

## **DEPARTMENT OF DEFENSE**

### **Department of the Navy**

#### **Record of Decision for the Fallon Range Training Complex Modernization Final Environmental Impact Statement**

**AGENCY:** Department of the Navy, Department of Defense

**ACTION:** Record of Decision

**SUMMARY:** The United States (U.S.) Department of the Navy (Navy), after carefully weighing the strategic, operational, and environmental consequences of the Proposed Action, announces its decision to select Alternative 3 (Preferred Alternative) from the Fallon Range Training Complex (FRTC) Modernization Final Environmental Impact Statement (EIS). This alternative will support the Navy's request for a legislative proposal in the National Defense Authorization Act for Fiscal Year 2021 for Congressional action and Presidential approval for renewal of the current federal land withdrawal and withdrawal of additional federal land to expand the range. It also includes the acquisition of non-federal land. Modernization of the FRTC allows the use of precision guided weapons to their required capabilities by Navy aviators, and use of the full complement of weapons by Sea, Air, and Land (SEAL) teams during ground training. It also protects the capabilities of the aviation electronic warfare range, and modifies existing special use airspace (SUA) to accommodate the additional training capabilities created by modernizing the range complex.

The selected alternative involves the renewal of 201,762 acres of the current federal land withdrawal, withdrawal of an additional 600,564 acres of federal land, and the purchase of 66,551 acres of non-federal lands to retain and expand the range complex. The Navy currently holds administrative jurisdiction on 28,205 acres; when added to the land withdrawal and acres to be purchased, the modernized FRTC will be approximately 897,082 acres. Acreage totals included in this Record of Decision (ROD) may not exactly match acreage figures in the Final EIS. Acreage total have been and will continue to be refined based on updated information, final real estate surveys, and acreage adjustments during project implementation. If the legislative proposal is enacted, modernization of the FRTC would occur incrementally. Full operational use of the modernized range will only occur after land acquisition, airspace modifications, and follow-on relocations of Nevada Route 361 and the Paiute Pipeline Company's natural gas pipeline are complete, ideally by 2027. Initial operational use of individual modernized ranges will occur as land acquisition, and road and pipeline relocation make it possible to use these areas. The existing Bravo ranges and FRTC airspace will remain operational throughout the expansion.

During the EIS process, the Navy worked closely with Tribes and federal, State of Nevada, county, and local stakeholders to identify measures to minimize impacts from the modernization. The Navy is selecting an alternative that reduces the amount of land for withdrawal to the absolute minimum amount necessary to meet training and readiness requirements. The acreage numbers above factor in the relinquishment of 1,079 acres south of Simpson Road that are currently part of live-fire training range Bravo (B)-16, and 23 acres that support a livestock watering well adjacent to State Route 839 that are currently part of range B-17. These areas are outside of weapons danger zones (WDZs), and the State of Nevada requested relinquishment. Additionally, the Navy reduced the areas to be withdrawn to align more closely with the WDZs required for ranges B-16, B-17, and B-20, and modified its withdrawal

request to exclude East County Road and lands east of this road. The Navy also reduced the withdrawal request in Township 15 North, Range 34 East to the arc of the WDZ that transits this township.

The Navy will develop and implement agreements to allow managed access to Bravo ranges for Tribal access, hunting, natural resources management, fire suppression, ceremonies, and other events. As the Navy executes range modernization, it will also monitor and adaptively implement mitigation measures to reduce impacts further. In accordance with 40 Code of Federal Regulations (CFR) 1505.2(c), Alternative 3 adopts all practicable means to avoid or minimize environmental harm. Specific provisions and Navy commitments are discussed in more detail later in this ROD. Commitments include conducting an ethnographic study and Class III pedestrian surveys of expanded Bravo ranges; establishing additional noise sensitive areas and airspace exclusion zones; studying alternatives to reroute Pole Line Road or identify alternative regional ingress/egress routes; and hiring additional staff to facilitate conservation activities, land management, and Tribal relations.

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**A. SUPPLEMENTARY INFORMATION:** Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 (42 United States Code (U.S.C.) Sections 4321 et seq.), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508), and Department of Navy regulations (32 CFR Part 775), the Navy announces its decision to modernize the FRTC by selecting Alternative 3, as described in the FRTC Modernization Final EIS. The selected alternative best balances operational needs while minimizing environmental impacts.

The Navy will implement this action as described below and in the Final EIS. The Navy will expand Bravo ranges (B-16, B-17 and B-20) and the Dixie Valley Training Area (DVTA) by requesting withdrawal and reservation of federal land and purchasing non-federal land. The Navy prepared draft legislation that, if enacted, will renew the current withdrawal of 201,762 acres of federal land and withdraw an additional 600,564 acres of federal land. The draft legislation also includes renewing withdrawn lands associated with B-19 and the Shoal Site, which are not proposed for expansion. The Navy will also purchase 66,551 acres of non-federal lands to support the FRTC modernization.

The selected alternative supports Congressional action limiting uses of withdrawn land. All appropriative uses (e.g., locatable minerals mining, leasable minerals mining, and saleable minerals mining) will be withdrawn and reserved by the Navy for B-16, B-17, B-19, and B-20. Locatable minerals mining will be withdrawn and reserved by the Navy in the DVTA. Leasable and saleable minerals mining will not be withdrawn and reserved in the DVTA; development of these mineral resources may occur consistent with the purposes of the military land withdrawal and will be managed by the Bureau of Land Management (BLM) in consultation with the Navy.

The Navy will purchase non-federal land in the Bravo range expansion contingent upon Congress providing an appropriation. The Navy will acquire fee title for lands to be incorporated into B-17 and B-20. The Navy will acquire fee title or lesser interest (e.g., restrictive use easement) for lands to be incorporated into the DVTA; any lesser interest will be to meet Navy training requirements.

The selected alternative supports the Navy's request to establish a Special Land Management Overlay comprising two areas termed Military Electromagnetic Spectrum Special Use Zones in the Final EIS and referred to as the Military Spectrum Management Area (MSMA) in this ROD. These two areas lie south of U.S. Route 50, adjacent to the east and west sides of B-17, and consist of 78,662 acres of federal land. These areas, which are public lands managed by the BLM, will not be withdrawn by the Navy and will not be directly used for land-based military training. All appropriative uses, including mining and grazing, would continue in these areas. However, prior to the BLM taking a federal action on proposals for these areas (e.g., issuing a permit for mining), the BLM would consult with the Navy to develop means to preserve the training environment while accommodating the request. Further, any use of stationary or mobile equipment for the transmission or reception of radio spectrum associated with the federal action must be approved by the Navy.

The selected alternative supports the Navy's request for legislation to remove the Wilderness Study Area (WSA) designation from 75,104 acres and incorporate this area into the DVTA. Of these, 41,684 acres will be removed from the Job Peak WSA, 10,954 acres will be removed from the Stillwater Range WSA, and 22,466 acres will be removed from the Clan Alpine Mountains WSA. If Congress approves the removal of WSA designation, the BLM will consult with the Navy prior to taking any federal action on proposals in these areas (e.g., issuing a permit for geothermal development) to develop means to preserve the training environment while accommodating the action. Further, any use of stationary or mobile equipment for the transmission or reception of radio spectrum associated with the federal action must be approved by the Navy.

Consistent with 40 CFR Section 1503.4(a), elements of the land withdrawal and reservation discussed in this ROD emerged during the EIS process and in consultation with Tribes and federal, state, and local stakeholders. The Navy prepared the Final EIS with involvement or input from 14 cooperating agencies including the BLM, Federal Aviation Administration (FAA), U.S. Fish and Wildlife Service (USFWS), Nevada Department of Wildlife (NDOW), Nevada Division of Minerals, Nevada Department of Agriculture, Nevada Department of Transportation (NDOT), Nevada Governor's Office of Energy, and the following Nevada counties: Churchill, Eureka, Lander, Mineral, Nye, and Pershing. Additionally, the Navy sought the assistance of regional Tribes to develop the EIS and included them in cooperating agency meetings in addition to formal Government-to-Government (GtoG) consultation discussions. Invited Tribes included the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (comprising the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, Yomba Shoshone Tribe, and the Inter-Tribal Council of Nevada. Input from cooperating agencies and Tribes informed the Navy's assessment of potential impacts associated with the FRTC modernization. The Navy acknowledges that some stakeholders and Tribes do not support the action the Navy is selecting in this ROD. The Navy will continue to work with cooperating agencies and the Tribes to address their concerns.

**B. BACKGROUND:** The Proposed Action evaluated in the Final EIS is largely based on the results of a comprehensive assessment of air warfare by the Naval Aviation Warfighting Development Center (NAWDC), which is the Naval Aviation Warfighting Center of Excellence for the Navy, to address current, emergent, and future FRTC training capabilities.

The FRTC, supported by NAS Fallon, is the only location available to the Navy that can support, house, and train an entire Carrier Air Wing (upward of 60 aircraft and all aircrew and support crews) for

advanced Strike Warfare, Electronic Warfare, and Air Warfare training. Every Navy Carrier Air Wing trains at the FRTC prior to deployment as part of the Optimized Fleet Response Plan (an approximately 36-month cycle of maintenance, basic, and integrated training, deployment, and sustainment). The FRTC supports five main weapons and tactics courses: TOPGUN (F-18 Super Hornet), SEAWOLF (MH-60 helicopter), HAVOC (EA-18G Growler), Carrier Airborne Early Warning Weapons School (E-2D Hawkeye), and Viper University (F-16 Viper). The Naval Special Warfare Command also uses the FRTC for unit-level training in Tactical Ground Mobility, Special Reconnaissance, Sniper Sustainment, and Land Navigation prior to deployment. The FRTC offers joint (involving multiple Services) integrated training opportunities, which are vital to advanced-level Carrier Air Wing training; support for other mission areas and Tactical Development and Evaluation (including military Unmanned Aircraft Systems and other intelligence, surveillance, and reconnaissance platforms); and support for training activities of other Services and government agencies.

### **Purpose of and Need for the Proposed Action**

The overarching purpose of any military force is to be able to successfully conduct combat operations in support of national policy and security objectives. To accomplish this purpose, the military force must train regularly and with sufficient realism. The purpose of the FRTC modernization, therefore, is to provide sustainable and modernized airspace, range, maneuver areas, training facilities, and range infrastructure, to support realistic air warfare training as well as special operations ground training activities to meet emergent and future threats.

