



Nevada Association of Counties

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February 14, 2019

Naval Facilities Engineering Command Southwest
Code EV21.SG
1220 Pacific Highway, Building 1, 5th Floor
San Diego, CA 92132

Captain David Halloran
Commanding Officer
Naval Air Station Fallon
44755 Pasture Road, Bldg. 350
Fallon, NV 89496

Re: Nevada Association of Counties Comments on the Draft Environmental Impact Statement (DEIS) for the Fallon Range Training Complex Modernization (FRTC): Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal (83 Federal Register 66685

Dear FRTC Modernization EIS Project Team and Captain Halloran,

The Nevada Association of Counties ("NACO") hereby submits this Draft Environmental Impact Statement ("DEIS") comment letter for the Department of Defense ("DOD") Military Land Withdrawals, initiated by the Federal Register for the Fallon Naval Base 81 Fed. Reg. 58919 (August 26, 2016). This letter is timely submitted to the Navy, by the deadline (February 14, 2019) in the subject Federal Register Notice. NACO has been designated as a representative to submit comments on behalf of Lander County, Pershing County, and Mineral County for this project. NACO's role representing these three counties is codified in the signed Memoranda of Understanding ("MOU") between the Navy and those counties, and in the Cooperating Agency Request Letters issued by each county. NACO's role is critical in providing a continuous point of contact as well as the expertise and information needed on this project. NACO does not submit information to the Navy without prior

approval from Lander County, Pershing County, and Mineral County. As a matter of practice NACO coordinates regularly with the designated representatives for Eureka County, Churchill County, and Nye County. This letter also represents the Nevada Association of Counties as the statewide organization that represents all of Nevada's counties, however, if NACO's comments conflict with those provided by associated Counties, NACO would ask the Navy to defer to the County-specific comment as the individual counties better understand their circumstances and needs.

This review and comments were coordinated with counties impacted by the proposed Fallon Range Training Complex Modernization to the extent possible. NACO reserves the right to supplement or revise comments in the future.

For further DEIS specific comments please refer to NACO's comment matrix, attached to this letter.

Mitigation and Impacts

NACO submitted comments during the coordination process and has expressed in conversations and multiple meetings with the Navy and Department of Defense officials our concern with the absence of a full mitigation analysis. To this end, NACO again requests that the EIS include a full impact and mitigation analysis, that seeks to inform the public and decision makers of the impacts of each proposed alternative and outlines the appropriate mitigation measures commensurate with the level of impacts.

NACO believes it is imperative to provide an analysis and a detailed estimate of the costs of the entire scope of the proposed withdrawal, as well as required design features. A mitigation plan must also be included that is based on this analysis, and that plan should include an appropriations package for submittal to Congress that would provide for compensation of the impacts of the proposed withdrawal by replacing or providing substitute resources. Congressional approval is an important aspect of this process, and appropriations will be required to make counties and their local communities whole from impacts that will occur. NACO has asked from the beginning that the Navy mitigate the infrastructure and revenue impacts to local governments and communities.

NACO believes the Navy acted in good faith during our numerous meetings regarding the DEIS and that there are several mechanisms available for the Navy to conduct mitigation (i.e. Taylor Grazing act, Federal Highway funds, etc.); however, discussions and workshops hold little value, if the information is not memorialized in the DEIS and the Record of Decision. For instance, NACO participated in a mitigation workshop to discuss potential



mitigation measures with the Department of Defense. Although a list of potential mitigation measures was offered and discussed, none of these measures are identified in the DEIS.

