Rota:**

The CNMI was concerned about the impact military trainings would have on Rota. The Navy reiterated that amphibious raids on Rota would not involve amphibious assault vehicles. Rather, landings would involve swimming or rubber craft (similar to zodiacs). The Navy reiterated that trainings would be infrequent and would be coordinated with local authorities. The Navy further explained that Section 7 talks with USFWS could include no-go areas to protect the Marianas fruit bat.

Condition: Given successful Section 7 negotiations with USFWS and continued consultations with local authorities prior to trainings, DCRM considers the Navy consistent with §15-10-310 of the NMIAC.

- **Coral Spawning:**

A mass coral spawning event occurs near Tinian after the July full moon for 7-10 days each year. This is an important time for coral reproduction and coral health in the CNMI. The Navy stated in its December 17, 2014 letter that "Training schedules are based on deployment schedules and evolving events. Training schedules cannot be tailored to avoid seasonal coral spawning." This is not sufficient reason to negatively impact coral health in the CNMI. However, in follow-up discussions the Navy further explained that any training occurring during the mass coral spawning would have a negligible effect. The Navy has indicated that the primary activity occurring during the coral spawning will be landings of combat swimmer and inflatable boats.

Condition: Navy trainings must not significantly affect the mass coral spawning event off of Tinian. In accordance with § 65-130-530(b)(3) of the NMIAC, activities creating sediment plumes that could adversely affect coral reproduction are to be stopped for the duration of the coral spawning. If Navy activities do not create a significant sediment plume, then there will be no need for a stoppage period. However, if the Navy determines activities will generate a significant sediment plume, the Navy should inform the CNMI so a work stoppage can be implemented. Care should also be taken to avoid significant acoustic affects to the coral during the spawning period.

- **Sea Turtles on Tinian:**

The Navy had previously proposed using amphibious vehicles for amphibious warfare activities on several of Tinian's sea turtle nesting beaches. The CNMI was concerned that amphibious landings would crush sea turtle nests and affect local sea turtle populations. The Navy has since informed the CNMI that the beaches on Tinian are ill suited for mechanized landings under the MITT, and that there will be no tracked vehicles landing on Tinian's beaches under the MITT.

Condition: There will be no mechanized tracked vehicles on Tinian's beaches under the MITT. Given this condition the Navy will be consistent with §15-10-505(c).

- **Historical Sites on Tinian:**

The CNMI is concerned that increased military activity on Tinian could lead to a decrease in public access to popular beaches and historical sites, including the atomic bomb pits and Able Runway. The Navy assured the CNMI that under the MITT there would not be a significant increase in closures as compared to the past few years. The Navy further stated that closures of beaches and historical sites would be avoided as much as practicable and that closures would be conducted in cooperation with local authorities. The CNMI remains concerned that increased military activities on Tinian, including the upcoming CJMT, could affect public access to historical sites. However, this concern is addressed by the Navy's assurances that closures will not increase from the historical level of closures.

Condition: There will be no significant increase in closures of popular beaches and historical sites, including the atomic bomb pits and Able Runway, under the MITT. As stated in the CD, closures will be conducted in cooperation with local authorities. Given these conditions the Navy will be consistent with §15-10-305(h).

The CNMI appreciates the additional information provided by the Navy in its December 17, 2014 letter and in follow-up conversations thereafter. Given that the Section 7 ESA consultations are successful, and that the above conditions are met, the CNMI considers the MITT to be consistent with the CNMI's enforceable policies.

The Government of the CNMI recognizes the needs of the U.S. military and the importance of military training. Pursuant to 15 C.F.R. § 930.4 a conditional concurrence automatically becomes an objection if the conditions are not agreed to. The CNMI hopes the statements in this letter accurately reflect the discussions held with the U.S. Navy. We appreciate the time the Navy has taken to discuss the MITT and resolve our differences under 15 C.F.R. § 930.43(d).

If you have any questions about our position, please contact Megan Jungwiwattanaporn, Division of Coastal Resources Management, at 670-664-8311 or megan.jungwi@crm.gov.mp.

Sincerely,



Fran Castro
Director, DCRM

Cc:

Jeffrey Payne	Acting Director Office for Coastal Management, NOAA
Eloy Inos	Governor, CNMI
J.P. San Nicolas	Mayor, Tinian
Mertie Kani	Acting Director, Historic Preservation Office
Richard Seman	Acting Secretary, Department of Lands and Natural Resources
Patricia Rasa	Acting Secretary, Department of Public Lands
Frank Rabauliman	Administrator, Bureau of Environmental and Coastal Quality



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
Ser N465/0244
Mar 12, 2015

Ms. Fran Castro
Director
Division of Coastal Resources Management
CNMI Bureau of Environmental and Coastal Quality
Gualo Rai Center, Suite 201F
P.O. Box 10007
Saipan, MP 96950

Dear Ms. Castro:

SUBJECT: CONSISTENCY DETERMINATION FOR MILITARY TRAINING AND
TESTING ACTIVITIES WITHIN THE COASTAL ZONE OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

In accordance with the Federal Coastal Zone Management Act (CZMA) and 15 C.F.R. § 930, this letter responds to your January 20, 2015 Conditional Concurrence of the U.S. Navy's consistency determination (CD) for military readiness activities within the CNMI coastal zone proposed in the Mariana Islands Training and Testing (MITT) Draft Environmental Impact Statement/Overseas Impact Statement (DEIS/OEIS).

The Navy concluded that the MITT Proposed Action is fully consistent with the enforceable policies of the CNMI Coastal Management Program. We have appreciated working with your office throughout this process. In light of Mr. John Van Name's conversation on March 4, 2015, and subsequent email with Ms. Megan Jungwiwattanaporn on March 6, 2015, we understand that your office concurs that the proposed MITT activities as clarified below are consistent with the enforceable policies.

Condition that Section 7 Consultations be Complete:

We will complete consultation with US Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) before MITT activities commence.

SUBJECT: CONSISTENCY DETERMINATION FOR MILITARY TRAINING AND TESTING ACTIVITIES WITHIN THE COASTAL ZONE OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Conditions for Military Activities on Saipan:

"Training on Saipan will be limited to the area around "Cowtown" and trainings will not significantly exceed two dozen individuals at a time. Helicopters will not be used in Marpi and no construction will occur. As outlined in the CD, trainings on Saipan will be coordinated with local authorities. Given these conditions the Navy will be consistent with § 15-10-505(c) (e) (f) of the Northern Mariana Islands Administrative Code (NMIAC)."

