UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

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June 9, 2009 F/SER47:JK/pw

Rear Admiral D. F. Baucom
U.S. Fleet Forces Command
1562 Mitscher Ave., Suite 250
Norfolk, VA 23551-2487

Attention: David MacDuffee

Dear Rear Admiral Baucom:

NOAA's National Marine Fisheries Service, Southeast Regional Office, Habitat Conservation Division (NMFS HCD) reviewed your letter dated March 6, 2009, regarding the Final Environmental Impact Statement/Overseas Environmental Impact Statement (FEIS/OEIS) for the Jacksonville (JAX) Range Complex. The letter satisfies the Navy's obligation under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to provide NMFS HCD with a written response regarding the Navy's decision to not adopt the recommendation NMFS HCD provided to protect and conserve essential fish habitat (EFH) during operation of the JAX Range Complex. While that letter meets the Navy's obligation to close the EFH consultation, NMFS HCD believes it is in our mutual interest to provide for the record a summary of subsequent communications with the US Fleet Forces Command (USFF); the Magnuson-Stevens Act does not require a response to this letter.

Operation of the JAX Range Complex, as proposed in the FEIS/OEIS, would include various activities collectively designed to maintain fleet readiness by modernizing range capabilities and by expanding warfare missions supported at the JAX Range Complex. NMFS HCD is concerned about impacts the activities would likely have on deepwater coral and other habitats that are spawning and nursery areas for federally managed fishery species. The extent of the impacts to coral and live/hardbottom habitat cannot be accurately predicted at this time because it is not feasible to forecast exact locations of where the non-explosive practice bombs, missiles, and large caliber naval gun shells will settle upon the seafloor. Further, only a fraction of the seabottom within the JAX Range Complex is adequately mapped for the purpose of determining impacts at fine spatial scales. To address this uncertainty, the Navy calculated a worst-case scenario for the impact footprint by assuming all expended materials large enough to disturb the seafloor hit live/hardbottom habitat. Under the preferred alternative, as much as 2.65 acres of live/hardbottom habitat would be impacted over 10 years. To avoid these impacts, NMFS HCD recommended a 1-km buffer be placed around the known pinnacles of live/hardbottom. USFF viewed this as unnecessary because it believed the impacts to live/hardbottom were minimal or temporary; NMFS HCD believes the literature on the growth and survivorship of deepwater coral clearly demonstrates that the impacts would likely be locally severe and long lasting.

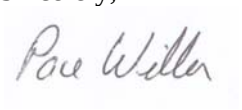
Since the March 6 letter, USFF and NMFS HCD reaffirmed that each agency concluded that 2.65 acres of impacts to live/hardbottom was unlikely because it would require all expended materials large enough to disturb the seafloor to hit live/hardbottom habitat. Given the low proportion of this benthic cover within

the JAX Range Complex, the probability of hundreds of expended materials each hitting live/hardbottom seems remote, and USFF strengthened this prediction with an analysis that showed the probability of the impacts being as high as 2.65 acres are much less than 0.001 percent. However, the probability of intermediate levels of impact (e.g., 0.1 acres) was not provided and would require better information than what is currently available on the distribution of live/hardbottom habitat within the JAX Range Complex.

USFF and NMFS HCD agree that potential impacts to EFH from use of the JAX Range Complex are similar to those from using the Cherry Point Range Complex, and USFF and NMFS HCD believe the path forward developed for the Cherry Point Range Complex can be successfully applied to the JAX Range Complex. Operation of the JAX Range Complex has significant public interest elements, and USFF and NMFS HCD have a mutual interest in understanding the potentially effected environment and the impacts of current and proposed Navy activities. NMFS HCD and USFF will collaborate to establish an approach for improving coordination on data collection efforts and sharing such data to the extent national security and other U.S. Navy restrictions allow. As data collection and other research results in new habitat data, USFF will continue to reassess and incorporate such information into future environmental planning for the JAX Range Complex. This approach may include: (a) NMFS identifying specific, finite areas of known or potential deepwater habitats of concern; (b) USFF providing the areas where current/proposed activity would result in high use of expended materials that could potentially disturb bottom habitats; and, (c) NMFS HCD and USFF agree to further assess those areas in future environmental planning documents once areas of overlap are identified.

We appreciate the opportunity to provide these comments. Please direct related questions or comments to the attention of Ms. Jocelyn Karazsia at our West Palm Beach Area Office. Jocelyn may be reached at (561) 616-8880 extension 207 or by e-mail at Jocelyn.Karazsia@noaa.gov.

Sincerely,



/ for

Miles M. Croom
Assistant Regional Administrator
Habitat Conservation Division

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