

6 OTHER CONSIDERATIONS REQUIRED BY THE NATIONAL ENVIRONMENTAL POLICY ACT

6.1 POSSIBLE CONFLICTS WITH OBJECTIVES OF FEDERAL, STATE, AND LOCAL PLANS, POLICIES, AND CONTROLS

Implementation of the Proposed Action for the Fallon Range Training Complex (FRTC) Environmental Impact Statement (EIS) would not conflict with the objectives or requirements of federal, state, regional, or local plans, policies, or legal requirements. The United States Department of the Navy (Navy) consulted with regulatory agencies as appropriate during the National Environmental Policy Act (NEPA) process and before implementation of the Proposed Action to ensure requirements are met. Table 6-1 summarizes environmental compliance requirements that may apply. Agency correspondence can be found in Appendix B (Regulatory Correspondence), and supporting documentation can be found on the FRTC EIS website at www.FRTCEIS.com.

6.2 RELATIONSHIP BETWEEN SHORT-TERM USES AND LONG-TERM PRODUCTIVITY

In accordance with the Council on Environmental Quality regulations (Part 1502), this EIS analyzes the relationship between the short-term impacts on the environment and the effects those impacts may have on the maintenance and enhancement of the long-term productivity of the affected environment. Impacts that narrow the range of beneficial uses of the environment are of particular concern. This means that choosing one option may reduce future flexibility in pursuing other options, or that committing a resource to a certain use often may eliminate the possibility for other uses of that resource.

The majority of activities addressed in this EIS would be categorized as long term. For example, although the use of training areas for individual training activities may be of short duration, the training areas would continue to receive increased and repeated use for the foreseeable future. Because the Proposed Action includes an increase in training frequency, areas designated for training would accommodate a higher level of operational uses in the long term that would, in turn, affect the long-term productivity of environmental resources in those areas. Addressing such shortfalls through planning and accommodation of future training tempo requirements and deployment schedules will allow the Navy to more readily facilitate long-term resource management strategies while achieving the near-term goal of providing the capacity and capabilities to fully support required training tasks and meet the Title 10 mandate to be organized, trained, and equipped for prompt and sustained combat.

Table 6-1: Summary of Environmental Compliance for the Proposed Action

Plans, Policies, and Controls	Status of Compliance
<p>National Environmental Policy Act of 1969 (42 U.S.C. §4321 et seq.)</p> <p>Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 C.F.R. §§1500–1508)</p> <p>Department of the Navy Procedures for Implementing NEPA (32 C.F.R. §775)</p>	<p>This EIS was prepared in compliance with NEPA (42 U.S.C. §4321 et seq.), Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (Title 40 C.F.R. §§1500–1508), and Navy Procedures for Implementing NEPA (32 C.F.R. §775).</p>
<p>Endangered Species Act (16 U.S.C. §1531 et seq.)</p>	<p>Based on the analysis presented in Section 3.5 (Biological Resources), the Navy has determined that stressors associated with the Proposed Action would have no effect on species listed or proposed for listing under the Endangered Species Act or their designated or proposed critical habitat. Therefore, the Navy is not required to consult or conference with the U.S. Fish and Wildlife Service (USFWS).</p>
<p>Migratory Bird Treaty Act (16 U.S.C. §§703–712)</p>	<p>Based on the analysis in Section 3.5 (Biological Resources), the Navy has determined that military readiness activities under the Proposed Action would not have a significant adverse effect on a population of a migratory bird species, as defined in the Final Rule authorizing the DoD to take migratory birds during military readiness activities (50 C.F.R. Part 21).</p>
<p>Bald and Golden Eagle Protection Act (16 U.S.C. §§668–668d)</p>	<p>Based on the analysis in Section 3.5 (Biological Resources), the Navy has determined that the Proposed Action would not result in “taking” of bald or golden eagles, their nests, or their eggs as defined by this act.</p>
<p>Clean Air Act (42 U.S.C. §7401 et seq.)</p> <p>Clean Air Act General Conformity Rule (40 C.F.R. §93[B])</p>	<p>The air quality analysis conducted for this EIS indicates that the Proposed Action would not cause National Ambient Air Quality Standards to be exceeded. The Study Area is not within a nonattainment or maintenance area. Therefore, the General Conformity Rule does not apply.</p>
<p>Clean Water Act (33 U.S.C. §§1251–1387)</p>	<p>Based on the analysis presented in Section 3.3 (Water Quality), the Navy has determined that the Proposed Action would have no substantial effect on the quality or quantity of surface waters or underground aquifers. The Proposed Action would include no point or non-point discharges into surface waters, nor would it include dredging or filling of surface waters. Therefore, the Proposed Action would be in compliance with the federal Clean Water Act.</p>

Table 6-1: Summary of Environmental Compliance for the Proposed Action (continued)