There is no intention to conduct construction activities or use helicopters during training activities within Marpi. If these activities are contemplated in the future, appropriate ESA consultation would be required. While training will be limited to the area around "Cowtown", the Saipan Army National Guard could have a requirement to train greater than "two dozen" individuals at a time. However, regardless of the exact number of individuals involved, all training activities will be conducted in accordance with the protective measures set forth in issued USFWS Biological Opinion, will be coordinated with local authorities, and will remain consistent with § 15-10-505.

Conditions for Military Activities on Rota:

"Given successful Section 7 negotiations with USFWS and continued consultations with local authorities prior to trainings, DCRM considers the Navy consistent with § 15-10-310 of the NMIAC"

Agree. As discussed above, Section 7 ESA consultation with USFWS will be completed, and we will continue to coordinate all training activities with local authorities.

Conditions for Coral Spawning on Tinian:

"Navy trainings must not significantly affect the mass coral spawning event off of Tinian. In accordance with § 65-130-530(b) (3) of the NMIAC, activities creating sediment plumes that could adversely affect coral reproduction are to be stopped for the duration of the coral spawning. If Navy activities do not

SUBJECT: CONSISTENCY DETERMINATION FOR MILITARY TRAINING AND TESTING ACTIVITIES WITHIN THE COASTAL ZONE OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

create a significant sediment plume, then there will be no need for a stoppage period. However, if the Navy determines activities will generate a significant sediment plume, the Navy should inform the CNMI so a work stoppage can be implemented. Care should also be taken to avoid significant acoustic affects to the coral during the spawning period."

As discussed, Navy analysis determined that training events on and around Tinian and the physical and acoustic stressors related to those activities, including the generation of turbidity, will only have a negligible impact on coral spawning. As ESA Section 7 consultation with NMFS is not yet complete, Navy will revisit its conclusion if the pending Biological Opinion determines otherwise. However, the Navy has received no indication that NMFS analysis will contradict the Navy's findings.

In addition, § 65-130-530(b)(3) of the NMIAC applies to mixing zones and associated conditions relevant to "dredging activities, the discharge of dredged or fill material, or other in-water, construction-related activities". As the military is not proposing any dredging or construction-related activities under the MITT, § 65-130-530(b)(3) of the NMIAC is not applicable. The proposed MITT activities are consistent with the applicable enforceable policies of CNMI.

Conditions for Sea Turtles on Tinian:

"There will be no mechanized tracked vehicles on Tinian's beaches under the MITT. Given this condition the Navy will be consistent with § 15-10-505(c)."

Concur. The utilization of mechanized tracked vehicles during amphibious beach landings under the MITT has been deferred. Appropriate consultations will be initiated to support any future plans to conduct this activity, if such a need arises.

Conditions for Historical Sites on Tinian:

"There will be no significant increase in closures of popular beaches and historical sites, including the atomic bomb pits and Able Runway, under the MITT. As stated in the CD,

SUBJECT: CONSISTENCY DETERMINATION FOR MILITARY TRAINING AND TESTING ACTIVITIES WITHIN THE COASTAL ZONE OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS


closures will be conducted in cooperation with local authorities. Given these conditions the Navy will be consistent with § 15-1 0-305(h)."

Concur. The military will continue to coordinate with local authorities to minimize public access restrictions to Tinian beaches and historic sites.

Per our discussions with your office on March 4, 2015, we are confident that DCRM agrees that, with clarification regarding the numbers of Reservists within Marpi and the non-applicability of § 65-130-530, the MITT is consistent to the maximum extent practicable with the CNMI's enforceable policies.

We appreciate your continued support. If you have any questions on this matter, please contact Mr. John Van Name at (808) 471-1714 or john.vannname@navy.mil.

Sincerely,



L. M. FOSTER
By direction

Copy to (w/o encl):
CNO (N454)
COMNAVAIRSYSCOM PATUXENT RIVER, MD (AIR-1.6)
COMNAVSEASYS COM WASHINGTON, DC (SEA 04)
ONR 3220A
NAVFAC PAC (EV)
COMMANDER, JOINT REGION MARIANAS



DEPARTMENT OF THE NAVY
COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131



Mr. Michael Tosatto
Administrator, Pacific Islands Region
National Marine Fisheries Service
NOAA Inouye Regional Center (IRC)
1845 Wasp Blvd., Building 176
Honolulu, HI 96818

Dear Mr. Tosatto:

SUBJECT: ESSENTIAL FISH HABITAT (EFH) ASSESSMENT FOR THE MARIANA ISLANDS
TRAINING AND TESTING (MITT)

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the U.S. Navy (Navy) has prepared the EFH Assessment for the training and testing activities conducted within the MITT Study Area. The Navy's assessment concludes that EFH within the MITT Study Area may be adversely affected by training and testing activities and requests initiation of the MSA's EFH consultation process.

Additional information on MITT may be found at the project website (www.mitt-eis.com), including the EFH assessment and the Draft Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) prepared by the Navy to analyze potential environmental impacts that could result from activities under the Proposed Action. The Navy's preferred alternative in the Draft EIS/OEIS and analyzed in the EFH Assessment is Alternative 1.

We appreciate your continued support in helping the U.S. Navy to meet its environmental responsibilities. My point of contact for this matter is Ms. Julie Rivers (808) 474-6391, or e-mail: julie.rivers@navy.mil.

Sincerely,

L. M. FOSTER
Director, Environmental Readiness
By direction

Enclosure: EFH Assessment for MITT (hard copy and CD-ROM)

Copy to: (w/o encl)

Mr. Stan Rogers, NMFS Office of Protected Resources
Mr. Brian Hopper, NMFS Office of Protected Resources
Dr. Kelly Ebert, CNO N45

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U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
 Pacific Islands Regional Office
 1845 Wasp Blvd., Bldg 176
 Honolulu, Hawaii 96818
 (808) 725-5000 • Fax: (808) 973-2941

L.M. Foster
 U.S. Pacific Fleet
 250 Makalapa Drive,
 JBPHH, Hawaii 96860-3134

July 21, 2014

Dear Mr. Foster:

The National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) Pacific Islands Regional Office, Habitat Conservation Division (PIRO HCD) has reviewed the Essential Fish Habitat (EFH) Assessment for training and testing activities in the Mariana Islands Training and Testing Study Area. We appreciate the opportunity to provide the following comments in accordance with the EFH provision §305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 USC §1855).

