

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Final Environmental Impact Statement/Legislative Environmental Impact Statement for Future Military Operational Increases and Implementation of Associated Comprehensive Land Use Management Plan at Naval Air Weapons Station China Lake, California

AGENCY: Department of the Navy, DOD

ACTION: Record of Decision.

SUMMARY: The Department of the Navy (DON), after carefully weighing the strategic, operational, and environmental consequences of the proposed action, announces its decision to increase military Research, Development, Acquisition, Test and Evaluation (RDAT&E) and training and revise the Comprehensive Land Use Management Plan (CLUMP) at Naval Air Weapons Station China Lake (NAWSCL), California as set out in Alternative 1 of the Final Environmental Impact Statement/Legislative Environmental Impact Statement (Final EIS/LEIS) for Renewal of Naval Air Weapons Station China Lake Public Land Withdrawal (hereafter EIS). Implementation of this alternative includes Congressional renewal of the public land withdrawal (25-year renewal), accommodation of an increase in RDAT&E and training tempo (up to 25 percent) within current land use areas approved for designated uses, expansion of unmanned aerial and surface systems, and expansion of existing and introduction of evolving directed energy (DE) weapons development. Any proposed land use changes will be accommodated in accordance with the CLUMP and applicable NAWSCL approval processes. Natural and cultural resources will continue to be conserved with implementation of the CLUMP management process.

FOR FURTHER INFORMATION CONTACT: Commander, NAWS-Code PR241, 429 East Bowen Road, MS 4014, China Lake, California 93555-6108 (Attn: Mr. John O’Gara); phone (760) 939-3213; or E-Mail: john.ogara@navy.mil; or NAVFAC SW, Attn: Teresa Bresler, 1220 Pacific Highway, San Diego, California, 92132, (619) 532-4452; or E-Mail: teresa.bresler@navy.mil.

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.C.; Council on Environmental Quality) regulations (parts 1500-1508 of 40 Code of Federal Regulations [CFR]); and DON regulations (part 775 of 32 CFR), the DON announces its decision to increase military RDAT&E and training and implement the CLUMP at NAWSCL, California. The proposed action (Alternative 1) will be implemented, as described in the Final EIS. This decision will enable the DON to support state-of-the-art air warfare weapons systems testing and evaluation.

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 current jurisdiction by law and special expertise with respect to the lands previously withdrawn for NAWSCL and

its responsibilities under Section 204 of the Federal Land Policy and Management Act of 1976 (FLPMA) (section 1701 et seq. of Title 43, U.S.C.) and the California Desert Protection Act (CDPA) of 1994.

B. BACKGROUND AND ISSUES: As the DON's full-spectrum RDAT&E center for weapons systems associated with air warfare, aircraft weapons integration, missiles and missile subsystems, and assigned airborne electronic warfare systems, NAWSCL is host to the Naval Air Warfare Center Weapons Division (NAWCWD) and other DOD tenant activities. To support NAWCWD's RDAT&E mission and military readiness training, NAWSCL schedules, controls, and maintains approximately 1.1 million acres of fully instrumented land ranges and utilizes associated air space.

Continued use of the NAWSCL land ranges requires compliance with the CDPA and the Sikes Act, as amended in 1997. The CLUMP incorporates the goals and guidelines of NAWSCL's current Integrated Natural Resources Management Plan (INRMP), which is required under the Sikes Act and the Integrated Cultural Resources Management Plan (ICRMP). Implementation of the revised CLUMP will enable NAWSCL to beneficially manage environmental, land, and cultural resources such that there is no loss in the capability of the installation to support its military mission. The CLUMP will also facilitate environmentally-sound resource management decisions when responding to planned increases in emerging military readiness needs.

In accordance with FLPMA, the DON submitted a public land withdrawal renewal application to the BLM on June 13, 2011. In coordination with the BLM, the DON then requested that Congress renew the public land withdrawal in the fiscal year (FY) 2014 National Defense Authorization Act (NDAA). The FY 2014 NDAA was signed into law by the President on December 26, 2013, authorizing the public land withdrawal renewal through 2039. The public land withdrawal renewal decision was a Congressional action, confirmed by statute, and is not addressed further within this Record of Decision.

