



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawaii 96850

In Reply Refer To:  
01EPIF00-2015-F-0025  
01EPIF00-2016-F-0185

March 27, 2020

Commander Warren LeBeau  
Director, Pacific Programs Office  
Office of the Assistant Secretary of the Navy (OASN)  
Energy, Installations and Environment (EI&E)  
1000 Navy Pentagon  
Washington DC 20350-1000

Subject: BIOLOGICAL OPINION 013P1F00-2015-F-0025 AND 01 EPIF00-2016-F-0185

Dear Commander LeBeau:

In response to your letter dated February 27, 2020 requesting clarification of the subject Biological Opinions:

1. The conservation measures listed below do not need to be included as part of the reporting requirement for the 2015 BO and 2017 Re-initiation since they have either been completed or addressed through informal consultation:
  - Sea Turtle Outreach and Coordination (page 38 of 2015 BO),
  - Lighting Installation (item 6 on page 40 of 2015 BO and page 44 of 2017 Re-initiation),
  - Aviation Training in NMS (item 1 on page 46 of 2015 BO and page 49 of 2017 re-initiation), and
  - Ground Training in NMS (item 2 on page 46 of 2015 BO and page 49 of 2017 re-initiation).
2. The implementation of the conservation measure regarding the NWF ungulate control fence (page 38 of 2015 BO and page 40 of 2017 Re-initiation) requires additional information and discussion and we encourage you to set up a meeting to further discuss this with us as soon as possible.
3. We agree with the following clarification regarding the implementation of Term and Condition 2.a. of the 2017 Re-initiation (page 143):
  - In areas where noise, light or human activity from construction of the proposed action would result in excessive noise, light or human activity above the ambient level, construction contractor personnel will be required to survey within line of sight (up to

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150 m) of construction activities for bats prior to the start of a day's construction activities. Construction work generating noise, light or human activity above the ambient levels will be postponed until the bat(s) has left the area. The construction contractor will document bat surveys in the daily logs.

4. We agree with the following clarification regarding the implementation of the Term and Condition 2.g. of the 2017 Re-initiation (page 144):
  - Conduct a biological survey, involving a minimum of one-person hour and a maximum of three-person hours, at least three days prior to construction at AAFB South, for the purpose of locating and removing listed partulid snails (Guam tree snail, humped tree snail, and fragile tree snail) within the project footprint or that would be impacted by construction activities, and translocate any listed snails to suitable habitat.
5. We agree with the clarification that the number of Guam tree snails that have been translocated as of February 22, 2020, meets the Reasonable and Prudent Measure and Term and Condition 2.g. of the 2017 Re-initiation (page 144) and no additional surveys and translocations are required.

Thank you for your ongoing efforts to conserve listed species. If you have questions, please contact Jacqueline Flores, Mariana Islands Team Manager, at (671) 989-6744 or via email at [jacqueline\\_flores@fws.gov](mailto:jacqueline_flores@fws.gov).

Sincerely,

KATHERINE  
MULLETT

 Digitally signed by KATHERINE  
MULLETT  
Date: 2020.03.27 06:42:09 -10'00'

Katherine Mullett  
Field Supervisor  
Pacific Islands Fish and Wildlife Office



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawaii 96850

In Reply Refer To:  
01EPIF00-2015-F-0025  
01EPIF00-2016-F-0185

June 24, 2020

Captain Warren LeBeau  
Director, Pacific Programs Office  
Office of the Assistant Secretary of the Navy (OASN)  
Energy, Installations and Environment (EI&E)  
1000 Navy Pentagon  
Washington DC 20350-1000

Subject: BIOLOGICAL OPINION 01EPIF00-2015-F-0025 AND 01EPIF00-2016-F-0185

Dear Captain LeBeau:

This letter responds to your inquiry dated February 27, 2020 requesting clarification of the conservation measure regarding the NWF ungulate control fence (page 38 of the 2015 BO and page 40 of the 2017 BO) and serves as a supplement to our response letter dated March 27, 2020. This letter also addresses the DON's request for clarification on Section 10(a)(1)(A) permits as they relate to the subject biological opinions.