The NAWDC's *Ninety Days to Combat Required Training Capabilities Study* (2015) evaluated the effectiveness of existing aviation training requirements and assessed the need to reconfigure the FRTC. Through the study, the Navy identified significant gaps in aviation weapons training. At the same time, U.S. Navy SEAL teams identified similar gaps in ground mobility training and actions needed to support such training at the FRTC. The analysis showed that the current size of the Bravo ranges and the DVTA severely restricts the extent to which the Navy can use its various tactics and weapons systems to train. As a result, aircrews and special operations forces are unable to train in sufficiently realistic conditions, which compromises their safety and success in combat.

These assessments informed the internal deliberations and processes that ultimately became the Proposed Action evaluated in the Final EIS. Current range configurations do not support sufficiently realistic training. Specifically, the FRTC modernization is needed because the existing FRTC Bravo ranges, which have not changed substantially in size or configuration since the 1990s, cannot support the new weapons systems and associated tactics that were introduced to the fleet after the last Congressional land withdrawal. Training requirements were developed to enable successful employment of these new weapons systems in combat. Changes to training requirements can, in turn, drive the need to expand or modify training ranges. The introduction of new weapons systems (e.g., Joint Direct Attack Munitions) and new aircraft (e.g., F-35C, EA-18G) to the fleet in recent years requires military personnel to employ new tactics and doctrine while training at the FRTC. A key element of the new systems and associated tactics and doctrine is the distance at which munitions can be employed. The FRTC modernization would enable the Navy to conduct training with such munitions in a more combat-realistic manner. In the *Ninety Days to Combat Required Training Capabilities Study*, NAWDC also identified the weapons release parameters that would accommodate full training capabilities (ability to launch precision guided weapons from 13 miles away from the target and approach targets from 360 degrees ["360-degree firing azimuth"]). In reviewing what would be needed to accommodate full training capabilities, the Navy noted the following:

- Existing range boundaries would not be able to contain the WZs associated with full training requirements.
- Withdrawal and acquisition of over 1.3 million acres of land would be necessary to meet the WZ requirements associated with an ideal, full training capability scenario. Withdrawing or acquiring this much land would be both unattainable as a practical matter and undesirable because of the potential level of impacts on the surrounding area and communities.

Noting these constraints, NAWDC refined parameters to the “tactically acceptable” level (ability to launch precision guided weapons from 10 miles away from the target and approach targets from 180 degrees) to support the FRTC modernization. This reduced acreage requirements to what the Navy included in the Proposed Action in the Final EIS.

In addition to the training activities that occur on the Bravo ranges, the Navy also conducts critical non-hazardous training within the DVTA, such as Electronic Warfare training, Dynamic Targeting operations, Combat Search and Rescue, Naval Special Warfare, and other training activities. The DVTA also has not changed substantially in size or configuration since its creation in 1986. In recent years, it has been increasingly encroached upon by development, especially in low-altitude, dark, and low-light conditions. The DVTA must be withdrawn and expanded to preserve a viable location to allow Navy air and ground forces to conduct critical non-ordnance training activities. Imposing other types of enhanced land use restrictions without withdrawing the land will not provide adequate protection to preserve the training environment and the safety of the public and the military. Specifically, the General Mining Act of 1872 (30 U.S.C. Section 22 et. seq) does not allow the BLM or the Navy to regulate locatable minerals mining development to ensure compatibility with training activities. Potentially incompatible mining-related development and activities include towers and transmissions lines, cultural lighting, and radio spectrum use.

With the implementation of the modernization, the Fallon Range Training Complex significantly enhances the aviation and ground training for a wide range of mission capabilities into the foreseeable future. In this regard, Alternative 3 fulfills the Navy’s execution of its congressionally mandated roles and responsibilities under 10 U.S.C. Section 8062 and 10 U.S.C. Section 167.

## **Alternatives Considered**

The Navy developed screening factors (see Final EIS Section 2.2 for more detail) to evaluate potential alternatives to determine which would meet the purpose of and need for the Proposed Action. Screening factors were based on the training capability gaps identified in the *Ninety Days to Combat Required Training Capabilities Study* (2015) to provide the training capabilities needed by Navy and other Department of Defense (DoD) personnel to meet emergent and future threats.

The Navy used the following primary screening factors to evaluate potential alternatives:

- Provide a realistic training environment that meets tactically acceptable parameters.
- Provide a training environment capable of supporting readiness training, including the use of high-explosive ordnance, in a manner that protects the safety of the public and of military personnel. Provide a training environment capable of supporting an adequate training tempo for year-round air-to-ground and air-to-air Carrier Air Wing training.

In developing potential alternatives, the Navy also considered terrain features (e.g., mountains), existing civilian infrastructure (e.g., highways), known environmental concerns, and the concerns of local and regional populations, as well as comments received during the scoping period.

The Navy analyzed four alternatives in the FRTC Modernization Final EIS. The alternatives not selected are briefly discussed below along with a more detailed discussion of the selected alternative, Alternative 3. It is important to note that the Navy did not propose increasing the number of training activities under any of the alternatives in the Final EIS. The Navy will use the modernized FRTC to conduct aviation and ground training of the same general types and at the same tempos as analyzed in the 2015 Military Readiness Activities at Fallon Range Training Complex, Nevada Final EIS.

**No Action Alternative.** The No Action Alternative consists of not renewing the withdrawal of 202,864 acres under the Military Lands Withdrawal Act of 1999 (Pub. L. 106-65), which is scheduled to expire in November 2021, and not withdrawing or acquiring any new land. Under the No Action Alternative, current and proposed training at the FRTC would need to be accommodated elsewhere. While the No Action Alternative is the environmentally preferable alternative, it does not provide the necessary training area essential for the Navy to meet readiness requirements. Implementation of this alternative would result in the potential loss of the integrated nature of training. It would also result in the fragmentation or total loss of essential training functions. Consequently, the No Action Alternative of not renewing existing withdrawn lands and requesting withdrawal of additional lands is inherently unreasonable because it does not meet the Navy's purpose of and need for the Proposed Action. However, the Navy carried forward its analysis of the No Action Alternative in the Final EIS as required by NEPA and to compare the environmental baseline (the current affected environment) to the conditions that would occur if the Proposed Action were not implemented.

**Alternative 1.** Under Alternative 1, the existing land withdrawal would be renewed and the FRTC would be expanded. Alternative 1 would close public access to ranges B-16, B-17, B-19, and B-20, but would accommodate certain public uses (ceremonial, cultural, or academic research visits, land management activities) when the ranges are not operational (typically weekends, holidays, and when closed for maintenance). The Navy would not close the DVTA to all public uses; certain allowable public uses of the DVTA lands would not change from current conditions, including hunting, camping, hiking, fishing, road use, Off-Highway Vehicle (OHV) use, site visits, and grazing. However, the DVTA would be closed to all forms of minerals mining, geothermal development, new or expanded utility corridors or new utilities, or other renewable energy projects. The Navy does not propose to expand B-19 and the Shoal Site. Expanding ranges B-17 and B-20 would accommodate the larger safety zones needed to accommodate standoff weapons training. Expanding B-16 would allow concurrent training operations with Naval Special Warfare tactical ground mobility training activities in the proposed western expansion area and air operations (helicopter and fixed wing) in the eastern portion of the existing B-16 range using existing targets. Expanding the DVTA would enhance the safety of aviators during low-altitude and nighttime non-weapons training events, as well as offer a more realistic non-weapons environment for Electronic Warfare, convoy training, and search and rescue training.

The WDZ at B-17 would extend over a portion of State Route 839, as well as a portion of the Paiute natural gas pipeline. Public land use of any kind cannot be accommodated within active WDZs for public safety reasons. Implementation of Alternative 1 would require two follow-on actions:

- **Reroute State Route 839.** Follow-on, site-specific environmental analysis and NEPA planning would be required to analyze relocation of a portion of State Route 839 outside of the WDZ for B-17. Construction of a new road would be complete before closure of any portion of the existing State Route 839. The Navy would not use any portion of an expanded B-17 range that would overlap the existing State Route 839 unless and until any such new route has been completed and made available to the public.
- **Relocate a portion of the Paiute Pipeline.** Follow-on, site-specific environmental analysis and NEPA planning would be required before any potential relocation of the pipeline could occur. The Navy would not use any portion of an expanded B-17 range that would overlap the existing pipeline unless and until any such rerouting of the pipeline has been completed and made available to the pipeline owner. The BLM would have decision authority with respect to any proposed final routing subsequent to completion of site-specific environmental analysis.

**Alternative 2.** Alternative 2 analyzes the same withdrawals, acquisitions, airspace changes, and follow-on actions proposed under Alternative 1. Similar to Alternative 1, certain public uses within specified areas of B-16, B-17, B-19, and B-20 (ceremonial, cultural, or academic research visits, land management activities) when the ranges are not operational (typically weekends, holidays, and when closed for maintenance) would be allowed under Alternative 2. As with Alternative 1, the Navy is not proposing to close the DVTA to public use. Certain allowable public uses of the DVTA lands would not change from current conditions, including hunting, camping, hiking, fishing, road use, OHV use, site visits, and grazing. Locatable minerals mining would not be allowed within the DVTA. However, Alternative 2 would also provide for expanded managed access opportunities in Bravo ranges when compared to Alternative 1. Simpson Road at B-16 and a small portion of land south of Simpson Road would be open to public use under Alternative 2. Additionally, under Alternative 2 the following activities would be allowed:

- Limited bighorn sheep hunting on designated portions of B-17
- Saleable minerals mining in the DVTA
- Conditional geothermal and other leasable mineral development in the DVTA
- Large event off-road races on all ranges subject to coordination with the Navy

**Alternative 3 (The Preferred and Selected Alternative).** Alternative 3 is similar to Alternative 2 with respect to managed access. The main difference between these alternatives is a “tilt and shift” of B-17 as recommended by the State of Nevada. Alternative 3 also differs with respect to the size of B-16, B-20, and the DVTA. With respect to B-16, similar to Alternative 2, Simpson Road and the lands south of the road will not be withdrawn. Instead, the Navy will relinquish them back to the BLM. Similar to Alternatives 1 and 2, the area north of Sand Canyon Road, which is currently withdrawn but open to the public, will be closed as part of Alternative 3. Under Alternative 3, the Navy will not seek to withdraw East County Road or the land east of the road for B-20.