The proposed action includes two categories of military readiness activities, training and testing, within the Mariana Islands Range Complex (MIRC). These training and testing activities are fully described in Alternative 1 (Preferred Alternative) in the Mariana Islands Training and Testing (MITT) EIS/OEIS. The Navy, U.S. Air Force, U.S. Marine Corps, and U.S. Coast Guard routinely train in the Action Area in preparation for national defense missions. Typical training and testing activities and exercises covered in the EIS include the detonation of underwater explosives; weapons firing; the use of active sonar, acoustics and electromagnetic devices; deployment of seafloor devices and other in-water devices (remotely operated vehicles); vessel movement; and ship to shore transport of personnel, equipment and supplies. In addition, sonar maintenance and gunnery exercises may also be conducted during ship transits that occur outside of the MIRC. The MITT EIS/OEIS also describes a number of major training exercises such as Joint Expeditionary Exercises, Joint Multi-Strike Group Exercises, and Marine Air Ground Task Force Exercise (Amphibious)-Battalion expected to take place within the MIRC.

The Action Area for the Essential Fish Habitat Assessment (EFHA) is the MITT Study Area excluding the land-based training areas. The Action Area is composed of established at-sea ranges



that encompass waters surrounding Guam and the Commonwealth of the Northern Mariana Islands (CNMI), operating areas (OPAREAs), and special use airspace in the region of the Mariana Islands that includes the existing Mariana Islands Range Complex (MIRC) (497,469 square nautical miles [nm²]), additional areas on the high seas (487,132 nm²), and a transit corridor between the MIRC and the Hawaii Range Complex (HRC). The at-sea components of the MIRC include nearshore and offshore training and testing areas, ocean surface and subsurface areas, and special use airspace. These areas extend from the waters south of Guam to north of Pagan (CNMI), and from the Pacific Ocean east of the Mariana Islands to the Philippine Sea to the west.

The Action Area also includes pierside locations in the Apra Harbor Naval Complex, including channels and routes to and from the Navy port in the Apra Harbor Naval Complex, and associated wharves and facilities within the Navy port and shipyard. Nearshore training and testing areas including the small arms ranges on Guam, the Agat and Piti Mine Neutralization Sites, the Apra Harbor UNDET Site, and the Pati Point Explosive Ordnance Disposal Range, are also included.

Magnuson-Stevens Act

Pursuant to the Magnuson-Stevens Act, the Secretary of Commerce, through NMFS, is responsible for the conservation and management of fishery resources found off the coasts of the United States. See 16 U.S.C. 1801 et seq. Section 1855(b)(2) of the Magnuson Act requires federal agencies to consult with NMFS, with respect to "any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act." The statute defines EFH as "those waters and substrates necessary to fish for spawning, breeding, feeding or growth to maturity." 16 U.S.C. 1802(10). Adverse effects on EFH are defined further as "any impact that reduces the quality and/or quantity of EFH," and may include "site-specific or habitat-wide impacts, including individual, cumulative or synergistic consequences of actions." 50 C.F.R. § 600.810(a). The consultation process allows NMFS to make a determination of the project's effects on EFH and provide Conservation Recommendations to the lead agency on actions that would adversely affect such habitat. See 16 U.S.C. 1855(b)(4)(A).

Essential Fish Habitat

In the Mariana Archipelago, the marine water column from the shoreline to the EEZ to depths of 1,000m and the seafloor to depths of 700m are classified as EFH. This EFH supports various life stages for the management unit species (MUS) identified under the Western Pacific Regional Fishery Management Council's Pelagic and Mariana Archipelago Fishery Ecosystem Plans (FEPs). The MUS and life stages that may be found in these waters include: eggs, larvae, juveniles and adults of Coral Reef Ecosystem Management Unit Species (CRE-MUS), Bottomfish MUS(BMUS), Pelagic MUS(PMUS), and the Crustacean MUS (CMUS).

Areas designated as Habitat Area of Particular Concern are found within the study area and include all slopes and escarpments between 40m-280m depth, the water column down to 1,000m that lies above seamounts and banks with summits shallower than 2,000m within the EEZ, the Orote and Haputo Ecological Reserve Areas, Guam National Wildlife Refuge at Ritidian, Jade Shoals, Cocos Lagoon, and Saipan Lagoon.

NMFS PIRO is concerned that the land-based portions of the MITT study area have been excluded from analysis within the EFH Assessment. Without an understanding of the land based activities, we are unable to fully evaluate the effect of these activities on EFH, and hence are unable to provide conservation recommendations for these land based activities as required. We are also concerned that the Navy's definition of impact as defined in the MITT EFH Assessment does not accurately describe the effects a "stressor" may have on EFH. For example, "stressor" duration of a few hours, days, or weeks can result in adverse effects to EFH that are more than temporary or minimal in nature. In addition, the analysis fails to consider the recovery time necessary between impacts. For example, if an activity such as landing an AAV requires 2-7 months for recovery, but is repeated more than six times a year at the same location, it may have a significant, if not permanent, effect on EFH over the long-term (MITT Section 3.8). Further, the repeated assumption in the EIS that impacts from training activities are similar to those of a natural storm and therefore not significant, is insufficient as a rationale for not mitigating the impacts from these activities. This analysis fails to recognize the impacts of storms on reef systems, particularly areas protected from natural storm impacts, and also does not account for the significant increase in frequency of these events under the MITT Preferred Alternative.

In discussions regarding the CNMI Joint Military Training EIS, it has been clearly stated that the designated landing craft beaches on Tinian require significant modification or "homogenization" to facilitate safe landing activities. This process if carried out will have substantial impacts to EFH. Landing craft including RHIB in most of the sites described in this EFHA will have significant impacts to coral due to the high density of corals along the extremely shallow reef crests at these sites. We strongly recommend that this analysis be updated for the FEIS to clarify the sites that will be used or reflect the actual number of landings that will take place given the abovementioned constraints. In addition, please provide an analysis of potential impacts of Unmanned Undersea Vehicles. The information provided in the EIS and EFHA is insufficient to determine the impacts of these activities.

Navy has also determined throughout the document that adverse effect to EFH will be minimal due to calculation that the impact area from an individual stressor only represents a small proportion of the entire range complex. For example, the assessment indicates that expended materials from training activities will affect 158,208m² and expended materials from testing activities will affect an additional 12,588m² for a total area impacted of 170,796m² (Page 4-44). It is impossible to calculate the exact impact on EFH based on the information provided, but if only

10% of the expended materials fall within EFH for CREMUS or BMUS, it would have substantial adverse effect on the limited EFH available for these MUS.