Purpose and Need

The purpose of the proposed action is to retain a military range for RDAT&E and training activities for 25 years. The proposed action is needed to support the application of current and evolving technology to solve theatre-relevant problems for the war fighter and ensure necessary training readiness, while ensuring appropriate management of land use and environmental resources.

RDAT&E missions are needed to develop new weapons systems and ensure that weapons systems reliably perform to their designed specifications. In support of this need, NAWSCL provides a safe, operationally realistic, and thoroughly instrumented land range test and training environment that fulfills DON and DOD RDAT&E requirements. The combination of the NAWSCL location, complex and varied terrain, widespread instrumentation sites, unique test capabilities, and highly skilled technical workforce provides the most advanced and efficient method of conducting critical RDAT&E necessary to maintain technical standards in the interest of national defense. The well-equipped assets at NAWSCL are needed to support military

readiness. The requirement for training and testing in all aspects of weapons delivery is critical to military readiness.

Public Involvement

The DON published a Notice of Intent (NOI) to prepare an EIS for the proposed legislative renewal of the land withdrawal at NAWSCL on June 10, 2011, in the Federal Register (76 FR 34066). The 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 three public meetings, which were held on July 19, 2011, in Ridgecrest, California; on July 20, 2011, in Lone Pine, California; and on July 21, 2011, in Trona, California. Advertisements announcing the public scoping meetings were placed in five local and regional newspapers: San Bernardino Sun, Bakersfield Californian, Ridgecrest Daily Independent, Ridgecrest News Review, and Inyo Register. At each of these meetings, information was presented about the meeting's objectives, the process and purpose for the development of the EIS, and the opportunities for public input.

On August 10, 2012, the U.S. Environmental Protection Agency (USEPA) published a Notice of Availability (NOA) of the Draft EIS and the DON published a Notice of Public Meetings in the Federal Register (77 FR 47839 and 75 FR 49784, respectively), initiating a 90-day public comment period on the document. The DON also published notices announcing the availability of the Draft EIS in the San Bernardino Sun, Bakersfield Californian, Ridgecrest Daily Independent, Ridgecrest News Review, and Inyo Register. The DON held three public meetings, the first in Ridgecrest, California (October 2, 2012); the second in Trona, California (October 3, 2012); and the third in Lone Pine, California (October 4, 2012). The 90-day comment period ran from August 10, 2012 to November 8, 2012.

The Draft EIS was distributed to those individuals, agencies, and associations who asked to be notified during the public scoping period. Additionally, the Draft EIS was made available for general review on the project website (<http://www.chinalakeleis.com>) and at six information repositories in the local area: Ridgecrest Public Library, Lone Pine Branch Library, Mojave Public Library, Trona Branch Library, Barstow Branch Library, and Lancaster Public Library. Several of the comments received requested additional source documentation that was referenced in and relied upon in the EIS. For this reason, the public review period was extended for a 30-day period, from January 11, 2013, to February 11, 2013, during which this source documentation was made available for review.

A total of 444 comments from 34 individuals or groups were submitted to the DON on the Draft EIS. The comments addressed biological resources; cultural and paleontological resources; land use; noise; public health and safety; water quality and hydrology; traffic and circulation; socioeconomics; utilities and public services; air quality; geology and soils; hazardous materials and wastes; alternatives; appendices and supporting documents; and other miscellaneous issues.

The NOA for the Final EIS was published in the Federal Register by the USEPA on September 4, 2015 (80 FR 53513) and in the same local newspapers previously identified. The Final EIS addressed oral and written comments received during the Draft EIS public comment period. In addition, printed copies of the Final EIS were made available for public review at the

six repositories previously identified. Also, the Final EIS was made publicly available on the project website (www.chinalakeleis.com). The 30-day wait and public review period ended on October 5, 2015.