The “tilt and shift” under Alternative 3 will move B-17 farther to the southeast and rotate the footprint slightly counter-clockwise as recommended by the State of Nevada. As a result, the expanded range will leave State Route 839 in its current configuration along the western boundary of B-17 and will expand eastward across State Route 361, requiring the relocation of a portion of that State Route. Specifically, under Alternative 3, the Navy will take the following actions:

- Request Congressional renewal of 201,762 acres of the current federal land withdrawal contained in the Military Lands Withdrawal Act of 1999 (Pub. L. 106-65).

- Request Congress to withdraw and reserve approximately 600,564 acres of additional federal land for military use.
- Acquire approximately 66,551 acres of private or state-owned (non-federal) land.
- Request Congress establish a 78,662-acre Military Spectrum Management Area.
- Construct range infrastructure to support modernization, including new target areas and fencing.
- Request FAA expand and reconfigure existing SUA to accommodate the expanded Bravo ranges.
- Request other appropriate Congressional action with respect to Alternative 3.

Alternative 3 will close the Bravo ranges to mineral resource development and will close the DVTA to locatable mineral development. Similar to Alternatives 1 and 2, Alternative 3 will allow for certain public activities on certain areas of B-16, B-17, and B-20 (ceremonial, cultural, or academic research visits, land management activities) at designated times, with Navy coordination, when the ranges would not be operational (i.e., typically weekends, holidays, and when closed for scheduled maintenance). Simpson Road at B-16 and a small portion of land south of Simpson Road will be open to public use under Alternative 3. Alternative 3 will also continue to allow grazing, hunting, OHV use, camping, hiking, site and ceremonial visits, and large event off-road races in the DVTA; these activities will be managed by the BLM. The Navy will not fence or close the DVTA to public use. Certain allowable public uses of the DVTA lands will not change from current conditions, including hunting, camping, hiking, fishing, road use, OHV use, site visits, and grazing.

Under Alternative 3 the following activities will be allowed:

- Limited bighorn sheep hunting on designated portions of B-17
- Saleable minerals mining in the DVTA
- Conditional geothermal and other leasable mineral development in the DVTA
- Large event off-road races on all ranges subject to coordination with the Navy

Under Alternative 3, the land requested for withdrawal for the DVTA north of U.S. Route 50 will remain the same as in Alternative 1. Unlike Alternatives 1 and 2, the Navy will not withdraw land south of U.S. Route 50 as part of the DVTA. Rather, the Navy proposes Congressional designation of this area as a Special Land Management Overlay. This Special Land Management Overlay will define two areas (one east and one west of the B-17 range) referred to as the Military Spectrum Management Area or MSMA in this ROD. These two areas, which are public lands under the jurisdiction of and managed by the BLM, will not be withdrawn by Congress for use by the Navy and will not be directly used for land-based military training. The area includes an existing right of way (ROW) for a current Navy communication site. All appropriative uses, including mining and grazing, can continue in these areas. However, prior to the BLM taking a federal action on proposals for these areas (e.g., issuing a permit for mining), the BLM will consult with the Navy to develop means to preserve training capabilities while evaluating the request. Further, any use of stationary or mobile equipment for the transmission or reception of radio spectrum associated with the federal action must be approved by the Navy.

Implementation of Alternative 3 will require the same follow-on action for the Paiute Pipeline as described under Alternative 1. However, instead of having to reroute State Route 839, because of the “tilt and shift,” State Route 361 would need to be rerouted as discussed below:



- **Reroute State Route 361.** Follow-on, site-specific NEPA analysis to relocate a portion of State Route 361 outside of the WDZ for B-17 would need to be completed prior to making any decision with respect to the final route. The Navy will support and participate in any such NEPA analysis. Construction of a new route will be complete before closure of any portion of the existing State Route 361. The Navy will not use any portion of an expanded B-17 range that will overlap the existing State Route 361 unless and until any such new route has been completed and made available to the public.

### **Alternatives Considered But Not Carried Forward for Detailed Analysis**

The Navy thoroughly considered and then eliminated from further consideration several alternatives that did not meet the purpose of and need for the Proposed Action, as summarized below. For a full discussion, see the Final EIS Section 2.5.

- **Continue Training at the FRTC in the Current Configuration.** This alternative, also known as the “status quo” alternative, would renew the existing FRTC land withdrawals as currently configured. The FRTC’s current configuration, however, does not meet current or future requirements for tactically acceptable combat training. Despite continued changes in warfare technology, the existing FRTC Bravo ranges have not changed substantially in size or configuration since 1990’s. As such, the FRTC does not currently have enough land and airspace to accommodate sufficiently realistic modern weapons delivery profiles and tactical ground mobility training. Non-weapons training occurs within the DVTA, but nearby infrastructure, mining, and geothermal development are encroaching on those activities. This encroachment places unrealistic limitations on non-weapons training and compromises aircrew safety, particularly in low-altitude, dark, and low-light conditions. As such, aircrew and Special Forces personnel are unable to safely train or train to tactically acceptable parameters within the DVTA. The Navy considered this alternative, but did not carry it forward for detailed analysis in the Final EIS. It would not meet the purpose of and need for the project, nor would it satisfy the realistic training environment and safety screening factors defined in the Final EIS Section 2.2.
- **Modernize the FRTC to Fully Meet the Tactics, Techniques, and Procedures in the *Ninety Days to Combat Required Training Capabilities Study*.** This alternative would increase FRTC airspace and training ranges to fully meet the Tactics, Techniques, and Procedures (TTP) requirements set forth in the *Ninety Days to Combat Required Training Capabilities Study* (2015). Under this alternative, the FRTC would be capable of supporting full TTP requirements and would allow air and ground forces to train in a realistic 360-degree combat scenario for all training scenarios. As Navy policy restricts public use of any kind to occur within active WDZs or Surface Danger Zones (SDZs) for safety reasons, implementing this alternative would require almost double the land required for the FRTC Modernization (approximately 1.3 million acres), as well as extensive revisions to special use and civilian airspace. The Navy considered the withdrawal and acquisition of over 1.3 million acres. The Navy considered this proposal infeasible because of severe and disruptive impacts on the local area, which would include relocation of multiple major U.S. Highways (U.S. Routes 50 and 95, and U.S. Interstate 80), and the greatly increased amount of public lands that would need to be closed to the public for weapons safety considerations.

- **Alternate Training Locations.** The Navy considered numerous alternatives to move training activities in whole or in part to other areas within the continental United States. As proposed by Eureka County and other stakeholders, these alternatives would involve either sharing existing military land or airspace with other Services or moving the FRTC training activities to a new location. Moving activities to other ranges could potentially meet the training requirements identified in the purpose and need for the Proposed Action. However, no other existing land or sea training ranges, or combination of ranges, could accommodate the Navy's mission and tempo at FRTC, particularly for advanced integrated strike warfare training. Given their own missions and full schedules, other existing training ranges would not be able to provide the adequate level of support staff, available land, available airspace, schedule compatibility (i.e., tempo), and infrastructure. Modernizing these other ranges to meet tactically acceptable parameters is infeasible at this time. These alternatives would not meet the realistic training environment and tempo screening factors (see Final EIS Section 2.2).
  
- **Reconfigure Components of the FRTC Withdrawal.** The Navy considered numerous alternatives to reconfigure components of the FRTC withdrawal such as:
  - resizing WDZs,
  - reconfiguring B-16,
  - reconfiguring B-17 to the south,
  - reconfiguring B-17 to the east and west,
  - reconfiguring B-17 firing azimuth to avoid State Route 839,
  - shifting or reducing B-20 to avoid the Fallon National Wildlife Refuge, and
  - reconfiguring B-20 to avoid closing the Navy's B-20 Access Road.

The Navy considered these alternatives, but did not carry them forward for detailed analysis in the Final EIS. Decreasing the size of the WDZ for some weapons would mean a decrease in the containment probability for those weapons, which would increase the level of risk to the public. Reducing the shape and size of these WDZs would also require that firing ranges or firing azimuths drop to levels below tactically acceptable weapons release parameters (see Final EIS Section 1.5.1). For B-16, reducing the proposed range size would lead to a reduction in the size of the SDZ. If the SDZ is reduced, B-16 would not meet the realistic training environment criterion, as the capacity for a 360-degree field of fire at multiple firing positions for small arms would be lost. Such reductions would also compromise the area available for multiple training areas with multiple complex threats and targets to accommodate Immediate Action Drill training. Regarding reconfiguring B-17 to the south, this would result in a 40-degree attack azimuth from both the north and south (a total of 80 degrees of attack azimuth), which would not meet the requirement for a 180-degree attack azimuth for Joint Direct Attack Munitions because the WDZ in the suggested configuration would be significantly less than 180 degrees. The reduced width of the WDZ would also decrease the range at which the Navy could employ Joint Direct Attack Munitions, further reducing training realism. Reconfiguring B-17 to the east and west would change the shape of the area available for a WDZ within B-17, which would decrease the firing ranges and firing azimuths for munitions, which would not meet realistic training environment requirements for air-to-ground tactically acceptable weapons release parameters.

Shifting B-20 to the east to avoid the Fallon NWR would cause the WDZ to extend well over East County Road and the Stillwater Mountain Range. Although potentially providing sufficient land to meet training requirements, this alternative would require the closure of East County Road. Moving B-20 and its associated airspace north would impinge on flights arriving at or departing from the Reno International Airport. If the Navy were to reduce the size of B-20 to avoid the Fallon NWR or closure of the Navy's B-20 Access Road, B-20 could not accommodate a WDZ that meets the screening factor for air-to-ground tactically acceptable weapons release parameters. Specifically, this alternative would not meet the requirement for the 180-degree attack azimuth for Joint Direct Attack Munitions, as the WDZ in the suggested configuration would be significantly less than 180 degrees. If the Navy were to shift the B-20 area to the south and west to avoid the Navy's B-20 Access Road, this shift would result in locating target arrays at the bottom of Carson Sink, which frequently is flooded with standing water up to 10 feet deep. The frequency of flooding would prohibit the Navy from developing realistic targets. Also, shifting B-20 would require acquisition of additional restricted use airspace, which would affect approaches into Reno International Airport.

In conclusion, these alternatives would significantly impact land uses well beyond impacts associated with the Proposed Action and would also not meet the realistic training environment and tempo screening factors (see Final EIS Section 2.2).

