



DEPARTMENT OF THE NAVY
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U.S. FISH & WILDLIFE SERVICE
WESTERN WA OFFICE

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Mr. Ken Berg
Manager
Western Washington
Fish and Wildlife Office
U.S. Fish and Wildlife Service
510 Desmond Drive S.E.
Suite 102
Lacey, WA 98503

Mr. Steve Landino
Washington Habitat Branch Chief
National Marine Fisheries Service
510 Desmond Drive S.E.
Suite 103
Lacey, WA 98503

Re: Biological Assessment; U.S. Navy Explosive Ordnance Disposal (EOD) Operations; Puget Sound, Washington. (FWS Reference #1-3-01-I-0584)

Dear Mr. Berg and Mr. Landino:

Thank you for your letter of April 18, 2002, regarding the Navy's Biological Assessment for EOD operations in Puget Sound. I also appreciated having the little extra time to respond to your letter. I did not want to respond until I could give you a meaningful counter-proposal.

In your letter you suggested several possible mitigative measures. We have considered these measures very carefully. As you might surmise, we found some of the suggested measures to be feasible while others we found to be inconsistent with our training objectives. Rather than repeat your list and address each item individually, I would like you to consider the following list of potential mitigative measures. As you recall, we have three sites in Puget Sound where we perform the in-water training described in the Biological Assessment: Crescent Harbor (near the Navy's Seaplane Base), Port Townsend Bay (near the Naval Magazine, Indian Island), and Hood Canal (near Submarine Base, Bangor). The measures that follow correspond to those three geographic areas.

1. *Place the explosive charge on the sea floor.* In our Biological Assessment, we committed to raising the charge off the sea floor. We did so as a proposed mitigative measure in order to protect the benthic life on the bottom. It has been rightly pointed out to us since that, while this

protects the sea floor, it allows the energy dispersed by the explosive charge to travel much greater distances, thereby potentially effecting other species such as forage fish. After reexamining this procedure, we have concluded that potential benefit that accrues from allowing the bottom to absorb some of the explosive energy greatly outweighs the minor / temporary damage that occurs to the sea floor by placing the charge on the bottom. Therefore, we propose to place the charge on the bottom in future operations. This will dampen the energy otherwise available in the water column. (This measure does not apply to the EOD site in Hood Canal, as the operations there take place on a steel plate.)

2. *Perform a saltwater marsh restoration project at Crescent Harbor Marsh at the Navy's Seaplane Base.* Crescent Harbor Marsh is a historic tidal wetland on the north shore of Crescent Harbor that was diked in the early 1900s for agricultural purposes. The marsh currently has a tide gate that does not allow fish passage into the system. This project would create a free flowing fish passage opening to the wetland system and restore tidal channels and provide foraging and rearing habitat for juvenile salmonids. The Navy has internally discussed this project in the past and proposes to proceed with full implementation. We anticipate receiving approximately \$450,000 from the Salmon Recovery Funding (SRF) Board, through Island County, for this project.

3. *Subject to the availability of funds, perform a restoration project at Maylor Point on Seaplane Base on the south shore of Oak Harbor.* The Maylor Point beach contains remnants of an old wooden bulkhead (circa 1940) that separates the salt marsh from the beach. This project would include removal of what remains of the aboveground portion of the bulkhead and any necessary beach augmentation (such as depositing additional sandy materials) to improve forage fish spawning habitat in Oak Harbor.

4. *Design a restoration project for Devil's Hole located at Naval Submarine Base, Bangor.* Devil's Hole is a lake created by a roadway impoundment. It is currently equipped with a fish ladder. Behind the fish ladder is approximately $5^{1/2}$ to 6 miles of habitat that could be better utilized. The study would consider the options such as removing the ladder, redesigning the roadway, and resizing culverts, etc. in order to reestablish premium salmon spawning habitat at Devil's Hole.

5. *Subject to the availability of funds, perform restoration project at Crane Point, Naval Magazine, Indian Island.* This project would include the removal of old creosote pilings and mooring dolphins that are located in subtidal water. The project would also include planting native vegetation along the shoreline of Crane Point (for approximately 1,000 to 1,200 linear feet). We have requested funds for this project.

6. *Monitor EOD operations.* We would be willing to monitor EOD in-water operations at all three locations over a one (1) year period in an attempt to quantify the mortalities by species and number. We suggest that we submit this data to NMFS and USF&WS by August 2003.