The State of Nevada Alternative

NACO supports the Navy and their ability to carry-out their training and mission programs effectively. FRTC has national implications with significant local impacts. With this in mind, the State of Nevada, NACO and State agencies developed and supported a Nevada Alternative. As NACO has expressed in previous comments, the “shift and tilt” alternative does not adequately represent what was provided to the Navy and the Department of Defense by the Office of the Governor; however, the Navy continues to present the “shift and tilt”, now the preferred alternative, as the State of Nevada Alternative. This is not the State of Nevada Alternative. We believe the State of Nevada Alternative as, originally, presented, would have allowed the Navy to carry out their mission while avoiding impacts to county roads, airports and other infrastructure. Reducing impacts would reduce the need for additional mitigation to the state and county and would have allowed for continued multiple use of public land for recreation, hunting, public access, grazing allowance, mining resource activity and geothermal development, which helps Nevada meet its alternative energy portfolio requirements.

NACO requested that the Navy consider an alternative that accommodates and meets essential Navy objectives that would offset the impacts imposed on local communities and the environment. The State of Nevada Alternative provided the Navy with an option that strikes this balance and should be comparatively represented as intended by the State.

Significant Impacts Not Addressed

Critically important elements of existing county infrastructure (and rights of way) will be impacted by the preferred alternative. The DEIS proposes the closure of Sand Canyon Road. In Pershing County, Pole Line Road is subject to closure under the preferred alternative. This road provides critical access to the Buena Vista Mine and an important access point to a rail road spur that serves the mining operation. The Gabbs Airport in Nye County will be impacted by severely restricting the airport’s eastern approach and western take-off. This impact while “not regionally specific”, will affect local air traffic, and perhaps more importantly, prevent future growth and expansion. To reiterate, all of these impacts are not outlined in the DEIS with a corresponding impact and mitigation plan.

NACO reiterates our concerns with the following issues:



- Loss of county revenue sources: from grazing, mining, recreation, and other economic sectors.
- Impacts to County-based health and safety services, including emergency services.
- Loss of County permits, ROWs, and access to County assets, including water resources and wells.
- Impacts to key industries, such as mining, grazing, renewable energy, tourism, and recreation
- Takings associated with public land uses, loss of investment-backed licenses associated with mining, grazing, renewable energy, water rights, and other economic activities within withdrawal areas. (including future impact to county revenues and community viability)
- Access to public land uses, especially wildlife restoration projects, recreation, private property, and economic activities

NACO again emphasizes that The EIS must provide a **mitigation plan for each alternative** that would include: (1) a detailed estimate of the costs of the proposed withdrawal; (2) required design features; and (3) an appropriations package for submittal to Congress. This information must be analyzed as if there will be no managed access, possibly with an “up to” amount. While each one of these alternatives includes a “managed access” component, “managed access” is at the full discretion of the Navy and can be terminated by the Commander at will, for any reason. Such a mitigation plan is needed to satisfy Step (5) of NEPA’s Mitigation Hierarchy by compensating for the impact through replacement or providing of substitute resources. (40 C.F.R. §1508.20). During previous discussions, a mitigation working group was proposed to assist the Navy in outlining any impacts.

NACO also requests that the Navy work with counties when considering closing, re-routing, or restricting travel on any highways, whether paved or gravel, and on county designated roads. For example, proposed Alternative 3 will force road closure at Sand Canyon Road, as part of this withdrawal, as well as the relocation of Route 361. NACO supports more specific mitigation analysis and planning as part of the DEIS to address these impacts.

Finally, NACO believes that the Navy has not adequately analyzed wildfire management and mitigation. Addressing the threat of wildfire across Nevada has become a top priority for local governments and communities statewide. The DEIS does not adequately describe the environmental consequences of increased fuel loads and wildfire risk that will result in further grazing losses forced by the proposed withdrawal. Managed livestock grazing can be an important and cost-effective tool to reduce wildfires in Nevada and throughout the West. The socioeconomic analysis does not consider the costs of potential wildfires caused

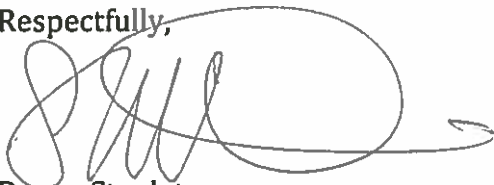


by the reduction in grazing allotments from the proposed withdrawal and is therefore incomplete.