- **Reallocate Training Activities within the FRTC.** The Navy considered numerous alternatives to reallocate training activities within the FRTC, such as reallocating training activities from B-16 to B-19, from B-17 to B-19, from B-17 to B-20 (or the inverse), from the DVTA to B-20, and the relocation of B-16 northeast of the Cocoon Mountains. These alternatives would not meet the realistic training environment and tempo screening factors (see Final EIS Section 2.2).
- **Access Alternatives.** During public outreach, the Navy worked with stakeholders to explore various ways to maximize public access to the FRTC. The Navy looked at each individual type of expanded access and analyzed it separately, such as livestock grazing on Bravo ranges, mining on Bravo ranges, renewable energy development (wind and solar) within Bravo ranges and the DVTA, OHVs within Bravo ranges, camping and hiking within Bravo ranges, and open access to the northeast portion of B-16. Implementing these alternatives would conflict with either individual factors or various combinations of factors, such as the realistic training environment, public safety, and tempo screening factors (see Final EIS Section 2.2).
- **Governor's Alternative ("Nevada Alternative").** The Nevada Office of the Governor proposed an alternative to realign B-17 by shifting and tilting it to the southeast. The Governor's alternative also proposed minor boundary adjustments to the configurations of B-16 and B-20 with no changes to the boundaries of B-19. The Navy determined that it could incorporate many aspects of the Governor's alternative without detrimental effects on the Navy's ability to train in the FRTC. Accordingly, the Navy developed Alternative 3 to include those portions of the Nevada Alternative that are compatible with military readiness activities. The Navy did not adopt all aspects of the Governor's proposed alternative because some aspects of the proposal would not meet the Navy's purpose of and need for the FRTC Modernization.

## Public Involvement

## Scoping

The Navy published a notice of intent to prepare an EIS and to announce public scoping meetings in the *Federal Register* on August 26, 2016. The BLM published a notice of application for withdrawal extension and expansion in the *Federal Register* on September 2, 2016. NAS Fallon and the BLM distributed news releases to media outlets on August 25, 2016, and September 1, 2016, respectively. On August 25, 2016, stakeholder and Tribal notification letters were mailed first-class to 26 federal, state, and local elected officials and government agencies, and via certified mail to the Tribes identified previously and the Inter-Tribal Council of Nevada. On August 25, 2016, the Navy mailed 589 postcards to Tribal staff, individuals, landowners, and organizations. Display advertisements were placed in eight local newspapers in various cities on September 1, 8, 15, 22, 29, and October 6, 2016, to advertise the public's opportunity to comment on the scope of the analysis. Public outreach materials included a description of the Proposed Action, dates and locations of public scoping meetings, the address of the project website, the duration of the comment period, and information on how to provide comments.

At the request of the public, the Navy published a notice in the *Federal Register* on November 10, 2016, to extend the public scoping period to December 12, 2016. A display advertisement announcing the public comment period extension was placed in eight newspapers on November 11, 12, 13, 16, and 17, 2016. The Navy sent a letter announcing the public comment period extension via certified mail to the same Tribal contacts. A postcard mailer announcing the public comment period extension was mailed first-class on November 14, 2016, to 700 elected officials, government agencies, Tribal staff, individuals, landowners, and organizations.

The Navy held formal briefings with cooperating agencies and Tribes. A dedicated phone line was set up for this project to receive voice messages and went live on August 25, 2016. Voice messages were reviewed and logged daily during business hours, and return calls were made, when applicable. The Navy established a public website (<https://frtcmodernization.com>) for the project, which provided various project-related materials, including fact sheets and videos. Over the course of the public scoping period, the public provided written scoping comments to the Navy via letter or via the project website. The public also submitted comments orally or in writing at public scoping meetings.

The Navy held seven scoping meetings from October 3, 2016, through October 7, 2016, in Fallon, Lovelock, Reno, Austin, Eureka, Hawthorne, and Gabbs. In total, 338 people attended seven public scoping meetings. Twenty-one written comment letters and 15 oral comments were submitted at the meetings. A total of 328 scoping comments were received, all of which were considered during preparation of the FRTC Modernization Draft EIS.

## Draft EIS

The 60-day public comment period on the FRTC Modernization Draft EIS began with the issuance of a notice of public meetings (83 Federal Register [FR] 57455) in the *Federal Register* on November 15, 2018, followed by the issuance of a notice of availability (83 FR 57726) on November 16, 2018. The Navy notified the public of the release of the Draft EIS and the dates and locations of public meetings to maximize participation during the public review and comment period process. At the request of the public, the Navy extended the public comment period from 60 days to 90 days. The Navy published a notice announcing the extension of the public comment period in the *Federal Register* on December 27, 2018 (83 FR 66685).

Stakeholder, cooperating agency, and Tribal notification letters were mailed first-class on November 7, 2018, to 108 federal, state, and local elected officials; government agencies; and Tribal staff. These letters were also sent via certified mail to Tribes and the Inter-Tribal Council of Nevada. Stakeholder letters were sent on their own or with a Draft EIS CD-ROM, flash drive, or hard copy enclosure. Letters sent to Tribes were included the Draft EIS as a hard copy enclosure. A letter announcing the public review and comment period extension was sent via certified mail to the same federally recognized Tribes on December 28, 2018. In addition, e-mails announcing the extension of the public review and comment period were sent to cooperating agencies and Tribal participants on December 28, 2018. A postcard mailer providing information on the public meetings, the Proposed Action, and how to submit comments was mailed first-class to 744 Tribal staff, individuals, landowners, and organizations on November 16, 2018. A postcard mailer announcing the public comment period extension was mailed first-class on December 28, 2018, to 1,018 elected officials, government agencies, Tribal staff, individuals, landowners, and organizations. A flier providing information on the public meetings, the Proposed Action, and how to submit comments was mailed first-class to 42 businesses on November 15, 2018.

Display advertisements were placed in local newspapers (*Lahontan Valley News* [Fallon, NV], *Lovelock Review-Miner* [Lovelock, NV], *Nevada Appeal* [Reno, NV], *Reno Gazette-Journal* [Reno, NV], *Battle Mountain Bugle* [Austin, NV], *Eureka Sentinel* [Eureka, NV], *Mineral County Independent News* [Hawthorne, NV], and *Tonopah Times-Bonanza* [Gabbs, NV]) to advertise the notice of availability of the Draft EIS, the public meetings, and the public comment period. The advertisements included a description of the Proposed Action, the public meeting dates and locations, the address of the project website, the duration of the comment period, and information on how to provide comments. A display advertisement announcing the extension of the public comment period was placed in the same newspapers referenced above. NAS Fallon distributed news releases to regional media outlets on November 16, 2018, and December 6, 2018. The news releases provided information on the public meetings, Proposed Action, and how to submit comments. A news release was disseminated on December 27, 2018, announcing the extension of the Draft EIS public review and comment period. A public service announcement announcing the public meetings was also made on December 6, 2018. Additionally, the Navy posted an informational video on the project website. The Draft EIS was available electronically for public viewing at <https://frtcmmodernization.com/> and hard copies of the FRTC Modernization Draft EIS were also provided to 11 libraries located throughout the FRTC Study Area (Austin Branch Library [Austin, NV], Carson City Library [Carson City, NV], Churchill County Library [Fallon, NV], Crescent Valley Branch Library [Crescent Valley, NV], Downtown Reno Library [Reno, NV], Eureka Branch Library [Eureka, NV], Fernley Branch Library [Fernley, NV], Gabbs Community Library [Gabbs, NV], Mineral County Library [Hawthorne, NV], Pershing County Library [Lovelock, NV], and Yerington Branch Library [Yerington, NV]).

The Navy provided the public with several options for providing comments on the FRTC Modernization Draft EIS. Over the course of the public comment period, the public provided written comments to the Navy via letter or via the project website. The public also submitted comments orally or in writing at public meetings.

In total, 369 people attended seven public meetings. Twenty-one written comment letters and 51 oral comments were submitted at the meetings. Additionally, 170 copies of the same form letter (postcards) were received at the public meetings. Seven open house public meetings were held on December 10, 2018 (Hawthorne, NV); December 10, 2018 (Gabbs, NV); December 11, 2018 (Austin, NV); December 11, 2018 (Eureka, NV); December 12, 2018 (Fallon, NV); December 13, 2018 (Lovelock, NV); and December

13, 2018 (Reno, NV). At these meetings, Navy representatives were available to provide information and answer questions posed by members of the public one-on-one. The Navy presented a formal brief that summarized the FRTC Modernization Draft EIS and its conclusions, and provided a forum for receiving oral comments from the public. Attendees could also provide comments using paper comment forms or via an onsite stenographer. Additionally, the public could provide comments electronically via the project website or by mailing letters to the address provided in all correspondence and outreach materials. The Navy received comments from six federal agencies/officials, 14 state agencies/officials, 23 county agencies, 15 Tribes, 49 non-governmental organizations, 37 businesses, and 1,322 private individuals for a total of 1,466 comments on the Draft FRTC Modernization EIS.

### *Final EIS*

In response to the comments received through the public comment process, as well as through consultations with Tribes, regulators, and other stakeholders, the Navy reduced the size of the land withdrawal for Alternative 3 as reflected in the FRTC Modernization Final EIS. The Navy also included additional management practices, monitoring, and mitigation measures to minimize impacts on the environment. Specific measures are discussed later in this ROD.

The notice of availability for the FRTC Modernization Final EIS was published in the *Federal Register* on January 10, 2020 (85 FR 1313). The Navy notified the public of the publication of the FRTC Modernization Final EIS through letters, postcards, press releases, project website subscriber e-mails, and newspaper advertisements. The Navy sent notification letters to 123 stakeholders and Tribes and mailed 1,067 postcards to inform the public of the Final EIS release. Concurrent with the publication in the *Federal Register*, the Navy uploaded the FRTC Modernization Final EIS to the project website for accessibility by the public and made copies available at the same 11 public libraries listed above.

The Navy held a public informational meeting in Fallon, NV, on January 28, 2020, after release of the FRTC Modernization Final EIS. Approximately 200 people attended the meeting. The informational meeting included poster stations staffed by Navy representatives, a presentation by the Navy, and an opportunity for the public to provide oral and/or written comments. The Navy also accepted comments by mail during the 30-day wait period from January 10, 2020, through February 10, 2020. At the meeting, the Navy received 16 written comments and 26 oral comments. Additionally, the Navy received 69 mailed comment letters. The Navy also received one resolution, one comment from a federal agency/official, six comments from state agencies/officials, one state-consolidated comment, two comments from county agencies, 34 comments from Tribes, 11 comments from non-governmental organizations, seven comments from businesses, and 49 comments from private individuals, for a total of 112 comments. A summary of comments received during the Final EIS wait period is provided later in this ROD.