1. The DON was to complete construction of 2.3 miles (3.69 km) of the NWF Ungulate Control Fence within two years and 1.76 miles (2.81 km) within three years of awarding the contract for construction of the portion of the LFTRC that removes the existing Ritidian Ungulate Fence. The construction contract was awarded in August of 2017 and DON notified the Service that the timeline would not be met. While the contract was awarded in August of 2017, the vegetation clearing and removal of portions of the Ritidian Ungulate Fence within the project footprint did not begin until March 2019. We agree with DON's interpretation that the number of years for completion is more appropriately linked to the March 2019 construction start date rather than the construction award date and acknowledges that this does not modify the action in a manner that was not considered in the biological opinion. We also acknowledge DON's continued commitment to the conservation measures that ensure ungulate management will be initiated prior to or concurrent with the removal of the Ritidian Ungulate Fence and that the removal of all ungulates from the NWF Ungulate Control Area will occur within six months after completing the NWF Ungulate Fence.

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2. In 2018, the DON requested reinitiation to clarify conservation measures specifying: 1) A biologist permitted under section 10(a)(1)(A) of the ESA would make a determination of “health” for plants considered for salvage or seed collection; and 2) Plant storage will be at nurseries that meet Hawaii Rare Plant restoration guidelines in accordance with the requirements of a valid 10(a)(1)(A) permit. While a permit under section 10(a)(1)(A) is not required for transplantation within federal lands, these specifications provided assurances for the proper care and handling of listed species and allowed the 2018 reinitiation to be completed in support of DON’s action.

While permits issued under Section 10(a)(1)(A) provide the necessary assurances, we agree that adhering to the 2017 BO (page 36, bullet numbers 2-5) conservation measures provides the equivalent assurances. This clarification does not modify the action in a manner that was not considered in the biological opinion, as long as project-specific work plans continue to be submitted for PIFWO review. Please note that these clarifications do not alter the out-planting success targets identified in Table 6 of the 2017 BO and in the response to the DON’s 2018 reinitiation request.

Thank you for your ongoing efforts to conserve listed species. If you have questions, please contact Jacqueline Flores, Mariana Islands Team Manager, at (671) 989-6744 or via email at [jacqueline\\_flores@fws.gov](mailto:jacqueline_flores@fws.gov).

Sincerely,

Katherine Mullett  
Field Supervisor



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Pacific Islands Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, Hawaii 96850

In Reply Refer To:  
01EPIF00-2015-F-0025  
01EPIF00-2016-F-0185

June 25, 2020

Captain Warren LeBeau  
Director, Pacific Programs Office  
Office of the Assistant Secretary of the Navy (OASN)  
Energy, Installations and Environment (EI&E)  
1000 Navy Pentagon  
Washington DC 20350-1000

Subject: BIOLOGICAL OPINION 01EPIF00-2015-F-0025 AND 01EPIF00-2016-F-0185

Dear Captain LeBeau:

Given the clarification provided by the U.S. Fish and Wildlife Service (Service) to the Navy in the letter dated June 24, 2020, regarding the discontinuation of Section 10(a)(1)(A) permits in relation to the subject Biological Opinions, we confirm the individuals listed below are considered "Authorized Biologists" by the Service for each of the respective Marine Corps relocation projects identified in the table below.

To add individuals to the list of authorized biologists, please provide the Service with the qualifications stated in the 2017 BO (page 36) that include:

- a. A bachelor's degree with an emphasis in botany, horticulture, ecology, or a related science;
- b. At least 100 documented hours of experience conducting propagation, translocation, transplantation, pest control, and monitoring of the aforementioned species or a closely related species; and
- c. Applicant must provide contact information of three references familiar with their work related to b (above).

