



Fallon Range Training Complex Modernization

FINAL ENVIRONMENTAL IMPACT STATEMENT

VOLUME 4
APPENDIX F (PART ONE)

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Fallon Range Training Complex Modernization Final Environmental Impact Statement



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Appendix F: Public Comments and Responses

Environmental Impact Statement

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TABLE OF CONTENTS

APPENDIX F	PUBLIC COMMENTS AND RESPONSES	F-1
F.1	INTRODUCTION	F-1
F.2	FEDERAL	F-2
F.2.1	LETTERS, WRITTEN COMMENTS, AND EMAILS	F-3
F.2.1.1	Amodei, M. (Member of Congress, 2nd District Nevada)	F-3
F.2.1.2	Bureau of Land Management (Sarah Hill)	F-10
F.2.1.3	U.S. Department of the Interior	F-12
F.2.1.4	U.S. Environmental Protection Agency	F-21
F.2.2	WEBSITE COMMENTS	F-31
F.2.2.1	Amodei, M. (Member of Congress, 2 nd District Nevada)	F-31
F.3	STATE	F-39
F.3.1	LETTERS, WRITTEN COMMENTS, AND EMAILS	F-40
F.3.1.1	Baumann, J. (Nevada State Grazing Board District N-6)	F-40
F.3.1.2	Conrad, J. (State of Nevada Department of Agriculture)	F-45
F.3.1.3	Edwards, T. A. (United States Department of the Interior Bureau of Reclamation Lahontan Basin Area Office)	F-67
F.3.1.4	Perry, R. (Nevada Division of Minerals and Nevada Governor's Office of Energy)	F-69
F.3.1.5	Sandoval, B. (Former Governor of Nevada)	F-102
F.3.1.6	Swallow, K. (Nevada Department of Transportation)	F-109
F.3.1.7	Wasley, T. (Nevada Department of Wildlife)	F-113
F.3.1.8	Wilson, T. (Department of Conservation and Natural Resources Division of Water Resources)	F-188
F.3.2	WEBSITE COMMENTS	F-195
F.3.2.1	Canfield, S. (Nevada State Historic Preservation Office)	F-195
F.3.2.2	Clinger, C. (Big Meadow Conservation District; Nevada Department of Natural Resources)	F-198
F.3.2.3	Mergell, R. (Administrator for Nevada State Parks)	F-202
F.3.2.4	Perry, R. (Division of Minerals and Nevada Governor's Office of Energy)	F-204
F.4	COUNTY	F-207
F.4.1	LETTERS, WRITTEN COMMENTS, AND EMAILS	F-208
F.4.1.1	Barbee, J. R. (Churchill County)	F-208
F.4.1.2	Bendure, T. (Pershing County)	F-209
F.4.1.3	Goicoechea, J. J. (Eureka County Board of Commissioners) Email	F-210
F.4.1.4	Goicoechea, J. J. (Eureka County Board of County Commissioners) Letter 1	F-213
F.4.1.5	Goicoechea, J. J. (Eureka County Board of County Commissioners) Letter 2	F-216
F.4.1.6	Jardine, R. D. (Truckee-Carson Irrigation District)	F-289
F.4.1.7	Koenig, J. (Nye County, Chairman)	F-299