Alternatives Considered

The following alternatives were analyzed in detail in the Final EIS:

- The Proposed Action (Alternative 1). This alternative includes legislative renewal of the public land withdrawal (25-year renewal), allows for the increase of operations tempo (up to 25 percent) within current land use areas approved for designated uses, expands unmanned aerial and surface systems, and provides expansion of existing and introduction of evolving directed energy weapons development. The existing CLUMP would be revised, as appropriate, and implemented to manage land use and environmental resources at NAWSCL. Alternative 1 was identified as the DON's preferred alternative in the Final EIS and provides NAWSCL the greatest flexibility to accommodate current and evolving DON and DOD readiness operations.
- Baseline Alternative/Updated No Action Alternative (Alternative 2). The No Action Alternative in the Draft EIS considered Congress not reauthorizing (and the President not approving) the NAWSCL land withdrawal. Because the public land withdrawal reauthorization occurred with Presidential approval of the FY 2014 NDAA, the No Action Alternative as originally presented in the Draft EIS is no longer representative of "no action" conditions at NAWSCL. Therefore, for the purposes of the Final EIS, the Baseline Alternative/Updated No Action Alternative includes Congressional renewal of the public land withdrawal (25-year renewal) with continuation of military RDAT&E and training events at current levels. The existing CLUMP would be updated, as appropriate, and implemented to manage land use and environmental resources at NAWSCL.

The environmentally preferred alternative in the Final EIS is the Baseline Alternative/Updated No Action Alternative (Alternative 2).

Environmental Impacts

The Final EIS provides an analysis of the potential environmental impacts of implementing one action alternative relative to 12 resource categories: land use; noise; air quality; biological resources; cultural and paleontological resources; geology and soils; water quality and hydrology; socioeconomic; utilities and public services; public health and safety; hazardous materials and waste; and traffic and circulation. For each resource category, implementation of the CLUMP will provide a beneficial impact as it will require an analysis of future proposed actions and stipulate that appropriate avoidance, minimization, or mitigation efforts be applied. No significant impacts were identified for air quality; geology and soils; water quality and hydrology; socioeconomic; utilities and public services, public health and safety, hazardous materials and waste, and, traffic and circulation. A summary of the potential impacts for the remaining resource categories is provided below.

Land Use and Recreation. The increase in range flight events would not change existing land uses on- or off-installation. The existing aircraft noise resulting from ongoing aircraft flight events at Armitage Field is an existing significant land use compatibility impact around NAWSCL, and land use impacts under the proposed action will remain significant. The proposed increase in use of target and test sites would occur on NAWSCL ranges in areas established for such uses, and the effects of these activities would remain within installation boundaries. Proposed nonmilitary uses falling into these general categories would continue to be considered on a case-by-case basis. These uses would continue in previously designated areas and not result in significant land use impacts.

Noise. Off-installation noise effects from aircraft flight operations under the proposed action would continue to exceed noise compatibility thresholds at certain noise sensitive receptors in the communities of China Lake Acres and Ridgecrest. The overall aircraft noise impacts would remain significant, although 700 fewer individuals would be exposed to noise levels greater than 65 A-weighted decibels (dBA). The noise contours from munitions expenditures would be marginally larger and primarily within existing range boundaries; however, there are no off-installation noise-sensitive land uses that would be exposed to noise levels greater than 62 C-weighted decibels (dBC) with implementation of Alternative 1.

Biological Resources. Biological resources would continue to be proactively managed through implementation of the INRMP and the CLUMP, which incorporate the requirements identified in a Biological Opinion (BO) issued by USFWS on February 19, 2013 and which is discussed later in this ROD. For most biological resources, implementation for the proposed action would either have a positive or less than significant impact. The one exception is the potential for impacts on the desert tortoise. Although military testing and training will typically be confined to existing travel surfaces (i.e., roads, turnouts, or parking lots), target areas, test sites, and instrumentation sites where densities of desert tortoise are expected to be low or non-existent, there may be a potential for significant impacts to the species from unintended wild fires resulting from range activities.