Thank you for your ongoing efforts to conserve listed species. If you have questions, please contact Jacqueline Flores, Mariana Islands Team Manager, at (671) 989-6744 or via email at [jacqueline\\_flores@fws.gov](mailto:jacqueline_flores@fws.gov).

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Project/Work Plan	Species	Individual(s): All activities associated with the project are authorized unless noted in parentheses.
Restoration Work Plan. Salvage, Translocation, and Out-planting of Federally Listed Plant Species and Native Plant Species at Utilities and Site Improvements Phase I J001B	<i>C. micronesica</i> <i>T. guamense</i>	James McConnell Mario Martinez Gregorio Borja III Jonathan Davis Cyann Valera John Horeg
Salvage and Transplantation of <i>Cycas micronesica</i> P-715, Live-Fire Training Range Complex Northwest Field at Andersen Air Force Base, Guam	<i>C. micronesica</i>	James McConnell Mario Martinez Gregorio Borja III Jonathan Davis
Plant Salvage and Transplantation Work Plan Salvage and Transplantation of Federally Listed Species at the J-755 Urban Combat Training Area	<i>T. guamense</i> <i>D. guamense</i> <i>H. longipetiolata</i> <i>T. rotensis</i>	James McConnell Mario Martinez Gregorio Borja III Jonathan Davis Cyann Valera Jason Andrew
Plant Salvage and Transplantation Work Plan Salvage and Transplantation of Federally Listed Species at the J-755 Urban Combat Training Area	<i>C. micronesica</i> <i>T. rotensis</i>	Robert Wescom
	<i>D. guamense</i>	James McConnell Mari Marutani Mario Martinez Gregorio Borja III Gary Baxter Jonathan Davis Joseph Tuquero Cyann Valera
Plant Salvage Work Plan Salvage and Transplantation of Federally Listed Species at the P-295 Ordnance Operations	<i>C. micronesica</i>	Robert Wescom
Salvage and Transplantation of Federally Listed Plant Species at Northwest Field in the Construction Footprint of the Live Fire Training Range Complex (P-715), Andersen Air Force Base, Guam	<i>H. longipetiolata</i> <i>T. rotensis</i>	Else Demeulenaere Matthew Putnam (independently conduct surveys; collect seeds and vegetative material; propagate; and outplant)
Seed Collection and Plant Salvage	<i>H. longipetiolata</i> <i>T. rotensis</i> <i>C. micronesica</i> <i>B. guamense</i> <i>D. guamense</i> <i>T. guamense</i>	Sienna Hiebert Alexandra Kerr (nursery activities) Christine Laurent (nursery activities)

Sincerely,

Katherine Mullett  
Field Supervisor



**DEPARTMENT OF THE NAVY**  
**OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY**  
**(ENERGY, INSTALLATIONS AND ENVIRONMENT)**  
**1 000 NAVY PENTAGON**  
**WASHINGTON DC 20350-1000**

February 27, 2020

Ms. Katherine Mullett  
Field Supervisor  
U.S. Fish and Wildlife Service  
Pacific Island Fish and Wildlife Office  
300 Ala Moana Boulevard, Room 3-122  
Honolulu, HI 96850

Dear Ms. Mullett:

SUBJ: BIOLOGICAL OPINION 013P1F00-2015-F-0025 AND 01 EPIF00-2016-F-0185

The Department of the Navy (DON) requests clarifications to the subject Biological Opinion (BO) in regards to the following conservation measures and terms and conditions:

1. The DON requests removal of the following conservation measures because the conservation measures are for species that were not part of the formal consultation, but rather were included as part of the informal consultation for the Joint Guam Program Office Relocation of the U.S. Marine Corps from Okinawa to Guam and Associated Activities on Guam (0IEPIF00-2015-1-0291).

