



United States Department of the Interior
OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
ER 12/349

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25 June 2012

Naval Facilities Engineering Command, Southwest
Attention: HSTT EIS/OEIS Project Manager – EV21.CS
1220 Pacific Highway, Building 1, Floor 3
San Diego, CA 92132-5190

Subject: Review of the Draft Environmental Impact Statement/Overseas Environmental Impact Statement (DEIS/OEIS) for Navy Hawaii-Southern California Training and Testing, CA and HI

Dear Project Manager:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement and Overseas Environmental Impact Statement (DEIS/OEIS) for Navy Hawaii and Southern California Training and Testing, and has the following comments to offer for your consideration when preparing the Final Draft Environmental Impact Statement and Overseas Environmental Impact Statement (FEIS).

The Bureau of Ocean Energy Management (BOEM) Pacific Outer Continental Shelf (OCS) Region's review focuses on information regarding OCS energy resources and measures taken by the Department and Department of Defense (DOD) to ensure access to OCS lands and minimize potential conflicts between military operations and energy development activities.

Southern California Range Complex

Energy Resources: The Southern California Range Complex encompasses offshore energy resources, including conventional energy resources (oil and natural gas) and renewable energy resources (e.g., wind, wave, and ocean currents) on the OCS. The northernmost boundary of the Complex (as shown in Draft EIS/OEIS Figure 2.1-9) appears to juxtapose or encompass OCS oil and gas leases in San Pedro Bay, where production platforms and pipelines exist, although none of the Training Areas in the Complex encompass those leases or facilities.

In addition, the Complex encompasses geologic areas with potential undiscovered oil and gas resources, including the San Pedro shelf and the Oceanside-Capistrano, Santa Cruz, San Nicolas, Cortes, Valero, and Long Basins (Minerals Management Service OCS Report MMS 97-0019; Bureau of Ocean Energy Management (in preparation)).

Although those geologic areas are not included in DOI's OCS Oil and Gas Leasing Program for 2012-2017, they may be included in future programs and, if leased, may be the site of petroleum exploration and development activities (including, but not limited to, geophysical surveying, exploratory drilling, platform and pipeline installation, and development drilling). The Complex also includes OCS areas with renewable energy potential; although no specific projects or sites are currently proposed, the possibility of future renewable energy leasing, generation, and transmission exists.

OCS Oil and Gas and Military Operations Offshore California: The EIS/OEIS should note that military operations and oil and gas operations have been conducted concurrently offshore in southern and south-central California for more than 50 years. During that period there have been no major incidents or accidents involving military and OCS oil and gas operations.

Currently, 23 oil and gas platforms are located on the OCS offshore California; four of the platforms (Harvest, Hidalgo, Hermosa, Irene) are located in the Santa Maria Basin and within Military Warning Area W-532. The platforms were installed in 1985 and 1986. During the operational history of these platforms, no military operations have been delayed, disrupted, or cancelled due to offshore oil and gas activity.

In addition, there have no accidents (vessel/aircraft collisions, deaths, or injuries) involving oil and gas activities and military operations in the Santa Maria Basin since the initiation of oil and gas activities more than 25 years ago.

To reduce potential conflicts between oil and gas and military operations, BOEM has attached military stipulations to OCS leases. These stipulations were developed in coordination with DOD. Stipulations: (1) require all vessel traffic and aircraft traffic within designated Warning Areas to be coordinated with the U.S. Air Force and U.S. Navy, (2) authorize the U.S. Government to temporarily suspend offshore oil and gas operations and require evacuation of personnel in the interests of national security, (3) require lessees to control electromagnetic emissions so as not to interfere with military operations, and (4) limit the liability and hold the U.S. Government harmless from any damage or injury resulting from the programs or operations of the military.

