



Nevada Association of Counties

304 S. Minnesota Street
Carson City, NV 89703
775-883-7863
www.nvnaco.org

March 10, 2020

Mary B. Neumayr
Council for Environmental Quality
730 Jackson Pl, NW
Washington, DC 20503

Re: Update to Regulations Implementing the Procedural Provisions of the National Environmental Policy Act (Docket: CEQ-2019-0003)

Dear Chairwoman Neumayr,

As the state association representing all 17 of Nevada's counties, the Nevada Association of Counties (NACO) appreciates the Council of Environmental Quality's (CEQ) efforts in proposing needed revisions to the procedural regulations of the National Environmental Policy Act (NEPA), 40 C.F.R. 1500.1 et seq. These revisions should help reduce the burden and time involved in the NEPA process and facilitate cooperation with local governments.

Nevada's counties are frequently affected by NEPA. Eighty-seven percent of Nevada's land is federally managed. Nevada's counties value the health of those lands and the natural resources within them. NEPA performs an important function in the ability of Nevada's counties to manage their natural resources while providing crucial services to their communities and visitors. For many Nevada communities, resource-based industries that are tied to public lands are their lifeblood. Counties also manage assets that require federal permits, leases, or easements. It is important therefore, that counties are empowered to play an active role in the NEPA process. To that end, NACO submits the following comments on the CEQ's Notice of Proposed Rulemaking, Docket No. CEQ-2019-0003. NACO defers to individual counties that have provided county-specific information or positions.

1. "Elimination of Duplication with State, Tribal, and local procedures"

NACO generally supports revisions and additions to 1506.2 "Elimination of duplication with State, Tribal and local procedures." The addition of local agencies to paragraph (b) will encourage county involvement and county data which will help agencies understand the impact of a proposed action. However, NACO submits that the language of paragraph (b) is too restrictive and may defeat the purpose of the revision by only allowing studies, analysis, and decisions conducted in response to local or state "requirements". NACO suggests that the 1506.2(b) read as follows:

(b) Agencies shall cooperate with State Tribal, and local agencies or governments to the fullest extent practicable to reduce duplication between NEPA, and State, Tribal and local requirements including through the use of environmental studies, analysis, and decisions conducted in support

of Federal, State, Tribal, or local environmental reviews or authorizations, or other existing environmental studies, analysis, and decisions conducted by State, Tribal and local agencies or governments that satisfy requirements in 1502.24, including through the use of environmental studies, analysis, and decisions conducted in support of Federal, State, Tribal, or local environmental reviews or authorizations unless the agencies are specifically barred from doing so by some other law....

When counties conduct studies or analysis, they may do so in order to inform decision-making, county planning, or to continue to update important data. Counties make decisions to affect the needs and realities on the ground in local communities and enjoy broad decision-making authority in the form of local ordinances and land use planning processes. In other words, environmental studies, analyses, and decisions are not always done in response to legal “requirements”; state, local, federal or otherwise. For instance, while Nevada has environmental protection statutes, unlike some states, it does not have a state analogue to NEPA.

For example, the University of Nevada Cooperative Extension Program is currently compiling comprehensive baseline socio-economic data for each Nevada county. NEPA requires agencies to analyze the social and economic impacts of given actions. Including county baseline data would be useful in an environmental review. However, because this data has not been created in response to a “requirement”, the agency would be barred from using it. Such a result highlights the problem with the “requirement” language of 1506.2 and undercuts the main goals of CEQ’s revisions, which are to streamline the review process, increase local participation, and reduce duplication. CEQ concerns about the quality of non-agency data and analysis would be eliminated by including reference to 1502.24 which require that “agencies ensure the professional integrity, including scientific integrity of discussions and analysis in environmental documents”

2. Cooperation and “Cooperating Agency”

NACO supports the amended definition of “cooperating agency” to include State, Tribal or local agencies or governments. The explicit inclusion of local governments will help ensure greater involvement from local experts in the NEPA process and will help better inform NEPA documents.

NACO greatly supports revision to 1501.8 which explicitly allows local agencies to request “cooperating agency” status and language that encourages the lead agency to invite local agencies to participate as cooperating agencies. This coupled with 1501.2 and 1501.9 will help ensure that county governments are involved and engaged early in the process, and can help provide useful information, such as county master plans and economic analyses, which can provide parameters for agency analysis and inform the reasonable range of alternatives.

NACO worries that the increased role of contractors in the preparation of environmental review documents proposed in the NPRM will undermine the stated goals and revisions otherwise designed to increase cooperation between federal and state and local agencies. Counties have suffered diminished roles When contractor has been selected by a federal agency to complete a review.. This is possibly because the methods and analysis is proprietary prior to its release, or because there is less incentive for a contractor to facilitate trust and cooperation. To mitigate those concerns, NACO suggests amending the language of 1506.6(b)(3) as follows:

1506.6(b)(3) In the case of an action with effects primarily of local concern, the notice ~~may~~ shall include:



3. “Major Federal Action”

Alterations to the definition of major federal action must also guarantee consistent application of regulations going forward. As “major federal action” is a threshold issue on whether or not NEPA applies, it is critical that what counts as a “major federal action” is consistent. Counties in Nevada vary greatly, in size, population, and budget, and therefore highly value regulatory certainty. Excluding projects with “minimal federal involvement” or “minimal federal funding” from the NEPA review process is logical. However, what counts as “minimal” in both instances should be better defined so that NEPA will be predictably applied in the future.

a. Minimal Federal Funding

CEQ should define a threshold percentage of spending, over which, federal funding is no longer “minimal.”

b. Minimal Federal Involvement

Nevada’s counties contain as much as 98% federal land. Therefore, a clear policy of what counts as “minimal federal involvement” is important. A county project in Nevada will almost always involve the use of federal land, even though it may not require any other sort of federal “involvement.” The “small handle problem” poses unique challenges for counties in Nevada. Infrastructure development and improvements may involve the incidental use of public land as essential for access or county use. However, such incidental use if otherwise not significant should not automatically trigger a NEPA analysis of a project that has minimal federal involvement. Therefore, unless a categorical exclusion applies to the incidental use, NEPA should apply only to that portion of the project that occurs on federal land or requires direct federal involvement.

4. “Presumptive Page and Time Limits”

NACO supports agencies taking the time necessary to adequately review the effects of a proposed project and including all vital analysis. However, presumptive page limits for environmental review documents and time limits for the review process will not only make the NEPA process more efficient but will also improve public engagement. Some of Nevada’s counties have limited staffing and are not able to fully review all the material and considerations of environmental reviews that sometimes exceed 1,000 pages. Limiting the pages will allow counties to be more engaged in the process.

5. Range of Analysis

a. “Reasonable Alternative”

NACO supports the addition of a “reasonable alternative” definition. In particular, it is helpful to limit the range of reasonable alternatives only to those alternatives which are technically or economically feasible. This is a reasonable limitation and is consistent with case law that “alternatives must be bounded by some notion of feasibility” *Vt. Yankee Nuclear Power Corp v. NRDC* 435 U.S. 519, 551 (1978).

b. Effects and Cumulative Impacts

NACO supports CEQ’s revision of the definition of “effects” to those that are reasonably foreseeable. This is in line with common sense and jurisprudence. NACO supports CEQ’s overall desire to limit the expanse of environmental reviews to within a reasonable scope. Cumulative impact analyses within environmental reviews are often overly expansive and burdensome as they require analysis often beyond the jurisdiction and means of the agency, and can delay review and increase cost. However, NACO believes that the underlying purpose and value of cumulative impact analysis has merit as it can help prevent deleterious effects of projects otherwise



overlooked if considered in a vacuum. To that end NACO supports using the “reasonable foreseeability” standard as a rule of reason and therefore retaining some limited cumulative impacts analysis.

Conclusion

NACO is appreciative of CEQ’s effort to revise aspects of this complex but important law. It is clear that CEQ implemented many of the suggestions that NACO included in its previous comments. We trust that you will continue to consider and value the input of Nevada’s counties. If you have any questions, please do not hesitate to contact me at dstapleton@nvnaco.org, or by phone at (775) 883-7863.

Respectfully,

Dagny Stapleton
Executive Director

Additional Materials

<https://www.whitehouse.gov/wp-content/uploads/2020/01/20200109FINAL-FACT-SHEET-v3-1.pdf>





Nevada Association of Counties

304 South Minnesota Street

Carson City, NV 89703

775-883-7863

www.nvnaco.org

February 07, 2020

The Honorable Catherine Cortez Masto
516 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Jacky Rosen
144 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Mark Amodei
104 Cannon House Office Building
Washington, D.C. 20510

The Honorable Steven Horsford
1330 Longworth House Office Building
Washington, D.C. 20510

Governor Steve Sisolak
State Capitol Building
101 North Carson Street
Carson City, NV 89701

Re: Nevada Association of Counties Comments on the Final Environmental Impact Statement (FEIS) for the Fallon Range Training Complex Modernization (FRTC): Expansion of Land Ranges, Airspace Modifications, and Public Land Withdrawal Renewal (83 Federal Register 66685) and Request for Congressional Support with the Upcoming Legislative Process.

Dear Senator Cortez Masto, Senator Rosen, Mr. Amodei, Mr. Horsford, and Governor Sisolak,

The Nevada Association of Counties ("NACO") hereby submits this Final Environmental Impact Statement ("FEIS") 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 during the 30-day waiting period (February 10, 2020). 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 you 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.

Mitigation and Impacts

NACO submitted comments during the coordination process, during the response period for the Draft Environmental Impact State (“DEIS”) 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 of the withdrawal plan. To this end, NACO again requests that the Record of Decision (“ROD”) 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. This full analysis is still lacking in the FEIS.

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, or the subsequent FEIS.

The Nevada Consolidated Proposal

Attached to this comment letter is, *The Nevada Consolidated Proposal to the U.S. Navy's Fallon Range and Training Complex Modernization (FRTC)*. This proposal is a collection of concerns and proposed solutions to potential impacts as the FRTC is currently proposed under the Navy's preferred alternative. As you can see in the document, this consolidated proposal is supported by the Office of the Governor, nine state agencies, multiple local government stakeholders and was developed with tribal input. NACO, and the other entities that signed on to this proposal, support the Navy and their ability to carry-out their training and mission programs effectively. FRTC has national implications with significant local impacts. This document represents the latest update, based on modifications by the Navy from the DEIS to the FEIS, to the outstanding issues on the FRTC.

NACO encourages Nevada's Congressional Delegation to review this proposal and determine what legislative remedies might be explored to alleviate impact and garner additional community support for the FRTC Modernization.

Significant Impacts Not Addressed

While the consolidated proposal outlines a comprehensive list of unresolved concerns, NACO continues to see critically important elements of existing county infrastructure (and rights of way) that will be impacted by the Navy's preferred alternative. In Pershing and Churchill Counties, 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 railroad spur that serves the mining operation. This access point is especially important to Pershing County as it is imperative to a mining project that would provide extensive and much needed economic development opportunities to Pershing County. To reiterate, these impacts are not addressed in the FEIS with a corresponding impact and mitigation plan.