Cultural and Paleontological Resources. The proposed increase in the level of use of test areas and targets will potentially result in increased disturbance to cultural and paleontological resources. However, potential adverse impacts will be reduced by implementation of procedures for the treatment of cultural resources and categorical exemptions as described in the current ICRMP, and implementation of protocols consistent with established professional standards for the assessment and mitigation of impacts to paleontological resources. In compliance with NAWSCL policy/direction, vehicular traffic will be restricted to existing travel surfaces (i.e., roads, turnouts, or parking lots), target areas, test sites, and instrumentation sites. Where it has been demonstrated that eligible sites exist in target areas where there are minimal levels of disturbance, inventories will be conducted; additional eligibility determinations would be expected in 2016. No changes are proposed to geothermal plant operations as temperature and water levels at the Coso Hot Springs (a Native American Traditional Cultural Property) have been relatively stable since 2002. As a result, the proposed action will have no adverse effects on cultural properties.

Agency Consultation and Coordination

The results of agency consultation and coordination under Alternative 1 are summarized as follows:

- In accordance with Section 7 of the Endangered Species Act, the DON consulted formally with the U.S. Fish and Wildlife Service (USFWS). The DON submitted a request for formal consultation on May 24, 2012, and the USFWS issued a BO on February 19, 2013. The 2013 BO addressed potential impacts to the federally listed threatened and endangered species that occur on the installation: the Mohave tui chub, desert tortoise, southwestern willow flycatcher, least Bell's vireo, and Inyo California towhee. The USFWS concurred with DON's determination that activities associated with the proposed action are not likely to adversely affect the Mohave tui chub, southwestern willow flycatcher, least Bell's vireo, and Inyo California towhee. The USFWS concluded that the proposed action is not likely to jeopardize the continued existence of the desert tortoise due to protective measures identified in the 2013 BO. The USFWS also concluded that the proposed action would not result in the destruction or adverse modification of critical habitat of the desert tortoise based on the small portion of critical habitat potentially impacted by the proposed action.
- In accordance with Section 106 of the National Historic Preservation Act (NHPA), the DON consulted with the California State Historic Preservation Officer (SHPO) regarding the effects of the proposed action on cultural resources. On July 26, 2013, the California SHPO determined that execution of the Programmatic Agreement (PA) (September 2012) for implementation of the ICRMP completed the Section 106 process for the proposed action.
- NAWSCL engaged in four government-to-government outreach efforts with area Tribes in relation to the Final EIS. These efforts include a Native American scoping meeting in Bishop, California on July 20, 2011, a formal Section 106 consultation meeting in Big Pine, California on March 20, 2012, a DON/Tribal Leadership meeting in Bridgeport, California on April 26, 2012, and a Coso Access Agreement Meeting conducted on February 13, 2013. In addition, in January 2014, an updated Memorandum of Agreement (MOA) was signed between the Timbisha Shoshone Indian Tribe and the DON regarding access to Coso Hot Springs and Prayer Site. A 1979 access-related MOA remains in full effect and provides the access authority for all other Tribes who have not signed the 2014 Updated MOA.

Mitigation Measures

Under Alternative 1, DON will implement all practicable mitigation and monitoring measures, in addition to impact avoidance and minimization measures identified in the Final EIS; the USFWS BO; and the ICRMP (as implemented by the PA with the California SHPO). The following impact avoidance and mitigation measures and monitoring will be implemented for military activities:

Noise. Continue implementation of the NAWSCL air operations noise abatement and aircrew education programs to minimize noise impacts on- and off-installation.

Air Quality. Dust control measures will continue to be implemented during construction, demolition, and other ground disturbing activities to minimize fugitive dust emissions.

Biological Resources

- Continue the control of wild horses and feral burro populations on NAWSCL.
- Continue the control of invasive species to reduce degradation of plant and wildlife habitats, and to reduce the frequency of wild fires on NAWSCL.
- Implement provisions stipulated in the most current and applicable BO found in Section 3.4.3.1 and Appendix J of the Final EIS.
- Implement provisions of the approved INRMP and successor documents.