Hawaii Range Complex

Energy Resources: There are no known economically recoverable oil and gas resources in the Hawaii Range Complex and BOEM does not envision any future OCS oil and gas leasing activity in the Complex. During the past year, BOEM has received several expressions of interest (in the form of draft applications, letters of interest, and direct communication with developers) for commercial OCS wind leases, OCS research leases, and right-of-way (ROW) grants for power cables that would interconnect the Hawaiian Islands.

At the request of Hawaii Governor Neil Abercrombie, Secretary of the Interior Ken Salazar established the Hawaii OCS Renewable Energy Task Force. The purpose of the task force is to enhance intergovernmental coordination and planning and facilitate effective and efficient review of anticipated requests, leases, and grants on the OCS. DOD is a task force member.

Silver Strand Training Complex

The Silver Strand Training Complex does not include OCS areas and therefore was not included in BOEM's review.

Section 4.3.2 Oil and Natural Gas Exploration, Extraction, and Production

The EIS/OEIS should note that BOEM and DOD have been working in a collaborative manner at both the planning and operational stages for OCS oil and gas activities to ensure that each organization can carry out its mission requirements in an effective and efficient manner. This collaboration has been ongoing for more than 30 years and is guided by the policies and procedures set forth in a 1983 Memorandum of Agreement (MOA) between DOI and DOD, and a 1987 DOD Directive (see attachment).

BOEM recommends that the EIS/OEIS briefly describe the MOA and Directive, and that a copy of the MOA and Directive be included in an appendix of the document.

Section 4.3.2.1 Proposed Outer Continental Shelf Oil and Gas Leasing Program 2012-2017

The Draft EIS/OEIS states “Areas off the Pacific coast are not included in the 2012-2017 Outer Continental Shelf Oil and Gas Leasing Program proposed by the U.S. Department of the Interior Bureau of Ocean Energy Management based upon an agreement signed by the governors of California, Washington, and Oregon in 2006 (Bureau of Ocean Energy Management 2011).”

The second part of that sentence -- “based upon an agreement signed by the governors of California, Washington, and Oregon in 2006” -- is inaccurate and should be deleted because the states’ agreement (documenting shared opposition to oil and gas development off their coasts) had no legal bearing or influence on the leasing program or on the Secretary’s decision about which areas to exclude from the program. In addition, the states’ opposition was only one of many factors that the Secretary considered.

Table 4.3-1 indicates that the Proposed OCS Oil and Gas Leasing Program 2012-2017 is to be “retained” for further consideration in the Cumulative Impacts Analysis. However, since the leasing program does not include any Pacific Region areas and it therefore poses no potential impact to the areas addressed in the EIS/OEIS, BOEM recommends that the table be revised to indicate that the leasing program has been “dismissed” from further analysis.

BOEM also advises that the Final OCS Oil and Gas Leasing Program 2012-2017 is scheduled to become effective on July 1, 2012, and that references to the “Proposed” program in the Draft EIS/OEIS should be changed to “Final”.

Section 4.3.3 Offshore Power Generation

This section of the EIS/OEIS should include a sub-section describing the OCS Renewable Energy Program, and the text in Section 4.3.3.1 (Marine Hydrokinetic Projects) should be revised to ensure consistency between the two sub-sections.

The EIS/OEIS should also note that the Energy Policy Act of 2005 amended the Outer Continental Shelf Lands Act, authorizing the Secretary of the Interior to issue leases on the OCS for activities that produce or support production, transportation, or transmission of energy from sources other than oil and gas. The Secretary delegated these responsibilities to BOEM, which issued regulations for OCS renewable energy activities in April 2009.

Those regulations, which were updated in 2011 to address reorganizational changes, establish a program to grant leases, easements, and rights-of-way for orderly, safe, and environmentally responsible renewable energy development activities, such as the siting and construction of

offshore wind-generating facilities on the OCS, as well as other forms of renewable energy, such as wave, current, and solar.

The Energy Policy Act of 2005 mandated that the Secretary of the Interior coordinate with affected State and local governments and federal agencies in developing the program and issuing leases for the development of renewable energy resources. BOEM has met this statutory requirement by establishing task forces with coastal states that have expressed interest in commercial development of OCS renewable energy resources.