Additionally, NACO would like to restate our concerns with the following issues, which are outlined in further detail in the attached document:

- Loss of county revenue sources: from grazing, mining, recreation, and other economic sectors.
- 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.

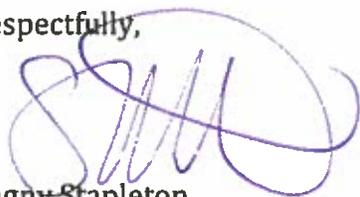
NACO also believes that the Navy has not adequately analyzed wildfire management and mitigation in their DEIS. Addressing the threat of wildfire across Nevada has become a top priority for local governments and communities statewide. The FEIS still does not adequately describe the environmental consequences 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. We appreciate that the Navy has added a fire management plan to their FEIS. NACO views this as a positive action to reduce the threat of wildfire and so we hope this will be quantified in the ROD.

Conclusion

Thank you for your time and consideration of NACO's comments on behalf of Lander, Mineral, Pershing Counties, and NACO. Further, NACO supports 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 to achieve these goals.



Respectfully,



Dagny Stapleton
Executive Director

DS/vwg

Cc: Congresswoman Dina Titus
Congresswoman Susie Lee
Mr. Bradley Crowell, Director, Nevada Department of Conservation and Natural Resources
Mr. Todd C. Mellon, Principal Deputy Assistant of the Navy
Capitan Evan L. Morrison, Commanding Officer, Naval Air Station Fallon.
Alex Stone, Project Manager, FRTC Modernization Environmental Impact Statement
Ms. Sara Goodwin, SW Regional NEPA Coordinator, Naval Facilities Engineering Command Southwest
Mr. Jim Barbee, Churchill County Manager

Enclosure



Attachment 1: Nevada Consolidated Response to the US Navy’s Proposed Fallon Range Training Complex Modernization Project

Item Number and Issue	Navy’s Written Response 1/6/2020	Issues to be Resolved in Navy Record of Decision (ROD)	Issues Requested for Resolution by Congressional Delegation
<p>I.A Specific to Private Property (Including Land, Mineral Claims and Water Rights): All private landowners within the proposed withdrawal area must be properly notified (i.e. certified mail) and compensated for any and all losses.</p>	<p><i>The Navy provided a general notification to the public including potential property owners as part of the NEPA process beginning with the Notice of Intent in 2016 and again with the release of the Draft EIS in September 2018. Specific notifications regarding potential property acquisition would begin to all known property owners after the ROD is signed. As explained in the EIS, the Navy would provide just compensation for the acquisition of real property.</i></p> <p><i>Following up from the 19 December meeting, the Navy has updated the Final EIS to confirm that the maps depicting non-federal land acquisitions proposals do not include Bench Creek. The Navy does not propose to purchase this non-federal property. Navy will evaluate whether other property in Dixie Valley that may serve as “base property” for grazing permit purposes should be acquired fee title or less than fee title; intent if to acquire the minimum real property interest necessary to preserve the training environment while accommodating continued grazing consistent with Navy training requirements.</i></p>	<p>The Stakeholders believe the Navy can address this issue by clarifying in the ROD that all private land owners will be properly notified and compensated for any and all losses.</p> <p>The ROD will need to specify how land owners, mineral claim holders and water right holders will be fully compensated.</p>	<p>If adequate clarification and assurance is not provided in the ROD, then the Stakeholders would respectfully request this specific direction from Congressional Delegation. In addition, the Navy’s commitment to compensate private land owners will require an adequate appropriation from Congress.</p>
<p>I.B Specific to all Bravo Ranges: The Navy should reduce all Bravo Range withdrawal areas to match the proposed Weapons Danger Zone(s) by utilizing the smallest possible sectional</p>	<p><i>Between the Draft EIS and the Final EIS the Navy reduced the withdrawal request by decreasing the aliquot parts down to the quarter section from the original application/or areas that are outside the weapons danger zones (WDZ). As a result, the Navy has reduced the total proposed withdrawal by 4,800 acres. At the 18 November meeting the Navy agreed to research whether the withdrawal could be farther</i></p>	<p>The Navy has informed the Stakeholders that they would set the future boundary fence for the new withdrawal areas as close as practically possible to the Weapons Discharge Zones. The Navy has</p>	<p>If adequate clarification and assurance is not provided in the ROD, then the Stakeholders would respectfully request specific direction from Congress. The Navy’s commitment to construct fences and other range improvements</p>

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<p>breakdown. See Map Item I.B. Unpatented mining claims, grazing allotments, and easements which are intersected by a WDZ and/or withdrawal boundary must have clear and concise procedures for the management by the BLM of the affected portions and rights.</p>	<p><i>reduced to even more closely match the composite WDZs associated with B-17 and B-20. That research determined that a further reduction may be practicable in some areas, but not practicable in all areas. This is because BLM survey data indicated many of the areas around B-17 and B-20 are un-surveyed. Safety considerations require that the withdrawal fully contain the composite WDZs so that the Navy fully controls the land. With uncertain survey data, the Navy could not be sure a smaller aliquot part would accurately capture the composite WDZ. The Navy cannot accept this uncertainty given our unwavering commitment to safe range operations. However, where survey data exists the Navy will work with BLM to further reduce the withdrawal and/or areas that are closed to public access. As the modernization is implemented (pending approvals and legislation) the Navy will restrict access to the smallest possible area required for Navy requirements and public safety operations. However, where survey data exists the Navy work with BLM to look for opportunities to further reduce the withdrawal and/or areas that are closed to public access.</i></p>	<p>further stated that they do not intend to build the fence along section lines or property boundaries. The Stakeholders would like the ROD to reflect this and to state the range will be restricted to the smallest area possible.</p>	<p>will require an adequate appropriation from Congress.</p>
<p>I.C.1 Specific to Bravo 16: The Navy should reduce the boundaries of B-16 in order to: Avoid the West-wide Energy corridor, existing power transmission line</p>	<p><i>The Navy withdrawal would avoid the existing power transmission line and access road. The Final EIS Section 3.2 (Land Use), Figure 3.2-4 (Land Use, Land Management, and Energy Corridors Within Existing and Proposed B-16 Area for Alternatives 1 and 2) has been updated to more clearly show the withdrawal in this area. Both would be outside of the surface danger zone</i></p>		<p>The Navy has indicated it is unwilling to adjust its withdrawal to avoid the West-wide Energy corridor. Therefore, the Stakeholders respectfully request the</p>

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<p>and existing access road along the western edge of the withdrawal area (See Map Item I.C.1)</p>	<p><i>(SDZ) and fencing. Regarding the west-wide energy corridor, the Navy agreed to re-validate with Naval Special Warfare Command and Naval Aviation Warfare Development Command (NAWDC) the spatial requirements for the B-16 proposed expansion, in terms of impacts of a reduced withdrawal. Based on this review, reducing the withdrawal to avoid the planning corridor within the withdrawal would create unacceptable impacts to the training requirements, specifically by shrinking the free maneuver area by as much as a mile. Shifting the free maneuver area to the east would remove complex terrain required for training (more than 25%), overlap the free maneuver SDZ's over the static ranges, place buildings and infrastructure into line of fire, place Salt Cave (historic resource) into line of fire, and limit concurrent operations with aviation static ranges. Following discussions at the 19 December meeting, the Navy will examine whether it is possible to relinquish the area of the currently withdrawn land on the eastern side of B-16, north of Sand Canyon Road, which is outside of SDZs. If relinquished, this may provide enough area to the east of B-16 to accommodate a power transmission corridor that transits around B-16.</i></p>		<p>Congressional Delegation make this modification.</p>
<p>I.C.2 Specific to Bravo 16: The Navy should reduce the boundaries of B-16 in order to: Allow re-routing of Sand Canyon Road / Red</p>	<p><i>The Navy is not proposing to re-route Sand Canyon Rd around the north perimeter. Such a re-routing is problematic as a road constructed to county code standard across the northern boundary of B-16 must cross the outlet of Sheckler Reservoir which has historically experienced major washouts (some as deep</i></p>	<p>Churchill County has proposed two corridors to re-route Sand Canyon Road/Red Mountain Road. Stakeholders believe the ROD should incorporate</p>	<p>If this commitment to Churchill County cannot be made by the Navy, then the Stakeholders respectfully request the Congressional Delegation provide this direction.</p>

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<p>Mountain Road around the north perimeter of the withdrawal area. Portions of other existing dirt roads may be utilized to accomplish this depending on how far the withdrawal area is reduced (See Map Item I.C.2)</p>	<p><i>as 10 feet). Crossing this area would require a complex, expensive engineering solution. Existing roads would provide access to the north and east side of the proposed withdrawal area without the need for a new road. The Navy is committed to working with Churchill County on potential routing options to provide access to these areas north and east of B-16. However, we note that as part of managing the integrity of the bombing range perimeter fence, the Navy would create a trail in otherwise inaccessible areas on the northern edge of B-16 that could be publicly accessed by those with appropriate vehicles (e.g., off-road vehicles).</i></p>	<p>one of the proposed options and confirm the Navy’s commitment to pay for the re-route.</p>	<p>Congressional authorization and appropriations for the roads will be required for adequate funding.</p>
<p>I.C.3 Specific to Bravo 16: The Navy should reduce the boundaries of B-16 in order to:</p> <p>Allow enough corridor (1 mile minimum) for the I-11, B-2 Corridor between the northeast corner of withdrawal area and existing private property at the end of Lone Tree Road. (See Map Item I.C.3)</p>	<p><i>The Navy could accommodate a potential future Right-of-Way (ROW) in this area without impacting training requirements. The Final EIS Section 4.4.5 (Transportation) updated to reflect this position and commitment. As a follow-on to the 19 December meeting as noted above the Navy is examining if the currently withdrawn area north of Sand Canyon Road and outside the SDZ could be relinquished</i></p>	<p>The Navy has committed to a 1-mile right-of-way that would accommodate both transportation and utility corridors. Stakeholders are seeking assurance in the ROD for all three sections highlighted on the map.</p>	<p>If the commitment to include the 1-mile right-of-way is not included in the ROD, Stakeholders would seek Congressional direction for the Navy to relinquish the area from its existing withdrawal.</p>
<p>I.C.4 Specific to Bravo 16: The Navy should reduce the boundaries of B-16 in order to:</p>	<p><i>At the request of the State of Nevada, Alternative 3 does not withdraw Simpson Road and the area to the south. This change is reflected in the Final EIS description of Alternative 3 in the EIS Section 2.3.6 (Alternative 3 –</i></p>	<p>The Navy has committed to avoiding Simpson Road to the south of the withdrawal area. Favorable</p>	<p>If the commitment to avoid Simpson Road is not included in the ROD, Stakeholders would seek Congressional direction for</p>