F.4.1.8	Kuznicki, K. (Friends of Nevada Wilderness)	F-301
F.4.1.9	Mathias, R. (Mineral County Planning Commission)	F-304
F.4.1.10	Nixon, M. (Mineral County)	F-306
F.4.1.11	Olsen, P. (Churchill County)	F-310
F.4.1.12	Shank, C. (Pershing County)	F-544
F.4.1.13	Stapleton, D. (Nevada Association of Counties)	F-545
F.4.1.14	Shields, B. (District Attorney Pershing County).....	F-547
F.4.1.15	Wichman, L. A. (Nye County)	F-549
F.4.2	ORAL COMMENTS.....	F-581
F.4.2.1	McDougal, R. (Pershing County Commissioner)	F-581
F.4.2.2	Niedzwiecki, R. (Mineral County Economic Development Board).....	F-585
F.4.2.3	Wichman, L. (Nye County)	F-592
F.4.3	WEBSITE COMMENTS.....	F-599
F.4.3.1	Evans, A. (Nevada Association of Counties).....	F-599
F.4.3.2	Gordon, A. R.	F-619
F.4.3.3	Jardine, R.	F-619
F.4.3.4	Massey, R. (Lander County)	F-619
F.4.3.5	McNeil, M.	F-626
F.4.3.6	Tibbits, J. (Eureka County Board of Commissioners)	F-628
F.5	INDIAN TRIBES	F-634
F.5.1	LETTERS, WRITTEN COMMENTS, AND EMAILS	F-635
F.5.1.1	Bobb, J. (Western Shoshone National Council)	F-635
F.5.1.2	Gente, C. (Yomba Tribe).....	F-637
F.5.1.3	George, L. (Fallon Paiute-Shoshone Tribe) Comment 1.....	F-638
F.5.1.4	George, L. (Fallon Paiute-Shoshone Tribe) Comment 2.....	F-642
F.5.1.5	Snooks, R. (Yomba Shoshone Tribe)	F-664
F.5.1.6	Torres, A. (Walker River Paiute Tribe).....	F-668
F.5.2	ORAL COMMENTS.....	F-683
F.5.2.1	Bobb, J. (Western Shoshone National Council) Comment 1.....	F-683
F.5.2.2	Bobb, J. (Western Shoshone National Council) Comment 2.....	F-689
F.5.2.3	Bobb, J. (Western Shoshone National Council) Comment 3.....	F-693
F.5.2.4	Brady, J. (Yomba Shoshone Tribe)	F-697
F.5.2.5	Harry, B. (Western Shoshone) Comment 1.....	F-701
F.5.2.6	Harry, B. (Western Shoshone) Comment 2.....	F-705
F.5.3	WEBSITE COMMENTS.....	F-709
F.5.3.1	Caligiuri, S. (Yomba Shoshone Tribal Chairman).....	F-709
F.5.3.2	Snooks, R. (Yomba Shoshone Tribe)	F-714
F.5.3.3	Zabarte, I. (Western Bands of the Shoshone Nation of Indians)	F-717
F.6	NON-GOVERNMENT ORGANIZATIONS AND BUSINESSES	F-720
F.6.1	LETTERS, WRITTEN COMMENTS, AND EMAILS	F-721
F.6.1.1	Group Letter (Patrick Donnelly, Center for Biological Diversity, Las Vegas, NV, Andy Maggi, Nevada Conservation League, Las Vegas, NV, Shaaron Netherton, Friends of Nevada Wilderness, Reno, NV, Bob Fulkerson, Progressive Leadership Alliance of Nevada, Reno, NV, Brian Beffort, Sierra Club, Toiyabe Chapter, Reno, NV, Kevin Emmerich, Basin and Range Watch, Beatty, NV).....	F-721