7. *Implement the following timing restrictions on EOD in-water operations to avoid times when listed species are most likely to be present:*

- At Crescent Harbor and Port Townsend Bay sites: during juvenile migration season (March 15 to July 1 for salmon and bull trout), charges larger than five pounds should not be used. If it is necessary to use charges larger than five pounds, and up to 20 pounds, these charges should be detonated at least 1000 meters from the nearest shoreline. *Salmon x 3*
- At the Hood Canal site, charges larger than one pound will not be used during the juvenile migration season (March 15 to July 1 for salmon and bull trout). *what does that level 1-2*
- Thirty minutes prior to any underwater detonation, an EOD workboat will patrol the training range and vicinity for potential presence of marine mammals. If marine mammals are present in the vicinity, operations will be delayed or cancelled.

While we do not necessarily agree with your conclusion that EOD operations in Puget Sound have a high likelihood of causing direct mortality to chinook salmon, chum salmon and bull trout, we are willing to take the steps laid out above to bring this matter to closure. With regard to the duration of a Biological Opinion, we concur with the concept of a three (3) year period. The Biological Opinion should note, however, that if a species is delisted during that period, the portions of the opinion that relate to the delisted species no longer apply.

In addition to the above, we would like to point out that the services of Navy EOD units have been used in various environmental restoration projects. For example, in 1999, Navy EOD used explosives to cut a new channel for a salmon bearing stream which had become choked by non-native plants, at the request of the Washington State Department of Ecology, Washington Conservation Corps, Kitsap County, and the Port Gamble S'Klallam Tribe. We are always willing to entertain such requests. We are generally allowed to respond to such requests, so long as the arrangement would not place the military in competition with private industry and the project is consistent with our mission.

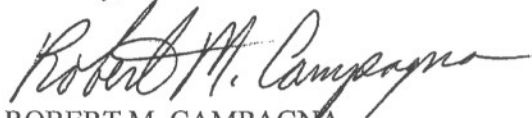
The Navy has amassed quite a record of performing "beyond compliance" projects and promoting environmental stewardship. For example the Navy spent \$150,000 to restore the salmon runs at Dickerson Creek on Naval Submarine Base, Bangor. Washington State Department of Fish and Wildlife has estimated that 3,200 additional pairs of salmon were introduced into Hood Canal, due to the Navy's voluntary efforts.

Finally, I believe we all need to keep in mind the reason that EOD needs to perform in-water training. EOD is essentially the Navy's bomb squad. EOD responds to explosive emergencies both on-land and in-water, for both military and civilian authorities. For example, in December 1999, the Washington State Department of Fish and Wildlife requested the services of Navy EOD when they discovered a stockpile of explosives in their storage facility in La Conner, WA. Approximately 60 items (net propellant charges, black powder charges, bulk net fuel, etc) were found in a storage room. By the time Navy EOD was called into assist, the explosives were significantly deteriorated and characterized as unstable. As the storeroom was in an urban area, EOD expertise was needed to take the appropriate "render safe" actions to protect both person and property. In this case, the explosives were transported to a safe disposal area for destruction.

In the last 5 years, EOD units in Puget Sound have responded to 146 requests by civilian authorities for their expertise in explosive emergencies. These requests range from responding to homemade pipe bombs to assisting law enforcement with Methamphetamine Labs that are rigged with explosives. Such dangerous work requires constant, specialized, realistic training.

As I have described these mitigative measures in general terms, I suggest that our technical representative meet to discuss the details. My representative is Mr. Richard Stoll who may be reached at (360) 396-0065 (phone), (360) 396-0857 (facsimile), or stollrk@efanw.navfac.navy.mil (email). Thank you for your continued efforts and assistance.

Sincerely,



ROBERT M. CAMPAGNA

Assistant Chief of Staff for Environment and Safety

Copy to:

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Jamestown S'Klallam Tribe
Lower Elwha Tribe
Lummi Indian Tribe
Nooksack Tribe
Port Gamble S'Klallam Tribe
Sauk-Suiattle Tribe
Stillaguamish Tribe
Suquamish Tribe
Swinomish Tribe
Tulalip Tribes
Upper Skagit Tribe
Point No Point Treaty Council
Skagit System Cooperative