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Avoid Simpson Road to the south of the withdrawal area (currently included in Alternative 3). (See Map Item I.C.4)	<i>Bravo-17 Shift and Managed Access [Preferred Alternative].</i>	resolution depends on appropriate assurances in the ROD and other future actions of the Navy.	the Navy to relinquish the three sections from its withdrawal.
I.D.1 Specific to Bravo 17: Adjust the withdrawal area to avoid: existing corrals, laydown area and water well (associated with stockwater right) immediately adjacent to SR 839, approximately 12 acres (See Map Item I.D.1).	<i>The Final EIS Section 5.10.3.3 (Proposed Mitigation) has been updated to reflect that the Navy would relinquish this 12-acre area from being included in the renewal, such that the well and access road area could be incorporate by BLM back into the public domain and the Navy would not be proposing any changes to the water rights and well.</i>	The Navy has committed to avoiding corrals, laydown area and water well adjacent to SR 839 in the FEIS. Stakeholders would like to see this commitment confirmed in the ROD.	If the commitment to avoid the corrals, laydown area and water well adjacent to SR 839 is not included in the ROD, then the Stakeholders would seek Congressional direction for the Navy to relinquish the three sections from its existing withdrawal.
I.D.2 Specific to Bravo 17: Avoid target placement in areas of high biological and cultural values (i.e. Bell Flat, See Map Item I.D.2).	<i>The Navy would place targets to avoid impacts on cultural resources and sensitive biological resources to the extent possible while meeting training requirements. If impacts to cultural resources cannot be avoided, the Navy would follow the amended Programmatic Agreement, Section 106 regulations, and NAGPRA, as applicable. The Navy would minimize impacts to the extent possible on natural resources. The pronghorn and mule deer management priority habitat areas, such as Bell Flat, would be avoided to the maximum extent possible.</i>	The Navy has committed to avoiding target placement in areas of high biological and cultural values in the FEIS. Stakeholders would like to see this commitment confirmed in the ROD.	If the commitment to avoid target placement in areas of high biological and cultural values is not included in the ROD, Stakeholders would seek Congressional direction for the Navy to relinquish the areas from its existing withdrawal.
I.D.3 Specific to Bravo 17: Targets should also be	<i>Regarding controlled access, the Navy would place targets to minimize impacts but still meet Navy</i>	Specific agreements for controlled access between	If the commitments to provide controlled access within the

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<p>placed in a manner that accommodates controlled access (i.e. avoid Earthquake Fault and Bell Flat Roads). (See Map Item I.D.3)</p>	<p><i>requirements. The specific roads for various controlled access would be determined through agreements to accommodate the controlled access while still meeting Navy requirements. Following up from the December 19th meeting, the Navy has added the map from NDOW depicting the sensitive habitat areas.</i></p>	<p>the Navy and other partners needs to be defined within the ROD.</p>	<p>withdrawal areas is not included in the ROD, Stakeholders would seek Congressional direction for the Navy to provide controlled access.</p>
<p>I.E Specific to Bravo 19: Work with the Walker River Paiute Tribe to address the existing contamination issue on the Walker River Reservation.</p>	<p><i>While this is not an issue within the scope of the modernization, the Navy is committed to resolving the off-range ordnance (ORO) issue with the Walker River Paiute Tribe. The Navy implemented operational changes in November 1989 to eliminate off-range munitions, including reorienting strafing/bomb run-in lines and increasing surveillance of all drops. These operational changes have been effective in reducing ORO occurrences. A Memorandum of Understanding between NAS Fallon and the Walker River Paiute Tribe establishing protocols for both the Indian Tribe and the Navy to follow in responding to potential future ORO incidents (e.g., notification and access to reservation lands) was signed on May 14, 2007. An updated Memorandum of Agreement between the Indian Tribe and Navy was signed on May 24, 2017 that clarified procedures for addressing any future ORO incidents on the Reservation. The Navy is actively working with the Indian Tribe to seek a resolution/or the issue of historical ORO present on the Reservation.</i></p>		<p>The Navy has suggested that resolution of this issue is independent and separate from the FRTC Modernization. Stakeholders respectfully disagree and request Congressional direction to ensure resolution of this issue to the satisfaction of the Walker River Paiute Tribe as part of the Modernization Authorization.</p>

Attachment 1: Nevada Consolidated Response to the US Navy’s Proposed Fallon Range Training Complex Modernization Project

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<p>I.F.1 Specific to Bravo 20: Reduce the boundaries of B-20 in order to:</p> <p>1. Allow re-routing of Pole Line Road around the northwest perimeter of the withdrawal area. Portions of existing Pole Line Road may be utilized to accomplish this depending on how far the withdrawal area is reduced (See Map Item I.F.1)</p>	<p><i>Reducing the WDZ on B-20 to keep Pole Line Road outside the WDZ would reduce range capability by 50%-80% across weapons classes, an unacceptable reduction in meeting the Navy’s FRTC Modernization requirements. A smaller WDZ requires a reduction in the target areas. Therefore, the JDAM target area size would decrease by approximately 88%, from 902 acres to 112 acres. This area would be tactically unacceptable for training. The EIS Chapter 2 analyzes various B-20 alternative configurations that were considered and the reasons they would not meet the Navy’s training requirements. Pole Line Road traffic was studied as part of the EIS and associated traffic study – although the road supports a low volume of traffic, the EIS does acknowledge the impacts of the loss of access. At the November 18th meeting, the Navy agreed to research whether, while not reducing the WDZ and withdrawal, limited access could be provided for large convoys of equipment. Based on our review, the Navy has determined that this is impractical as safety requirements would necessitate a costly, time consuming, and labor intensive inspection and clearance of potential UXO along the entire road each time before the road was made available for public access.</i></p>		<p>The Navy has indicated it is unwilling to adjust its withdrawal and Weapons Danger Zone to accommodate the re-route of Pole Line Road. Therefore, the Stakeholders respectfully request the Congressional Delegation to modify the withdrawal boundary to avoid Pole Line Road.</p> <p>If such modification is not possible, the Stakeholders respectfully request a re-route of Pole Line Road funded by the Navy, or at a minimum to allow a corridor for a re-route and fund said re-route at the Navy’s expense. In this event, Congressional authorization and appropriations will be required for adequate funding.</p>
<p>I.F.2 Specific to Bravo 20: Reduce the boundaries of B-20 in order to:</p>	<p><i>As discussed above, and in Chapter 2 of the EIS, the Navy evaluated whether B-20 could be shifted to avoid the Fallon National Wildlife Refuge. The proposed location and configuration of B-20 is driven by WDZ requirements and surrounding terrain features. Moving</i></p>		<p>The Navy has indicated it is unwilling to adjust its withdrawal to avoid the Fallon Wildlife Refuge. Stakeholders respectfully request the</p>

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<p>2. Avoid the Fallon National Wildlife Refuge (See Map Item I.F.2);</p>	<p><i>B-20 south so that Pole Line Road is not encumbered would result in the required withdrawal overlapping most of the Fallon National Wildlife Refuge and Stillwater National Wildlife Refuge. Moving B-20 west would encumber US Route 95. Moving it north would encumber privately owned irrigated agricultural land. Moving it east would encumber East County Road. The Navy located B-20 in a manner that has the least impacts on surrounding land uses. The overlapping Navy withdrawal of 2,270 acres of Fallon National Wildlife Refuge would only affect public access to that area; the rest of the refuge would remain open to public access. The U.S. Fish and Wildlife Service (FWS) would continue to manage the entire refuge. FWS access to and management of the withdrawn area would be formalized in an agreement between and Navy and FWS. The Navy and Department of Interior are discussing ways to mitigate this impact as part of the interagency process for preparing the legislative proposal for the Congressional withdrawal.</i></p>		<p>Congressional Delegation modify the B-20 withdrawal to avoid the Fallon National Wildlife Refuge.</p>
<p>I.F.3 Specific to Bravo 20: Reduce the boundaries of B-20 in order to:</p> <p>3. Avoid East County Road to the east of the withdrawal area (currently included in Alternative 3). (See Map Item I.F.3)</p>	<p><i>As discussed in the EIS and at the request of the Governor, this road was removed from the proposed withdrawal and is not currently included in Alternative 3.</i></p>	<p>The Navy has committed to avoiding East County Road. Favorable resolution depends on appropriate assurances in the ROD.</p>	<p>If adequate clarification and assurance is not provided to avoid East County Road in the ROD, the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p>

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<p>I.F.4 Specific to Bravo 20: Reduce the boundaries of B-20 in order to:</p> <p>4. Avoid the Stillwater National Wildlife Refuge to the south of the withdrawal area (currently included in Alternative 3). (See Map Item I.F.4)</p>	<p><i>This area is not proposed for withdrawal under any of the alternatives.</i></p>	<p>The Navy has committed to avoiding the Stillwater National Wildlife Refuge. Favorable resolution depends on appropriate assurances in the ROD.</p>	<p>If adequate clarification and assurance is not provided to avoid the Stillwater National Wildlife Refuge in the ROD, the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p>
<p>I.G Specific to the Dixie Valley Training Area (DVTA): Designate a Special Management Area that is managed by the Bureau of Land Management and allows for multiple use.</p>	<p><i>Following the November 18th meeting, the Navy, in coordination and consultation with BLM, further evaluated other potential designations, rather than land withdrawal, to protect the area from incompatible land uses and allow Navy ground activities. Based on that review and input and guidance from BLMO, a SLMO (or other type of non-withdrawal overlay) north of Highway 50 would not provide adequate protection to ensure the necessary training environment. Navy use of BLM-managed public land can only be accommodated via a military land withdrawal as military training is generally not a consistent use of public land. The training proposed by the Navy in Dixie Valley exceeds “casual use” as defined by BLM. Accordingly, the land must be withdrawn for military purposes to accommodate required training. Further, a SLMO does not adequately protect the area from incompatible development, such as obstructions to flight and lighting. Existing laws and processes (such as the 1872 Mining</i></p>		<p>The Navy is still attempting to clarify how the DVTA would be managed, and at this late stage this is concerning to the Stakeholders.</p> <p>The Stakeholders respectfully request the Congressional Delegation provide direction to designate a Dixie Valley Special Management Area managed by BLM and that the designation allow for multiple use.</p> <p>The purposes of the Dixie Valley Special Management Area designation are:</p> <p>(1) To withdraw the area from location and development</p>

