DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Final Environmental Impact Statement for Fallon Range Training Complex Military Readiness Activities, Nevada

AGENCY: Department of the Navy, DoD

ACTION: Record of Decision

SUMMARY: The Department of the Navy (DON), after carefully weighing the strategic and operational readiness and environmental consequences of the proposed action, announces its decision to continue and enhance training activities as identified in Alternative 2 in the Final Environmental Impact Statement (EIS) for Military Readiness Activities at the Fallon Range Training Complex (FRTC), Nevada. This alternative includes a 16 percent increase in existing aviation and ground training activities, the transition to new weapons platforms and systems as they become available to the DON, and new ground training activities. With implementation of Alternative 2, the DON will be able to achieve the levels of operational readiness required under Section 5062 Title 10 U.S.C. without resulting in significant environmental impacts.

FOR FURTHER INFORMATION CONTACT: FRTC EIS Project Manager, Naval Facilities Engineering Command Southwest, 1220 Pacific Highway, San Diego, CA 92132, 619-532-2799.

A. SUPPLEMENTARY INFORMATION: Pursuant to Section 102 (2) (c) of the National Environmental Policy Act (NEPA) of 1969, sections 4321 et seq. of Title 42 U. S. Code, Council on Environmental Quality (CEQ) regulations (Parts 1500-1508 of Title 40 of the Code of Federal Regulations [CFR]), and DON regulations (Part 775 of Title 32 CFR), the DON announces its decision to continue and enhance training activities conducted within the FRTC. The DON will implement the proposed action as described in the Final EIS as Alternative 2, which was identified as the DON's preferred alternative. This decision will enable the DON to achieve the levels of operational readiness required under Section 5062 Title 10 U.S.C. without resulting in significant environmental impacts.

The U.S. Bureau of Land Management (BLM) participated as a cooperating agency in the development of the Final EIS. The agency's involvement was triggered by its jurisdiction by law and special expertise with respect to the lands previously withdrawn for the FRTC land ranges and its responsibilities under Section 204 of the Federal Land Policy and Management Act of 1976 (section 1701 et seq. of Title 43, U.S.C.).

B. BACKGROUND AND ISSUES: Since the commissioning of Naval Air Station (NAS) Fallon in 1942, and the formal establishment of the FRTC in 1977, the ranges and airspace of the FRTC have been extensively used by the DON and other Services to conduct air warfare and ground training. With the 1996 consolidation of the Naval Strike Warfare Center (Strike U), the Navy Fighter Weapons School (TOPGUN), and the Carrier Airborne Early Warning Weapons School (TOPDOME) into the Naval Strike and Air Warfare Center (now known as the Naval

Aviation Warfighting Development Center or NAWDC) at NAS Fallon, the FRTC has become a strategically important range complex to the DON. Specifically, the FRTC, along with the infrastructure comprising NAS Fallon, is the only naval training complex that can support, house, and train an entire carrier air wing for advanced integrated strike warfare, electronic warfare, and air warfare training. Other unique attributes of the FRTC include an overland supersonic capability, a sophisticated threat Integrated Air Defense System, Tactical Combat Training System range, multiple target types, high-altitude weapons training, and on-site adversary (opposition forces) aircraft. The combination of airspace, range maneuver area, and training infrastructure has resulted in the FRTC achieving the highest utilization rate of any training range complex in the DON.

Purpose and Need

The purpose of the proposed action is to provide the airspace, ranges, maneuver areas, training facilities, and range infrastructure and resources to fully support the training activities occurring on the FRTC in accordance with the assigned roles and missions for NAWDC. The proposed action is needed to achieve and maintain military readiness. In this regard, the proposed action furthers the DON's execution of its roles and responsibilities under Section 5062 of Title 10 U.S.C.

Public Involvement

The DON published a Notice of Intent (NOI) to prepare an EIS for the proposed action in the Federal Register on May 28, 2013 (78 FR 31909). This NOI invited agencies, organizations, and the general public to provide written comments about the proposed action and issues to be addressed in the EIS. The NOI also announced four public scoping meetings, which were held in the Nevada communities of Fallon (June 10, 2013), Crescent Valley (June 11, 2013), Gabbs (June 12, 2013), and Austin (June 13, 2013). Advertisements announcing the public scoping meetings were placed in four local newspapers (Lahontan Valley News, Battle Mountain Bugle, Nevada Appeal, and Reno Gazette-Journal). At each of the public scoping meetings, information was presented about the proposed action, the NEPA process, and the purpose for the EIS. In addition, opportunities were provided for public input.