Cultural Resources: Implement the mitigation measures presented in the PA and ICRMP.

- Environmental awareness briefings would be required for military, civilian, and contractor personnel.
- Vehicle traffic would be limited to roads, test and target areas, and existing instrumentation sites.

Response to Comments Received on the Final EIS

The DON reviewed and considered all comments that were received during the 30-day public review and wait period following publication of the NOA of the Final EIS. The DON received two comment letters and one e-mail on the Final EIS. Most comment themes were similar or identical to those received on the Draft EIS, which were considered and addressed in the Final EIS. The primary comment theme related to noise impacts of flight test and training activities on nearby residents. Another issue involved tribal consultation and access to the Coso Hot Springs National Register Site. The remaining comment themes not otherwise addressed in the Final EIS concerned Payment in Lieu of Taxes (PILT) funding, public input on the already-approved legislative land withdrawal, stakeholder notification, appropriate documentation for the proposed action, and inclusiveness of comment responses. Comments warranting specific responses are discussed below.

Comment 1: The USEPA Region IX and National Public Lands News both indicated a continuing concern about noise impact and requested the DON to implement mitigation measures that include targeted public outreach to off-installation residents who would be exposed to increased noise levels to ensure they are aware of noise complaint procedures. Also, both commenters recommended that such outreach provide education and technical assistance on home-soundproofing measures to residents and other sensitive receptors within the affected zones.

Response: NAWSCL conducts a robust outreach to the community with regards to aircraft noise. This effort, which is led by the Community Plans and Liaison Office, in

coordination with the Public Affairs Office (PAO) from both NAWSCL and NAWCWD, is focused on maintaining long-term mission compatibility and a positive relationship with the community surrounding the installation.

NAWSCL generally receives fewer than five noise complaints annually as a result of airfield operations, despite the presence of residential dwellings within elevated noise contours (e.g., noise levels greater than 65 dBA) per the Air Installations Compatible Use Zones Study (AICUZ). Noise complaints are received via noise complaint hotline number; the NAWCWD PAO receives a majority of the complaints. Infrequently, a concerned citizen will write a letter directly to the Commanding Officer. NAWSCL will continue to implement noise-related public outreach efforts and its noise complaint response program.

In addition, NAWSCL actively participates in local and regional land use planning agency processes to promote mission compatible land use decisions and conformance with land use management recommendations detailed in the AICUZ Study. The city of Ridgecrest incorporated the NAWSCL AICUZ land use compatibility guidelines in their 2010 General Plan Update. Kern County incorporated the NAWSCL AICUZ Study guidelines in their Airport Land Use Compatibility Plan Update in July 2015.

Outreach also includes participation at community events, such as festivals and fairs, to provide information on airfield operations and to allow the public a chance to talk to pilots. NAWSCL staff also attend and participate in city and county commission and council meetings on an as-needed basis. Brochures about the AICUZ Study and NAWSCL airfield operations are provided to the public via city and county offices and local public visitor's centers. NAWSCL is also coordinating with local realtors to provide a real estate disclosure regarding military operations. Additionally, NAWSCL hosts annual community day events.

NAWSCL will continue implementation of the aircraft noise abatement and aircrew education programs to minimize potential noise impacts on and off-installation. Squadrons conduct individual pilot education programs that include education about off-installation noise concerns. These concerns are also noted in the NAWSCL Air Operations Manual and on the flight route maps.

Comment 2: The USEPA and National Public Lands News both recommended that the accuracy of modeled noise impacts be verified through the use of noise monitoring equipment or a commitment to monitor noise levels at the NAWSCL perimeter near Armitage Airfield.