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	<p><i>Act) do not provide BLM and the Navy the means to preserve the training environment. The Navy has lost aircraft and aircrews from colliding with power lines within the FRTC in the past 20 years. Establishing a SLMO would not allow the Navy to preserve the safety of the training environment.</i></p> <p><i>Following up from the 19 December meeting, clarification on DVTA management is that though withdrawn/or military training, DVTA would remain open to public access and would be managed by BLM under FLPMA consistent with the purposes of the military withdrawal. For instance, a Churchill County request for a right-of-way for a water line would be issued by ELM in consultation with the Navy. The purpose of the consultation with the Navy would be develop a right-of-way that preserves the training environment while meeting the requirements of the County. For instance, a request by a geothermal developer for a permit would be granted by ELM in consultation with the Navy. Again, the purpose of consultation with the Navy is to preserve the training environment while accommodating the geothermal developer requirements. The management roles and responsibilities (between ELM and Navy) for the DVTA will be included in the ROD.</i></p>		<p>of locatable minerals under the 1872 mining law, but allow for development of geothermal, oil & gas and leasable minerals under Federal laws;</p> <p>(2) To allow management of the area by the BLM under multiple use, except for withdrawal from locatable minerals;</p> <p>(3) To conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, spiritual, recreational, cultural, historical, natural, educational, and scientific resources of the Special Management Area;</p> <p>(4) To protect the area from incompatible development for Navy training activities;</p> <p>(5) To allow for existing and planned Navy infrastructure, and ground and aerial training activities under a scheduling</p>

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			<p>agreement with the BLM and Churchill County.</p> <p>(6) To ensure continued public access of the area as managed by the BLM;</p> <p>(7) To convey perpetual rights-of-way to Churchill County for all roads identified as meeting RS 2477 standards;</p> <p>(8) To ensure implementation of the Dixie Valley Water Project by Churchill County with any cost increases due to Navy Required Design Standards being offset by the Navy; and</p> <p>(9) To ensure adequate utility corridors along SR 121 and Highway 50.</p>
<p>I.H Specific to the designation of a Special Land Management Overlay (SLMO): Retain the proposed SLMO south of Highway 50 (currently included in Alternative 3) See Section II.C for the need to Congressionally</p>	<p><i>See above. SLMO would not provide adequate safety and mission protection in the area north of Highway 50.</i></p>		<p>If adequate clarification and assurance is not provided to create a SLMO south of Highway 50 in the ROD, then the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p>

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<p>codify all allowances and restrictions within the SLMO.</p> <p>1. Specific to resolution of Wilderness Study Area (WSA) under the expanded SLMO north of Highway 50, see Section IV. The Stakeholders support resolution of WSA as part of a Lands Bill process rather than proposed release by the Navy.</p>	<p><i>The Navy proposal to withdraw the DVTA area north of Highway 50 also includes a proposal for Congress to remove WSA designations in areas proposed for Navy withdrawal. Regarding any potential future changes in designation for current WSA-designated areas not included within the military withdrawal, the Navy would provide input on anticipated training requirements.</i></p>	<p>The Navy has committed to not pursuing a WSA as part of this project, and favorable resolution depends on appropriate assurances in the ROD.</p>	
<p>I.I Specific to Energy Development and Energy Transmission: The proposed changes (listed in Sections I.A – I.H) to avoid expansion of the DVTA in lieu of SLMO designation will help to minimize impacts to energy development and transmission in the Dixie Valley area by providing allowances for future development in coordination with the</p>	<p><i>See above – a SLMO north of Highway 50 instead of a Navy withdrawal would not provide the required training environment or provide adequate safety and mission protection. The Navy would accommodate and allow geothermal energy production and distribution on the west side of Highway 121, with required design features described in Section 3.3.4.3 the EIS, an area up to 25,000 acres. Development of geothermal resources within the proposed withdrawal area can be accomplished in a manner that provides economic benefit while preserving the military training environment. A coordination requirement would not adequately protect the critical and unique training environment in this specific area from incompatible development</i></p>		<p>The Navy has indicated that it is unwilling to provide Special Management Area designation within the Dixie Valley. Therefore, the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p> <p>See Items I.C.1 and I.G above.</p>

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<p>Navy. Similar positive benefits will be realized by altering and minimizing withdrawal footprints on the Bravo Ranges; however, the balance of the Navy’s proposal will still significantly impact future energy development.</p>			
<p>I.J Specific to Geothermal Resources and Development): The proposed changes (listed in Sections I.A – I.H) to avoid expansion of the DVTA in lieu of DV SMA designation will help to minimize impacts to geothermal development in the Dixie Valley area by providing allowances for future development in coordination with the Navy. Navy compensation to geothermal operators for the increased costs of Required Design Features is necessary to ensure otherwise economic</p>	<p><i>See above. SLMO would not provide required training area or provide adequate safety and mission protection. Additionally, the 1872 Mining Law does not allow BLM to impose restrictions to prevent incompatible development. Again, we believe development of geothermal resources within the proposed withdrawal area can be accomplished in a manner that provides economic benefit while preserving the training environment.</i></p> <p><i>Mining and mineral development cannot be accommodated within the WDZs/SDZs due to safety requirements.</i></p>		<p>The Navy has indicated that it is unwilling to provide Special Management Area designation within the Dixie Valley. Therefore, the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p> <p>See Items I.C.1 and I.G above.</p>

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resources are developed to their full potential.			
<p>I.J Specific to Mining and Mineral Resources (including geothermal): Lesser, but still positive, benefits to mining and mineral development will be realized by altering and minimizing withdrawal footprints on the Bravo Ranges; however, the balance of the Navy’s proposal will still significantly impact future mining and mineral development. Holders of unpatented mining claims, for which the Navy would offer a nominal amount to “extinguish the claim”, must be notified in writing of the process by which the nominal amount will be determined and any associated requirements and deadlines for submission of documentation supporting</p>	<p><i>See above. SLMO would not provide required training area or provide adequate safety and mission protection. Additionally, the 1872 Mining Law does not allow BLM to impose restrictions to prevent incompatible development. Again, we believe development of geothermal resources within the proposed withdrawal area can be accomplished in a manner that provides economic benefit while preserving the training environment.</i></p> <p><i>Mining and mineral development cannot be accommodated within the WDZs/SDZs due to safety requirements.</i></p> <p><i>The Navy provided a general notification to the public beginning with the Notice of Intent in 2016 and again with the release of the Draft EIS in September 2018. As explained in the EIS, the Navy would provide just compensation for the acquisition of real property. The Final EIS now includes a description of this process. Therefore, the Navy would seek to purchase validated unpatented and/or patented claims. Though not obligated to do so, the Navy would offer a nominal payment for unpatented claims with no validity exam in the Bravo ranges. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.</i></p>	<p>The Navy has committed to these actions and favorable resolution depends on appropriate assurances in the ROD.</p>	<p>If adequate clarification and assurance is not provided in the ROD, then the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p>

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<p>the costs and investments made by the claim holder, including but not limited to location, recordation, and annual filing costs. The valuation process must adhere to the Uniform Appraisal Standards for Federal Land Acquisitions, Section 1.10.3 (Special Considerations for Mineral Properties).</p>			
<p>I.K Specific to Grazing: The Nevada Department of Agriculture (NDA) appreciates the Navy’s commitment to working directly with grazing permittees on an allotment by allotment basis to avoid or minimize losses and business impacts. It is understood that for any loss or restriction from current allotments, public land grazing permittees and lease holders within the final Withdrawal Area</p>	<p><i>The Navy would work with grazing permittees on a case-by-case basis to minimize losses resulting from the cancellation of a grazing permit. Navy would pay for permittees’ costs in the process to obtain replacement forage (i.e., establishment of new grazing areas) and other losses per 43 U.S.C. § 315q resulting from the cancellation of a permit, and would offer fair market value for any real property that has been cut off from access. Permittees will be responsible for providing information on the ranch operation to aid the Navy in determining an appropriate payment amount.</i></p> <p><i>See above. Private appraisers may provide information potentially relevant to the Navy’s determination of payments under 43 U.S.C. § 315q. The Final EIS, Section 3.4.3.2.6 (Process for Determining Payment Amounts for Losses Resulting from Permit Modification or Cancellation) provides a detailed description of the</i></p>	<p>The Navy references a private agricultural appraisal process to determine reimbursement for losses in the executive summary of the FEIS, but does not define this process in the FEIS or mention business impact. Stakeholders are seeking assurance in the ROD of the Navy’s commitment to the use of a private agricultural appraisal process with defined parameters that would fairly compensate public</p>	<p>If adequate clarification and assurance on the Navy’s proper compensation of the long-term business impacts to public land grazing permittees and lease holders is not provided, then the Stakeholders would request specific direction from Congress and appropriation to ensure grazing permittees and lease holders are fully compensated for their losses.</p> <p>Congressional authorization and appropriations for fair compensation will be required.</p>

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<p>(Bravo Ranges) must be fairly compensated for any and all negative business impacts. Additionally, compensation must be for the full term of the Navy withdrawal, NOT only the remaining term of the grazing permit as presently suggested by the Navy (see Section III.D).</p> <p>The NDA requests further clarification in the record of decision. Specifically, in the Navy’s response to the NV proposal document, there is an emphasis on the Navy paying for permittees’ costs in the process to obtain replacement forage due to cancellation of a permit. Although this may be a viable option for some permittees, this may not be the lowest business impact for others. Further, there are no parameters surrounding when a</p>	<p><i>valuation methodology for payment for grazing losses under §315q</i></p>	<p>land grazing permittees and lease holders for the long-term business operation impacts within the final Withdrawal Area (Bravo Ranges).</p>	

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<p>permittee would receive direct monetary reimbursement for lost land, or receive assistance finding replacement forage. Replacement forage for a grazing permittee’s operation is not often feasible, due to lack of available land in close proximity to an operation, leading to a slew of added operating costs (i.e., transportation, additional equipment).</p>			
<p>I.L Specific to Ground Transportation: The Navy must recognize and honor all existing Federal, State and County rights-of-way. The following federal highways must be avoided by the Navy’s land withdrawals: US 50 & 95. (See Map Item I.L.1). The following state highways must be avoided</p>	<p><i>Within the DVTA there would be no change to any transportation routes and rights-of-way. Within the Bravo Ranges, there would be no public access.</i></p> <p><i>U.S. Highways 50 and 95 are avoided under all Alternatives.</i></p> <p><i>NV Highway 121 is avoided as part of all Alternatives and NV Highway 839 is avoided as part of Alternative 3.</i></p>	<p>The Navy has committed to this action, and favorable resolution depends on appropriate assurances in the ROD.</p>	<p>If adequate clarification and assurance is not provided in the ROD to honor the existing rights of way, then the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p>