### **Environmental Impacts**

The following resource areas were addressed in the Final EIS: geological resources, land use, mining and mineral resources, livestock grazing, transportation, airspace, noise, air quality, water resources, biological resources, cultural resources, recreation, socioeconomics, public health and safety, and environmental justice. The following summary of impacts focuses on the Navy's selected alternative, Alternative 3. The "Mitigation and Other Navy Commitments" section of this ROD includes a discussion of measures the Navy will implement to mitigate impacts.

**Geological Resources.** Implementation of Alternative 3 will not result in significant impacts on geological resources. Construction activities will permanently impact up to 241 acres and temporarily impact approximately 451 acres. Ground convoy training will result in soil disturbance and compaction, exposing soils to erosion in limited areas. Ground disturbing activities will not result in conversion of prime or unique farmland or farmland of statewide or local importance. New target areas will be created in B-16, B-17, and B-20. The vast majority of ordnance strikes will occur in active target areas, resulting in the potential for munition constituents to impact soil or shallow bedrock. However, existing management practices will minimize permanent impacts.

**Land Use.** Alternative 3 will result in less than significant impacts on land use. Access to previously open land will be restricted except for Navy-authorized activities (e.g., ceremonial site and Tribal visits; research/academic pursuits; or regulatory or management activities, by organizations such as the BLM, Bureau of Reclamation, USFWS, local government, or NDOW). The Navy will provide managed access to the Tribes to areas of religious and cultural significance and to the public for special events (e.g. racing events) in Bravo ranges. The Navy will also provide managed access to B-17 to bighorn sheep hunters. Geothermal development will be allowed in the DVTA west of state route 121 with appropriate design features. Utility planning corridors within Bravo range expansion areas will be incompatible with military operations under Navy policy and will not be allowed. However, the Navy has reduced the western boundary of the B-16 withdrawal to align more closely with the SDZ to avoid the existing transmission line. With respect to a potential Interstate 11 corridor on the edge of B-16, should a proposed route be identified that overlaps the northeast corner of B-16, the Navy will accommodate a ROW that meets both military training requirements and federal and state transportation requirements.

The open nature of the surrounding land area will not change near the FRTC. Alternative 3 will not impact airspace or other development rights with respect to private property that the Navy will not acquire. However, withdrawn federal land will no longer be managed for the purpose of multiple public use. The percentage of federal land within Churchill County will increase approximately 1.7 percent. Federal land will increase less than 1 percent in Mineral, Nye, Pershing, and Washoe Counties.

Alternative 3 supports the Navy's request for legislation to remove WSA designation from 75,104 acres from portions of the Clan Alpine Mountains (approximately 11 percent), Job Peak (approximately 47 percent), and Stillwater Range (approximately 12 percent) WSAs and including these areas in the expanded DVTA. If Congress approves the removal of WSA designation, the BLM will consult with the Navy prior to taking any federal action on proposals in these areas (e.g., issuing a permit for geothermal development) to identify means to preserve the training environment while accommodating the action. Though withdrawn for military purposes, the BLM will manage public use of the expanded DVTA including leasable and saleable minerals mining, grazing, and recreation. Land use and management under the BLM for portions of the area remaining as designated WSAs will not change. The DVTA will overlap 11,600 acres of the BLM's proposed Fox Peak Area of Critical Environmental Concern (ACEC) and, under Alternative 3, the Navy will request the BLM to change the boundaries of the proposed ACEC to remove those areas within the DVTA. Consistent with the DVTA, the BLM will manage the 11,600 acres of withdrawn land. The B-20 boundary will expand to meet the perimeter of (but not overlap) the Stillwater National Wildlife Refuge, but the expansion will overlap 2,720 acres of the Fallon NWR. The USFWS will continue to manage that portion of the Fallon NWR, but access will be closed to the public for safety purposes.

Regarding the MSMA, if established by Congress, the BLM will coordinate MSMA usage with the Navy to ensure military and civilian uses of the electromagnetic spectrum do not interfere with each other. As a

result of the implementation of managed access to the FRTC, Alternative 3 will result in less than significant impacts on land use.

**Mining and Mineral Resources.** Alternative 3 will result in significant impacts on planning activities related to mining and mineral resources, as well as exploration, development, and production of such resources. Alternative 3 includes the withdrawal and reservation of lands with high potential for locatable, leasable, and saleable minerals, and may have an economic impact if market conditions are favorable for more mineral resource development. Locatable minerals mining will not be allowed within Bravo ranges or the DVTA. Saleable minerals mining will be allowed in the DVTA. Geothermal development will be allowed on the west side of the DVTA (west of state route 121) with required design features. Access for mining exploration and development in the MSMA will be allowed. The Navy will minimize overlap with the Bell Mountain mining claim by reducing the B-17 withdrawal to align with the arc of the WDZ within Township 34 North, Range 14 East, leaving the majority of the mining project within the MSMA.

**Livestock Grazing.** Alternative 3 will result in significant impacts on livestock grazing due to the closure of approximately 352,601 acres of BLM grazing allotments and approximately 4,187 acres of Bureau of Reclamation pastureland. The closure of these areas for grazing impacts portion of 12 allotments, five of which would lose more than 25% of their current allotment area.

**Transportation.** Alternative 3 will result in significant impacts on transportation due to the loss of customary and familiar transit routes (closure of Pole Line Road [B-20 Navy Access Road] and reroute of State Route 361). Traffic patterns on roads near B-16 will be impacted due to the closure of Sand Canyon Road.

The Navy defers to the DOI and decisions of courts of appropriate jurisdiction with respect to making determinations concerning claimed Revised Statute (R.S.) 2477 roads. In the absence of such determinations, the Navy does not take a position with respect to any claimed R.S. 2477 roads. The BLM has not identified any adjudicated R.S. 2477 roads in the areas requested for withdrawal or identified for acquisition. The withdrawal of the DVTA for military purposes will have no effect on legal adjudication of R.S. 2477 road claims.

**Airspace.** Alternative 3 will not result in significant impacts on airspace. Alternative 3 will reconfigure existing MOAs and ATCAAs, and create additional restricted airspace. The design of the SUA will maximize the Navy's use of the airspace while allowing as much public and commercial use as possible. The reconfiguration of B-17 will require new restricted airspace, named R-4805. Reconfigured airspace will not interfere with existing commercial air traffic patterns or airports/airstrips. There will be no increase in collision potential between military and non-participating civilian operators, as the tempo, frequency, and duration of military operations will remain at current levels. There will be no impact on the extended VFR corridor or commercial or general aviation use of the FRTC airspace. Medical evacuation, wildlife management activity, and fire-suppression flights will continue to be supported, and civilian aviation will not be significantly restricted.

**Noise.** Alternative 3 will not result in significant noise impacts on the areas immediately surrounding the Bravo ranges. Noise associated with training activities occurring in SUA, away from the Bravo ranges, will result in significant impacts on the acoustic environment. With the exception of B-16, all Day-Night Average Sound Level (DNL) contours above 65 A-weighted decibels (dBA) from air-to-ground munitions activities will be contained within the range boundaries. At B-16, the area where DNLs above 65 dBA will



reach off range is similar to the environmental baseline and does not overlap sensitive receptors. In the proposed MOAs within the eastern portion of the FRTC airspace, DNLs will increase 10-20 dBA, although the noise contours themselves will not exceed 65 dBA. Visual inspection of aerial maps of impacted areas (regions where the DNL contours are in excess of 65 dBA) reveals small areas of sensitive receptors (e.g., residences, lodging, or medical facilities) or incompatibility with current land use. In these areas, during busy months of training activities at the FRTC, noise may interfere with normal activities. There will be a slight increase in the number of incidents of indoor and outdoor speech interference and classroom interference, and a slightly higher probability of awakening, especially for sensitive receptors near Gabbs, NV. While the number of supersonic activities will not change, the expansion of supersonic training areas will create new areas that could be impacted by sonic booms. However, while individual sonic booms may provide a brief, impulsive noise, the contribution to C-weighted DNLs will not represent a degradation of the noise environment with respect to DNLs.

**Air Quality.** Implementation of Alternative 3 will not result in significant impacts on air quality. Small increases in emissions of criteria and hazardous air pollutants will occur, relative to baseline Nevada emissions and the environmental baseline. Measurable changes in air quality will be expected locally, but the attainment status in the Northwest Nevada Intrastate Air Quality Control Region and Nevada Intrastate Air Quality Control Region will not be affected. Small increases in fugitive dust from construction activities will occur; however, management practices will minimize the generation of dust. Construction emissions will be localized and temporary, minimizing the overall impact on ambient air quality.

**Water Resources.** For Alternative 3, changes in state water right ownership and management represent a significant impact on individuals. The Navy may acquire water rights and would provide fair market compensation to affected water rights holders on the Bravo ranges. The evaluation of water right acquisitions will occur on a case-by-case basis. The Navy will not seek to acquire water rights within the DVTA, and water right holders will continue to exercise their beneficial uses associated with their water rights in the DVTA. The Navy will continue to consult with Churchill County planners and engineers to ensure future water development projects are designed to meet Churchill County water development goals with project design features consistent with military training activities within the DVTA.

Alternative 3 will not result in significant impacts on water quality. There will be temporary impacts from road construction and facilities, but the Navy will implement management practices to reduce impacts on water quality. There will be localized areas of disturbance from munitions use within withdrawal areas and a small footprint of new infrastructure. The Navy will implement management practices and mitigation measures specifically designed to reduce or avoid potential impacts on surface water and groundwater, such as placing targets outside of washes as much as possible. The Navy will periodically remove expended munitions and munitions fragments through operational range clearance in Bravo ranges, thereby removing a source of potential contamination to surface and groundwater. Chemical compounds in expended munitions not retrieved are likely to dry and degrade in the arid environment.

**Biological Resources.** Implementation of Alternative 3 will not result in significant impacts on biological resources. No federally listed threatened or endangered species will be affected by the FRTC modernization because none are known to occur in the FRTC region of influence. Noise from aircraft operations and munitions activities will be similar to current noise levels, but will now occur over a larger area due to airspace modifications. The majority of the literature suggests that wildlife species may exhibit adaptation, acclimation, or habituation after repeated exposure to jet aircraft overflights and associated noise, including sonic booms. The probability of an animal, nest, or other defined

location experiencing overflights more than once per day will be low due to the random nature of flight within the SUA and the large area of land overflown. In comments on the Final EIS, NDOW expressed concern regarding increased low-level overflights on the greater sage grouse. Based on available literature and the Final EIS analysis, the Navy concluded that impacts will be less than significant.