Plans, Policies, and Controls	Status of Compliance
Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq.)	Small quantities of hazardous waste would continue to be generated at the FRTC under the Proposed Action. Hazardous wastes would continue to be safely disposed of in accordance with hazardous waste standard operating procedures through local vendors.
The Sikes Act of 1960 (16 U.S.C. §§670a–670o, as amended by the Sikes Act Improvement Act of 1997, Pub. L. No. 105-85)	In accordance with the Sikes Act, an integrated natural resources management plan has been prepared and implemented at the FRTC in cooperation with the USFWS and the Nevada Department of Wildlife. The plan is reviewed by the parties annually as to operation and effect, and it is updated as necessary.
National Historic Preservation Act (16 U.S.C. §470 et seq.)	In accordance with Section 106 of the National Historic Preservation Act, the Navy will make an effects determination on historic properties pending the completion of consultation with Native American tribes and concurrence by the Nevada State Historic Preservation Office with a finding of “No Historic Properties Affected.”
Archaeological Resources Protection Act (16 U.S.C. §470aa–mm)	No impacts on archaeological sites would occur as a result of the implementation of the Proposed Action because no archaeological resources are in the area of potential effects. In the event of inadvertent discovery of sensitive archaeological materials during training, the Navy would ensure that measures are taken promptly to protect the find from disturbance, assess the significance of the discovery, and implement appropriate mitigating measures for significant resources. Inadvertent discovery of sensitive archaeological materials would be handled in accordance with the appropriate standard operating procedures, which includes provisions for notifying the Nevada State Historic Preservation Office, Native American tribes, and other appropriate parties of the discovery.
Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. §3001)	No Native American resources or artifacts subject to NAGPRA have been identified in the area of potential effects. If such resources are discovered, the Navy would comply with NAGPRA and continue consultations with federally recognized tribes.
American Indian Religious Freedom Act (AIRFA) (42 U.S.C. §1996)	No Native American resources or artifacts subject to AIRFA have been identified in the area of potential effects. If such resources are discovered, the Navy would comply with AIRFA and continue consultations with federally recognized tribes.
Emergency Planning and Community Right-to-Know Act (42 U.S.C. §11001 et seq.)	The Emergency Planning and Community Right-to-Know Act is applicable to the Proposed Action because small quantities of hazardous materials would be stored on site. Section 312 (Tier Two) reporting applies; this requirement is satisfied by complying with Nevada’s counterpart regulations. Under the Proposed Action, the Navy would not manufacture, store, or otherwise use hazardous chemicals above Toxics Release Inventory (Emergency Planning and Community Right-to-Know Act Section 313) reporting thresholds.
Farmland Protection Policy Act (25 U.S.C. §1539 et seq.)	Implementation of the Proposed Action would not adversely affect prime or unique farmland because no prime or unique farmland would be irreversibly converted to nonagricultural use.

Table 6-1: Summary of Environmental Compliance for the Proposed Action (continued)

Plans, Policies, and Controls	Status of Compliance
Plant Protection Act (7 U.S.C. §§7701–7786)	The Navy would continue to implement invasive plant and weed controls at the FRTC in accordance with the integrated natural resources management plan.
Executive Order (EO) 11990, <i>Protection of Wetlands</i>	The Navy would continue to protect wetlands at the FRTC in accordance with EO 11990.
EO 12898, <i>Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</i>	The Navy addressed requirements of EO 12898 in Section 3.7 (Socioeconomics, Environmental Justice, and Protection of Children) and determined that implementation of the Proposed Action would not result in any disproportionately high and adverse human health or environmental effects on minority or low-income populations.
EO 13007, <i>Indian Sacred Sites</i>	No concerns regarding Indian Sacred Sites have been identified in the Study Area based on consultation with Native American Tribes. If concerns are identified, the Navy would comply with EO 13007 and avoid or mitigate impacts to Indian Sacred Sites in consultation with affected tribes.
EO 13045, <i>Protection of Children from Environmental Health Risks and Safety Risks</i>	The Navy addressed requirements of EO 13045 in Section 3.7 (Socioeconomics, Environmental Justice, and Protection of Children) and determined that implementation of the Proposed Action would not result in health or safety risks that may disproportionately affect children.
EO 13175, <i>Consultation and Coordination with Indian Tribal Governments</i>	The Commander, U.S. Pacific Fleet invited the following federally recognized Native American tribes to participate in the NEPA process for this EIS: Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Inter-Tribal Council of Nevada, Pyramid Lake Paiute Tribe, Te-Moak Tribe, Walker River Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Consultation with these tribes is ongoing in accordance with EO 13175.
EO 13112, <i>Invasive Species</i>	EO 13112 requires agencies to identify actions that may affect the status of invasive species and take measures to avoid introduction and spread of these species. The Navy would continue to implement invasive plant and weed controls at the FRTC in accordance with the integrated natural resources management plan, which ensures compliance with EO 13112.
EO 13514, <i>Federal Leadership in Environmental, Energy, and Economic Performance</i>	In accordance with EO 13514, to create a sustainable energy economy and demonstrate the federal government's commitment to reducing greenhouse gas emissions, the Navy is committed to improving energy security and environmental stewardship by reducing reliance on fossil fuels. The Navy is actively developing and participating in energy, environmental, and climate change initiatives that will increase use of alternative energy and help conserve the world's resources for future generations.

Notes: AIRFA = American Indian Religious Freedom Act, C.F.R. = Code of Federal Regulations, DoD = Department of Defense, EIS = Environmental Impact Statement, EO = Executive Order, FRTC = Fallon Range Training Complex, NAGPRA = Native American Graves Protection and Repatriation Act, Navy = United States Department of the Navy, NEPA = National Environmental Policy Act, U.S. = United States, U.S.C. = United States Code, USFWS = United States Fish and Wildlife Service

6.3 IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES

NEPA requires that environmental analysis include identification of “any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.” Irreversible and irretrievable resource commitments are related to the use of nonrenewable resources and the effects that the uses of these resources have on future generations. Irreversible effects primarily

result from the use or destruction of a specific resource (e.g., energy or minerals) that cannot be replaced within a reasonable time. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored as a result of the action (e.g., the disturbance of a cultural site).

Military training activities would increase at the FRTC under the Proposed Action, but these activities would continue to be conducted in the same locations where they currently take place. The only irretrievable commitment of resources associated with increased training activities would be fossil fuel consumption, which would increase proportionately with training activities. As outlined in Table 6-1, the effects of fuel consumption under the Proposed Action are minimized by the Navy's commitment to improving energy security in accordance with Executive Order 13514. Irreversible and irretrievable commitment of resources under the Proposed Action would be negligible.

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