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by the Navy’s land withdrawals: SR 121 and 839 (currently included in Alternative 3). The Navy must recognize and honor all existing State rights-of-way.			
I.L Specific to Ground Transportation: The following county roads must be avoided (currently included in Alternative 3) by the Navy’s land withdrawals: Simpson Road (B-16 in Churchill and Lyon Counties), Earthquake Fault, Fairview Peak (B-17 in Churchill County) and Rawhide Road (B-17 in Mineral County) and East County Road (B-20 in Churchill County).	<i>All roads listed by the Governor are avoided in Alternative 3.</i>	The Navy has committed to this action, and favorable resolution depends on appropriate assurances in the ROD.	If adequate clarification and assurance is not provided in the ROD to avoid these county roads, then the Stakeholders would respectfully request the Congressional Delegation provide this direction.
I.L Specific to Ground Transportation (continued): The Navy must recognize and honor all existing county rights-of-way, including those	<i>Regarding RS 2477, the Navy defers to the Department of the Interior to adjudicate such claims and does not take a position as to the validity or non-validity of any claimed RS 2477 road or right-of way. In working with the BLM, no adjudicated RS 2477 roads have been identified in the areas requested for withdrawal or</i>		The Navy’s position has resulted in a lack of adequate mitigation for the loss of existing County infrastructure, despite the Navy’s proposed use of these

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roads that would qualify under RS 2477.	<i>proposed for acquisition. The Navy recognizes that there would be loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; but such roads would not be relocated. Other means of accessing available areas would remain; therefore, there is no requirement to relocate roads, other than a requirement to relocate a portion of NV Route 361 as discussed in the EIS, Section 3.5.3.4.2 (Bravo-17).</i>		Roads at a significant cost savings to the Navy. Stakeholders have respectfully requested what they view as appropriate mitigation, namely: Avoidance or relocation of Pole Line Road; Relocation of Sand Canyon / Red Mountain Road; Availability of Roads within B-17 for Controlled Access Events; and, Avoiding the Military withdrawal of the DVTA in lieu of a Congressionally Designated Special Management Area.
I.L Specific to Ground Transportation: The following roads must be relocated at the Navy’s expense: Sand Canyon / Red Mountain Road (B-16 in Churchill County) (See Map Item I.L.4);	<i>See response above. There are existing roads that may be a better choice for access to the north and west side of the B-16. The Navy will work with Churchill County on potential alternative routes.</i>		The Navy has not committed to re-routing Sand Canyon / Red Mountain Road. The Stakeholders respectfully request that the Congressional Delegation modify the withdrawal boundary of B-16 to accommodate Churchill County’s Preferred Re-route and fund improvements that would

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			<p>result in a road in similar condition to Sand Canyon Road and designate a right-of-way to Churchill County in perpetuity.</p> <p>Congressional authorization and appropriations for adequate funding to relocate these roads will be required.</p>
<p>I.L Specific to Ground Transportation: The following roads must be relocated at the Navy’s expense:</p> <p>State Route 361, which must be designed and built to Nevada Department of Transportation (NDOT) standards (B-17 in Churchill, Mineral, and Nye Counties). (See Map Item I.L.5)</p>	<p><i>Re-routing 361 is proposed as part of Alternative 3 in the EIS See Section 3.5.3.4.2 (Bravo-17).</i></p>	<p>The Navy has committed to this action, and favorable resolution depends on appropriate assurances in the ROD.</p>	<p>The Navy’s commitment to relocate these roads will require an adequate appropriation from Congress.</p>
<p>I.L Specific to Ground Transportation: Pole Line Road (B-20 in Churchill and Pershing Counties) which must be designed and built to County standards for</p>	<p><i>See discussion above. Rerouting Pole Line Road is infeasible without moving/shrinking the range; doing so would unacceptably reduce range operations by 50%-80%. The impact areas would have to be shrunk by 88% to route Pole Line Road between the range and the mountains. Traffic trips not attributed to Navy activities average 1 to 2 per month. The western portion of Pole</i></p>		<p>The Navy has indicated that it is unwilling to adjust its withdrawal / weapons danger zone to accommodate the re-routing of Pole Line Road.</p>

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unpaved roads. (See Map Item I.L.6)	<i>Line Road is “owned” by the Navy; BLM issued a right-of-way to the Navy for the road so that it may use it for access to B-20 for maintenance/management purposes.</i>		Therefore, the Stakeholders respectfully request the Congressional Delegation to modify the withdrawal boundary to avoid Pole Line Road, or at a minimum to allow a corridor for a re-route and provide an appropriate for such a re-route at the Navy’s expense.
I.L Specific to Ground Transportation: Lone Tree Road, including that portion of State Route 761, must be reconstructed at the Navy’s expense to safely pass large vehicle traffic as a result of Navy access to B-16 (See Map Item I.L.7). This road must be designed and built to the appropriate NDOT or County standard for paved roads in a rural residential area.	<i>The Navy would provide funding to Churchill County via a military construction project implemented by the Federal Highways Administration for improvements to Lone Tree Road to support Navy vehicles and for public use.</i>	The Navy has committed to this action, and favorable resolution depends on appropriate assurances in the ROD.	If adequate clarification and assurance is not provided in the ROD to reconstruct these roads, then the Stakeholders would respectfully request the Congressional Delegation provide this direction. The Navy’s commitment to reconstruct Lone Tree Road and SR 761 will require an adequate appropriation from Congress.
I.M Specific to Airspace: Military Operating Areas (MOAs) with a proposed floor of less than 500’ above	<i>Original recommendations for these expanded MOAs was 200’AGL for, Duckwater, Smoky, and Diamond MOAs (Diamond includes Ruby and Zircon). The 500’ AGL mentioned in 90 Days to Combat is a generalized statement for overall aviation requirements. The Final</i>	There are significant airspace concerns that have been brought to the attention of the Navy by the Nevada Department of	If adequate clarification and assurance is not provided in the ROD and/or future FAA process, then the Stakeholders would respectfully request the

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<p>ground level (AGL) should be changed to 500’ AGL per 90-Days to Combat. Stakeholders also support improved radio coverage, at Navy’s expense, in order to provide uninterrupted radio coverage from Desert Control to the entire Special Use Area as a safety measure.</p> <p>The Stakeholders support an Airport Exclusion Area (5 mile radius and 0-1,500’ AGL) around the Gabbs, Crescent Valley and Eureka airports.</p> <p>A Visual Flight Rules (VFR) Corridor must be provided over Highway 50 and Highway 95 in order to provide continual access by civilian aircraft. Specifications for the VFR are:</p> <p>Vertically = 0’ – 10,000’ Above Ground Level; and,</p>	<p><i>EIS Table 5-7 (Management Practices, Monitoring, and Mitigation Measures Suggested for Airspace) has been updated with this clarification.</i></p> <p><i>General aviation aircraft would continue to be allowed to transit through the FRTC outside of active restricted airspace or through the Visual Flight Rules (VFR) corridor, just as they do now. The proposed changes to airspace would therefore have minimal impact on recreational/general aviation aircraft. Impacts to general aviation for each alternative are discussed in the EIS in Section 3.6 (Airspace), specifically in Section 3.6.3 (Environmental Consequences). At the present time, the Navy is not proposing to create new infrastructure such as radio towers.</i></p> <p><i>The Navy currently has designated airspace exclusion for the town of Gabbs. As part of the Modernization proposal Crescent Valley and Eureka airfields would have an airspace exclusion of 3nm and 1500’ AGL. These exclusion areas were developed in coordination with the FAA.</i></p> <p><i>The current VFR corridor extends over all of Highway 50 in the FRTC from Fallon to Eureka in the MOA areas and between the restricted areas R-4804 and R4816S. No VFR corridor exists on Highway 95. There are no changes to the Highway 95 corridor that would require changes to the current airspace.</i></p> <p><i>The current VFR corridor is 2 miles wide and 2000’AGL to 10500’ MSL. Eastwest traffic is de-conflicted</i></p>	<p>Transportation, Tribal Governments near the withdrawal area, Eureka County and Nye County. These entities do not believe that the commitments from the Navy adequately address their concerns in regard to Airspace modifications. Stakeholders believe it is necessary for the Navy to work with these entities to provide a favorable resolution and appropriate assurances in the ROD.</p>	<p>Congressional Delegation provide this direction.</p> <p>Congressional authorization and appropriations to resolve the airspace issues may be required for adequate funding.</p>

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Horizontally = 5 miles wide (2.5 miles either side of highway centerline).	<i>vertically in 500’ increments. The VFR corridor also divides the FRTC Restricted Areas from 2000’ AGL to 8500’ MSL. The Navy does not believe the Modernization would require any changes to the current specifications for the VFR corridor.</i>		
<p>I.N Specific to Noise: A 5-mile noise avoidance buffer must be placed beyond the outer limits of the towns, rather than a centroid point, and must include the same offset from the perimeter of the General Improvement Districts in southern Diamond Valley as part of the Town of Eureka noise buffer.</p>	<p><i>Original recommendations for these expanded MOAs was 200’AGL for, Duckwater, Smoky, and Diamond, Ruby and Zircon MOAs. The 500 · AGL mentioned in 90 Days to Combat is a generalized statement for overall aviation requirements. Helicopter operations require a military operating area down to 200· AGL. Helicopter operations are anticipated in the proposed Duckwater and Smokey MOAs, but not the proposed Diamond, Ruby and Zircon MOAs. The floor of the proposed Diamond, Ruby and Zircon MOAs has been adjusted to 1,200’ AGL. The Final EIS Table 5-7 (Management Practices, Monitoring, and Mitigation Measures Suggested for Airspace) has been updated with this clarification.</i></p> <p><i>General aviation aircraft would continue to be allowed to transit through the FRTC outside of active restricted airspace or through the Visual Flight Rules (VFR) corridor, just as they do now. The proposed changes to airspace would therefore have minimal impact on recreational/general aviation aircraft. Impacts to general aviation for each alternative are discussed in the EIS in Section 3.6 (Airspace), specifically in Section 3.6.3 (Environmental Consequences). Due to the mountainous terrain underlying the current and</i></p>	<p>There are significant noise concerns that have been brought to the attention of the Navy by the Tribal Governments near the withdrawal area and Eureka County. These entities do not believe that the commitments from the Navy adequately address their concerns in regard to noise mitigation. Stakeholders believe it is necessary for the Navy to work with these entities to provide a favorable resolution and appropriate assurances in the ROD.</p>	<p>If adequate clarification and assurance for noise mitigation is not provided in the ROD, then the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p>

Attachment 1: Nevada Consolidated Response to the US Navy’s Proposed Fallon Range Training Complex Modernization Project

