



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

IN REPLY REFER TO

5090
Ser N4/10U156020
April 27, 2010

Mr. Jim Bartel
Field Supervisor
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Suite 101
Carlsbad, CA 92011

Dear Mr. Bartel:

The United States Navy appreciates the opportunity to comment on the proposal to reinstate the proposed rule to list the Flat-Tailed Horned Lizard as a threatened species under the Endangered Species Act, as announced by the U.S. Fish and Wildlife Service (USFWS) at 75 Federal Register 9377, March 2, 2010.

It is Navy policy to act responsibly in the public interest to restore, improve, conserve, and properly use natural resources on Navy-administered lands. The Navy balances environmental stewardship with military readiness when managing our lands. In light of the military mission entrusted to the Navy, all regulatory proposals are evaluated for their impact to military readiness and encroachment upon the ability of the Navy to conduct realistic military testing and training.

The Navy has identified national security impacts on the military training ranges assigned to Naval Air Facility (NAF) El Centro in Imperial County, California, should the Flat-Tailed Horned Lizard be listed under the Endangered Species Act. These military readiness impacts are framed as national security considerations and are discussed in the Attachment to this letter.

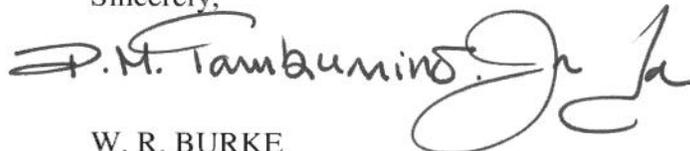
In addition, the Navy is expending significant resources, both in manpower and funding, to conserve the species via the Interagency Flat-tailed Horned Lizard Conservation Agreement and the Flat Tailed Horned Lizard Range-wide Management Strategy 2003 Revision. We believe that this species receives significant protection through these already existing conservation and management activities. These intensive conservation efforts are also discussed in the Attachment to this letter.

The Navy contends that conservation should continue through the Interagency Conservation Agreement and the Range-wide Management Strategy and recommends that the USFWS not list the Flat-Tailed Horned Lizard as a threatened species or designate critical habitat, but instead continue the working partnership with other State and Federal agencies.

Navy Region Southwest is the shore installation management headquarters for the Navy's Southwest Region, which includes Arizona and California. The Navy point of contact in this matter is Rear Admiral William French, Commander, Navy Region Southwest (william.french@navy.mil).

The Navy appreciates the opportunity to participate in this rulemaking. References identified in the Attachment will be sent electronically to your office in an effort to share this information.

Sincerely,

A handwritten signature in black ink, appearing to read "W. R. Burke". The signature is fluid and cursive, with a large, stylized "B" and "R".

W. R. BURKE
Vice Admiral, U.S. Navy
Deputy Chief of Naval Operations
(Fleet Readiness and Logistics)

Attachment

Copy to:
DASN (E)
CNIC N45
CNRSW

ATTACHMENT

U.S. NAVY COMMENTS ON REINSTATEMENT OF PROPOSED RULE TO LIST THE FLAT-TAILED HORNED LIZARD AS THREATENED UNDER THE ENDANGERED SPECIES ACT (75 FEDERAL REGISTER 9377; MARCH 2, 2010)

I. Impacts to Military Readiness and National Security Considerations

The land associated with the Naval Air Facility (NAF) El Centro Air to Ground training ranges is essential to the viability and continued use of NAF El Centro as a weapons delivery and training venue for the Naval Aviation Enterprise (Fleet Replacement Squadrons (FRS) and Training Command Squadrons), NATO Training (British, Belgians, Canadians, Dutch, and German), Army Aviation and Marine Corps Squadrons and Marine Expeditionary Units. These ranges, in conjunction with established restricted and special use airspace, provide realistic training opportunities essential to ensure the military readiness and safety of all users and the success of their mission.

