

July 10, 2012

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

Subject: Hawaii-Southern California Training and Testing
Environmental Impact Statement (EIS)

The San Diego Audubon Society has attended outreach sessions and reviewed the Subject EIS. We urge that the Navy seriously consider the following comments and upgrade the Final EIS to incorporate them to actually minimize the environmental impacts of this Training and Testing project. If these issues are not addressed, the EIS will clearly fail to satisfy the intent and the letter of NEPA.

PROTECTION OF SEABIRDS

Section 3.6.3, Environmental Consequences states: "Certain activities take place in specific locations or depth zones within the Study Area outside of the range or foraging abilities of seabirds. Therefore, seafloor device strike, cable and wire entanglement, parachute entanglement, and ingestion of munitions were not carried forward in this analysis for seabirds." However other activities, such as those near San Diego, the Channel Islands, Coronado Island, the Hawaiian Islands, etc. will take place well within range and foraging range of seabirds including those listed as threatened and endangered. So, an analysis of the impacts of those activities must be included in the EIS for those areas.

It is especially difficult to accept the cavalier dismissal of those impacts for the endangered California Least Terns. Their foraging range is only known for breeding adults and fledglings during nesting season. Their foraging area for the rest of the year is assumed to be at sea somewhere, but the distribution is not known. If the Navy is basing its assumption on information on the distribution of Least Terns that is not available to the regulatory and ornithological community, the EIS must provide that information for their assessment. Failing that, the EIS must address these potential impacts.

The document identifies several species of seabirds that warrant protection under the Endangered Species Act and the International Migratory Species Act. Some of these species dive many feet underwater to find and catch fish. The EIS includes an acoustical/physiological analysis addressing a range of impacts on marine mammals, from temporary hearing loss to mortality, as a function of the distance between the mammal and the transmitting sonar platform. But, the EIS asserts that no damage will be done to diving seabirds by high power sonar transmissions. We did not find any analysis to support that very unlikely conclusion. We urge that the likely impacts to seabirds be quantified and presented in the EIS.

The EIS states "... military readiness activities are exempt from the take prohibitions of the Migratory Bird Treaty Act provided they do not result in a significant adverse effect on a population of a migratory seabird species." But, to satisfy NEPA, the EIS needs to assess, quantify, and present the likely impacts to these species, even if no mitigation will be required under the Migratory Bird Treaty Act. Otherwise reviewers will not be able to assess whether the project is likely to or not likely

to result in a significant adverse effect on a population of a migratory seabird species or specific population of that species.

The EIS mentions that marine mammals are detected by trained observers with binoculars. We urge that those observers also be trained to detect the listed threatened or endangered seabirds that are known to frequent the training and testing areas and that high power sonar transmissions be delayed while the threatened and endangered species are foraging within a range that could cause damage to the seabirds.

MARINE MAMMAL IMPACT CONCLUSIONS ARE NOT SUPPORTED IN THE EIS

The EIS states that trained sailors with binoculars can adequately detect marine mammals at an adequate range to be able to delay high power sonar transmissions so the marine mammals will not experience serious impacts. This may well be true under good conditions. However, the detection range will be significantly reduced under many circumstances such as darkness, high wind, high sea state, looking into the sun, etc. The data provided in Table 5.3-1: Detection Probability $g(0)$ Values for Marine Mammal Species is largely meaningless in that it does not provide detection probability as a function of range, and it does not provide detection ranges for a range of conditions.

The EIS must identify the probability that the lookout will detect each type of marine mammal at a range great enough to protect marine mammals from damage from sonar transmissions and the probability that the detection will not occur at a range that will allow avoidance of impacts to the marine mammals. Without such information, the conclusions of this EIS are simply unsupported allegations, which do not satisfy NEPA.

The EIS also states that the Littoral Warfare ships and smaller vessels will not have two whale observers because of limited personnel. How will damage to marine mammals be avoided on these ships when they are using high power active sonar?

ALTERNATIVES

The document states that having trained lookouts with binoculars on transmitting ships will adequately reduce the impacts of high power sonar transmissions on marine mammals. This is a very crude approach considering the technology available to the Navy. Lookouts may be effective in some ideal situations, but the Navy should address alternatives that might be more effective to significantly reduce impacts on marine mammals. The Navy has a large scientific staff that is uniquely appropriate for addressing technical solutions to undersea problems such as the detection and tracking of marine mammals. We will list a few alternatives in the following paragraphs, but the Navy should have addressed all of these and more in the preparation of this EIS.

Marine mammals are typically more visible from the air than from the bridge of a ship. Helicopters or drones could be used to detect and track whales at longer ranges than observers on the bridge. Doing so would give the Navy the flexibility to have the ship change course and or speed to avoid proximity instead of only having the option to terminate transmissions when a marine mammal is nearby – the only option available if on-board lookouts are the only sensor system being used.

Much of the activity under this project will be located in training and testing ranges that have a variety of sensors and analysis equipment that evaluate the performance of the systems being tested. Can these instruments be used to determine the relative locations of ships and marine mammals? If not, can they be modified to do so?

These test ranges have range support vessels that are, or can be, equipped with low power, medium resolution sonar systems and additional locations for lookouts that can be used to detect and keep track of marine mammals in the test ranges. Using such vessels to track whales in the vicinity of a transmitting ship could substantially reduce the likelihood of inadvertently damaging a marine mammal.

The blow of a large marine mammal has a large heat signature. The EIS should investigate using heat detection systems on the transmitting ship and/or on support craft to increase the likelihood of

detecting a marine mammal before it gets close enough to be damaged by a high power active sonar transmission.

Woods Hole Oceanographic Institute has developed sonar buoys to provide information for the protection of Right Whales from shipping on the East Coast. The use of the WHOI-type buoys or conventional sonobuoys or other remote acoustic sensors should have been addressed and analyzed in the EIS.

The Navy's existing undersea surveillance system might be useful to detect and localize vocalizations of larger marine mammals in a large portion of the operating and transit area of this project to avoid impacts in real time. But, it was not addressed in the EIS.

CONCLUSIONS

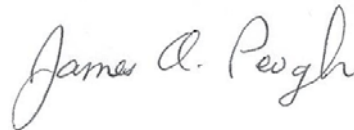
The populations of many threatened, endangered, and other species are declining due to declining fisheries, declining nesting opportunities, increasing predation, climate change, ocean litter, etc. We urge that this EIS be reissued and modified to seriously analyze and quantify the project's impacts to seabirds and identify means to reduce those impacts.

The populations of many species of marine mammals are also declining because of collisions with ships, noise pollution, declining fisheries, climate change, etc. This project needs to seriously minimize its contribution to the decline of these species. Its reliance on lookouts with binoculars instead of also addressing a range of other promising alternatives does not fulfill the letter or the intent of NEPA. We urge that the Navy reissue this EIS with a serious and positive review of alternatives that will significantly reduce the project's impacts on marine mammals.

This EIS is obviously very costly due to its size. The environment, the Navy, and taxpayers would have benefited if the emphasis had been on quality and rigor instead of volume. We urge that it be rewritten and reissued with that emphasis.

In case of questions or follow-up, I can be reached at 619-224-4591 or peugh@sandiegoaudubon.org.

Respectfully,



James A. Peugh
Conservation Committee Chair