Item Number and Issue	Navy’s Written Response 1/6/2020	Issues to be Resolved in Navy Record of Decision (ROD)	Issues Requested for Resolution by Congressional Delegation
	<p><i>proposed boundaries of the Fallon Range Training Complex, uninterrupted radio coverage at all altitudes is not practical. Currently, radio coverage exists above 10,000 ' MSL throughout most of the current and proposed range boundaries. At the present time, the Navy is not proposing to create new infrastructure such as radio towers.</i></p> <p><i>The Navy currently has proposed a designated airspace exclusion for the town of Gabbs. As part of the Modernization proposal Eureka airfield would have an airspace exclusion of 3nm and 1500 ‘ AGL. This exclusion areas was developed in coordination with the FAA. Crescent Valley Airport lies outside of the existing Fallon North -I MOA. Current range procedures identifies the town of Crescent Valley and the Gabbs Airfield as a noise sensitive area that shall be avoided by 3,000 ' or 5nm. The proposed restricted area in Alternative 3 (R-1805) would have a cutout around the Gabbs Airfield of 3nm and 1,500' AGL where ordnance activities cannot be conducted.</i></p> <p><i>The current VFR corridor extends over all of Highway 50 in the FRTC from Fallon to Eureka in the MOA areas and between the restricted areas R-./80,./ and R--1816S. No VFR corridor exists or is proposed on Highway 95.</i></p> <p><i>The current VFR corridor is 2 miles wide and 2000'AGL to 10500' MSL. East- west traffic is de-conflicted vertically in 500 ' increments. The VFR corridor also divides the FRTC Restricted Areas R-4804 &</i></p>		

Attachment 1: Nevada Consolidated Response to the US Navy’s Proposed Fallon Range Training Complex Modernization Project

Item Number and Issue	Navy’s Written Response 1/6/2020	Issues to be Resolved in Navy Record of Decision (ROD)	Issues Requested for Resolution by Congressional Delegation
<p>I.N Specific to Noise: The Navy must fund a research project regarding potential impacts to Greater Sage Grouse within FRTC Modernization Project and commit to Adaptive Management if impacts are found to occur. All efforts must be closely coordinated with the State of Nevada.</p>	<p><i>As discussed in the FEIS Section 3.10.3.6.3 (Proposed Mitigation), the Navy has committed to funding a Greater Sage Grouse (GSG) study with NDOW and will evaluate the study results applying adaptive management as appropriate. This commitment will also be included in the ROD.</i></p>	<p>The Navy has committed to this action and favorable resolution depends on a letter of commitment with study design, funding assurances, and adaptive management to be referenced in the ROD.</p>	<p>If adequate clarification and assurance is not provided in the ROD for this research project, then the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p> <p>The Navy’s commitment to fund a research project regarding potential impacts to Greater Sage Grouse will require an adequate appropriation from Congress.</p>
<p>I.O Specific to Water Rights: The Navy must properly and thoroughly identify all water rights and must work with individual water right holders to avoid, minimize or rectify impacts, to all existing rights within the proposed Bravo Range expansions. Any impacts that cannot be avoided should result in compensation for any and all loss. This must include any impacted claims of</p>	<p><i>The Navy will add a table of the known water rights (based on data from the State) within the proposed withdrawal area - the table will be added to section 3.9.1.3 (Approach to Analysis), see Table 3.9-1 (Potentially Impacted Water Rights within the Potential FRTC Under the Alternatives) of the Final EIS. The Navy proposal is to either avoid or compensate for real property losses in terms of water rights. The Navy would seek the advice of the Nevada Division of Water Resources and the US. Department of Justice on the validity of any un-adjudicated claims of vested water rights before any compensation is paid.</i></p> <p><i>With respect to water rights that are claimed as vested water rights, the Navy's understanding is that</i></p>	<p>For impacts to water rights that cannot be avoided, Stakeholders are seeking assurance in the ROD of the Navy’s commitment to assess and fully compensate individual water rights holders for their losses, including the long-term impacts to their business operations within the final Withdrawal Area.</p>	<p>If adequate clarification and assurance on the Navy’s compensation to individual water rights holders including loss to their business operations is not provided, then the Stakeholders respectfully request specific direction from Congress and appropriation to ensure water rights holders are fully compensated for their losses.</p> <p>If adequate clarification and assurance is not provided in the ROD regarding water rights,</p>

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<p>vested right that have not been adjudicated by the Nevada Division of Water Resources.</p> <p>Any water rights acquired by the Navy must be relinquished to the State of Nevada, or otherwise appropriated for Navy use per State Water law. Any water rights acquired or held by the Navy will be subject to appropriate State of Nevada fees.</p>	<p><i>such rights are required by Nevada state law to be submitted/or adjudication as potentially-valid water rights, and thus ideally the Navy would await the outcome of adjudication before providing compensation for any such claimed vested rights that might be acquired by the Navy as a result of any implementation of the Proposed Action. However, the Navy also understands that the adjudication process can be very lengthy, potentially lasting many years. Therefore- rather than awaiting completion of adjudication- the Navy would engage in discussions with affected parties claiming vested rights in order to assess and ultimately determine the validity of such rights before making any commitment to provide compensation for them. The Navy notes that the obligation to provide just compensation in accordance with the Fifth Amendment of the U.S. Constitution is independent of- and is not limited by- the NEPA process, and potentially-affected parties would accordingly be free to present additional information concerning property interests subsequent to issuance of the Navy 's Record of Decision.</i></p> <p><i>The Navy intends to use and manage water rights per state law. Water rights that would not be utilized would be relinquished to the State of Nevada.</i></p>		<p>then the Stakeholder would request direction from Congress on this issue.</p> <p>Congressional authorization and appropriations for water rights will be required.</p>
<p>I.O Specific to Water Rights: Guaranteed assurances need to be made by the Navy to allow</p>	<p><i>Implementation of the Dixie Valley Water Project would be compatible with mission requirements provided that the project conforms to the required design features described in Section 3.9.3.5.3 (Proposed Management</i></p>		<p>See item I.G above.</p> <p>If adequate clarification and assurance is not provided in the</p>

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<p>implementation of the Dixie Valley Water Project. This includes, but is not limited to: rights-of-way for wells, pipelines, power lines and other appropriate infrastructure, as well as temporary rights-of-way for construction and access for continued monitoring and study of the aquifer (See Map Item I.O).</p>	<p><i>Practices. Monitoring and Mitigation) of the EIS. The Navy would work closely with the county in the development of this project. BLM would continue to manage Dixie Valley under FLPMA consistent with Navy training requirements and would issue any right-of way to the County. As part of their permitting process, BLM would consult with the Navy to develop a permit proposal that preserves the training environment while meeting County requirements.</i></p>		<p>ROD regarding the Dixie Valley Water Project, then the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p> <p>Congressional authorization and appropriations may be required for adequate funding.</p>
<p>I.P Specific to Biological Resources: Administrative access by the Nevada Department of Wildlife must be guaranteed in all withdrawal areas and Navy airspace for the full term of the Navy withdrawal. This is necessary in order to continue wildlife management activities, including, but not limited to: monitoring of big game herds, disease surveillance, monitoring and</p>	<p><i>The Navy would allow access to the ranges for species management, guzzler maintenance, and for coordination on habitat management consistent with safety and mission requirements. As discussed in the EIS, the Navy would avoid biologically sensitive areas during target placement, would conduct a GSG study, and would develop a wildfire management plan.</i></p> <p><i>No significant impacts to wildlife resources are expected that would require an offset. The Navy would manage natural resources on the Bravo Ranges pursuant to its Integrated Natural Resources Management Plan (INRMP). The expansion of the range complex would result in a requirement for revision to the INRMP. The Navy would work cooperatively with NDOW and USFWS on this revision. The EIS acknowledges the loss of access but similar open areas exist for public access.</i></p>	<p>The Navy has committed to this action and favorable resolution depends on appropriate assurance in the ROD.</p>	<p>The Stakeholders continue to disagree with Navy’s conclusion of no significant impacts to wildlife resources and stakeholders are unable to find resolution through the Administrative Process. Therefore, Signatories respectfully request Congressional Delegation to make this modification and fund mitigation for impacts to wildlife and loss of access to wildlife resources.</p>

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Item Number and Issue	Navy’s Written Response 1/6/2020	Issues to be Resolved in Navy Record of Decision (ROD)	Issues Requested for Resolution by Congressional Delegation
<p>maintenance of water developments, and possible trap and transplant of wildlife species.</p> <p>See “Bravo 17” section above for avoidance of biologically sensitive areas with target placement. See “noise” section above for specific request on studying noise impacts on Greater Sage Grouse. See “public health and safety” below for request on wildfire management.</p> <p>The Navy should ensure dedicated funding to offset direct impacts to wildlife, as well as a loss of public access to wildlife resources within the proposed Bravo Ranges.</p>	<p><i>DVTA would remain open for public access for most land uses and would continue to be managed by BLM.</i></p>		
<p>I.Q Specific to Cultural Resources: Target placement in Bravo Ranges must avoid culturally sensitive areas and facilitate managed</p>	<p><i>The Navy has surveyed locations where impacts to cultural resources are most likely, and we have programmed for funding measures to continue progressively surveying for cultural resources surveys over time.</i></p>	<p>The Navy has committed to this action and favorable resolution depends on appropriate assurance in the ROD and memorialization of those</p>	<p>If adequate clarification and assurance is not provided in the ROD, then the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p>

Attachment 1: Nevada Consolidated Response to the US Navy’s Proposed Fallon Range Training Complex Modernization Project

Item Number and Issue	Navy’s Written Response 1/6/2020	Issues to be Resolved in Navy Record of Decision (ROD)	Issues Requested for Resolution by Congressional Delegation
<p>access to such sites. The Navy must work directly with Tribal Governments near the withdrawal area to properly and thoroughly identify all traditional cultural properties, and commit to managed access to the Bravo Ranges for cultural visits associated for ceremonial, public educational, and research purposes.</p>	<p><i>The Navy will continue working to avoid and minimize impacts to cultural resources through implementation of the amended Programmatic Agreement to consult on the identification of cultural resources, the potential effects of actions, and measures to avoid and minimize effects wherever possible. When adverse effects are unavoidable due to mission and/or safety requirements, the Navy will consult with ACHP, SHPO, and interested tribes on mitigation, consistent with the Programmatic Agreement and the regulatory requirements of 36 CFR 800.6.</i></p> <p><i>The Navy will consult with tribes on measures for the protection and appropriate treatment of any burials and associated items, consistent with NAGPRA.</i></p> <p><i>The Navy is currently consulting to develop a plan for managed access to the ranges.</i></p>	<p>commitments in Amendment #1 to the Programmatic Agreement.</p>	
<p>I.R Specific to Recreation: The Navy will ensure implementation and fund their operational costs for a guaranteed Managed Access Program for Bravo 17 with a minimum of 15-days of assured access for big game hunting for the full term of the Navy withdrawal. As part of the</p>	<p><i>The Navy has committed to an annual 15 day hunting program as discussed at Section 3.12.3.3.2 (Bravo-17) of the FEIS. Within the FRTC Bravo Ranges continual road access cannot be guaranteed and will be evaluated as part of the Hunting Working Group on an annual basis</i></p>	<p>Navy has committed to this action and favorable resolution depends on appropriate assurances in the ROD.</p> <p>Specific to allowance of access, the Navy has not provided guaranteed use of critical access roads.</p>	<p>As part of the managed access program, the Signatories respectfully request Congressional Delegation to ensure the Navy guarantees implementation of the managed access program for the withdrawal duration. This should include guaranteed road access and avoiding target placement in the following areas Fairview Peak, Bell Canyon</p>