NMFS PIRO finds that the proposed activities **Would Affect EFH**. As such, we offer the following Conservation Recommendations in accordance with the EFH provision of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (50 C.F.R. § 600.905 – 930) to avoid and minimize these impacts to EFH:

1. Evaluate the impacts to EFH from the land-based portions of the MITT study area such as any activities occurring on Farallon de Medinilla, as well as Andersen Air Force Base, Naval Base Guam, Saipan, Tinian, and Rota, and work together with NMFS to implement measures to mitigate any identified adverse effects to EFH.
2. Avoid, to the greatest extent practicable, conducting any training and testing activities in the MITT study areas that have been designated as Habitat Area of Concern (HAPC) for CREMUS. Also, avoid conducting activities that have impact to seafloor in areas designated as HAPC for BMUS. Avoidance of these areas will eliminate risk of impact to these important habitats. (Please refer to the Western Pacific Regional Fishery Management Council's Mariana Archipelago FEP for these EFH designations).
3. Develop and implement a protocol for immediate clean-up of unexploded ordinance also for floating debris such as parachutes in areas designated as EFH for juvenile and adult life stages for CREMUS (all seafloor around the Mariana Islands shallower than 100 m depth). Unexploded ordinance may cause direct impacts to EFH if triggered after use, and parachutes become marine debris that may move with currents, tides and waves and trap fish and abrade corals in their path.
4. Conduct further analysis to assess the impacts of amphibious landings and over the beach insertions/extractions by small boats and unmanned vehicles. Due to the fragile nature of the coral reef habitats in the proposed training and testing sites and the proposed frequency of these events, the impacts are likely to be additive and cumulative in nature. Recent discussions regarding the CNMI Joint Military Training EIS suggest that the landing beaches on Tinian are physically unable to accommodate AAV landings and would need substantial modification for use as landing craft beaches. Please clarify DoD's expected use of these beaches and provide analysis of potential impacts.
5. Conduct landing craft and small boat insertions only during high tide and avoid sensitive reef habitat and operate the vessels in ways that minimize turbidity and sedimentation and avoid abrasion impact to corals and dense seagrass beds. We recommend that DoD further constrain the areas of landing operations to minimize impacts. Many of the areas listed on page 4-32, specifically San Luis Beach, Gab Gab Beach, Haputo Beach, Unai Chulu, Unai

Dankulo, and Unai Babui, have relatively high coral cover along the very shallow reef margin. The use of these areas for landing craft and small boats is highly likely to result in significant damage to corals. The EFHA and Draft EIS/OEIS do not fully assess the potential impacts of these activities and do not adequately describe the mitigation actions that DoD will take to address this.

6. To the extent possible, avoid activities that cause sedimentation and explosions, including landing craft exercises, during the 21 day primary coral spawning period each year. This is typically a 21 day period beginning around the full moon in July.
7. Limit precision anchoring activities to avoid all hard substrate in Apra Harbor and at the Saipan Anchorage, not just "surveyed" reef areas. Either set precision anchoring zone in soft habitat greater than 350m from hard areas per the hard-soft maps (i.e. Figure 3-28) or conduct surveys to delineate an area free of coral habitat to ensure that this activity avoids damage to EFH.
8. Plan training activities that include expended materials (e.g. GUNEX, TORPEX, etc) to avoid all areas where the seafloor is less than 700m deep, including offshore banks, shoals, and seamounts within the MIRC. Discharging expended materials in depths greater than 700m will avoid impacts to seafloor EFH. Materials may affect EFH in the water column, however, these will be limited to temporary impacts as the materials fall to the bottom. Efforts should be made to mitigate for expended materials discharged in depths less than 700 m. Include EFH maps for offshore banks, shoals, and seamounts that fall within the training zones in your analysis of impacts and provide these maps to naval forces through the PMAP system to facilitate impact avoidance during training activities.
9. Re-analyze the explosive impacts scenario to include the smaller, more sensitive fish sizes. According to the EFHA, the worst case scenario uses the 30lb fish for the analysis, yet this size class has the smallest range and therefore does not reflect a worst case scenario.
10. DoD should not increase the amount of explosive used at the Apra Harbor UNDET site. The Apra Harbor UNDET site is more confined and relatively close to high coral cover areas (see Figure 4-4). Doubling the current explosive charge increases the likelihood of impacts to coral reef habitat and CREMUS using the area. Ideally, use of the Apra Harbor UNDET site should be discontinued in favor of the openwater sites outside of the harbor.

Please be advised that regulations (Section 305(b)(4)(B) of the MSA) to implement the EFH provisions of the MSA require that Federal action agencies provide a written response to this letter within 30 days of its receipt and at least 10 days prior to final approval of the action. A preliminary response is acceptable if final action cannot be completed within 30 days. The final

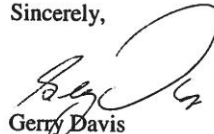
response must include a description of measures to be required to avoid, mitigate, or offset the adverse impacts of the activity. If the response is inconsistent with our EFH Conservation Recommendations, an explanation of the reason for not implementing the recommendations must be provided.

Conclusion

In conclusion, NMFS greatly appreciates the Navy's efforts to effectively coordinate with us on the proposed Mariana Islands Training and Testing EIS/OEIS, and the efforts to and minimize adverse effect to EFH including coral reef resources for this large scale project. We determine that adverse affect to EFH will occur without minimization measures such as the EFH Conservation Recommendations listed above. The information provided in the EIS and EFH Assessment suggests that there may be significant impacts to marine resources, particularly EFH, associated with this action as currently described.

We greatly appreciate the opportunity to review and comment on this project. Should you have any questions, comments, or require additional technical assistance, please contact Valerie Brown in our Guam Field Office valerie.brown@noaa.gov or 671-646-1904.