On January 23, 2015, the U.S. Environmental Protection Agency (EPA) published a Notice of Availability (NOA) and the DON published a Notice of Public Meetings in the Federal Register (78 FR 56695 and 80 FR 3570, respectively) for the Draft EIS. The 45-day public comment period concluded on March 9, 2015. The DON made significant efforts to notify the public of the public comment period, using letters, postcards, press releases, and display advertisements in the same newspapers as identified for scoping. Copies of the Draft EIS were made available in six public libraries: Austin Branch Library, Carson City Library, Churchill County Library Annex, Crescent Valley Branch Library, Eureka Branch Library, and Gabbs Community Library. In addition, the document was made available on the project website (http://frtceis.com/) for download and review.

The DON held one public meeting on February 19, 2015 in the Churchill County Commission Chambers in Fallon, Nevada, to obtain comments on the Draft EIS. The public

comment period resulted in a total of 53 comments from 7 federal, state, and local agencies, 1 Native American Tribe, and 3 private individuals. Issues identified during the public comment period included soils and off-range munitions, noise, cultural and tribal resources, and cumulative impacts.

The NOA for the Final EIS was published in the Federal Register on December 4, 2015 (80 FR 75862) and in the local newspapers previously identified. Notices were also mailed to individuals, agencies, associations, and other interested parties who asked to be notified during the scoping and Draft EIS public comment periods, as well as members of Congress and elected and public officials. Printed copies of the Final EIS were made available for public review at the six libraries previously identified for the Draft EIS. Also, the Final EIS was made publicly available on the project website. The Final EIS 30-day public review and wait period ended on January 4, 2016.

Alternatives Considered

Three alternatives, based on the documentation and validation of requirements in the Range Complex Management Plan, are analyzed in the FRTC EIS:

- No Action Alternative: This alternative would continue the same type and tempo of training activities at the FRTC as averaged over the years 2010–2012. Primary mission areas include: Air Warfare; Naval Special Warfare; Strike Warfare; Electronic Warfare; and Expeditionary Warfare.

- Alternative 1: In addition to the training activities addressed in the No Action Alternative, this alternative would support an increase of approximately 6 percent in the annual type and tempo of training activities at the FRTC. This alternative would also accommodate force structure changes such as new aircraft and other weapons systems (e.g., F-35C and unmanned autonomous systems). When compared to the No Action Alternative, the training activities that would contribute to the 6 percent increase include Combat Search and Rescue, Air-to-Ground Gunnery, High-speed Anti-Radiation Missiles (simulation only), and Air-to-Ground Missiles. Two new training activities, Ground LASER Targeting and Dismounted Fire and Maneuver, would be conducted under this alternative.

- Alternative 2 (Preferred Alternative): Alternative 2 encompasses all of the elements of Alternative 1, with an increase in tempo of approximately 10 percent annually. As a result, Alternative 2 would represent an increase in tempo of 16 percent when compared with the No Action Alternative. The DON has selected Alternative 2 as the preferred alternative because it meets the purpose of and need for the proposed action and provides sufficient flexibility in allowing the military to meet training and testing requirements without resulting in significant environmental impacts.

The No Action Alternative is the environmentally preferable alternative as it maintains the type and tempo of existing training activities and does not introduce new ground training activities.

Environmental Impacts

Potential environmental impacts that might result from the implementation of the proposed action were analyzed for the following resources: soils; air quality; water quality; noise; biological resources; land use and recreation; socioeconomics, environmental justice, and protection of children; transportation; cultural resources; and public health and safety. No significant impacts were found for any resource area. However, the following is a summary of the impact analysis for those resource areas of concern as identified during the public review of the Draft EIS:

- Soils. The proposed increased tempo of training activities under Alternative 2 would result in the accumulation of military munitions in the soils within the FRTC training ranges. Source level accumulation would only occur at concentrated use areas such as the small arms range, where rounds are fired at permanent, fixed targets. Lead would be expected to have limited mobility based on neutral to alkaline soil pH, limited precipitation, and the flat terrain of the FRTC; as a result, lead would not be transported outside the immediate target area by stormwater runoff. Lead accumulation on the small arms ranges would be monitored and adaptively managed by implementing such practices as erosion control, lead removal, and pH monitoring and modification. Nonexplosive practice bombs and range scrap would be removed at regular intervals based on the Operational Range Clearance Plan.