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Item Number and Issue	Navy’s Written Response 1/6/2020	Issues to be Resolved in Navy Record of Decision (ROD)	Issues Requested for Resolution by Congressional Delegation
<p>managed access program, maintain road access (avoid target placement in): Fairview Peak, Bell Canyon (eastern ½), Bell Flat, Slate Mountain and Monte Cristo Mountains (particularly Kaiser Well and wildlife guzzler locations). See Map Item I.R.</p>			<p>(eastern ½), Bell Flat, Slate Mountain and Monte Cristo Mountains (particularly guzzler locations) for purpose of wildlife management activities, bighorn sheep hunting program, and special off highway vehicle events.</p>
<p>I.S Specific to Public Health and Safety: The Navy must work with federal (BLM and US Forest Service), state (Nevada Division of Forestry and NDOW), and local partners (affected counties and fire districts) to develop and implement a robust wildfire management plan that addresses fire prevention, suppression, and rehabilitation.</p> <p>The Navy must secure dedicated funding for said implementation and must</p>	<p><i>The Navy is committed to a robust wildfire management program that includes prevention, suppression, and remediation. The Navy has engaged local, state and federal agencies, such as BLM, NDOW, NDA, NDF, Churchill County, and local Indian Tribes to better align with state and federal plans in Nevada. Collaborative planning with NDOW, NDA and NDF will enhance the Navy’s ability to facilitate preventative measures and sustain habitat through vegetation management and fire break options. Collaboration with BLM and NDF will enhance (initial attack) suppression effort. Remediation will be a collaborative effort with BLM, NDA, NDOW and NDF. The Fire Management Plan (FMP) development has been underway for the past two months. An initial working group meeting occurred with Churchill County, NDOW, and the Fallon Paiute Shoshone Tribe. BLM and NDF were invited, but were unable to attend the initial meeting. Additional expertise</i></p>	<p>The Signatories appreciate the Navy’s recent efforts and commitment to develop a Fire Management Plan, but an outline and lack of funding commitments are insufficient to conclude this issue is resolved. Resolution is entirely dependent on future contents of the FMP and funding commitments that could be included in the ROD.</p>	<p>If not addressed in the ROD, the Signatories respectfully request Congressional Delegation to ensure the completion of the FMP as well as robust funding commitments to ensure full implementation of Prevention, Suppression, and Rehabilitation costs.</p>

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<p>establish wildland firefighting capability that includes: staffed type 3 engines, hand crews trained to National Wildfire Coordinating Group standards, and helicopters with water buckets.</p> <p>The Navy must develop fire management agreements with federal wildland firefighting agencies that will facilitate rapid response and initial attack to wildfires occurring within the FRTC. The Navy must stage military firefighting resources for rapid initial attack based on biological values at risk, forecast fire behavior and proximity to likely ignition sources (active bombing areas). The Navy must also use qualified natural resource specialist(s) develop a rehabilitation plan for each</p>	<p><i>is being solicited with state and federal agencies to expand the working group. With this collaboration, the FMP will better refine sustainable requirements to justify long-term funding and associated agreements. The Navy is committed to identifying and pursuing all the resources to support and sustain the FMP through the Navy’s budget process.</i></p> <p><i>At the 30 January meeting the Navy looks forward to continuing discussion about the specific fire suppression capabilities and partnerships. Although the details would be developed in the FMP, the Navy is committed to additional supporting capabilities.</i></p>		

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<p>wildfire that will guide efforts to repair damage caused by suppression efforts and restore appropriate vegetative cover on the fire-damaged site to promote full recovery.</p> <p>Maintaining and/or relocating access roads around the Bravo Ranges will provide critical emergency access and fuel</p>			
<p>I.T Specific to Tribal Nations: The State of Nevada specifically requests feedback from the Navy as to how they will resolve critical tribal concerns expressed in the following documents:</p> <p>Inter-Tribal Council of Nevada</p> <p>Inter-Tribal Council of Nevada Resolution No. 06-ITCN-19</p>	<p><i>The Navy is committed to working with the tribes through ongoing Government- to-Government consultations to resolve their concerns. The tribes have been participating with the Cooperating Agencies in the development of the Modernization proposal and the preparation of the EIS. The Fallon Paiute Shoshone Tribe recently met with the Navy to discuss the FRTC Modernization. NASF regularly attends the Fallon and Walker Tribal council meetings. The draft Amendment to the existing Programmatic Agreement has been provided to the tribes and a meeting was held on November 6, 2019 to discuss the draft amendment. The consultations and engagement will continue as the Navy has proposed and will implement a consultation protocol agreement that will establish regular meetings with the tribes. In addition, as the modernization is implemented</i></p>		<p>There has been significant opposition to the Navy’s proposed action that has been expressed by Tribal Nations and organizations at the National, State, and Local levels. The Tribal Council of the Walker River Paiute Tribe has adopted resolution WR-19-2019 which expressed its opposition to the proposed action and concerns over existing Naval contamination issues on its reservation. The Fallon-Paiute Shoshone Tribe has expressed their opposition to the proposed</p>

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Item Number and Issue	Navy’s Written Response 1/6/2020	Issues to be Resolved in Navy Record of Decision (ROD)	Issues Requested for Resolution by Congressional Delegation
<p>Inter-Tribal Council of Nevada Resolution No. 03-ITCN-20</p> <p>Fallon Paiute-Shoshone Tribe:</p> <p>RE: Comments on the Draft Environmental Impact Statement (DEIS) for the proposed expansion of Naval Air Station Fallon dated February 14, 2019</p> <p>RE: Request for Consultation and Supplemental Comments on the Draft EIS for Fallon Training Range Complex Modernization EIS dated August 21, 2019</p> <p>RE: Summary of December 18, 2019 Meeting dated January 17, 2020.</p> <p>Walker River Paiute Tribe</p> <p>Resolution of the Tribal Council of the Walker River Paiute Tribe,</p>	<p><i>in the coming years, there will be specific Section 106 consultations for the various elements of the proposed actions as well as dedicated consultations with the tribes regarding agreement documents such as an Access Memorandum of Agreement (MOA), Native American Graves and Repatriation Act (NAGPRA) Comprehensive Agreement/Plan of Action, and a new Section 106 Programmatic Agreement. The Navy is committed to an access program for the closed ranges that will be implemented through an official agreement. On 18 December the Navy met with tribes to continue consultation on specific concerns and Navy's proposed responses, to include:</i></p> <p><i>The Navy will create a Tribal Liaison Office at NAS Fallon to coordinate Government to Government consultation.</i></p> <p><i>Providing a more complete explanation of how an amended Programmatic Agreement would work relative to consultations with tribes on the identification of cultural resources, the potential effects of actions, and measures to avoid and minimize effects wherever possible. When adverse effects are unavoidable due to mission and/or safety requirements, the Navy will consult with ACHP, SHPO, and interested Tribes on mitigation, consistent with the Programmatic Agreement and the regulatory requirements of 36 CFR 800.6.</i></p>		<p>action through several letters to the Navy. The Inter-Tribal Council of Nevada Executive Board representing all Tribal Nations in Nevada has adopted resolutions 06-ITCN-19 and 04-ITCN-20 in opposition to the proposed action. The National Congress of American Indians representing Tribal Nations from around the country has adopted resolution #ABQ-19-006 in opposition to the proposed action. If adequate clarification and assurance regarding the concerns expressed by these Tribal Governments and organizations is not provided, then the Stakeholders would respectfully request the Congressional Delegation provide this direction.</p>

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Item Number and Issue	Navy’s Written Response 1/6/2020	Issues to be Resolved in Navy Record of Decision (ROD)	Issues Requested for Resolution by Congressional Delegation
<p>Resolution No. WR-65-2019</p> <p>National Congress of American Indians</p> <p>The National Congress of American Indians Resolution #ABQ-19-006</p>	<p><i>Partnering the Tribes on measures for the protection and appropriate treatment of any burials and associated items, consistent with NAGPRA.</i></p> <p><i>Partnering with Tribes to manage access to the ranges.</i></p> <p><i>The Navy has programmed for funding and is committed to including tribal representatives in measures to progressively survey for cultural resources surveys, including studies and consultation to identify Traditional Cultural Properties (TCPs).</i></p>		
<p>Item I.U Specific to Accountability, Coordination and Transparency: After enactment of the Authorizing Legislation, there will be a great deal of implementation work to be completed in order to implement the FRTC Modernization Project. Operations of the FRTC is anticipated over a minimum 25-year time horizon. As such, the Stakeholders are requesting establishment of an Intergovernmental Executive Committee that</p>	<p>This is a new item that the Navy has not been provided an opportunity to respond to or comment on.</p>		<p>Stakeholders respectfully request that Congress establish an Intergovernmental Executive Committee, similar to that included in S.3145, in order to encourage and maintain open communications and collaboration between the Navy and affected stakeholders for the duration of the FRTC withdrawal. This Committee would ensure transparency and accountability for implementation of the FRTC Modernization Project as well as long term operations of the FRTC.</p>

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would be maintained for the duration of the withdrawal.			
Specific to Sections II, III, and IV.	These sections have not been discussed specifically as they are not specific to actions the Navy has direct control of.		As such, and unless modified in Attachment 1, the Stakeholders respectfully re-iterate their positions and support of items found in Sections II-IV of the Nevada Consolidated Proposal dated October 15, 2019.

**Nevada's Consolidated Response to the
US Navy's Proposed Fallon Range Training Complex Modernization**

The following Consolidated Response was developed in consultation with:

State Government:

Nevada Departments of: Agriculture, Conservation & Natural Resources*,
Transportation and Wildlife

**Inclusive of: Division of Water Resources, Division of Forestry, Natural Heritage Program,
and State Historic Preservation Office*

Nevada Division of Minerals

Nevada Indian Commission

Nevada Governor's Office of Energy

Tribal Nations:

Lovelock Paiute Tribe and the Inter-Tribal Council of Nevada**

***Representing all 27 Tribal Nations in Nevada on this project.*

Local Government:

Churchill County, Eureka County, Nye County, and the Nevada Association of Counties**

***Representing Lander, Mineral and Pershing Counties on this project.*

Points of Contact:

State Government: Bradley R. Crowell, Director, Nevada Department of Conservation and
Natural Resources

Tribal Nations: Stacey Montooth, Executive Director Nevada Indian Commission

Local Government: Vinson Guthreau, Deputy Director, Nevada Association of Counties

Technical Support: Jeremy Drew, Resource Concepts, Inc., Representing Churchill County

Background:

The above-listed Stakeholders of this proposal support the US Navy's (Navy) training mission in Nevada and Naval Air Station (NAS) Fallon. These groups have been engaged in the Fallon Range Training Complex (FRTC) Modernization Project since its inception, offering volumes of input and formal comment through the National Environmental Policy Act (NEPA) process, some as formal Cooperating Agencies.