F.6.1.2	Alfers, S. D. (Pershing Gold)	F-723
F.6.1.3	Bennett, D. R. (Nevada Mining Association)	F-738
F.6.1.4	Brown, H. (The Harry Brown Family Ranch).....	F-753
F.6.1.5	Casey, M. A. (Bell Flat Allotment)	F-755
F.6.1.6	Cefalu, C. J. (Nevada Bighorns Unlimited).....	F-768
F.6.1.7	Danner, R. A. (Gabbs History Project)	F-783
F.6.1.8	Delaney, N. J. (Rimbender’s Motorcycle Club).....	F-799
F.6.1.9	Duerr, Herb and Naomi (Desert Pacific Exploration, Inc.)	F-801
F.6.1.10	Dunn, A. B. (Paul Plouviez and Bench Creek Ranch, LLC).....	F-816
F.6.1.11	Durk, S. and Pearson, S. (HRH Nevada Resources, LTD.)	F-818
F.6.1.12	Gingerich, M. (Nevada Energy)	F-842
F.6.1.13	Glaser, A. (Dusty Miller, LLC).....	F-845
F.6.1.14	Leeson, S. (American Lands Access Association)	F-850
F.6.1.15	Litwin, M. A. (Paiute Pipeline Company) Comment 1.....	F-853
F.6.1.16	Litwin, M. A. (Paiute Pipeline Company) Comment 2.....	F-856
F.6.1.17	Macquarie, A. (Toiyabe Chapter of the Sierra Club)	F-858
F.6.1.18	Mattinen, P. R. (ProJem Venture Inc.)	F-878
F.6.1.19	Netherton, S. (Friends of Nevada Wilderness)	F-887
F.6.1.20	Netherton, S. (Friends of Nevada Wilderness) Figures.....	F-902
F.6.1.21	Petterson, M. (Friends of Nevada Wilderness and Reno Gem and Mineral Society)	F-904
F.6.1.22	Plouviez, P. (Bench Creek Ranch) Comment 1.....	F-906
F.6.1.23	Plouviez, P. (Bench Creek Ranch) Comment 2.....	F-908
F.6.1.24	Powell, J. (JP Aerospace).....	F-918
F.6.1.25	Rushing, H. (Nevada Iron LLC).....	F-920
F.6.1.26	Rushing, H. (New Nevada Lands LLC).....	F-930
F.6.1.27	Salisbury, S. (American Motorcyclist Association)	F-937
F.6.1.28	Stevenson, D. (Friends of Nevada Wilderness, Sierra Club and Audubon).....	F-939
F.6.1.29	Ure, T. A. (Schroeder Law Offices, P.C.)	F-942
F.6.1.30	Welsh, J. (Zephyr Minerals Inc.)	F-947
F.6.1.31	Wilson, J. L. (Bell Mountain Exploration Corp.)	F-949
F.6.1.32	Zbinden, E. (Nevada Mineral Exploration Coalition).....	F-952
F.6.2	ORAL COMMENTS.....	F-956
F.6.2.1	Donnelly, P. (Center for Biological Diversity)	F-956
F.6.2.2	Etchegaray, F. (Grazing Permittee).....	F-961
F.6.2.3	Fortner, D. (Bell Mountain Exploration Corporation and Mining Company).....	F-964
F.6.2.4	Guadio, C. L. (Friends of Nevada Wilderness).....	F-968
F.6.2.5	Johnson, L. (Coalition for Nevada’s Wildlife)	F-971
F.6.2.6	Kuznicki, K. (Friends of Nevada Wilderness).....	F-975
F.6.2.7	Pursel, D. (Nevada Farm Bureau).....	F-979
F.6.3	WEBSITE COMMENTS.....	F-983
F.6.3.1	Alfers, S. (Pershing Gold Corporation)	F-983
F.6.3.2	Bennett, D. (Nevada Mining Association)	F-999
F.6.3.3	Brewer, C. (Wild Sheep Foundation).....	F-999
F.6.3.4	Busselman, D. (Nevada Farm Bureau)	F-1004