Response: Given the reliability of the DOD-approved NOISEMAP model used to predict aircraft noise impacts, the low number of noise complaints received, and the proactive outreach and noise reduction efforts conducted by NAWSCL, the DON believes that there would be no significant benefit to the DON or the city of Ridgecrest to conduct noise monitoring at the perimeter of Armitage Field. The NOISEMAP model uses a library of actual aircraft noise measurements, adjusted to local meteorological conditions, to produce noise contours based on an average annual day of operations. NOISEMAP represents the best noise modeling science available today for military airfields and has been used by NAWSCL to produce previous noise contours for the base. NOISEMAP has been validated through extensive study (Lunberg 1991,

Speakman 1989, Lee 1982, Seidman and Bennett 1981, Rentz and Seidman 1980, Bishop et al. 1977, and Dundordale et al. 1976). NOISEMAP is used by DOD and other federal agencies to model noise exposure at and around military airfields for noise associated with aircraft flight operations, aircraft run-up activities, and on-ground testing.

The DON is already actively working to implement available options to reduce or mitigate the effects of military aircraft noise on the city of Ridgecrest, which include:

- Managing Land Use through Planning and Zoning in the Vicinity of Armitage Field. Areas within the city of Ridgecrest affected by military aircraft noise are well understood and documented in the 2011 AICUZ Study. This study forms the basis for the noise analysis presented in the Final EIS. To limit future incompatible development in the affected land areas, the DON has and will continue to work closely with city planners. One significant success has been the incorporation of a military influence area of interest and associated land use compatibility recommendations in the 2010 Ridgecrest General Plan Update. The city's planners maintain the Military Influence Area (MIA) overlay as a planning tool to ensure future land development compatibility with NAWSCL mission activities.
- Imposing Noise Abatement Procedures. The DON has implemented a suite of noise abatement procedures at NAWSCL to mitigate the adverse effects of aircraft noise on local residents, including: avoiding local flight paths over populated areas, when possible; approaching the airfield from east of Ridgecrest, when possible; restricting touch-and-go operations to the minimum number needed for mission completion; restricting approaches to Runway 32 from Ridgecrest to propeller aircraft only; conducting engine run-ups as far away from Ridgecrest as possible; instituting special noise abatement procedures for Runway 21, the most heavily used runway at the airfield; and restricting flight paths during nighttime hours (10 p.m. to 7 a.m.).
- Reducing Jet Engine Noise at the Source. The demanding missions assigned to high performance military tactical aircraft dictate greater jet engine thrust and lower aircraft weight, which means increased exhaust velocity and higher temperatures resulting in elevated noise. While commercial jet liners have achieved very significant noise reduction over the years, the thrust, weight, and size requirements peculiar to naval carrier aircraft preclude the use of the same or similar technology. The Office of Naval Research's Jet Noise Reduction Project has identified some promising aircraft noise reduction technology concepts, however, more testing is required before these concepts may be introduced to fleet tactical aircraft.

Noise abatement procedures are thoroughly discussed in the Final EIS.

Comment 3: National Public Lands News stated that many letters were written to the DON regarding the EIS but no official response has been received.

Response: The comments provided by National Public Lands News during the scoping period, and on the Draft EIS and Final EIS, were considered as the DON developed its analysis

of the potential impacts of the proposed action. Specific responses to National Public Lands News comments on the Draft EIS are provided in Chapter 10 of the Final EIS (see Document 24).

Comment 4: National Public Lands News commented that tribal consultation should be conducted with any tribe pursuant to Assembly Bill (AB) 52 regardless of whether or not they are federally recognized.

Response: AB 52 is a California law that generally requires a lead agency under the California Environmental Quality Act to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. However, AB 52 is not applicable to DON as a federal agency. For the proposed action, DON consulted with the California SHPO pursuant to Section 106 of the NHPA. DON also conducted consultations with eight federally-recognized Native American tribes and coordinated with one non-federally-recognized tribe. As part of the Section 106 process, DON involves the public, and identifies other potential consulting parties, as was done for this action.

Comment 5. National Public Lands News was further concerned about all tribes having access to the Coso Hot Springs, and their belief that there is a significant amount of land on the base that has never been archaeologically assessed.

Response: Access to the Coso Hot Springs National Register Site continues to be granted pursuant to agreements signed between DON and local tribal governments. Surveys and assessments of archaeological resources continue to be conducted in accordance with the NAWSCL ICRMP and CLUMP.