Specific information on range importance, capabilities and specifications are as follows:

- The NAF El Centro ranges provide for delivery of air to ground inert (non-explosive) bombs, rockets and strafing practice. They also provide a “Mobile Land Target” capability. Additionally, parachute drop zones are established on the ranges enabling for the conduct of personnel and equipment parachute training.
- The NAF El Centro ranges rank second in usage for all Navy bombing ranges in the United States with an average of over 8000 sorties per year and over 336,000 pieces of practice ordnance delivered annually.
- Targets established on the NAF El Centro ranges are instrumented, allowing for near real time feedback of weapon delivery accuracy to the aircrew, which provides the aircrew with the ability to make adjustments on subsequent sequential passes. This significantly increases learning effectiveness during individual sorties.
- The NAF El Centro Ranges support delivery tactics, techniques and procedures that are either not available or limited at other Navy training areas.
- With less than a five minute flight time from NAF El Centro, aircrews can spend over 90% of their flight time practicing bombing on the NAF El Centro Ranges. This efficient “cost per X” allows for flight crews to utilize range time while significantly reducing fatigue life expenditure on aircraft.
- Lighting encroachment is negligible in these open desert areas, therefore providing for realistic night training opportunities.

- The geographic location, topography, and year round flying weather of the El Centro Ranges are unique.
- Used by over 49 different training detachments annually, primary users of the NAF El Centro ranges are Chief of Naval Air Training (CNATRA) squadrons conducting the weapons phase of undergraduate pilot training and U.S. Navy and U.S. Marine Corps Fleet Replacement Squadrons (FRS)(F/A-18C/D, F/A-18E/F, AV-8B, T-45, EA-6B, AH-1, HH-60)
- Additional users included Canadian Forces F/A-18 training squadrons, USMC AH-1 Cobra, AV-8B Harrier, and F/A-18 Fleet squadrons as well as numerous other Navy fleet aircraft.

The consequences of loss of access to these ranges due to increased conservation requirements from additional Endangered Species Act listings, for air to ground training would result in:

- A decrease of available training resources, including instrumented targets, would cause a lag in the production of trained pilots and aircrew to meet Navy and Marine Corps deploying squadron manning requirements.
- A reduced training capacity that would be compounded at the FRS level; essentially doubling the total time to train from student pilot to fully trained fleet aircrews.
- A significant reduction in capability to support Operational Testing and Evaluation (OT&E) on future weapons delivery platforms at NAF El Centro.
- A rate of airframe fatigue life expenditure would significantly increase due to increased transient times and/or requirement to train at multiple locations.

There is no near-term viable alternative to utilization of the NAF El Centro ranges that will not significantly impact the quality, timeliness or cost effectiveness of air to ground combat training. Due to conflicting prioritization for access, adverse weather conditions and distances associated with utilization of other military targets, the current capacity, exceptional flying weather conditions, and unique topography of the NAF El Centro ranges is an invaluable resource for Navy and Marine Corps readiness generation and sustainment activities.

For these reasons the Navy respectfully requests the discretion of the Secretary of Interior, when considering the potential designation of critical habitat should the Flat-Tailed Horn Lizard be listed as a threatened species, to exclude all lands associated with the ranges administered by NAF El Centro from such designation on the basis of national security under Section 4 (b) (2) of the Act.

II. Existing Conservation and Management for the Flat-Tailed Horn Lizard

The Flat-Tailed Horned Lizard and its associated habitat occur at NAF El Centro. Although a previous proposed rule (67 Federal Register 37752) includes military activity as a potential threat to this species, most military activities result in relatively small amounts of direct habitat disturbance, or occur in previously disturbed habitat. Effects on Flat-Tailed Horned Lizard and their habitat are likely to be minimal in areas that are not used as range targeting concentration areas.

As this species is present on NAF El Centro, the Navy expends significant resources of time, funding and manpower to conserve the species through three management programs: (1) the Revised Rangewide Management Strategy (2003); (2) the Interagency Flat-Tailed Horned Lizard Conservation Agreement (signed by the commanding officer of NAF El Centro) and (3) the NAF El Centro Integrated Natural Resources Management Plan (INRMP)

(1) The Rangewide Management Strategy includes 153,100 acres of military training ranges within designated Flat-Tailed Horned Lizard Management Areas (MAs). NAF El Centro manages 29,800 acres within the West Mesa MA and 8,500 acres within the East Mesa MA.