F.6.3.5	Calkins, L. (Nevada Four Wheel Drive Association)	F-1010
F.6.3.6	Callicrate, T. (Mountain Gold Claims LLC/Lane Griffin).....	F-1013
F.6.3.7	Capital Trail Vehicle Association (CTVA) Action Committee	F-1018
F.6.3.8	Casey, M. (Clan Alpine Ranch)	F-1023
F.6.3.9	Ceflu, C. (Nevada Bighorns Unlimited).....	F-1035
F.6.3.10	Clinger, C. (Big Meadow Conservation District).....	F-1051
F.6.3.11	Colton, D. (Pacific Sourcing Council).....	F-1058
F.6.3.12	Cunningham, L. (Western Watersheds Project)	F-1059
F.6.3.13	Donnelly, P. (Center for Biological Diversity).....	F-1069
F.6.3.14	Duerr, H. (Desert Pacific Exploration, Inc.)	F-1070
F.6.3.15	Duke, R. (Aircraft Owners and Pilots Association)	F-1086
F.6.3.16	Dunivin, Z. (Bloomington Cooperative Living)	F-1092
F.6.3.17	Ellsworth, M. (American Exploration & Mining Association).....	F-1092
F.6.3.18	Emmerich, K. (Basin and Range Watch).....	F-1099
F.6.3.19	Erquiaga, C. (Theodore Roosevelt Conservation Partnership)	F-1139
F.6.3.20	Etchegaray, Fred and John (White Sage Grazing LLC).....	F-1149
F.6.3.21	Fite, K. (Wildlands Defense)	F-1173
F.6.3.22	Hadder, J. (Great Basin Resource Watch)	F-1175
F.6.3.23	Hendron, M. (Utah Soaring Association)	F-1181
F.6.3.24	Henning, B. (Western States Racing Association).....	F-1183
F.6.3.25	Jefferson, B. K. (Fraternity of the Desert Bighorn).....	F-1184
F.6.3.26	Kuhlman, R. (Backcountry Hunters and Anglers).....	F-1193
F.6.3.27	Litwin, M. (Paiute Pipeline Company).....	F-1198
F.6.3.28	Master pool, Jerome and Tara (White Sage LLC)	F-1203
F.6.3.29	Netherton, S. (Friends of Nevada Wilderness, The Wilderness Society and the Conservation Lands Foundation)	F-1211
F.6.3.30	Norman, S. (Reno Gem and Mineral Society)	F-1226
F.6.3.31	Parachou, T. (Thomas Precision Welding)	F-1227
F.6.3.32	Plouviez, P. (Bench Creek Ranch Co. LLC)	F-1228
F.6.3.33	Powell, J. (JP Aerospace)	F-1237
F.6.3.34	Schwartz, B. (American Wild Horse Campaign)	F-1238
F.6.3.35	Seidman, A. (Safari Club International).....	F-1244
F.6.3.36	Sorenson-Groves, D. (National Wildlife Refuge Association)	F-1251
F.6.3.37	Spicer, J. (Runcer Leasing Inc.)	F-1253
F.6.3.38	Stanley, J. (Canvasback Gun Club/Stillwater Farms Inc.)	F-1257
F.6.3.39	Turcke, P. (BlueRibbon Coalition)	F-1271
F.6.3.40	Villa, T. (RGGS Land & Minerals, LTD., L.P.)	F-1278
F.6.3.41	VonSeggern, D. (Toiyabe Chapter of the Sierra Club).....	F-1279
F.6.3.42	Zbinden, E. (Nevada Mineral Exploration Coalition Public Lands Committee).....	F-1299
F.7	INDIVIDUALS.....	F-1304
F.7.1	LETTERS, WRITTEN COMMENTS, AND EMAILS	F-1304
F.7.1.1	Austin, R. L.....	F-1304
F.7.1.2	Berry, L.	F-1305
F.7.1.3	Birk, T.	F-1306

F.7.1.4	Boester, B.	F-1307
F.7.1.5	Bolshazy, A.	F-1308
F.7.1.6	Cooney, J.	F-1310
F.7.1.7	Curran, J.	F-1311
F.7.1.8	Danner, D. B.	F-1316
F.7.1.9	Delaney, A.	F-1319
F.7.1.10	Devereux, P. J.	F-1321
F.7.1.11	Downs, J. T.	F-1323
F.7.1.12	Etchegaray, J.	F-1324
F.7.1.13	Fougner, C. Comment 1	F-1328
F.7.1.14	Fougner, C. Comment 2	F-1329
F.7.1.15	Gibbs, D. A.	F-1330
F.7.1.16	Griffith, M.	F-1331
F.7.1.17	Herman, D.	F-1333
F.7.1.18	Hess, R.	F-1334
F.7.1.19	Higbee, C.	F-1337
F.7.1.20	Hunewill, J. B.	F-1337
F.7.1.21	Jones, S. K.	F-1339
F.7.1.22	Kajaks, Doug and Stephanie.	F-1341
F.7.1.23	Kvam, R. L.	F-1342
F.7.1.24	Lambert, G.	F-1345
F.7.1.25	Langstaff, G.	F-1347
F.7.1.26	Lemaire, K.	F-1348
F.7.1.27	Manha, J.	F-1349
F.7.1.28	Marchant, C.	F-1350
F.7.1.29	Maus, N.	F-1351
F.7.1.30	McKay, G.	F-1353
F.7.1.31	Moe, R.	F-1354
F.7.1.32	Morrison, B. A.	F-1355
F.7.1.33	R., P.	F-1356
F.7.1.34	Strickland, R. Comment 1.	F-1357
F.7.1.35	Strickland, R. Comment 2.	F-1358
F.7.1.36	Tanttela, P.	F-1363
F.7.1.37	Whitman, F.	F-1364
F.7.1.38	Yansura, D.	F-1365
F.7.2	ORAL COMMENTS.	F-1366
F.7.2.1	Alvey, D.	F-1366
F.7.2.2	Arthur, H.	F-1368
F.7.2.3	Bastien, R. Comment 1.	F-1372
F.7.2.4	Bastien, R. Comment 2.	F-1377
F.7.2.5	Berry, L.	F-1382
F.7.2.6	Boeger, K.	F-1386
F.7.2.7	Brooks, D. Comment 1	F-1389
F.7.2.8	Brooks, D. Comment 2	F-1396