Sincerely,



Gerry Davis
Assistant Regional Administrator
Habitat Conservation Division

cc by e-mail:
Ryan Winn, US ACOE, Honolulu District
Amelia DeLeon, GCMP, BSP
Celestino Aguon, DAWR, DoAg



DEPARTMENT OF THE NAVY

COMMANDER
UNITED STATES PACIFIC FLEET
250 MAKALAPA DRIVE
PEARL HARBOR, HAWAII 96860-3131

IN REPLY REFER TO:
5090
N465/0851
August 19, 2014

Mr. Gerry Davis
Assistant Regional Administrator
Habitat Conservation Division
National Marine Fisheries Service
Pacific Islands Regional Office
1845 Wasp Blvd., Building 176
Honolulu, HI 96818

Dear Mr. Davis:

SUBJECT: ESSENTIAL FISH HABITAT (EFH) ASSESSMENT FOR THE MARIANA
ISLANDS TRAINING AND TESTING (MITT) STUDY AREA

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and regulations governing conservation of EFH, this letter responds to the National Marine Fisheries Service's (NMFS) July 21, 2014, conservation recommendations for proposed military training and testing activities in the Mariana Islands Training and Testing (MITT) Study Area.

We acknowledge your concerns outside of the conservation recommendations regarding activities on the land-based portions of the MITT Study Area, amphibious landings, expended materials in areas designated as EFH, and the associated analysis within the EFH Assessment. The MITT Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) include land-based activities on Guam and the Commonwealth of the Northern Mariana Islands (CNMI) (including Farallon de Medinilla [FDM]) (refer to Enclosure 1). The only land-based activities that could impact EFH are those conducted on FDM. Proposed activities on FDM may impact surrounding marine habitats; however, these impacts are expected to be minimal and, therefore, will not require mitigation.

In regards to the stressor analysis and impacts, the term stressor is broadly used in the EIS and EFHA to refer to an agent, condition, or other stimulus that causes stress to an organism or alters physical, socioeconomic, or cultural resources. Further information on the approach to analysis is provided in Section 3.0.5 of the MITT EIS/OEIS. The EFH Assessment is based on best available data regarding location of habitat within the Study Area and, when available, the condition of habitat. The analysis considers data from annual marine ecological surveys of near shore marine resources at FDM between 1999 and 2012 (no survey was performed in 2011). This area of marine habitat has been utilized for many years for military

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activities, activities which are much more impactful than the remaining activities proposed throughout the MITT Study Area. Although minor ecological impacts which could be attributed to military training were detected in 2012 and previous surveys, no significant or substantial impacts to the physical or biological environment have been detected between 1999 and 2012. This conclusion was reached by all the investigators (1999 - 2012) and was based upon four criteria: 1) very few areas of disturbance have been detected, 2) most of the disturbed areas have been located in natural rubble environments, 3) the size of the disturbed areas were generally less than two square meters, and 4) substantial or complete recovery has occurred within one year. Therefore, the analysis reflects that similar (or reduced) impacts and recovery times would be expected in other portions of the MITT Study Area from the proposed actions.

Amphibious landings using LCAC, LCU, AAV or other large amphibious craft over beaches are addressed in the MITT EIS/OEIS and EFH Analysis programmatically. Amphibious landings identified in the MITT EIS/OEIS are potential locations where these activities could occur. The few amphibious landings proposed would only be conducted after additional assessments are made to 1) ensure the activity could be conducted in such a way as to avoid impacts, or 2) if impacts cannot be avoided, additional mitigation measures and consultation would be considered as appropriate.

Unmanned Underwater Vehicles (UUVs) consist of two categories: remotely operated vehicles and autonomous underwater vehicles. Within these two categories are many sub-types and designs meeting differing requirements. In general, free-swimming UUV, both remotely operated or autonomous, are by design equipped with depth/mapping sensors and operated in such a way as to avoid all contact with obstructions or bottom, and avoid areas of high surge such as the surf zone. Some UUVs, such as crawlers, are by design able to operate in areas of high current/surge found in shallow waters, nearshore, and the surf zone. Crawlers which can operate in this environment are typically autonomous, battery-powered amphibious vehicles typically used for functions such as reconnaissance missions in the nearshore and the surf zone. These devices are used to classify and map underwater mines in shallow water areas. They are capable of traveling 2 ft. (0.61 m) per second along the seafloor and can avoid obstacles. Crawlers move over the surface of the seafloor and would not harm or alter any hard substrates encountered; therefore the hard bottom habitat would not be impaired. In soft substrates, they may leave a trackline of depressed sediments approximately 24 in. (62 cm) wide (the width of the device) in their wake. However, since they operate in shallow water, any disturbed sediments would be redistributed by wave and tidal action shortly following the disturbance. Any disturbance to the soft sediments would not impair their ability to function as a habitat.

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Finally, in regards to military expended materials, most activities that expend materials are not scheduled consistently in the same location and mostly occur within deeper offshore areas. Because expended materials occur over a vast area in deeper waters, there are minimal impacts to EFH. The Navy has conducted monitoring in the coastal areas around FDM since 1999. Based on the findings from these studies, impacts to the marine habitats from military expended materials have shown to be insignificant. Therefore, impacts to EFH throughout the Study Area from military expended materials would be minimal and would not require further mitigation.

The following provides Navy's responses to the ten EFH conservation recommendations offered in your letter:

Recommendation 1:

Evaluate the impacts to EFH from the land-based portions of the MITT Study Area such as any activities occurring on Farallon de Medinilla, as well as Andersen Air Force Base, Naval Base Guam, Saipan, Tinian, and Rota, and work together with NMFS to implement measures to mitigate any identified adverse effects to EFH.

Navy response:

MITT activities that could potentially cause erosion and sedimentation of nearshore habitats discussed in the Draft EIS/OEIS are limited to those occurring on FDM. There are no land-based activities that involve construction or other ground disturbing activities. In response to your comments on the Draft EIS, information regarding potential sediment runoff from military use of FDM has been added to Section 3.1 (Sediments and Water Quality) of the Final EIS/OEIS, and information regarding how erosion on FDM may impact specific resources has been added to relevant resource sections in the Final EIS/OEIS (e.g., marine communities, marine invertebrates, fish, sea turtles, and marine mammals). The analysis concludes that impacts from erosion caused by land-based activities on sediment and water quality would be indirect, short term, and local. Any increase in turbidity that may impact surrounding biological communities would be minimal and not expected to result in long-term adverse impacts to EFH. A copy of the MITT Preliminary FEIS Version 2 was provided to NMFS Headquarters and Hawaii offices for review on 24 June 2014.

Recommendation 2:

Avoid, to the greatest extent practicable, conducting any training and testing activities in the MITT Study Area that have been designated as Habitat Area of Particular Concern (HAPC) for Coral Reef Ecosystem Management Unit Species (CREMUS). Also, avoid conducting activities that have impact to seafloor in areas designated as HAPC for

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Bottomfish Management Unit Species (BMUS). Avoidance of these areas will eliminate risk of impact to these important habitats. (Please refer to the Western Pacific Regional Fishery Management Council's Mariana Archipelago FEP for EFH designations.)