The Rangewide Management Strategy is based on a 1994 Memorandum of Understanding signed by the United States Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, Department of Defense and other agencies. The Memorandum of Understanding establishes a general framework for cooperation and participation between the Agencies. The long-term objective of this strategy is to reduce threats to a candidate species or its habitat in an attempt to lower or eliminate the need to list.

Additionally within the Rangewide Management Strategy, participating Agencies have agreed that where applicable compensation measures shall be incorporated into all projects to reduce impacts and when habitat is lost compensation will occur. Since 2002, significant amounts of land have been acquired in perpetuity through this process.

(2) The primary goal of the Interagency Flat-Tailed Horned Lizard Conservation Agreement is to maintain self-sustaining populations of flat-tailed horned lizards in perpetuity. The Agreement provides a framework for securing and managing sufficient habitat to maintain several self-sustaining populations through out the species' range. Actions taken by the Agencies include:

- continuing to secure and/or manage sufficient habitat to maintain self-sustaining Flat-Tailed Horned Lizard populations in each of the designated Mas;
- maintaining a long-term stable or increasing population of Flat-Tailed Horned Lizards in all Mas;

- continuing to support research that promotes conservation of the species;
- limiting the loss of habitat and effects on Flat-Tailed Horned Lizard population through the application of effective mitigation and compensation; and,
- encouraging and assisting Mexico in the development and implementation of a Flat-Tailed Horned Lizard conservation program.

Due to the extensive interagency coordination regarding the management of this species, the Navy contends that current federal and state conservation measures under the Conservation Agreement and RMS are sufficient to conserve the Flat-Tailed Horned Lizard without listing. On Navy Region Southwest sites, no significant loss of habitat has occurred since the previous petition to list and overall the population has remained stable. Additionally, in Arizona, nearly all available habitat for the Flat-Tailed Horned Lizard is in Federal ownership and protection.

(3) The 2001 NAF El Centro Integrated Natural Resources Management Plan (INRMP) implements land-use restrictions and guidelines to minimize impact on the Flat-Tailed Horned Lizard. The INRMP is in the process of being updated, to include management protocols with a conservation benefit to the species. Both the Inter-Agency Conservation Agreement and the Rangewide Management Strategy will be utilized within the updated INRMP.

For these reasons, the Navy respectfully requests the discretion of the Secretary of Interior, when considering the proposed federal listing of the Flat-Tailed Horned Lizard as threatened or the potential designation of critical habitat should the Flat-Tailed Horned Lizard be listed as a threatened species, to exclude all lands associated with NAF El Centro from such critical habitat designation on the basis of the already existing conservation benefit to the species by the use of an INRMP under Section 4(a)(3)(B)(i) of the Act.

III. References on Flat-Tailed Horned Lizard Conservation and Management

In support to the analysis provided above, the following documents are available from Commander, Navy Region Southwest:

- (1) Flat-Tailed Horned Lizard Rangewide Management Strategy, 2003 Revision;
- (2) Annual reports from the Flat-Tailed Horned Lizard Interagency Conservation Committee from 2002 through 2009;
- (3) Excerpts from Naval Air Facility El Centro Integrated Natural Resources Management Plan.

IV. Summary Statement

The Navy is concerned that listing of the Flat-Tailed Horned Lizard or designating critical habitat would result in encroachment of the ability to perform military readiness activities at NAF El Centro. This creates a national security consideration for evaluation within the reinstatement of the proposed rule.

The Navy has found strong indications that the Flat-Tailed Horned Lizard is not threatened throughout a significant portion of its range.

The Navy contends that conservation should continue through both the Inter-Agency Conservation Agreement and the Rangewide Management Strategy, as well as the updated NAF El Centro INRMP.

The Navy respectfully recommends against listing the Flat-Tailed Horned Lizard as a threatened species. Instead, the Service should continue the working partnership with other State and Federal agencies, including Navy.