F.7.2.9	Bruce, P.	F-1403
F.7.2.10	Bubala III, L.	F-1406
F.7.2.11	Bullock, J.	F-1411
F.7.2.12	Carroon, C.	F-1415
F.7.2.13	Connelly, T. Comment 1.....	F-1420
F.7.2.14	Connelly, T. Comment 2.....	F-1427
F.7.2.15	Cunningham, L.	F-1433
F.7.2.16	Dahl, P.	F-1436
F.7.2.17	Dupre, P.....	F-1439
F.7.2.18	Dwyer, L.	F-1443
F.7.2.19	Emmerich, K.	F-1447
F.7.2.20	Etchegaray, J.	F-1453
F.7.2.21	Fendelander, E.	F-1457
F.7.2.22	Gentry, C.	F-1461
F.7.2.23	Harding, W.	F-1463
F.7.2.24	Harry, N.....	F-1466
F.7.2.25	Holmgren, D.	F-1471
F.7.2.26	Jacobson, J.....	F-1474
F.7.2.27	Kuznicki, K.	F-1478
F.7.2.28	Lemaire, A.	F-1481
F.7.2.29	Lemaire, K.....	F-1484
F.7.2.30	Lyman, T.	F-1488
F.7.2.31	Mahaffa, K.	F-1492
F.7.2.32	Martin, D.	F-1495
F.7.2.33	Maus, N.	F-1499
F.7.2.34	McNeill, T.	F-1504
F.7.2.35	Myers, T.....	F-1508
F.7.2.36	Netherton, S.....	F-1512
F.7.2.37	Perterson, K.....	F-1516
F.7.2.38	Petterson, M.	F-1521
F.7.2.39	Potashin, R.	F-1525
F.7.2.40	Stevenson, D.	F-1533
F.7.2.41	Traub, E.	F-1537
F.7.2.42	VonSeggern, D.....	F-1540
F.7.2.43	Waits, P.	F-1544
F.7.3	WEBSITE COMMENTS.....	F-1547
F.7.3.1	Alastuey, S.	F-1547
F.7.3.2	Alderson, George and Frances	F-1550
F.7.3.3	Aldrich, R.	F-1550
F.7.3.4	Allison, L.	F-1551
F.7.3.5	Ames, J.	F-1551
F.7.3.6	Atkinson, E.	F-1552
F.7.3.7	Atwood, A.....	F-1555
F.7.3.8	Bachelder, E.	F-1556