The Stakeholders are concerned that the full impacts of the FRTC Modernization have not been fully disclosed or accurately characterized to this point in the NEPA process and as a result, proposed mitigation is inadequate. As described in the Fallon Range Training Complex Modernization Final Environmental Impact Statement (FEIS), the Stakeholders do NOT support

Nevada's Consolidated Response to the US Navy's Proposed Fallon Range Training Complex Modernization

the Navy's Alternative 1, Alternative 2 or No Action Alternative. Rather, the Stakeholders have identified outstanding items requiring change, which are further discussed below.

I. Desired Changes that Could be Incorporated by the Navy:

The changes listed in Attachment 1 and reflected on the map in Attachment 2 could be made by the Navy through its NEPA process and presented to Congress as part of the Navy's formal recommendation for the FRTC Modernization Project. If these changes are not incorporated by the Navy or included in the project's Record of Decision (ROD), then the Stakeholders would request that Congress incorporate them into the National Defense Authorization Act (NDAA) and/or other appropriate legislation. Please refer to Attachment 1 and 2 for additional information.

II. Desired Changes that Could be Incorporated by Congress:

The below listed items are those that:

- The Navy has indicated it has no authority over;
- The Navy has indicated it needs additional authority to implement; or,
- Must be included in authorizing legislation to ensure implementation as part of the FRTC Modernization Project.

In addition, if the Navy is unwilling to incorporate the changes in Attachment 1, then Congress is the only entity that could do so in the appropriate enabling legislation. The Stakeholders respectfully request that the Nevada Congressional Delegation advance any of the above-listed items not incorporated by the Navy in its ROD (the Navy's formal recommendation to Congress). The Stakeholders stand ready to assist as needed in this effort.

II.A Specific to all Bravo Ranges: All final boundaries of B-16, B-17, and B-20 will need to be authorized by Congress through the NDAA. See Attachments 1 and 2 for the Stakeholder's proposed boundaries.

II.B Specific to the Dixie Valley Training Area (DVTA): All final boundaries of the DVTA will need to be authorized by Congress through the NDAA. See Attachments 1 and 2 for the Stakeholder's proposed boundaries.

All restrictions (solar / wind development and locatable mining) imposed, and all allowable future land use authorizations (open public access, grazing, hunting, limited geothermal development, salable mining, limited utilities and rights-of-ways, including the Dixie Valley Water Project, off-highway vehicle usage, camping/hiking, academic / ceremonial visits, management access, and special events) must be codified by authorizing legislation.

II.C Specific to the Special Land Management Overlay (SLMO): All final boundaries of the SLMO will need to be authorized by Congress through the NDAA. See Attachments 1 and 2 for the Stakeholder's proposed boundaries.

Nevada's Consolidated Response to the US Navy's Proposed Fallon Range Training Complex Modernization

All restrictions (BLM consultation with the Navy), and all allowable future land management (remaining open to public access and available for all BLM-allowable uses) must be codified by authorizing legislation.

II.D Specific to Land Use under Proposed Navy Airspace: Stakeholders request Congressional direction that no land use restrictions will be placed on private OR public lands located under proposed MOAs without the approval of the appropriate County Commission and State and Federal Agencies.

II.E Specific to Cultural Resources: Stakeholders request specific Congressional direction for the Navy to avoid cultural resources and mandate guaranteed controlled access for cultural site visits. Access includes target placement that accommodates access via existing roads.

II.F Specific to Recreation: Alternative 3 (Preferred Alternative) would have significant impacts on public recreation, as approximately 421,005 acres would no longer be accessible to the public. Stakeholders request specific Congressional direction for the Navy to avoid target placement in key biological resource areas and to implement and fund the Navy's operational costs for a guaranteed controlled access for big game hunting and special off highway vehicle events. Access includes target placement that accommodates access via existing roads.

II.G Specific to Public Health and Safety: Congressional direction is required to ensure the following:

- NAS Fallon must complete and fund a comprehensive Fire Management Plan for the FRTC;
- As part of this plan, NAS Fallon should upgrade their firefighting equipment to include wildland firefighting apparatus, particularly for air attack;
- NAS Fallon must be responsible for putting out any fires they start, ignite on Navy owned or withdrawn land, or fund others who do so; and,
- NAS Fallon must pay for fire rehabilitation and seeding costs for fires they start and/or establish a working group and fund a special account to pay others with appropriate experience to do so.

III. Congressional Items that Require Funding Authorization and Appropriations:

The below listed items are those that may or may not have been listed above, but would warrant both funding authorization through the NDAA as well as Appropriations through appropriate legislation.

III.A Specific to Private Property (Including Land, Mineral Claims, and Water Rights): Authorize and appropriate funding to compensate all private property owners.

III.B Specific to Land Conveyances. Authorize and appropriate funding for a Dedicated Land Consolidation Fund to facilitate special conveyance and resolution of checkerboard land ownership pattern in affected counties. These funds would be available for completing required

Nevada's Consolidated Response to the US Navy's Proposed Fallon Range Training Complex Modernization

cultural, environmental and realty actions and documentation to complete conveyance of public lands to non-public owners or vice versa.

III.C Specific to Mining and Mineral Resources (including geothermal): Authorize and appropriate funding to compensate all mining claimants within the proposed withdrawal areas (Bravo Ranges and DVTA).

III.D Specific to Grazing: Authorize and appropriate funding to compensate for any grazing losses to permittees and lease holders. In addition, permittees and lease holders should be given a 3-year tax deferment on the sale of the allotment and any cattle, due to the withdrawal, to allow them to find replacement property.

Compensation must be for the full term of the Navy withdrawal, NOT only the remaining term of the grazing permit as presently suggested by the Navy. Per Navy legal opinion, the Department of Defense only has the authority to compensate for the remaining term of a grazing permit, and therefore must be granted additional authorization to compensate for the full loss of grazing capacity. The Navy does not understand that the ranchers are not typical permittees, but lease holders that have bought into the rights to use BLM land for over 20 years in some cases.

III.E Specific to Ground Transportation: Authorize and appropriate funding to:

- Relocate State Route 361 (Gabbs Highway) and 761 (Lone Tree Road, State Portion), which must be designed and built to NDOT Standards; and,
- Relocate Pole Line Road (B-20) and Sand Canyon / Red Mountain Road (B-16) which must be designed and built to County standards for unpaved roads, as well as Lone Tree Road (B-16) which must be designed and built to the appropriate County Standard for paved roads in a rural residential area.

III.F Specific to Airspace: Authorize and appropriate funding to upgrade radio coverage in order to ensure all Special Use Airspace and MOAs maintains uninterrupted radio coverage to Desert Control.

III.G Specific to Noise: Authorize and appropriate funding for a noise study specific to Greater Sage Grouse within the FRTC Modernization.

III.H Specific to Water Rights: Authorize and appropriate funding to compensate all water right holders (including those with claims of vested rights and permits) within the final withdrawal area whose rights cannot otherwise be mitigated must be compensated for any and all losses.

III.I Specific to Biological Resources: Authorize and appropriate funding to a Dedicated Wildlife Fund to facilitate State-directed wildlife management that mitigates impacts associated with the FRTC Modernization including the area under Navy air space.

III.J Specific to Recreation: Authorize and appropriate funding to a Dedicated Recreation Fund to facilitate state and local government directed recreational improvements that mitigate impacts associated with the FRTC Modernization.

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III.K Specific to Socioeconomics: Authorize and appropriate funding to a Dedicated Planning Fund with programs similar to those offered through the Office of Economic Adjustment for State and Local planning and required planning updates due to the FRTC Modernization.

Appropriate funding to the existing Readiness and Environmental Protection Initiative (REPI) specific to the FRTC area to help offset impacts through cooperative conservation projects (i.e. conservation easements) with private landowners, local governments and state agencies.

Authorize and appropriate funding to a Dedicated PILT Offset Fund to compensate for direct revenue losses to local government from the Federal Payment in Lieu of Taxes program administered by the US Department of Interior as a result of the FRTC Modernization.

III.L Specific to Public Health and Safety: Authorize and appropriate funding to a Dedicated Wildland Fire Suppression Fund in order to provide for state and local government fire management activities within the FRTC (including Navy-owned and withdrawn lands as well as private and public lands located under Navy airspace). This would be in addition to the Navy's internal efforts and improved capacity to manage fire per their own capabilities.

Authorize and appropriate funding to a Dedicated Wildland Fire Restoration Fund in order to provide for state and local government post-fire management restoration activities within the FRTC (including Navy-owned and withdrawn lands as well as private and public lands located under Navy airspace).

Authorize and appropriate funding to a Dedicated Emergency Response Fund to construct a hospital in Tonopah, Nevada in order to provide better emergency services for both on-duty and off-duty Navy personnel.

IV. Congressional Authorization of County Lands Bills as a Means of Mitigation:

The Stakeholders believe that the impacts of the FRTC Modernization Project on the affected Counties' customs, culture, and future economic prosperity are so profound that additional mitigation (on top of what is listed above) is warranted. This is particularly true for the Counties that include proposed Navy purchase of private land and public land withdrawals (Churchill, Mineral, Pershing, and Nye).

As such, the Stakeholders are supportive of the concept of including individual County Lands Bills for the affected counties into the NDAA given the direct nexus between the FRTC Modernization Project and future land use in the affected counties. Such Lands Bills typically include one or more of the following components:

- Resolution of designated WSA, either by formal Congressional designation as Wilderness Area and/or National Conservation Area OR release from WSA to management as public lands by the appropriate Federal Land Management Agency;
- Conveyance of specific parcels of public lands to State, Local or Private ownership for specific purposes; or,

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- Resolution of checkerboard land ownership patterns (alternating sections of public and private land that create significant management challenges for all owners) through a process outlined in the appropriate legislation.

There is a mutual understanding amongst the Stakeholders that inclusion of any County Lands Bills is contingent upon:

- The ability of the respective County Governments to develop a broadly supported Lands Bill; and,
- Appropriate Congressional Procedures.

The inclusion of such Lands Bills does not change nor diminish the importance of the mitigation measures listed in Attachment 1 and Sections II – III.

Inclusion of Lands Bills, as appropriate, does have the potential to:

- Ensure that private land ownership results in no net loss of private lands within the affected Counties to offset the purchase of 65,278 acres of private lands proposed by the Navy as proposed under Alternative 3.
- Allow continued Navy training while restricting future land uses that may conflict with such training as a result of Wilderness or National Conservation Area designation.
- Allow development of critical resources (mineral and geothermal) in areas with low natural resource conflicts currently designated as WSA as a result of WSA release.
- Provide a more appropriate balance between primitive management (formal designation of portions of WSA) and future use and development (formal release of portions of WSA).