- Sea Turtle Public Outreach and Coordination (Page 38 of the 2015 BO)

“The DON, in cooperation with the Guam Department of Aquatic and Wildlife Resources (DAWR), has undertaken an educational program to inform military and civilian personnel about sea turtle nesting and the potential impacts to the species from nest disturbance, direct harassment of sea turtles, beach disturbance, and other threats. The DON has developed and distributed sea turtle conservation posters, tri-fold brochures and activity booklets for elementary school children. These educational materials have been distributed to local dive shops on Guam, and will continue to be used and refined throughout the construction period of the proposed relocation. As part of the RSS training package, personnel would be directed to not interact with sea turtles and report all sightings to the Service and coordinate with the GNWR on nesting surveys at the Refuge.”

- Conservation Measures to Minimize the Effects of Construction (Page 40 of the 2015 BO and Page 44 of the 2017 Re-initiation).

Item 6. “Lighting Installation. Lighting will be designed to meet minimum safety, sustainability, antiterrorism, and force protection requirements. Hooded-lights will be used to the maximum extent practicable at all new roads and facilities within known



sea turtle land habitat and fruit bat roost areas. Either hooded or "night-adapted" lights will be installed at the LFTRC. Illumination of forest, coastline, or beach will be consistent with range safety and security requirements and kept to an absolute minimum including the shielding of lights and directing lighting away from the forest or other wildlife habitat. This measure will be implemented during pre-construction, construction, and during operations.”

- Conservation Measures to Minimize the Effects of Training (Page 46 of the 2015 BO and page 49 of the 2017 Re-initiation).

Item 1. “Aviation Training in NMS (see Naval Munitions Site Operations above in the Project Description). All aviation training will be conducted so that flights will approach the southern portion of the NMS over the Talofoto River watershed and Fena Reservoir at heights of 1,000 ft (305 m) or greater above ground level. Flights may go up the Ugum River at altitudes of 1,000 ft (305 m) or greater above ground level until they reach 9,843 ft (3,000 m) from the mouth of the river at Highway 4 and then flights may conduct low level terrain flights. Low-level training flights will be restricted to the southernmost portion of the NMS where Mariana swiftlets are not commonly present. This measure is intended to avoid and minimize effects to swiftlets, and will be implemented during operations.

- Conservation Measures to Minimize the Effects of Training (Page 46 of the 2015 BO and page 49 of the 2017 Re-initiation).

Item 2. Ground Training in NMS (see Naval Munitions Site Operations above in the Project Description). The DON will maintain 328-ft (100-m) no training buffers around the known Mariana swiftlet nesting caves (*e.g.*, Mahlac Cave, Fachi Cave, Maemong Cave) in NMS. This measure is intended to avoid and minimize effects to Mariana swiftlets, and will be implemented during operations.”

2. The DON requests to clarify the conservation measure regarding the NWF ungulate control fence (Page 38 of the 2015 BO and page 40 of the 2017 Re-initiation) to read as follows:

- *“Approximately 2.3 miles (3.69 km) of the NWF Ungulate Control Fence will be completed within two years of removal of the existing Ritidian Ungulate Fence.*
- *Approximately 1.76 miles (2.81 km) of the NWF Ungulate Control Fence will be completed within three years of removal of the existing Ritidian Ungulate Fence.*
- *Ungulate management will be initiated prior to or concurrent with the installation of the NWF Ungulate Control Fence.*
- *The DON will remove all ungulates from the NWF Ungulate Control Area within two years after completing the NWF Ungulate Fence.”*

The reason for the clarification is to better link the conservation measure to the current construction status of the action that results in the impact to the species. The construction contract for the rifle range, pistol range, non-standard small arms range and modified record of fire range (P-715) at Northwest Field was awarded in August of 2017; however, construction was delayed. Vegetation clearing and fence removal within the project footprint did not begin



until March, 2019. The second construction contract for the Multi- Purpose Machine Gun Range project (the range closest to the adult *Serianthes* tree) is currently delayed without a definitive start date.