In the Pacific Region, BOEM has established task forces with the States of Oregon and Hawaii. The task forces are composed of representatives from Federal, State and local government agencies including the U.S. Navy and other DOD components. This has facilitated and enhanced collaboration between BOEM and DOD.

1. The US Fish and Wildlife Service (Service) recommends that the following language be clarified or corrected in the final EIS/OEIS where it is found throughout the document:

Under the ESA, [a specific activity] occurring at [location] under the No Action Alternative, Alternative 1, or Alternative 2 may affect, but are not likely to adversely affect, ESA-listed [specific species].

An assessment of effects is not made in the ESA (Endangered Species Act) *per se*, and while this is likely not the intent of these statements, as written they imply that the ESA is the reference document in which such determinations were made.

2. Effects Determinations pursuant to section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*)

The document concludes that all proposed training activities under all three alternatives (No Action, Alternative 1 and Alternative 2) *may affect, but are not likely to adversely affect*, any federally-listed species considered in the document. We recommend that an effects determination not be made solely on the basis of the information provided in the draft EIS/OEIS.

Impacts to federally-listed species from training activities considered under the No Action Alternative in this document have been the subject of previous formal consultations with the US Fish and Wildlife Service (e.g., Biological Opinion on the U.S. Navy's Silver Strand Training Complex Operations, Naval Base, Coronado, San Diego, California; issued July 10, 2010) and some of the actions proposed under Alternatives 1 and/or 2 may have been, or will be, the subject of consultation as well.

Hence, the statement is incorrect in some cases. The question of whether a proposed action has been sufficiently addressed under NEPA differs from an "effects determination" pursuant to section 7 of the Act.

3. Sediment Quality - Chapter 3.1-14

We recommend that the final EIS/OEIS provide more detailed information regarding sediment quality in San Diego Bay, and if possible, more current information (e.g., the reference documents for section 3.1.2.2.2 were dated 2002 and 2003).

For example, could a figure analogous to the figure provided for the Hawaiian Islands (Figure 3.1-1) and a table similar to Tables 3.1-3 and 3.1-4, which provide information on sediment quality within the Hawaiian Islands and San Clemente Island, be provided for San Diego Bay?

If there is more current, site-specific information regarding sediment quality, it would be helpful to have it available in the final EIS/OEIS. We recognize the scale and scope of the activities discussed in the draft EIS/OEIS may be such that more fine-scale information about sediment quality is not relevant to the proposed actions.

Although we agree with the general conclusion that sediments in San Diego Bay are substantially free of chemical contamination, the broad conclusion seems counter to recent efforts to clean sediments at specific sites; e.g., La Playa Cove, 10th Street Marine Terminal.

Does this EIS cover changes to berthing or hull maintenance? If so, the number of ships berthed within the Bay, and estimated contribution of these ships to contaminant load within different areas of the Bay, needs discussion. If a separate EIS evaluates the environmental impacts of ship berthing in San Diego Bay, reference to the document should be provided.

4. Inclusion of Other Species

We are providing you with a link to the Listing Workplan, a multi-year listing work plan describing the process to review and address more than 250 species listed on the 2010 Candidate Notice of Review to determine if they should be added to the Federal Lists of Endangered and Threatened Wildlife and Plants. We recommend you review this information to determine whether any candidate species within the Study Area warrant further review in the final EIS/OEIS.

http://www.fws.gov/endangered/improving_ESA/listing_workplan.html

Page 3.6.63: The document addresses the issue of plastic ingestion by seabirds, and discusses the significance of plastic ingestion and seabird survival. However, the full impact of plastic ingestion on the population may be more important in the young rather than mature birds. Fry et al. (1987) showed that ingestion of plastic debris by Laysan albatrosses and wedge-tailed shearwaters chicks in the Hawaiian Islands resulted in a significant percentage of chicks with proventricular impactions or ulcerative lesions.