  The use of high-explosive munitions and perchlorates from use of illumination flares and Smokey Surface-to-Air Missile (SAM) simulators would have long term effects on soils, but these effects would be localized to the range and not alter important ecological functions. Accumulation of measurable concentrations of perchlorate in soils from the use of illumination flares and Smokey SAM simulators is extremely unlikely for the following reasons: (1) the small amount of ammonium perchlorate in these munitions would be completely consumed after ignition; (2) Smokey SAM launchers have a metal base plate that prevents direct contact of the exhaust plume with the soil; (3) flares that fail to ignite and expended Smokey SAM simulator rocket bodies would be recovered and handled in accordance with the FRTC Operational Range Clearance Plan; (4) misfired rockets are not released into the environment. In addition, no new perchlorate-containing munitions would be used under Alternative 2 and annual usage of illumination flares and Smokey SAMs would not change when compared with the No Action Alternative.

  During training activities soils would be physically disturbed and subject to soil erosion, compaction, and displacement. While these effects would be long-term, they would be minor and localized and not alter the ecological function of the training areas.

- Noise. There would be minimal changes in noise contours related to aviation training activities when Alternative 2 is compared with the No Action Alternative. Moreover, noise from aircraft and munitions would be dispersed and intermittent within the FRTC

and not contribute significantly to long-term noise levels. No sensitive receptors (e.g., residential, educational, health, and religious structures and sites; parks; recreational areas; wildlife refuges; and cultural and historical sites) would be exposed to noise-generating events occurring on any of the ranges.

- Cultural Resources. The proposed increase in training activities would potentially have direct and indirect effects on historic architectural and archaeological resources as a result of vibrations produced from supersonic aircraft overflights and detonation of high explosive munitions on the training ranges. These effects would not be significant and are addressed in the Programmatic Agreement (PA) that the DON signed in 2011 with the Nevada State Historic Preservation Officer (SHPO), BLM, and the Advisory Council on Historic Preservation. The PA addresses the processes for identification, evaluation, and treatment of historic properties on lands managed by NAS Fallon to ensure protection of cultural resources and coordination between the DON and the Nevada SHPO.

- Cumulative Impacts. The activities analyzed within the Final EIS are the same or are similar to those that have historically occurred within the FRTC. However, the warfighting tactics, techniques, and procedures employed by the DON are constantly being evaluated for their effectiveness against changing threats worldwide. As the DON develops and introduces new weapons systems and tactics to the Fleet, training requirements may change or require augmentation, which may drive the need to reconfigure training ranges. Consequently, the DON continues to evaluate the capabilities of the FRTC to meet future training requirements. Although it is reasonably foreseeable that future design and tactics changes could occur, changes in future range design and tactics at the FRTC were not considered in this EIS. Should the Navy propose physical or operational changes to the FRTC in the future, such changes would be analyzed in accordance with NEPA. In addition, any future NEPA analysis would also include evaluation of renewing the 1999 Public Land Withdrawal, which expires in November 2021.

Agency Consultation and Coordination

The results of agency consultation and coordination conducted with respect to Alternative 2 are summarized as follows:

- Endangered Species Act (ESA). Within the FRTC, the following species are currently either listed or proposed for listing under the ESA: three species of fish (cui-ui, Lahontan cutthroat, and Railroad Valley springfish); Columbia spotted frog; the whitebark pine; and the greater sage grouse. Aircraft overflights would be the only proposed training activities to which the fish and frog species would be exposed; however, at the altitudes aircraft would be flown (13,000 to 18,000 feet above ground level), very little of the noise produced by an aircraft would be propagated to ground level and even less transmitted through the air-water interface due to reflection off the surface of lakes and streams where these species live. With regard to the bi-state population of greater sage-grouse, the USFS has determined this species does not require the protection of the ESA

(80 FR 22827). Consequently, the DON determined that there would be no effect to ESA-listed or candidate species.

- National Historic Preservation Act (NHPA). As a result of the analysis contained in the EIS, the DON determined, in consultation with the Nevada SHPO and 12 federally recognized tribes, that the proposed action would have no adverse effect to historic properties under Section 106 of the NHPA. The Nevada SHPO concurred with the DON's determination of no adverse effect to historic properties in a letter to DON dated September 21, 2015.

- Government-to Government Consultation. As required under Section 106 of the National Historic Preservation Act (NHPA) and NEPA, the DON initiated consultation in May 2015 with the Battle Mountain Shoshone Tribe, Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe, and the Inter-Tribal Council of Nevada. A series of letters were sent to these tribes and phone calls were subsequently made to ensure that the tribes received the letters either initiating or continuing NHPA Section 106 consultation. No cultural resources concerns were identified as a result of consultation with the tribes.

  The Walker River Paiute Tribe was the only Tribe that accepted the DON's invitation for a meeting to discuss the Draft EIS. On June 1, 2015, NAS Fallon representatives met with Walker River Paiute Tribal members to foster a long-term working relationship on items of mutual interest, including enhanced communications, the Draft EIS, and a replacement for a 2007 Memorandum of Understanding (MOU) between the DON and the Tribe that expired in 2012. The 2007 MOU provided a reporting and assistance protocol for the DON to follow in the event that an emergency situation may pose a health and safety risk to the Tribe necessitating emergency entry to the Reservation to address those health and safety risks.