A potential unintended effect of training activities is inadvertent wildfires. The Navy will continue to implement operational and administrative controls to avoid and minimize the occurrence of wildfires. The Navy will minimize risk of and any damage from fires by establishing fire breaks and green stripping around targets; conducting weed abatement programs; and removing dry vegetative fuel sources near targets. Outside of range boundaries, the Navy implements control measures to ensure airborne training activities do not start fires. For example, regarding the use of airborne flares, the Navy has established minimum flare release heights to prevent wildfire occurrence. The Navy is developing a Wildland Fire Management Plan for the FRTC. The Wildland Fire Management Plan will address integrated fire prevention, fire suppression, and post-fire rehabilitation/restoration processes for the FRTC in cooperation with regional stakeholders (e.g., NDOW, BLM, affected counties).

Construction activities will impact vegetation communities and wildlife habitat; however, the areas potentially impacted are small relative to the extent of surrounding areas. Direct construction impacts on approximately 6,505 acres of regionally common vegetation communities will not be significant. Potential direct construction impacts will not have a significant impact on bighorn sheep or pronghorn populations.

**Cultural Resources.** With implementation of the mitigation discussed in “Mitigation Measures and Other Navy Commitments” later in this ROD, the Navy anticipates implementation of Alternative 3 will result in less than significant impacts on cultural resources. The Navy conducted Class III pedestrian surveys of all of B-16 and all proposed target areas on B-17 and B-20 where the vast majority of ordnance will be expended. In addition, the Navy prepared a Class I Cultural Resources Overview Study in 2018 for the B-16, B-17, B-20, and DVTA proposed land expansion areas. In total, this study covered 680,000 acres within Churchill, Lyon, Mineral, Nye, and Pershing counties for requested withdrawal and proposed acquisition areas associated with Alternatives 1, 2, and 3. The Navy also prepared a second Class I Cultural Resources Overview Study for 92,315 acres associated with additional requested withdrawal and proposed acquisition areas under Alternative 3.

Cultural resources could be impacted by construction and training activities. As the Navy implements Alternative 3, there will be further consultation under Section 106 of the National Historic Preservation Act (NHPA) for the various elements of the FRTC modernization in accordance with the amended 2011 Programmatic Agreement (PA). Target areas and fencing will be placed to avoid known cultural resources. When adverse effects are unavoidable, the Navy will consult with the Advisory Council on Historic Preservation (ACHP), Nevada State Historic Preservation Officer (SHPO), and interested Tribes on mitigation to resolve adverse effects consistent with the amended 2011 PA and the requirements of 36 CFR Section 800.6.

If human remains are discovered during implementation of the FRTC modernization, depending on the origin and age of the remains, the Navy will follow the procedures established under the Native American Graves Protection and Repatriation Act (NAGPRA). The Navy will consult with culturally affiliated Tribes to develop a NAGPRA Plan of Action or comprehensive agreement.

Implementation of Alternative 3 may result in significant impacts on Tribal access to cultural resources. Access to cultural resources within the FRTC will be managed, but not eliminated. The Navy will develop agreements with Tribes to provide for managed access if so desired. Access for ceremonial, cultural, and academic activities will be allowed, with Navy coordination, when the ranges are not operational (typically weekends, holidays, and when closed for maintenance). Because the proposed access Memoranda of Understanding (MOUs) with Tribes have not been finalized and the high degree of concern raised by Tribes with respect to potential loss of access, the Navy concludes limiting Tribal access to cultural resources may result in significant impacts.

**Recreation.** The DVTA will remain open for recreation. However, on the Bravo ranges, Alternative 3 will result in significant impacts on public recreation as the public will no longer be able to access approximately 356,788 acres of federal land due to the modernization of B-16, B-17, and B-20. Opportunities for hiking, hunting, camping, OHV use, wildlife watching, and other recreational opportunities will be lost in these areas, including eliminating public access to most of the Dead Camel Mountains, Slate Mountain, Monte Cristo Mountains, and the West Humboldt Range. The public will not be able to access closed Bravo ranges for hunting and racing events except as noted in the “Mitigation and Other Navy Commitments” section of this ROD. The public will lose access to 2,720 acres of the Fallon NWR.

**Socioeconomics.** Alternative 3 will result in no significant impacts on population and demographics, housing, agriculture, property values, or recreation and tourism revenues; however, it will result in significant impacts on mining and geothermal opportunities. The selected alternative will result in permanent economic impacts associated with lost federal grazing land. While there will be significant impacts on individual ranchers, there will not be a significant impact on the total economic activity within the affected counties. Locatable, saleable, and leasable activities will continue to be allowed within the MSMA subject to the BLM approval process that will include coordination with the Navy. The selected alternative will not change payments in lieu of taxes (PILT) for Churchill, Mineral, Nye, or Pershing counties, and will result in minimal changes in PILT for Lyon County. It is important to note that the methodology for calculating PILT payments can change from year to year as discussed in the Final EIS Section 3.13.2.3.9. PILT is based on population, previously received receipt-sharing payments, and the amount of federal land within an affected county. While the analysis in the Final EIS uses the 2018 PILT methodology for estimating potential impacts on authorized PILT payments, actual impacts on authorized PILT payments will depend on the year in which any land withdrawal is enacted. While there will be no significant impact from lost sales and tax revenue, lost hunting opportunities could result in a reduction in wildlife application fees and funding sources for NDOW.

**Public Health and Safety and Protection of Children.** Alternative 3 will not result in significant impacts on public health and safety and protection of children, and there will be no disproportionate environmental health or safety risks to children. Current plans and procedures for emergency services, wildfire management, aircraft and ground operations, range clearance, electromagnetic energy, use of lasers, abandoned mine lands, hazardous waste management, and the protection of children will be implemented throughout the FRTC. The Navy will develop and implement a Wildland Fire Management Plan to reduce the risk of wildfire in the region of influence. The public will be unable to access B-16, B-17, B-19, and B-20 to ensure public safety. However, the DVTA will remain open to the public, and the Navy will conduct non-hazardous training activities in the DVTA in a manner that ensures public safety. Construction and improvement activities will follow standard safety measures to include construction fencing, signs, and security to minimize safety risks and unauthorized access.

**Environmental Justice.** Alternative 3 will not result in significant environmental justice impacts. The Navy identified minority and low-income populations in the study area in accordance with Environmental Protection Agency (EPA) guidance (see Final EIS Section 3.15.1). The Navy's approach to environmental justice analysis included consideration of surrounding counties and Tribal communities. Based on the Navy's analysis, some communities meet criteria to qualify for minority or low-income status in accordance with EPA guidance (see Final EIS Section 3.15.2). In addition, the Fallon-Paiute Shoshone Tribe identified itself as a minority community. For all minority or low-income communities, effects are not considered disproportionately high because aircraft noise also overlaps comparison groups. Implementation of the selected alternative will not result in any air emissions or water discharges that will adversely affect minority or low-income communities to a greater extent than comparison groups. Therefore, Alternative 3 will not cause disproportionately high and adverse human health or environmental effects on any minority or low-income populations.

### **Agency Coordination**

Cooperating agencies for this EIS, pursuant to 40 CFR Section 1508.5, include the BLM, FAA, USFWS, NDOW, Nevada Division of Minerals, Nevada Department of Agriculture, NDOT, Nevada Governor's Office of Energy, and the following Nevada counties: Churchill, Eureka, Lander, Mineral, Nye, and Pershing. The BLM and FAA also have unique roles in the FRTC modernization as discussed below.

**Bureau of Land Management.** As outlined in the Federal Land Policy and Management Act (FLPMA) and implementing regulations at 43 CFR Part 2300, the BLM is responsible for processing public land withdrawal applications from federal agencies and submitting preliminary findings and recommendations on such applications to the Secretary of the Interior. However, a land withdrawal of more than 5,000 acres for DoD use for defense purposes requires an Act of Congress. In accordance with 43 CFR Subpart 2310, the Navy submitted a land withdrawal application to the Carson City Field Office of the BLM. Subsequently, in accordance with 43 CFR Sections 2310.2(a) and 2310.3-1(b), the BLM published a *Notice of Application for Withdrawal Extension; Notice of Application for Withdrawal Expansion; and Opportunity for Public Meeting; Naval Air Station, Fallon, Nevada* on September 2, 2016. The Navy published a notice of intent that provided a 90-day comment period, from August 26, 2016 through November 25, 2016, for stakeholders to express their views on the impacts of the proposed land withdrawal extension and expansion. In addition, the Navy and BLM held seven meetings to inform the public of the BLM's responsibility related to the withdrawal and expansion request as well as the NEPA evaluation of the proposed withdrawals.

On May 4, 2018, the BLM published a *Notice of Amended Application for Withdrawal Expansion and Opportunity for Public Meeting; Nevada* in light of the 2016 amended Engle Act application for withdrawal by the Navy. The BLM held a public meeting to help the public understand the withdrawal and the associated decision-making process on June 19, 2018, in Fallon, NV. On August 31, 2018, the BLM published *Public Land Order No. 7873; Withdrawal of Public Land for Land Management Evaluation Purposes; Nevada*, to maintain the current environmental baseline, relative to mineral exploration and development for land management evaluation, subject to valid and existing rights, to allow the Navy time to complete its environmental evaluations under NEPA.

**Federal Aviation Administration.** The FAA administers all navigable airspace within the United States. The FAA participated in the preparation of the Final EIS, which includes the necessary environmental impact information to support the FAA rulemaking on the Navy's airspace proposal, including airspace changes.

## **Tribal and Agency Coordination and Consultation**

**Government-to-Government Consultation.** The Navy worked with interested Tribes to develop the Final EIS. The Navy invited the Tribes to all cooperating agency meetings and hosted separate GtoG meetings to discuss issues of Tribal interest. The Tribes include the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (comprising the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and the Yomba Shoshone Tribe, as well as the Inter-Tribal Council of Nevada.