The U.S. Geological Survey suggests that the Final EIS/OEIS include the Fry et al. (1987) description of the potential impact of plastic ingestion on chicks. The reference is:

Fry, D. M.; Fefer, S. I.; Sileo, L. 1987. Ingestion of plastic debris by Laysan albatrosses and wedge-tailed shearwaters in the Hawaiian Islands. *Marine Pollution Bulletin* 18(6):339-343

Thank you for the opportunity to review this project.

Sincerely,

A handwritten signature in black ink that reads "Patricia Sanderson Port". The signature is written in a cursive, flowing style with a large initial 'P'.

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC
Regional Director, FWS, Sacramento
Regional Director, BOEM, Los Angeles
Director, USGS, Reston

ENCLOSURE



Department of Defense DIRECTIVE

NUMBER 3100.5

March 16, 1987

USD(A)

SUBJECT: Department of Defense Offshore Military Activities Program

- References:
- (a) DoD Directive 3100.5, subject as above, March 22, 1979 (hereby canceled)
 - (b) Marine Resources and Engineering Development Act of 1966, 33 U.S.C. 1101 et seq.
 - (c) Submerged Lands Act, 43 U.S.C. 1301 et seq.
 - (d) through (g), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policies and procedures for the use of offshore areas by the Department of Defense. It shall serve as the basis for a comprehensive Offshore Military Activities Program.

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments (including their National Guard and Reserve components), the Organization of the Joint Chiefs of Staff (OJCS), and the Defense Agencies (hereafter referred to collectively as "DoD Components").

2.2. Concerns the use of offshore areas for military purposes. It does not limit the responsibilities of the Secretary of the Navy assigned under reference (b).

3. DEFINITIONS

3.1. Offshore Areas. The submerged land areas defined in references (c) and (d) and the adjacent waters affected by the use of those submerged lands.

3.2. Offshore Military Activities Program. The program established to implement DoD policies and procedures for those activities, operations, and installations that require an offshore environment and that may impact on offshore areas.

3.3. Outer Continental Shelf. All submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in Section 2 of reference (c), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

3.4. State-Owned Offshore Submerged Lands. Coastal portions of lands beneath navigable waters, as defined in Section 2 of the Submerged Lands Act reference (c)).

4. POLICY

4.1. It is DoD policy to support the principle that lands composing the outer continental shelf and State-owned offshore areas shall be used in the best interest of the United States. Therefore, it is DoD policy for the use of offshore areas to be shared with nonmilitary interests whenever they can be accommodated.

4.2. The Secretaries of Defense and the Interior have agreed on procedures for resolving conflicts over joint use of offshore areas for military and mineral exploration or developmental purposes. (See enclosure 2.) In carrying out negotiations with elements of the Department of the Interior (DoI), the Department of Defense shall be guided by this agreement, when appropriate.

4.3. If a coastal State determines that the mineral potential of offshore areas being used or proposed to be used for military purposes must be explored or developed, the Department of Defense shall endeavor to accommodate joint military and commercial use of those areas. If compatible joint use is not economically or militarily feasible, the Department of Defense shall seek agreement with the coastal State to exclude conflict areas from its leasing program.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense (Acquisition and Logistics) (ASD(A&L)) shall maintain a comprehensive program for the military use of the offshore environment and provide related direction and policy to DoD Components.

5.2. The Secretary of the Army shall provide notices to the ASD(A&L), to affected military installations and activities, and to the Director of the Defense Mapping Agency Hydrographic/Topographic Center of potential obstructions and hazards to navigation as stated in the Rivers and Harbors Appropriation Act (reference (e)), of proposed permits for obstructions to be located on the outer continental shelf under reference (d), and of proposed permits for artificial reefs under the National Fishing Enhancement Act of 1984 (reference (f)) to ensure compatibility with the Offshore Military Activities Program.