Mitigation Measures

No mitigation measures were identified for implementation of any alternative.

Responses to Comments Received on the Final EIS

During the 30-day wait period following the issuance of the NOA for the Final EIS, the DON received two comment letters from: U.S. EPA and a private individual who is also identified as a member of the Walker River Paiute Tribe. These two comment letters addressed similar topics. Comments warranting specific responses are discussed below.

Comment 1: There are continuing concerns regarding the progress of addressing off-range munitions with the Walker River Paiute Tribe. Commenters recommend that the Record of Decision include a clear commitment to work with the Tribe to finalize a timely replacement for

the expired 2007 Memorandum of Understanding (MOU) that established a reporting and assistance process for the DON to follow in the event that munitions land on the reservation.

Response: As previously described in this ROD, the DON initiated Government-to-Government contact with the Walker River Paiute Tribe in May 2015. On June 1, 2015, the Tribe and the DON held a meeting to discuss the Draft EIS and other topics, including a replacement for a 2007 MOU. Follow-up communications have occurred since that meeting, including letters and phone calls between the Tribal chairman and the NAS Fallon Commanding Officer (CO). The CO provided a Final EIS brief to the Tribe in December 2015. The DON is working toward having replacement for the 2007 MOU in place with the Tribe by the middle of 2016. Until an agreement with the Tribe is in place, to the extent possible, the DON intends to follow the terms set forth in the 2007 MOU in emergency situations that may pose a health and safety risk to the Tribe.

Comment 2: Recommend the ROD clarify how the issue of legacy off-range munitions on the Reservation is being addressed.

Response: While not directly related to the scope of the proposed action analyzed in the Final EIS, the DON recognizes that this is an important issue and concern of the Walker River Paiute Tribe. Between 1989 and 2003, the DON and the Tribe held lengthy discussions concerning legacy off-range munitions during which several options were considered to bring closure to the issue, including land swaps, land purchase, leases, or clean ups. However, the DON and Tribe were unable to reach a resolution. The DON is actively exploring alternatives to resolve outstanding issues, including practicality, cost, and timelines, with the intent of reopening discussions with the Tribe as soon as feasible.

Comment 3: Recommend that the DON follow the guidance in the Range Sustainability Environmental Program Assessment manual and, in the next Range Condition Assessment (RCA), conduct testing for perchlorate that had been eliminated from the 2008 RCA sampling. While the DON believes testing for perchlorate is not necessary, the DON's vertical transport model demonstrated the potential for perchlorate to migrate from the surface to the groundwater table, particularly during a significant recharge event. Because perchlorate is very mobile and stable, persistent contaminant plumes can form when perchlorate salts are introduced into groundwater. Groundwater sampling is necessary to determine whether munitions are migrating off-range via groundwater. At a minimum, recommend perchlorate testing in future RCAs, consistent with the Range Sustainability Environmental Program Assessment (RSEPA) manual.

Response: Under the DON's RSEPA program, RCAs are conducted to confirm munitions constituents are not migrating off-range and ensure compliance with appropriate environmental laws and regulations. In determining the need to sample for perchlorate in 2008, the DON reviewed the analytical protocol employed in the previous RCA completed in 2004, which considered the use of perchlorate-containing munitions on the range, potential mechanisms of constituent release, and modeled mass loadings using the DON's vertical transport model. The results of this analysis showed the total mass of perchlorate that could potentially be released on the FRTC would be very small and any perchlorate concentrations in the soil would be well below analytical detection limits. Therefore, perchlorate sampling and analysis was deemed unnecessary during the 2008 RCA update. The latest RCA update completed in 2015 reviewed

the 2008 RCA findings and did not identify any changes to the conceptual site model or conclusions as it pertains to perchlorate.

It is important to note that no new perchlorate-containing munitions would be used under Alternative 2. Additionally, annual usage of illumination flares and Smokey SAMs under Alternative 2 would remain the same as the No Action Alternative.

C. CONCLUSION: After carefully considering the purpose and need for the proposed action, the analyses contained in the Final EIS, and comments received on the Draft and Final EISs from federal, state, and local agencies, Native American Tribes, non-governmental organizations, and individual members of the public, I have determined that the preferred alternative identified in the Final EIS, Alternative 2, best meets the needs of the DON. Implementation of Alternative 2 will enable the DON to achieve the levels of operational readiness required under Section 5062 Title 10 U.S.C. without resulting in significant environmental impacts.

2/26/16
Date

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