



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

IN REPLY REFER TO

5090
Ser N456K/8U158321
16 October 2008

Mr. Jim Lecky, Director
Office of Protected Resources
National Oceanic and Atmospheric Administration
National Marine Fisheries Service (NMFS)
B-SSMC3 Room 13821
1315 East-West Highway
Silver Spring, MD 20910-3282

Dear Mr. Lecky:

In accordance with Section 7 of the Endangered Species Act (ESA), the Navy has prepared a Biological Assessment (BA) for the Installation and Operation of an Undersea Warfare Training Range (USWTR) offshore of Jacksonville, Florida (Enclosure [1]). As the staff at NMFS Office of Protected Resources is aware, we are also requesting under separate cover a Marine Mammal Protection Act rulemaking and Letter of Authorization (LOA) for this action.

In December 2004, Navy initiated informal consultation on this action via electronic submittal of a draft BA to your staff. Subsequent meetings were held with your staff on December 14, 2004 in Silver Spring, MD and via teleconference on January 10, 2005. The Navy initiated formal consultation on October 20, 2005.

Subsequently, the Navy decided that a revised Draft Overseas Environment Impact Statement/Environmental Impact Statement (Draft OEIS/EIS) should be prepared based on comments received during the public comment period, changes in technology that obviated the need for a secure landside cable termination facility (CTF), and changes in the methodology by which acoustic impacts to marine mammals are assessed. The Navy published an Notice of Intent (NOI) to prepare the revised Draft OEIS/EIS and to open another scoping comment period in the Federal Register on September 21 2007. An NOI for the revised Draft OEIS/DEIS was published in the Federal Register on September 12, 2008.

As a result of the significant changes to the proposed action as well as impact assessment methodology, the Navy has

prepared a new Biological Assessment (enclosure [1]) which assesses effects to listed species associated with the proposed construction and operation at the Navy's preferred alternative location off the coast of Jacksonville, FL (Site A). Should one of the other alternatives identified in the revised Draft OEIS/EIS (enclosure [2]) become the preferred alternative, the Navy would submit a new BA based on the assessment included in the revised Draft OEIS/EIS.

This BA is an assessment of potential impacts to species listed under the ESA that may be present in the proposed action area. Species considered in this assessment include the North Atlantic right whale (*Eubalaena glacialis*), humpback whale (*Megaptera novaeangliae*), sei whale (*Balaenoptera boreali*), fin whale (*Balaenoptera physalus*), blue whale (*Balaenoptera musculus*), sperm whale (*Physeter macrocephalus*), West Indian manatee (*Trichechus manatus*), loggerhead sea turtle (*Caretta caretta*), green sea turtle (*Chelonia mydas*), hawksbill sea turtle (*Eretmochelys imbricata*), leatherback sea turtle (*Dermochelys coriacea*), Kemp's ridley sea turtle (*Lepidochelys kempii*), shortnose sturgeon (*Acipenser brevirostrum*), and smalltooth sawfish (*Pristis pectinata*).

The Navy has determined that the installation of and operations on the proposed USWTR may affect the following species: North Atlantic right whale, humpback whale, sei whale, fin whale, blue whale, sperm whale, green sea turtle, hawksbill sea turtle, Kemp's ridley sea turtle, leatherback sea turtle, and loggerhead sea turtle.

We appreciate your continued support in helping us to meet our Section 7 responsibilities. Please feel free to contact myself (703-602-2787 or Ronald.tickle@navy.mil) or Mr. Jene Nissen (757-836-5221 or Richard.J.Nissen@navy.mil) at U.S. Fleet Forces Command on this matter.

Sincerely,



Ronald E. Tickle
Head, Operational Environmental
Readiness and Planning Branch
Environmental Readiness Division
(OPNAV N45)

Enclosures:

- (1) Biological Assessment for the Installation and Operation of an Undersea Warfare Training Range (CD and Hard Copy)
- (2) Revised Draft Overseas Environmental Impact Statement/Environmental Impact Statement for the Undersea Warfare Training Range (CD copy)

Copy to (with enclosures):

Dr. Roy Crabtree, Regional Administrator
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southeast Regional Office

Copy to (without enclosures):

CFFC N4/N7

OPNAV N43

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