Conclusion

Thank you for your time and consideration of NACO's comments on behalf of Lander, Mineral, Pershing Counties, and NACO. Further, NACO supports the comments provided by Nye County, Eureka County, Churchill County, and the State of Nevada. NACO, and the counties we are representing believe a strong partnership with the Navy is vital to national security - supporting an alternative solution, one that also protects and strengthens the communities in which the Navy operates, is key. We look forward to continuing working with you throughout this important process to achieve these goals.

Respectfully,



Dagny Stapleton
Executive Director

DS/vwg

- Cc: Senator Catherine Cortez-Masto
- Senator Jacky Rosen
- Congressman Mark Amodei
- Congresswoman Dina Titus
- Congressman Steven Horsford
- Congresswoman Susie Lee
- Governor Steve Sisolak

Enclosure



**Nevada Association of Counties (NACO) Comments to:
Fallon Range Training Complex Modernization Draft Environmental Impact Statement (DEIS).
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Chapter	Section	Page No.	Paragraph	Line No.	Comment
					<p>This review and comments were coordinated with associated counties impacted by the proposed Fallon Range Training Complex Modernization to the extent possible. However, NACO reserves the right to supplement or revise comments in the future. If NACO’s comments conflict with those provided by associated Counties, NACO would ask the Navy to defer to the County-specific comment as the individual counties better understand their circumstances and needs.</p>
					<p>“Significance” is described in the context of NEPA in terms of both context and intensity. The consideration of context does not mean impacts at a regional scale supersede the impacts endured at the local scale. The importance, and significance, of localized impacts must be considered and not merely dismissed because they are not regional-scale impacts. Dismissing the impacts at the local scale simply because they do not affect the regional economy is contrary to the spirit of NEPA and inappropriate in a State as economically and geographically diverse as Nevada. Further, intensity in the context of NEPA can refer to the cumulative impacts brought about by a proposed plan. While the determination of significance was determined for each resource category individually, impacts on the human communities as a whole were not assessed. The cumulative effects from all resource categories impacted by the proposed withdrawal <u>are significant</u> to the human communities affected by this proposed withdrawal.</p>
					<p>As part of the scoping process, NACO discussed a series of mitigation measures. Although a list of potential mitigation measures was offered by Cooperating Agencies, none of these measures are identified or described in the DEIS.</p> <p>To mitigate the impacts of additional land withdrawal, NACO supports the State of Nevada’s suggestion to release three areas currently designated as Wilderness Study Areas for mitigation purposes. The BLM has determined these areas are not suitable for Wilderness designation and these areas, if released, would mitigate a portion of the impacts to grazing, mining, recreation, and other impacts caused by the withdrawal.</p>

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1	1.9	1-33	4	40	Alternative 3 proposes to close 356,400 acres of BLM grazing allotments and 4,187 acres of Bureau of Reclamation livestock grazing areas. Federal grazing permit holders must be compensated for their losses due to the proposed withdrawal. Although the Navy has authority under 43 U.S.C. of the Taylor Grazing Act of 1934 to make payments to federal grazing permit holders for losses suffered as a result of the withdrawal, this payment would only be available if approved by Congress. As the public has yet to see anything regarding an appropriations package for the proposed withdrawal, there is no certainty that these losses will be mitigated. Communities and local economies should be kept “whole” as part of any proposed withdrawal, there is zero to limited assurance that this will be accommodated in the DEIS.
3	3.3.4.5	3.3-65	2		The DEIS does not address if or how mining claimants, in particular patented claims, will be reimbursed should this land be withdrawn. Claimants are required to pay annual fees to the Bureau of Land Management to protect and preserve their mining claims. These fees are even still being paid by claimants, as instructed by the BLM, despite the uncertainty caused by the FRTC Modernization proposal. This proposed withdrawal puts those claims at risk by severely limiting exploration and production, rendering such claims useless. NACO urges the Navy to work with the BLM and claimants to mitigate these impacts appropriately for impacted mining claims. As with grazing, communities and local economies should be kept “whole” as part of any proposed withdrawal, there is zero to limited assurance that this will be accommodated in the DEIS.
3	3.4.1.4	3.4-4	2	11-13	NACO also urges the Navy to work with individual grazing permittees regarding impacts to grazing caused by the proposed withdrawal. The DEIS does not currently provide any plans for mitigating impacts to or loss of grazing revenue caused by the proposed withdrawal.
3	3.4.3	3.4-20	All		The DEIS does not adequately describe the environmental consequences of grazing losses due to the proposed withdrawal, with regards to fuel loads and wildfire. Managed livestock grazing can be an important and cost-effective tool to reduce wildfires in Nevada and throughout the West. Furthermore, as the socioeconomic analysis does not consider the costs of potential wildfires caused