We believe the proposed clarification of the conservation measure better reflects the construction schedules, and will not change the analysis in the biological opinion. The primary purpose of the conservation measure is to protect the adult Guam *Serianthes* tree from ungulates and a separate, dedicated ungulate exclusion fence is currently protecting, and will continue to protect the tree. Thus, the proposed revisions will not impact the tree's protection.

3. The DON requests clarification on Term and Condition 2.a (Page 143 of the 2017 Re-initiation). The Term and Condition states: "Halt construction if a Mariana fruit bat is present within 492 ft (150 m) of a construction site, at any point during the construction cycle, until the bat leaves the area of its own accord." As we discussed during our November 15, 2019, Term and Condition 2.a is unclear and has resulted in different interpretations of how to implement. Based on our discussions, we propose the following language to clarify how DON intends to implement this term and condition from this point forward:

*"In areas where noise, light or human activity from construction of the proposed action would result in excessive noise, light or human activity above the ambient level, construction contractor personnel will be required to survey within line of sight (up to 150 m) of construction activities for bats prior to the start of a day's construction activities. Construction work generating noise, light or human activity above the ambient levels will be postponed until the bat(s) has left the area. The construction contractor will document bat surveys in the daily logs."*

4. The DON requests clarification on Term and Condition 2.g. (Page 144 of the 2017 Re-initiation) regarding the snail survey effort. The Term and Condition states: "Conduct a biological survey, involving a minimum of one-person hour, at least three days prior to construction at [Andersen Air Force Base (AAFB)] AAFB South, for the purpose of locating and removing listed partulid snails (Guam tree snail, humped tree snail, and fragile tree snail) within the project footprint or that would be impacted by construction activities, and translocate any listed snails to protected, suitable habitat. The DON shall work with the Service for appropriate refinement of translocation methods and selection of receiving sites." We propose modifying this term and condition to read as follows:

*"Conduct a biological survey, involving a minimum of one-person hour and a maximum of three-person hours, at least three days prior to construction at AAFB South, for the purpose of locating and removing listed partulid snails (Guam tree snail, humped tree snail, and fragile tree snail) within the project footprint or that would be impacted by construction activities, and translocate any listed snails to suitable habitat."*

The reason for this proposed modification is because the number of snails encountered at AAFB South significantly exceeds the number of snails anticipated in the Incidental Take Statement (ITS) analysis. The proposed modification quantifies the level of survey effort required to meet the original intent of the Term and Condition.

5. Based on paragraph 4 above, the DON would conclude surveys at AAFB South as we would have met the requirements of the Term and Condition. We have surveyed for, and salvaged more snails than anticipated to be impacted as a result of construction and operation activities at AAFB South. The BO analysis estimated 176 Guam tree snails could occur within the AAFB South area proposed construction, and the ITS anticipated 53 Guam tree snails would likely be detected and subject to take in the form of capture and relocation out of harm's way. Surveys and translocation of snails began on January 9, 2019 and, as of February 22, 2020, 3,615 Guam tree snails have already been translocated to the Haputo Ecological Reserve Area.

The ITS states “all individuals of the Guam tree snail...remaining on the 212 ac of suitable habitat after removal and relocation efforts are completed may be taken in the form of harm or harass as a result of vegetation clearing activities during construction, operation, and military training activities at AAFB South.” Given that the number of Guam tree snails translocated already greatly exceeds the amount anticipated by the ITS, we believe our proposed clarifications are within the scope of the ITS.

In conclusion, we look forward to your review and consideration of the Navy’s requests contained in this letter. Should you have any questions about the above clarifications, my technical point of contact is Ms. Coralie Cobb. She can be reached at (720) 542-3085 or [coralie.cobb@navy.mil](mailto:coralie.cobb@navy.mil).

Sincerely,



Warren LeBeau, PE  
Captain, CEC, U.S. Navy  
Director, Pacific Programs Office

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