**National Historic Preservation Act Section 106 Consultation.** Previous consultations under the NHPA conducted in support of installation operations, training programs, and related activities resulted in the development of the 2011 PA among NAS Fallon, the ACHP, the Nevada SHPO, and the Nevada State Office of BLM. The 2011 PA was developed consistent with 36 CFR Section 800.14(b)(3) in consultation with interested parties as a program alternative to administer the installation's Section 106 responsibilities more efficiently. The 2011 PA contains measures to develop and share information, and to consider the views of the SHPO, ACHP, BLM, potentially affected Tribes, and other interested parties as undertakings are proposed. The 2011 PA also included processes for consulting to determine mitigation measures when historic properties may be adversely affected. To support the FRTC modernization, the Navy consulted with the SHPO, ACHP, Tribes, local governments, and the public to develop an amendment to the existing 2011 PA. The amended PA was signed by the Navy, SHPO and ACHP and became effective on March 3, 2020.

## **Mitigation Measures and Other Navy Commitments**

The Navy will implement the following mitigations and other measures to reduce impacts of the FRTC modernization:

### **Access Protocols and Other Agreements**

The Navy will work with agencies, affected Tribes, and other stakeholders to develop Memoranda of Agreement, MOUs, or other protocols for:

- land management of the DVTA under FLPMA to include continued open and unfenced public access for the duration of the withdrawal. Protocols for leasable minerals mining (including geothermal) and other land use requests will assure compatibility with the military mission (with the BLM and other state and county agencies as appropriate).
- coordination and notification of proposals in the MSMA to ensure any permit, lease, or other land use decision will be consistent with the purposes of the military mission (with the BLM and other state and county agencies as appropriate).
- tribal access to areas of religious and cultural significance in Bravo ranges (with Tribes).
- access for management of that portion of the Fallon NWR within B-20 that will be closed to public access, but will continue to be managed as a wildlife refuge (with the USFWS).

- access for management of that portion of Bureau of Reclamation infrastructure in B-16 and B-20 that will be closed to public access but will continue to be managed for flood control (with the Bureau of Reclamation and other state and county agencies as appropriate).
- access and resource management activities within Bravo ranges (with NDOW and others as appropriate).
- establishment of a Bighorn Sheep Hunting Program on B-17 (with NDOW).
- access to the FRTC for research and other activities (as requested).

### **Proposed Action and Land Use**

- The Navy will, to the greatest extent possible, reduce the areas to be withdrawn to align as closely as practicable to the WDZs arcs. The Navy will establish fencing to restrict access to the smallest possible area necessary to ensure public safety. Areas withdrawn for the ordnance ranges will be managed by the Navy for military purposes, including those outside the fenced WDZs. Following implementation of the action, the Navy will evaluate whether unfenced areas outside of WDZs need to be retained. If not, the Navy will relinquish these areas to BLM for reincorporation into the public domain.
- The Navy will, in cooperation with the DOI, State of Nevada, regional counties, and Tribal governments, establish an intergovernmental executive committee for the purpose of exchanging views, information, and recommendations relating to the management of the natural and cultural resources of the modernized FRTC. This intergovernmental executive committee will conduct its activities pursuant to a Memorandum of Agreement to be negotiated and finalized within two years of signing this ROD.
- The Navy reduced the western boundary of the B-16 withdrawal to align more closely with the SDZ to avoid the existing power line and maintain public use of the associated access road. If future development of the transmission within the Westwide Planning Corridor cannot be accommodated outside of B-16, the Navy will engage and work towards accommodating another transmission line as close as possible to the existing line.
- The Navy will not request withdrawal of any portion of the Stillwater NWR.

- The Navy will purchase the impacted portion of the Paiute Pipeline and will pay for relocation of the existing Paiute Pipeline south of the proposed B-17 range. Using funding provided by the Navy, the Paiute Pipeline Company will be responsible for planning, designing, permitting, funding, and constructing any realignment of the pipeline. Any potential resource impacts associated with the relocation of the pipeline will be subject to the same commitments for the larger FRTC modernization identified under “Mitigation Measures and Other Navy Commitments” in this ROD.
- The Navy will accommodate construction of two additional transmission lines or utility corridors running parallel to the existing power line in proximity to Nevada Route 121 in the DVTA. Transmission lines would be built as close as possible to the existing line.

### **Mining and Mineral Resources**

- The Navy will allow saleable minerals mining activities in the DVTA.
- The Navy will allow leasable minerals mining (to include geothermal development) west of State Route 121 in the DVTA as managed under the Geothermal Steam Act of 1970 and consistent with required design features listed in the Final EIS.
- The MSMA will enable continued exploration and development of all mineral resources in that location.
- The Navy will notify by certified mail and make payments to holders of mining claims impacted by the FRTC modernization. Mining claims that are patented and/or have a validity exam will be fully compensated in accordance with the conditions and procedures outlined in the Final EIS Section 3.3. The Navy will follow the appraisal process described in the Uniform Appraisal Standards for Federal Land Acquisitions, Section 1.10.3 (Special Consideration for Mineral Properties). For mining claims that are not patented and without a validity exam, the Navy will offer nominal payments (factoring in expenses previously incurred by holders of such claims) subject to conditions and procedures outlined in the same Final EIS section.
- The Navy will minimize overlap with the Bell Mountain mining claim by reducing the B-17 withdrawal to align with the arc of the WDZ within Township 15 North, Range 34 East, leaving the majority of the mining project within the MSMA.

### **Livestock Grazing**

- Grazing will be allowed in the DVTA and will continue to be managed by BLM.
- The Navy will notify and work with holders of grazing allotments to obtain replacement forage. As identified in the Final EIS Section 3.4, the Navy will pay for required revisions to allotment plans and associated environmental approvals.
- If replacement forage cannot be identified, pursuant to the Taylor Grazing Act of 1934 (43 U.S.C. sections 315 et seq.), as amended, the Navy will make payments to federal grazing permit holders for losses suffered by the permit holders as a result of the withdrawal or other use of former federal grazing lands for national defense purposes (see Final EIS Section 3.4).
- The Navy will notify by certified mail and provide compensation for authorized permanent improvements (e.g., corrals) associated with grazing allotments (or portions thereof) that are terminated.

## **Transportation**

- The Navy will request funding from Congress to realign State Route 361 outside of the expanded B-17. The Navy will work with the Federal Highway Administration (FHA), in cooperation with the NDOT, to plan, design, obtain necessary permits for, and construct the realignment of State Route 361. Any potential resource impacts associated with the relocation of the road will be subject to the same commitments for the larger FRTC modernization identified under “Mitigation Measures and Other Navy Commitments” in this ROD.
- Due to the Navy’s use of Lone Tree Road, the Navy will request funding from Congress to improve this road. The Navy will work with the FHA and NDOT, in cooperation with Churchill County, to plan, design, and obtain necessary permits to reconstruct the road. Construction activities will likely include widening and repaving of the road; however, details of the construction will be identified after assessing specific requirements.
- The Navy will allow a ROW to accommodate I-11 (which could also include a transmission line) if a route is chosen that overlaps the northeast corner of the withdrawal area for B-16.
- The Navy, in coordination with State and county representatives, will fund and conduct a study to identify alternatives and costs to reroute Pole Line Road out of the expanded B-20 range or identify alternative regional ingress/egress routes.
- As part of fence construction on B-16, the Navy will clear and grub a dirt road that will be used for range maintenance and security. This road will be available for public use.
- The Navy will relinquish the currently withdrawn areas that include Simpson Road and the area south of the road.
- The Navy will not seek to withdraw East County Road or land east of the road.
- The Navy will not seek to withdraw any land associated with the following roads: US 50, US 95, State Route 839, and Earthquake Fault Road. The withdrawal will not impact public access to State Route 121.
- The Navy will not take a position regarding the county’s ability to seek adjudication of RS 2477 claims on existing roads.

## **Airspace and Noise**

- The Navy will revise its range operations to include Crescent Valley and Eureka as noise-sensitive areas. Due to the extension of MOAs in the eastern portion of the FRTC SUA, the Navy will implement a five nautical-mile buffer around the towns of Crescent Valley and Eureka.
- The Navy will implement a three nautical-mile airspace exclusion zone over the Gabbs, Eureka, and Crescent Valley airports.
- The Navy will extend the VFR corridor through the newly established MOAs on the east side of the FRTC.

## **Water Resources**

- The Navy will accommodate development of the Dixie Valley water project in the DVTA consistent with Navy training.
- The Navy will notify affected water rights holders by certified mail and, if water rights are adversely affected and cannot be otherwise mitigated, acquire existing and valid state water



rights (including improvements) within the Bravo ranges (see Final EIS Section 3.9 for a detailed description of the process).

- The Navy will allow NDOW access for spring and wildlife guzzler monitoring and maintenance.
- The Navy will relinquish 23 acres of land on the existing B-17 adjacent to State Route 839 to BLM to allow continued use of the well on this property for local livestock and wildlife watering activities and for other uses.
- The Navy will implement management practices and mitigation measures specifically designed to reduce or avoid potential impacts on surface water and groundwater, such as placing targets outside of washes.

### **Biological Resources**

- The Navy will revise the NAS Fallon Integrated Natural Resources Management Plan (INRMP) in coordination with Tribes, the BLM, USFWS and Nevada state agencies to include management practices for special-status species and other future actions pertaining to the expansion areas as identified in this ROD. This coordination will include grazing management by the BLM in the DVTA, invasive species control and interdiction, wildland fire management, and other stewardship conservation programs.
- The Navy will develop and implement a Wildland Fire Management Plan to ensure fire management, control, and restoration activities are addressed, as appropriate, for the entire expanded FRTC.
- The Navy will, to the maximum extent possible and if compatible with mission training requirements, avoid placing targets in Biologically Sensitive Areas identified by NDOW.
- Based on available literature, the Navy strongly believes impacts on the greater sage grouse will be less than significant. However, in the interest of supporting our partnership with the State of Nevada (NDOW), the Navy will fund a study to further assess greater sage grouse reactions to aircraft overflights.
- The Navy, in coordination with NDOW, will use wildlife friendly configured four-wire fencing to minimize impacts on wildlife from fencing. Spacing of wires will be configured appropriately for the wildlife in the area.
- The Navy will fund two Conservation Law Enforcement Officer positions at NAS Fallon. Part of the duties of these officers will include patrolling the new fence line for trespass issues and reporting to the Navy any broken or downed fences for maintenance repair.