5.3. The Secretary of the Navy shall:

5.3.1. Act as the DoD Executive Agent for outer continental shelf matters and carry out responsibilities assigned to the Executive Agent in the Agreement (enclosure 2).

5.3.2. Conduct continuing liaison with the DoI, appropriate coastal States, and the ASD(A&L) to ensure compatibility between the DoD Offshore Military Activities Program and the related plans and programs of the DoI and coastal States.

5.3.3. Inform concerned DoD Components of new developments in the DoI's, States', and industry's mineral leasing plans that may affect present or potential military interests in offshore areas.

5.3.4. Represent the Department of Defense on the Secretary of the Interior's Outer Continental Shelf Advisory Board.

5.4. The Secretary of the Air Force shall, for those offshore areas under his control, conduct continuing liaison with the DoI and the coastal States and enter into agreements necessary to ensure compatibility between military activities and relevant plans and programs of the DoI and the coastal States.

5.5. The Heads of DoD Components shall:

5.5.1. Review the proposed DoI's and States' mineral leasing plans and inform the Executive Agent of proposed activities that could be incompatible with military missions. When joint use is feasible, the Heads shall recommend conditions and

stipulations that should be imposed in leases to ensure the integrity of military missions and otherwise protect the interests of the United States against claims arising out of damage to property or personal injury.

5.5.2. Establish and maintain lines of communication and coordination to ensure that the ASD(A&L) and the Executive Agent are fully aware of plans and programs involving offshore areas.

5.5.3. Review notices referred to in paragraph 5.2., above, and notify the Army Chief of Engineers if proposed actions are incompatible with offshore military activities.

5.5.4. Inform the Army Chief of Engineers and the Executive Agent of any significant change in the status of offshore ranges, restricted areas, or operating areas.

5.5.5. Comply with the provisions of the Coastal Zone Management Act (reference (g)).

5.5.6. Conduct other activities related to offshore areas as requested by the ASD(A&L).

6. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Acquisition and Logistics) within 150 days.



William H. Taft, IV
Deputy Secretary of Defense

Enclosures - 2

- E1. References, continued
- E2. Memorandum of Agreement Between the Department of Defense and the Department of the Interior on Mutual Concerns on the Outer Continental Shelf

E1. ENCLOSURE 1

REFERENCES, continued

- (d) Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., as amended
- (e) Rivers and Harbors Appropriation Act of 1899, 33 U.S.C. 401 et seq.
- (f) National Fishing Enhancement Act of 1984, 33 U.S.C. 2101 et seq.
- (g) Coastal Zone Management Act, 16 U.S.C. 1456 et seq., as amended

E2. ENCLOSURE 2

MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF DEFENSE AND THE DEPARTMENT OF THE INTERIOR ON MUTUAL CONCERNS ON THE OUTER CONTINENTAL SHELF

I. Declaration of Intent. We, the Secretary of Defense and the Secretary of the Interior, hereby agree to establish procedures for joint use of the Outer Continental Shelf (OCS). The Department of Defense (DoD) and Department of the Interior (DoI) fully support the national goal of exploration and development of our nation's offshore oil and gas resources. The DoD recognizes that the OCS leasing program of the Department of the Interior is an integral part of the nation's energy security program to develop domestic oil and gas resources and thus is important to national defense. The Department of the Interior fully supports the requirement for DoD to use the OCS for the national defense/security and to ensure that our armed forces achieve and maintain an optimum state of readiness. We acknowledge that from time to time and from place to place the requirements for mineral exploration/development and defense related activities may conflict. In these cases, we shall reach mutually acceptable solutions to the issues raised by these conflicting requirements, in accordance with the principles and procedures established by this memorandum.

II. Procedures. Our departments agree to follow the steps and the schedule listed below:

A. The Call for Information on a proposed planning area will initiate DoD participation in a particular sale cycle. At the time the Call is issued, separate notification will be made to the DoD Executive Agent for OCS matters and will include appropriate charts, coordinates defining boundaries of the proposed area, and other data deemed pertinent to DoD analysis of the area. The DoD Executive Agent will be provided with a list of blocks and appropriate maps constituting the offering proposal identified at the time of Area Identification.