Navy response:

The Navy cannot practicably avoid all designated EFH areas for all activities, but proposes to implement certain measures to avoid and minimize impacts to EFH. For example:

- The Navy conducts underwater detonations in designated locations where they have historically occurred and have been previously analyzed in the MIRC EIS/OEIS (e.g., Agat Bay Mine Neutralization Site, Outer Apra Harbor Underwater Detonation Site, and Piti Floating Mine Neutralization Site);
- The Navy conducts precision anchoring primarily in locations where this activity has historically occurred, (e.g., established and regulated anchorages in Apra Harbor see attached figure); and
- Prior to conducting any amphibious landing using LCAC, LCU, AAV or other large amphibious craft over beaches that may contain bottom obstructions or coral, site-specific assessments will be conducted to determine conditions and if additional consultations or NEPA are required.

Recommendation 3:

Develop and implement a protocol for immediate clean-up of unexploded ordnance also for floating debris such as parachutes in areas designated as EFH for juvenile and adult life stages of CREMUS (all seafloor around the Mariana Islands shallower than 100 m depth). Unexploded ordnance may cause direct impacts to EFH if triggered after use, and parachutes become marine debris that may move with currents, tides and waves and trap and abrade corals in their path.

Navy response:

Navy considers emergency actions associated with unexploded ordnance outside the scope of the proposed action and states that there are already operating procedures in place depending on the type of emergency. Navy reiterates that the majority of training items would be expended in the open ocean, where substrates would be primarily clays and silts. Navy will, however, remove associated debris (plastic for wrapping C4 charges, some targets, torpedoes and non-

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expendable materials) to the extent practicable as is related to training and testing activities.

Recommendation 4:

Conduct further analysis to assess the impacts of amphibious landings and over the beach insertions/extractions by small boats and unmanned vehicles. Due to the fragile nature of the coral reef habitats in the proposed training and testing sites and the proposed frequency of these events, the impacts are likely to be additive and cumulative in nature. Recent discussions regarding the CNMI Joint Military Training EIS suggest that the landing beaches in Tinian are physically unable to accommodate AAV landings and would need substantial modifications for use as landing craft beaches. Please clarify DOD's expected use of the beaches and provide analysis of potential impacts.

Navy response:

Hydrographic and beach surveys would not be necessary for beach landings that involve small boats, such as rigid hull inflatable boats (RHIBs). Small craft follow standard operating procedures and use a combination of shallow draft, small footprint, inherent maneuverability, or depth sensors to avoid damage to themselves, obstructions (e.g. hard substrates), and the seafloor.

Unmanned vehicles are not proposed for use during amphibious landings and over the beach insertions/extractions.

As previously discussed, amphibious landings using LCAC, LCU, AAV or other large amphibious craft over beaches are addressed in the MITT EIS/OEIS and EFH Analysis programmatically. The few Amphibious landings proposed would only be conducted after additional assessments are made to 1) ensure the activity could be done in such a way as to avoid impacts, or 2) if impacts cannot be avoided, would not be conducted in these areas without further studies and a site-specific analysis to determine potential impacts as well as additional mitigation measures and consultation as appropriate.

Recommendation 5:

Conduct landing craft and small boat insertions only during high tide and avoid sensitive reef habitat and operate the vessels in ways that minimize turbidity and sedimentation and avoid abrasion impacts to corals and dense seagrass beds. We recommend that DoD further constrain the areas of landing operations to minimize impacts. Many of the areas listed on page 4-32, specifically San Luis Beach, Gab Gab Beach, Haputo Beach, Unai Chulu, Unai Dankulo, and Unai Babui, have relatively high coral cover along the very shallow reef margin. The EFHA and Draft EIS/OIS do not fully assess the potential impacts of

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these activities and do not adequately describe the mitigation actions that DoD will take to address this.

Navy response:

Navy protocol is that amphibious landing activities would only be scheduled within designated boat lanes and beach landing areas. Standard operating procedure is to conduct beach landings and departures at high tide, and for constrained beaches (e.g., Unai Babui). Commander, Naval Forces Marianas [COMNAVMAR] Instruction 3500.4A requires that AAVs land at high tide one vehicle at a time over a designated approach lane.

Based on surveys prior to conducting landing activities, if the beach landing area and boat lane is clear, the activity could be conducted, and crews would follow procedures to avoid obstructions to navigation, including coral reefs; however, if there is any potential for impacts on corals or hard bottom substrate, the Navy would coordinate with applicable resource agencies before conducting the activity. Evaluation of cumulative and additive impacts from the proposed activities based on the surveys would be conducted at that time.

As previously mentioned, small craft follow standard operating procedures and use a combination of shallow draft, small footprint, inherent maneuverability, or depth sensors to avoid damage to themselves, obstructions, and the bottom. Hydrographic and beach surveys would not be necessary for beach landings with small boats, such as rigid hull inflatable boats (RHIBs).

Recommendation 6:

To the extent possible, avoid activities that cause sedimentation and explosions, including landing craft exercises, during 21 day primary coral spawning period each year. This is typically a 21 day period beginning around the full moon in July.

Navy response:

While training activities may overlap coral spawning periods during some years and some mobile larvae may be affected, due to the dispersed nature, frequency and duration of most activities proposed in the MITT Study Area the impacts from these activities are considered temporary and minimal. Scheduling of training activities and locations inevitably overlaps a wide array of marine species habitats, including foraging habitats, reproductive areas, migration corridors, and seasonal coral spawning. Training schedules are based on deployment schedules and evolving events. Training schedules cannot be tailored to avoid seasonal coral spawning. Limiting activities to avoid certain seasons would adversely impact the

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effectiveness of the training or testing activity, and would therefore result in an unacceptable increased risk to achieving the purpose and need for the proposed action in the MITT EIS/OEIS. Refer to Chapter 5, Section 5.3.4.1.11 (Avoiding Marine Species Habitats) of the MITT EIS for details.

Recommendation 7:

Limit precision anchoring activities to avoid all hard substrate in Apra Harbor and at the Saipan Anchorage, not just "surveyed" reef areas. Either set precision anchoring zone in soft habitat greater than 350m from hard areas per the hard-soft maps (i.e., Figure 3-28) or conduct surveys to delineate an area free of coral habitat to ensure that this activity avoids damage to EFH.