### **Cultural Resources**

In consultation with the Tribes and other stakeholders, the Navy will:

- update and implement the Integrated Cultural Resources Management Plan (ICRMP). The Navy will seek Tribal participation in the execution of the ICRMP.
- implement the amended 2011 PA.
- initiate development of a replacement PA within 90 days of signing this ROD, and will invite the Tribes to sign as a concurring party.
- in cases where avoidance of historic properties is not possible, a transparent process outlined in the amended 2011 PA and 36 CFR Section 800.6 (resolution of adverse effects) will be followed. The Navy acknowledges there may be impacts that have yet to be defined which will require

consultation on individual undertakings and the development of appropriate mitigation measures.

- complete an ethnographic overview study of the expanded FRTC.
- conduct Class III pedestrian surveys of areas within the expanded B-17 and B-20 WDZs that have not already undergone such surveys. These surveys will be completed prior to the expanded ranges becoming operational. The Navy will involve Tribes and seek Tribal expertise for cultural resources surveys.
- partner with Tribes to develop a managed Tribal access plan for the Bravo ranges.
- establish and maintain a dedicated Tribal Liaison position at NAS Fallon and provide additional resources to assist with range access coordination.
- avoid sacred sites and traditional cultural properties wherever possible.

### **Recreation**

- The Navy will establish and maintain a Bighorn Sheep Hunting Program on B-17 in accordance with the MOU with NDOW.
- The Navy will, consistent with a Memorandum of Agreement under development, participate in the annual review of the Hunt Program Work Plan. The review of the plan will include evaluation of compatible hunting opportunities and potential adjustments to the hunting program and an evaluation of whether additional hunts are feasible and compatible with mission requirements on the FRTC. The Navy will also review road access for the hunting program during the annual review.
- The Navy will work with the BLM and NDOW to provide continued access to existing wildlife water guzzlers, determine if moving certain guzzlers is necessary within range or training areas, and support the installation of additional wildlife water guzzlers outside of WDZs.
- Part of the duties of the two Conservation Law Enforcement Officers mentioned above will include conducting the managed hunting program on B-17.
- The Navy will accommodate other public events (e.g., racing events) on a periodic basis on all Bravo ranges.

### **Socioeconomics**

- The Navy will notify by certified mail and compensate affected property right holders for loss of privately owned real property as described in the Final EIS Section 3.13.
- The Navy will accommodate development of geothermal within the DVTA west of State Route 121 subject to required design features listed in the Final EIS.

### **Responses to Comments Received on the Final EIS**

As indicated in the public involvement summary, the Navy received comments during the public review period for the Draft EIS. The Navy considered comments received in response to the publication of the Draft EIS, which informed the analysis in the Final EIS. The comments and the Navy's responses to those comments are included in Appendix F (Public Comments and Responses) of the Final EIS.

The Navy reviewed and considered all comments it received during the 30-day wait period following publication of the notice of availability for the Final EIS. The Navy received 112 comment submittals from federal agencies, state agencies, local counties, Tribes and Tribal members, and the public. The

Navy also received a resolution from the Inter-Tribal Council of Nevada in support of the No Action Alternative.

Public comments received following the publication of the Final EIS are consistent with public comment themes that emerged during scoping and Draft EIS public comment periods, adding no new substantive information that was not already considered in the preparation of the Final EIS and this ROD. Common themes identified in comments received on the Final EIS include:

- General disapproval of the Proposed Action
- Concerns about NEPA process (e.g., the large size of the EIS, insufficient review periods, and the commenting process)
- Relocate training activities to the Nevada Test and Training Range (NTTR) or other DoD training facilities
- Reduce the size of the withdrawal
- Loss of access (recreational, Tribal, academic)
- Changes in the status of WSAs
- Not relocating or replacing non-traditional roads
- Public usage of the DVTA
- Acquisition of historic Tribal land
- Adequate compensation for potential loss of grazing or mining activities
- The lack of a “status quo” alternative
- The lack of detail and completion of agreements and commitments
- Future expansion requests
- Airspace restrictions
- Mitigation for lost hunting opportunities
- Grammatical errors within the Final EIS

In addition to the themes listed above, the Navy is providing additional information for the following comments.

Comment #1: Environmental Protection Agency Region IX. EPA requested down gradient groundwater sampling and analysis at range boundaries to determine if munitions are migrating off range. In addition, EPA requested sampling prior to new target use to establish a baseline for future comprehensive range evaluations.

Navy Response: The Navy conducts Range Conditions Assessments on all Navy operational land ranges where military munitions are used as required by the Navy’s Range Sustainability Environmental Program Assessment (RSEPA) process and DoD Instruction 4715.14, Operational Range Assessments, as described in the Final EIS Sections 3.9, 3.10, 3.14, and Chapter 5. The lands included in the FRTC modernization will be incorporated into the Navy’s RSEPA program. Consistent with the Navy’s RSEPA process, the assessment will take into account historical and proposed land use, the natural and physical environments, and the provision to conduct sampling, if additional information is needed to assess the risk to human health and the environment from munitions constituents. In addition, the Navy will conduct operational range clearance activities on Bravo ranges as a management practice to reduce the sources of munitions constituents.

Comment #2: Nevada Consolidated Response. The State requested the Navy include a number of commitments in the ROD.

Navy Response: The Navy has incorporated the State's requests with the following exceptions because the Navy believes the requested commitment is not required to mitigate impacts, is outside the scope of the Proposed Action, or would adversely impact the military mission:

- The Navy cannot reduce the boundaries of B-16 to completely avoid the west side energy corridor along the western edge of the withdrawal, but the Navy could potentially accommodate a second transmission line.
- The Navy cannot reduce the B-20 WDZ to accommodate public access to Pole Line Road, but in coordination with the State and county representatives, the Navy will fund and conduct a study to identify alternatives and costs to reroute Pole Line Road out of the expanded B-20 range or identify alternative regional ingress/egress routes.
- The Navy will not construct a formal replacement for Sand Canyon Road. However, as part of fence construction on B-16, the Navy will clear and grub a dirt road that will be used for range maintenance and security. This road will be available for public use.
- The Navy cannot reduce or shift the B-20 WDZ to avoid the Fallon NWR. Please see the "Alternatives Considered But Not Carried Forward for Detailed Analysis" section in this ROD. However, the Navy is working with the USFWS to mitigate the loss of public access.
- The Navy cannot consider an alternative land management designation for the DVTA. Land withdrawal is necessary to accommodate required training and ensure the safety of the public and the military as discussed previously in this ROD. Imposing other types of enhanced land use restrictions without withdrawing the land will not provide adequate protection to preserve the training environment and the safety of the public and the military. Specifically, the General Mining Act of 1872 (30 U.S.C. Section 22 et. seq.) does not allow the BLM or the Navy to regulate locatable mining development to ensure compatibility with training activities. Potentially incompatible mining-related development and activities include towers and transmissions lines, cultural lighting, and radio spectrum use. However, the Navy will not fence the DVTA, and it will remain open to the public and managed by the BLM under FLPMA, consistent with the purposes of the withdrawal.
- The Navy is not seeking action with respect to WSA designations outside of the FRTC modernization withdrawal.
- The Navy will not create new infrastructure to increase radio coverage of airspace.
- The FRTC modernization does not require establishment of a VFR corridor over US 95.

Comment #3: Fallon Paiute-Shoshone, Walker River Paiute, and the Yomba Paiute Tribes. The Tribes submitted comments on the Final EIS and in subsequent GtoG discussions. Comments highlighted their opposition to and remaining concerns about the FRTC modernization, and requested the Navy include a number of commitments in the ROD. Key concerns expressed by the Tribes include the Navy's lack of communication, inadequate scope of cultural resources surveys, lack of Tribal participation in the surveys and identification of cultural resources, concern over non-auditory health effects, access to existing and expanded Bravo ranges, impacts on Tribal burials, lack of recognition of historical harms to Tribes, failure to meet federal Tribal trust responsibilities, and the PA process.

Navy Response: These issues are addressed in the Final EIS or elsewhere in this ROD. With respect to cultural resources surveys that supported the Final EIS, the Tribes have expressed concern that the Navy

only conducted Class III surveys in proposed target areas where ground disturbing activities are planned. The Navy believes it conducted sufficient surveys to allow the Navy to compare and evaluate impacts of the different alternatives and make an informed decision between those alternatives. The Navy recognizes the Tribes' desire for the Navy to fully complete Class III cultural resources inventories based on ethnographic research conducted with Tribal members to determine the presence of potential traditional cultural properties (TCPs) or sacred sites within the WDZs. The Navy will prepare an ethnographic study, conduct additional Class III surveys, and seek Tribal input and participation in the study and surveys. Surveys will be completed prior to the expanded ranges becoming operational. The Navy also recognizes that access constraints could impact traditional cultural practices of these Tribes. As noted previously, the Navy will develop a managed access plan in partnership with the Tribes. The Navy commits through this ROD to implement actions identified under the "Mitigation and Other Navy Commitments" section of this ROD and the provisions included in the recently signed amended 2011 PA to mitigate impacts.

**C. CONCLUSION:** After careful consideration of the purpose of and need for the Proposed Action; operational and readiness requirements; the analysis of environmental effects in the Final EIS; relevant federal and state statutes and regulations; relevant DoD and Navy policies; existing and proposed mitigation; and the comments received during the NEPA process, I have selected Alternative 3 (Preferred Alternative) from the FRTC Final EIS for implementation. This alternative supports a legislative proposal for Congressional renewal and Presidential approval of the current federal withdrawal, and withdrawal of additional federal land to expand the range. The selected alternative also includes the acquisition of non-federal land.

This decision includes modernization of the FRTC to allow the use of precision guided weapons to their required capabilities and a full complement of weapons by SEAL teams, protects and improves the capabilities of the aviation electronic warfare range, and modifies existing SUA to accommodate the additional training capabilities created by modernizing the range complex. As part of my decision, the Navy commits to implementing management practices, monitoring, and mitigation measures discussed in this ROD that are designed to reduce, minimize, or avoid potential adverse effects. In accordance with 40 CFR Section 1505.2(c), the selected alternative adopts all practicable means to avoid or minimize environmental harm.

The decision to implement Alternative 3 will allow the Navy to modernize the FRTC to support critical air warfare training activities as well as special operations ground training activities to counter current and future threats. In this regard, the selected alternative supports the Navy's execution of its congressionally mandated roles and responsibilities under 10 U.S.C. Section 8062 and 10 U.S.C. Section 167.

12 MARCH 20

Date



Todd C. Mellon  
Principal Deputy Assistant Secretary of the Navy  
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