B. Within one month following Area Identification, DoD will submit a statement, along with supporting rationale, on the proposed offering which defines areas it believes require deferral from the offering or military stipulations for joint use. DoI will respond within one month after the DoD submission with agreement to accommodate DoD position or with alternative proposals and supporting rationale.

C. The Director of the Minerals Management Service (on behalf of DoI) and the DoD Executive Agent (on behalf of DoD) shall meet within the ensuing four months to approve agreements reached under (B) above and to resolve any remaining conflicts prior to the proposed Notice of Offering.

D. Issues still in conflict will be resolved by the undersigned no later than 30 days after publication of the Proposed Notice of Offering.

E. Additionally, the procedures of this memorandum will be used to resolve any conflicts that exist in lease offerings presently in the planning process.

III. Areas on the OCS requiring deferral from lease offerings. Our departments agree that, balanced against the geologic potential of an area, certain defense-related activities on the OCS may be irreconcilable with mineral exploration/development and will, under the procedures established above, be deferred from

the pending lease offering. These activities are defined under this agreement as those which must take place in a particular area of the OCS due to their relation to fixed monitoring or control stations which cannot be moved except at great expense and compromise of their mission; those which relate to sensitive operations of a classified nature; and those which pose a direct danger to mineral exploration/development structures and/or personnel. More particularly, in selected instances, these may include but are not limited to:

A. Research, development, testing and evaluation (RDT&E) ranges involving hazardous weapons, which encompass but are not limited to missiles activated by radar reflectivity or heat or errant missiles whose onboard sensors seek targets of opportunity.

B. Intense operations by air, surface, or subsurface units whose activities are hazardous to non-DoD structures, equipment, personnel and which if forced to take place in close proximity to such structures would also become hazardous to DoD ships and aircraft.

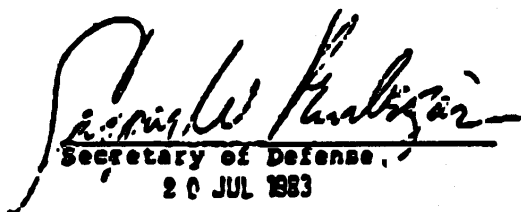
C. Certain classified activities which DoD will disclose to appropriately-cleared DoI personnel.

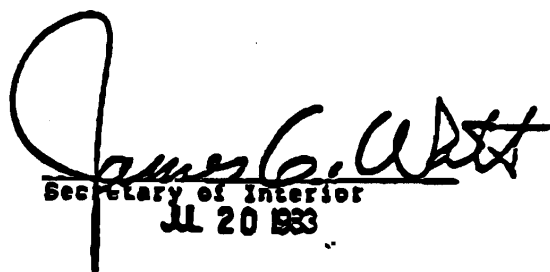
D. Submarine transit lanes.

IV. Areas on the OCS requiring lease stipulations and lessee advisories. Our departments agree that in certain specific instances, conflicts on the OCS can be mitigated by attaching general or site-specific stipulations as a part of lease agreements or including lessee advisories. These include but are not limited to standard military stipulations for military warning areas (hold harmless, electromagnetic emission and notice of operations) and special stipulations for shelter and evacuation, time-sharing provisions, and provisions for specialized underwater research activities.

V. Locus of discussions. All policy discussions and final agreements under this memorandum will be conducted in Washington, D.C., and environs, and all comment on their status or resolution will be handled by our two departments. Any public comments of a policy nature in conjunction with this agreement by officers or employees of our departments elsewhere are unauthorized.

VI. Duration of agreements under this memorandum. All deferrals, stipulations, and lessee advisories for a given area of the OCS will remain in effect for subsequent lease offerings in the same area unless altered by our two departments under the procedures outlined in this memorandum.


Secretary of Defense
20 JUL 1983


Secretary of Interior
JUL 20 1983