



DEPARTMENT OF THE NAVY
COMMANDER NAVY REGION SOUTHWEST
937 N. HARBOR DRIVE
SAN DIEGO, CA 92132-0058

IN REPLY REFER TO:

4600
Ser N00H/165
April 4, 2007

Mr. Michael Flores
President
California Fish and Game Commission
1416 9th Street
Sacramento, CA 95814

Dear Mr. Flores:

This letter concerns the establishment of State Marine Protected Areas (MPAs) in the waters adjacent to military installations or within military training or operational areas, including the proposed State Marine Reserve (SMR) offshore of Vandenberg Air Force Base (VAFB). I am writing to you in my capacity as the Department of Defense (DoD) Regional Environmental Coordinator.

On August 15, 2006, the Commission voted on a preferred alternative which includes a SMR offshore of VAFB. During the public comment period, the Navy expressed concern regarding the creation of a Vandenberg SMR. In addition, there have been a number of discussions between the California Resources Agency and the Air Force concerning the designation of this reserve. In your upcoming evaluation of this preferred alternative under the California Environmental Quality Act (CEQA), we ask that you carefully consider, consistent with the California Marine Life Protection Act (MLPA) framework, the potential impacts to military readiness. Should the Commission decide to proceed with the designation of the Vandenberg SMR at the end of the CEQA process, we would like to work with you on the SMR establishment language to ensure that it does not subject DoD activities to state regulation or inadvertently restrict current or future military readiness activities. Additionally, a Memorandum of Understanding between DoD and the State may be necessary to recognize continued military readiness activities while reflecting our mutual cooperative conservation goals.

While there is no waiver of Federal sovereign immunity regarding the California's MLPA, I would like to reemphasize that DoD is opposed to the establishment of MPAs that adversely affect national defense considerations around San Clemente and

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San Nicolas Islands or the Camp Pendleton coast. These offshore waters are central features of a large network of land, air, and sea ranges that are absolutely vital to national security, including training, research, development, and testing and evaluation of weapon systems and sensors. Designation of any such MPA in these waters will create future operational constraints, which would compromise DoD's ability to carry out its national defense mission.

We continue to believe that designation of additional MPAs, including SMRs in military operational areas could interfere with current and future military use of these offshore areas. My staff point of contact for this matter is Mr. Randal Friedman. He can be reached at (619) 572-5037.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. R. Hering', is written over the typed name and title.

L. R. HERING
Rear Admiral, U.S. Navy
Commander,
Navy Region Southwest

Copy to:
Secretary Michael Chrisman, California Resources Agency