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					by the reduction in grazing allotments from the proposed withdrawal, the socioeconomic analysis is incomplete.
3	3.5.3.5.1	3.5-40	1		NACO urges the Navy to work with Counties when considering closing, re-routing, or restricting travel on any thruways or county access roads. For instance, there is a proposed road closure at Sand Canyon that would prohibit access to that recreation area as part of this withdrawal as well as Route 361 needing to be moved. NACO supports more specific mitigation analysis and planning as part of the DEIS to address these impacts.
3	3.6.3.5.1	3.6-27	2		The Federal Aviation Administration has awarded Gabbs Airport in Nye County funds for runway rehabilitation as part of the Airport Improvement Program (AIP). The AIP is meant to provide funds for the maintenance of aviation infrastructure necessary to ensure safe travel and maintain connectivity in Nevada. The DEIS does not mention this grant awarded to Gabbs Airport nor does it mention how the proposed alternatives intend to work with Nye County and Gabbs Airport to ensure this grant can and will be used for its intended purposes.
3	3.13.3.2.3	3.13-33	2	17-18	NACO would suggest adding to this discussion: According to the Uniform Appraisal Standards for Federal Land Acquisitions, any changes in the market value of the property, caused by the proposed government project, prior to the appraisal must be disregarded when determining the appraisal. "The appraiser must disregard changes...brought about by the government's project for which the subject property is being acquired."
	[NEED SECTION NO.]				NACO is concerned that the proposed increase in operation hours including the increase in number of military flights proposed (4-5 times the current level) in the DEIS would severely limit commerce and civilian traffic within the FRTC airspace. This would significantly impact Gabbs Airport and could potentially impact additional local airports as well (Austin, Eureka, Kingston, etc.). Further, previous conversations with the Navy indicated Gabbs Airport would be unaffected as it would be "cut out" of the impacted area caused by restricted areas and expansion of the firing ranges. That is not currently depicted in the DEIS.

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	[NEED FIGURE NO.]				Existing maps seem to indicate there is restricted airspace over the VFR Corridor. Please revise to show civilian and commercial access to the VFR Corridor.
	[NEED FIGURE NO.]				US 95A appears to be overlapping Restricted Area R4810. NACO requests the Navy add a provision in the EIS to allow further development of US 95A as well as US 95, US 50, and I-11.
3	3.14.2.1.2	3.14-5	All		Resources available to State and local agencies to fight wildfires is limited. Control of fires caused by FRTC activities should be the responsibility of the FRTC.
6	6.1	6.1	1		Churchill County's Master Plan is referenced, but no other County planning or land use documents are referenced throughout the DEIS. Were any other County Plans reviewed prior to development of this EIS? At a minimum, Eureka County, Lander County, Lyon County, Mineral County, Nye County, and Pershing County Master Plans and/or Land Use Plans should also be reviewed and referenced in the EIS.