Comment 6: National Public Lands News stated that the fiscal impact of the land withdrawal on San Bernardino, Kern and Inyo Counties would be significant based on the belief that these counties receive PILT funds for lands that are registered to BLM. Their concern is that the counties would lose that funding if the withdrawal was made permanent. The organization has requested that DON provide mitigation to address the fiscal impact.

Response: The renewal of the land withdrawal for NAWSCL, approved in the FY2014 NDAA, is not permanent; it is for a term of 25 years. Pursuant to the legislative approval, the withdrawn lands are reserved for use by the DON. The Secretary of the Interior has management authority over the withdrawn lands and has assigned management authority to the DON through a MOA between the DON and the DOI. The FY2014 NDAA represents a continuation of the prior ownership/management concept, which existed under the previous land withdrawal at NAWSCL. PILT eligibility will not change with renewal of the land withdrawal through 2039.

Comment 7: National Public Lands News also expressed concern about how the public could comment upon and affect the legislative withdrawal if it has already occurred.

Response: In accordance with NEPA, FLPMA, and the Engle Act, opportunities were provided for the public to comment on the proposed legislative renewal of the public land withdrawal during a 90-day public scoping period beginning on June 10, 2012 and ending on

September 8, 2012, and a 90-day Draft EIS review period beginning on August 10, 2012 and ending on November 12, 2012, as well as an extended public review period beginning on January 11, 2013 and ending on February 11, 2013. Responses to public comments were provided, along with the Draft EIS, to Congress as part of the Administration's request for legislative action.

Comment 8: National Public Land News also commented that they did not receive a stakeholder letter. They further questioned the contents of the stakeholder list, noting that it should contain names of current elected officials and not include individuals seemingly unrelated to the project or its location. For example, the stakeholder list includes a representative from the Central District of BLM, whereas this project is located in the California Desert Conservation Area, and there are particular procedures to be followed pursuant to the CDPA.

Response: The stakeholder list includes parties that expressed interest in actions proposed at NAWSCL in the past and those identified during scoping for this EIS, as well as those with statutory authority over the action or having jurisdiction by law. The list was modified as the NEPA process unfolded to include, among others, National Public Land News, which was identified as a stakeholder in both the Draft and Final EISs.

Comment 9: National Public Land News expressed concern that additional "NEPA documentation" still needed to be prepared for the one action alternative presented and whether the DON properly followed the NEPA process.

Response: All surveys, studies, and analyses necessary for the decision maker to understand the potential environmental impact of the proposed action alternative were documented in the Final EIS. With signature of the Record of Decision, all appropriate NEPA documentation will be completed for the proposed action and action alternatives. In preparing and processing this EIS (from scoping to the release of the Final EIS), the DON complied with the requirements of NEPA. A June 10, 2011 Federal Register notice and local advertisements publicized the scoping period (76 FR 34066); USEPA published a NOA for the Draft EIS in the Federal Register on August 10, 2015 (77 FR 47839); the DON published a Notice of Public Meetings in the Federal Register on August 17, 2012 (77 FR 49784); and, on September 4, 2015, the USEPA published a NOA for the Final EIS (80 FR 53513).

Comment 10: National Public Land News questioned whether all questions and concerns from a four-page analysis statement dated April 29, 2014, and prepared by a particular commenter had been addressed.

Response: The four-page analysis statement referenced in this comment was never received by DON.

C. CONCLUSION: After carefully considering the purpose of and need for the proposed action, the analyses contained in the Final EIS, mitigation measures, and the comments received on the Draft EIS and Final EIS 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 1, best meets the needs of the DON. Implementation of Alternative 1 will enhance the existing assets and capabilities of NAWSCL; provide for meeting current and evolving DON and DOD operational, testing, and training requirements; and achieve DON compliance with the CDPA of 1994 and the Sikes Act, as amended in 1997.

1/28/18
Date



Steve R. Iselin
Principal Deputy Assistant Secretary of the Navy
(Energy, Installations, and Environment)