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DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
ATLANTIC
6506 HAMPTON BLVD
NORFOLK VA 23508-1278

TELEPHONE NO:

IN REPLY REFER TO:

March 5, 2008

U.S. Department Of Interior Fish & Wildlife Service
Boqueron Field Office
Attn: Mr. Edwin E. Muñiz
Field Supervisor
Carr. 301, KM 5.1, Bo. Corozo
PO Box 491 Boqueron, PR 00622

Re: Vegetation Removal at beaches in the Former Live Impact Area (LIA) within the Former Live Impact Area (LIA) at the Former Vieques Naval Training Range, Vieques, Puerto Rico

Dear Mr. Muñiz:

We have received your letter (date?) regarding the Navy's vegetation removal activities conducted as part of the munitions removal program at the former Live Impact Area. Based on the comments in your letter there appears to be some misunderstanding in the mitigation measures outlined in the Biological Assessment and Biological Assessment Amendment No 1. These documents, and associated mitigation measures were approved in your letters dated July 21, 2006 and December 17, 2007 respectively.

We are surprised by the concerns generated from the observations of Mr. Felix Lopez's site visit on February 8, 2008. Since the initiation of the munitions removal activities in the LIA, the Navy has worked diligently with Fish & Wildlife Service to exceed the mitigation measures required in the Biological Assessment in order to protect the habitat of the endangered sea turtles on Vieques. Although not required in the BA, the Navy has scheduled most of the intrusive munitions removal work at the turtle nesting beaches during non-nesting time periods. In addition, we are currently monitoring daily for sea turtle nesting activity, rather than just meeting the minimal requirements of the BA. We have worked directly with your on-site biologist to implement Fish & Wildlife Service's recommended pruning techniques, when feasible, to preserve the vegetation in the sea turtle nesting habitat. We've also worked closely with the endangered species group in your office to ensure that the mitigation measures developed meet the needs of both the Navy and Fish & Wildlife Service.

With regards specifically to the Playa Brava Beach and Playa Brava Beach areas, the vegetation removal in these areas required to be more extensive than in other areas, due to the presence of small munitions (submunitions) that are often hidden in the vegetation, and are highly sensitive to detonation from incidental contact. As a result, complete vegetation removal was required in these areas to ensure the safety of the workers removing the munitions. Section 7.1.3 of the BA states - *"To the extent practicable, without compromising personnel safety, sea grape shrubs would be preserved in place. If the sea grapes could not be preserved, the shrubs would be replanted after the removal action is completed."* To comply with this requirement, the Navy fully intends to replant any sea grape vegetation that is removed by the Navy, following the completion of the final remedy for the areas.

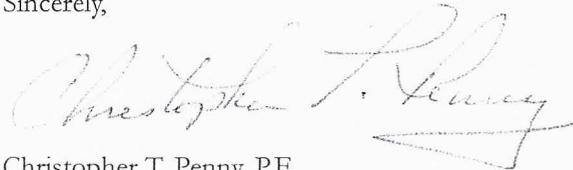
March 5, 2008

The vegetation removal at Playa Brava and Playa Blanca beaches was completed during the periods of 12/19/07 to 2/4/08 and from 1/16/08 to 18/08. Section 3.3.8 of the BA states - "*In Zone 2 and Zone 3, vegetation removal within the hawksbill sea turtle nesting habitat will not occur during the peak nesting season from June to mid December.*" Based on this information, the vegetation clearance has been in compliance with the time frames specified within the BA. During the nesting season the set back distances identified in the BA will continue to be maintained.

Due to the sensitive nature of the submunitions hidden in the vegetation of the LIA and ECA, the removal of these munitions items cannot be safely performed without complete removal of the vegetation. If Fish & Wildlife Service is requesting to prohibit the removal of vegetation within certain areas of the LIA and ECA, please contact me at your earliest convenience. This request would require modifications to the Time Critical Removal Action Work Plan and the Biological Assessment. In addition, only partial removal of the surface munitions will require approval of Navy headquarters, PREQB and USEPA. Prohibiting the removal of vegetation in these areas will also require land use controls (ie fencing) to ensure the restriction of future access to these areas by unauthorized trespassers and Fish & Wildlife Service personnel.

I am requesting a conference call with the Federal Facilities Agreement designated U.S. Fish and Wildlife Service Project Manager and your office at the earliest convenience to address the concerns identified in your letter, and to resolve any misunderstandings between the Navy and Fish & Wildlife Service regarding the mitigation measures of the Biological Assessment. To arrange a date and time for the conference call, or if you have any questions, please don't hesitate to contact me at 757-322-4815 or by e-mail: christopher.penny@navy.mil.

Sincerely,



Christopher T. Penny, P.E.
Head, Vieques Restoration Section
Environmental Programs Branch (Caribbean Section)
Environmental Division
NAVFAC ATLANTIC
By direction of the Commander

Copy to:

NAVFAC ATLANTIC (Mr. Daniel Hood, Mr. Kevin Cloe, Ms. Madeline Rivera, Mr. Johnny Noles)
U.S. FWS (Ms. Susan Silander; Mr. Rich Henry, Mr. Matt Connolly)
CH2MHILL (Mr. John Tomik)