Navy response:

The Navy conducts precision anchoring primarily in locations where this activity has historically occurred per pre-existing federal recognition and regulation (e.g., the federally established, charted, and regulated anchorages in Apra Harbor, see Enclosure 2). These locations in Apra Harbor inevitably overlap both hard and soft bottom habitats, however since these areas are previously disturbed the impacts are anticipated to be minimal. Limiting activities to avoid these habitats would adversely impact the effectiveness of the training or testing activity.

Recommendation 8:

Plan training activities that include expended materials (e.g. GUNEX, TORPEX, etc.) to avoid all areas where the seafloor is less than 700m deep, including offshore banks, shoals, and seamounts within the Mariana Islands Range Complex (MIRC). Discharging expended materials in depths greater than 700m will avoid impacts to seafloor EFH. Materials may affect EFH in the water column, however, these will be limited to temporary impacts as the materials fall to the bottom. Efforts should be made to mitigate for expended materials discharged in depths less than 700m. Include EFH maps for offshore banks, shoals, and seamounts that fall within the training zones in your analysis of impacts and provide these maps to naval forces through the PMAP system to facilitate impact avoidance during training activities.

Navy response:

The Navy cannot practicably avoid discharging expended materials in all designated EFH areas at depths less than 700 m. However, in heavily used coastal areas around FDM, monitoring since 1999 has determined that impacts to the marine habitats from military expended materials have been insignificant. This was based on few areas of

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disturbance detected in the monitoring; most of the observed disturbance areas have been located in natural rubble environments, the size of disturbed areas was less than 2 square meters, and substantial or complete recovery was observed within 1 year (Smith et al. 2013). Therefore, impacts to EFH areas within the Study Area located in water depths less than 700 m are expected to be minimal and temporary, and would not require mitigation.

Recommendation 9:

Re-analyze the explosive impacts scenarios to include the smaller more sensitive fish sizes. According to the EFHA, the worst case scenario uses the 30lb fish for the analysis, yet this size calls has the smallest range and therefore does not reflect a worst case scenario.

Navy response:

The explosive impacts scenarios for the 10 percent mortality range for fish in the EFHA include 1-ounce (oz.), 1-pound (lb.), and 30 lb. fish as shown in Table 4-5 of the EFHA. However, the text of the EFHA in the DEIS incorrectly states that the worst-case scenario is based off of the 30 lb. fish, when it was based off of the 1 oz. fish. This text will be amended in the Final EIS. Additionally, a determination on the impacts requires more information than what is currently available and, therefore, the analysis in the EFHA does not draw on any further conclusions for mortality of fish from explosives beyond what is presented in Table 4-5.

Recommendation 10:

DoD should not increase the amount of explosive used at Apra Harbor UNDET site. The Apra Harbor UNDET site is more confined and relatively close to high coral cover areas (see Figure 4-4). Doubling the current explosive charge increases the likelihood of impacts to coral reef habitats and CREMUS using the area. Ideally, use of the Apra Harbor UNDET site should be discontinued in favor of the openwater sites outside of the Harbor.

Navy response:


The Apra Harbor Underwater Detonation Site has a long history of usage and the surrounding benthic habitat is previously disturbed. The Navy does not propose to increase the frequency of activity for bottom-laid underwater explosion from what was analyzed in previous NEPA documents for the MIRC. The Navy is proposing to increase the net explosive weight (NEW) limit at this site to permit accomplishing a 20 lb. NEW training requirement. However, based on your concern regarding high coral cover areas in Apra Harbor, the Navy has re-evaluated the need for an increase in NEW utilized at the Outer Apra Harbor UNDET site

SUBJECT: ESSENTIAL FISH HABITAT (EFH) ASSESSMENT FOR THE MARIANA ISLANDS TRAINING AND TESTING (MITT) STUDY AREA

and has determined that the 10 lb NEW limit will support current training needs and no increase is needed at this time. If the proposed increase becomes necessary at a later date, the Navy will conduct the appropriate analysis to assess potential effects on nearby coral. If and when such analysis is complete, the Navy will initiate site-specific EFH consultation with NMFS.

We appreciate your continued support in helping the U.S. Navy meet its environmental responsibilities. My point of contact for this matter is Ms. Julie Rivers. She can be reached at (808) 474-6391 or julie.rivers@navy.mil.

Sincerely,



L. M. FOSTER
Dir, Environmental Readiness
By direction

Enclosures: 1. Table 1-1. Land-Based Training Activities in the MITT Action Area
2. Figure 1-1. Nearshore Habitat Map

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Mr. Stan Rogers, NMFS Office of Protected Resources
Mr. John Fiorentino, NMFS Office of Protected Resources
Dr. Kelly Ebert, CNO N45

Enclosure 1

Table 1-1: Land-Based Training Activities in the MITT Action Area

Activity Name ¹	Action Area Component Where Trainings May Occur ²				Activity Description
	Guam	Rota ³	Tinian	Saipan	FDM
Strike Warfare					
Bombing Exercise Air-to-Ground	-	-	-	-	X
Gunners Exercise Air-to-Ground	-	-	-	-	X
Missile Exercise	-	-	-	-	X
Combat Search and Rescue	X	X	X	X	-
Amphibious Warfare					
Fire Support Exercise-Land Based Target	-	-	-	-	X
Amphibious Assault	X	-	X	-	-
Amphibious Raid	X	X	X	-	-
Urban Warfare Training	X	-	X	X	-
Noncombatant Evacuation Operations / Humanitarian Assistance Operations / Disaster Relief Operations	X	-	X	-	-
Naval Special Warfare					

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Enclosure 1

Activity Name ¹	Action Area Component Where Trainings May Occur ²					Activity Description
	Guam	Rota ³	Tinian	Saipan	FDM	
Personnel Insertion/Extraction	X	X	X	-	-	Military personnel train for covert insertion and extraction into target areas using helicopters, fixed-wing aircraft (insertion only), small boats, and submersibles.
Parachute Insertion	X	X	X	-	-	Military personnel train for covert insertion into target areas using parachutes.
Embassy Reinforcement	X	X	X	-	-	Special warfare units train to provide reinforcement of an embassy under hostile conditions.
Direct Action (Combat Close Quarters and Breaching)	X	-	X	-	-	Military personnel train for use of force, breaching doors and obstacles, and close quarters combat.
Direct Action (Tactical Air Control Party/Joint Tactical Air Control)	-	-	-	-	X	Military personnel train to control combat support aircraft and designate targets for airspace de-confliction and terminal control for close air support. Teams also train to use small arms and mortars.
Intelligence, Surveillance, Reconnaissance	X	X	X	X	-	Special warfare units train to collect and report battlefield intelligence.
Urban Warfare Training	X	X	X	X	-	Special warfare units train in mock urban environments.
Other Training Activities						
Maneuver (Convoy, Land Navigation)	X	-	X	-	-	Units conduct field maneuver training or convoy training.
Water Purification	X	-	X	-	-	Units conduct water purification training using water purification equipment in field conditions.
Field Training Exercise	X	X	X	X	-	Units train in securing an area, establishing a camp or post, and guarding and patrolling.
Force Protection	X	X	X	-	-	Units train in providing defensive force protection against a terror threat.
Anti-terrorism	X	X	X	-	-	Units train in conducting direct action against a terror threat.

Enclosure 1

Activity Name ¹	Action Area Component Where Trainings May Occur ²				Activity Description
	Guam	Rota ³	Tinian	Saipan	FDM
Seize Airfield	X	-	X	-	-
Airfield Expeditionary	X	-	X	-	-
Land Demolitions (Improvised Explosive Device Discovery/Disposal)	X	-	X	-	-
Land Demolitions (Unexploded Ordnance) Discovery/Disposal	X	-	-	-	-

Train Naval Special Warfare, Navy Expeditionary Combat Command, or Marine Corps personnel to seize control of an airfield or port for use by friendly forces. These activities only occur at DoD-controlled airfields (on owned or leased lands on Guam and Tinian).

Units conduct training establishing, securing, maintaining, or operating an expeditionary airfield. These activities only occur at DoD-controlled airfields (on owned or leased lands on Guam and Tinian).

Explosive ordnance units conduct training detecting, isolating, or securing Improvised explosive devices or unexploded ordnance.

Explosive ordnance units conduct disposal of unexploded ordnance. Training is incidental to the emergency disposal of unexploded ordnance. Disposal occurs at Andersen AFB EOD Range. Emergency detonations may occur at Andersen AFB EOD Range and Naval Base Guam Munitions Site.

Notes:

1. Activities in **bold text** are activities that are proposed to increase in the number of occurrences per year relative to the number of exercises previously analyzed in the 2010 MIRC Biological Opinion. Activities that are not in bold text will not increase in occurrences per year.
2. The major training activities discussed in the MITT EIS/OEIS that include land training components include Joint Expeditionary Exercise, Joint Multi-Strike Group Exercise, Fleet Strike Group Exercise, Marine Air Ground Task Force Exercise (Amphibious)—Battalion, Special Purpose Marine Air Ground Task Force Exercise, and Urban Warfare Exercise. The types and numbers of activities are included in the named activity descriptions for training activities. In other words, the major exercises do not add additional events, any additional training activities are included in the activity descriptions.
3. All activities on Rota are expected to occur at the Rota International Airport, Angueta Island, Commonwealth Port Facility, and other developed areas.

Enclosure 2

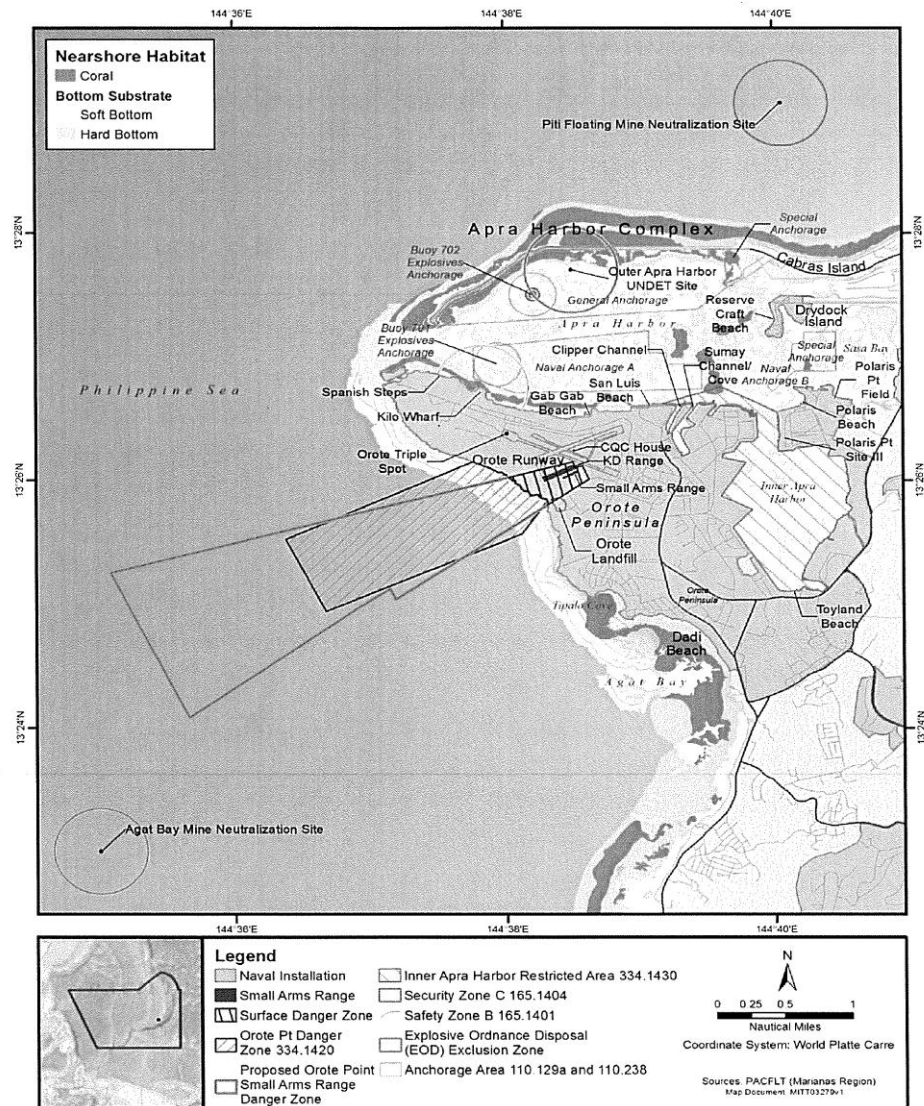


Figure 1-1. Nearshore Habitat Map

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