F.7.3.9	Barnett, V.	F-1557
F.7.3.10	Barrenchea, C.	F-1557
F.7.3.11	Barrett, L.	F-1558
F.7.3.12	BASTIEN, R.	F-1560
F.7.3.13	Batchelor, S.	F-1571
F.7.3.14	Baxter, L.	F-1572
F.7.3.15	Bedell, L.	F-1572
F.7.3.16	Bell, R.	F-1573
F.7.3.17	Bellis, L.	F-1573
F.7.3.18	Bennet, E.	F-1579
F.7.3.19	Bidigare, J.	F-1579
F.7.3.20	BISHOP, M.	F-1580
F.7.3.21	Bollier, N.	F-1580
F.7.3.22	Boone, J.	F-1582
F.7.3.23	Borg, C.	F-1582
F.7.3.24	Bowen, P.	F-1583
F.7.3.25	Bowlin, G.	F-1583
F.7.3.26	Boydston, C.	F-1584
F.7.3.27	Boyer, W.	F-1586
F.7.3.28	Brenner, R.	F-1588
F.7.3.29	Brown, R.	F-1589
F.7.3.30	Brown-Silveira, J.	F-1590
F.7.3.31	Brown-Silveira, M.	F-1592
F.7.3.32	Buckmaster, F.	F-1594
F.7.3.33	Bullock, C.	F-1594
F.7.3.34	Burrows, C.	F-1594
F.7.3.35	Burt, N.	F-1596
F.7.3.36	Bute, H.	F-1596
F.7.3.37	Cain, A.	F-1597
F.7.3.38	Campbell, M.	F-1597
F.7.3.39	Canfield, S.	F-1598
F.7.3.40	Cappelletti, C.	F-1598
F.7.3.41	CARMEL, E.	F-1598
F.7.3.42	Carrick, D.	F-1599
F.7.3.43	Carrick, E.	F-1599
F.7.3.44	Carroll, M.	F-1600
F.7.3.45	Carroon, C.	F-1601
F.7.3.46	Cencula, D.	F-1602
F.7.3.47	Chi, A.	F-1603
F.7.3.48	Childs, P.	F-1603
F.7.3.49	Ciglar, D.	F-1603
F.7.3.50	Citizen, A.	F-1603
F.7.3.51	Clark, A.	F-1604
F.7.3.52	Clark, M.	F-1604

F.7.3.53	Clemson, G. S.	F-1605
F.7.3.54	Coburn, L.	F-1606
F.7.3.55	Cochran, J.	F-1607
F.7.3.56	Cole, A. J.	F-1610
F.7.3.57	Collin, N.	F-1611
F.7.3.58	Connelly, T.	F-1611
F.7.3.59	Cooper, R.	F-1612
F.7.3.60	Corbin, L.	F-1613
F.7.3.61	Cottle, G. R.	F-1613
F.7.3.62	Craig, L.	F-1619
F.7.3.63	Cramer, P.	F-1620
F.7.3.64	Cramer, Z.	F-1620
F.7.3.65	Curlee, J.	F-1621
F.7.3.66	D., S.	F-1621
F.7.3.67	Darst, D.	F-1621
F.7.3.68	Davis, L.	F-1621
F.7.3.69	Davis, S.	F-1622
F.7.3.70	Dewey, M.	F-1622
F.7.3.71	Dicomo, R.	F-1623
F.7.3.72	Dingess, J.	F-1624
F.7.3.73	DiPietro, C.	F-1625
F.7.3.74	Dixon, K.	F-1626
F.7.3.75	Dolphin, L.	F-1627
F.7.3.76	Dolph, P.	F-1627
F.7.3.77	Dore, J.	F-1628
F.7.3.78	Dugan, J.	F-1628
F.7.3.79	Dugan, K.	F-1628
F.7.3.80	Duggan, E.	F-1629
F.7.3.81	Dummar, J.	F-1631
F.7.3.82	Dummar, Q.	F-1631
F.7.3.83	Dunsmore, S.	F-1632
F.7.3.84	Eason, A.	F-1632
F.7.3.85	Ebanez, M.	F-1633
F.7.3.86	Eckland, E.	F-1633
F.7.3.87	Edwards, T.	F-1633
F.7.3.88	Eldridge, G.	F-1634
F.7.3.89	Esposito, J.	F-1634
F.7.3.90	Estill, J.	F-1636
F.7.3.91	Evans, J.	F-1639
F.7.3.92	Farley, M.	F-1639
F.7.3.93	Fell, P.	F-1639
F.7.3.94	Fendelander, E.	F-1640
F.7.3.95	Fenner, R.	F-1641
F.7.3.96	Fermoile, C.	F-1641

F.7.3.97	Fiske, J.	F-1641
F.7.3.98	Flanagan, T.	F-1643
F.7.3.99	Floen, B.	F-1643
F.7.3.100	Florel, L.	F-1643
F.7.3.101	Flores, B.	F-1644
F.7.3.102	Fougner, C.	F-1645
F.7.3.103	Frain, R.	F-1646
F.7.3.104	Fraley, M.	F-1646
F.7.3.105	Francis, M.	F-1649
F.7.3.106	Franseen, L.	F-1649
F.7.3.107	Frederickson, B.	F-1649
F.7.3.108	French, P.	F-1650
F.7.3.109	Frey, J.	F-1651
F.7.3.110	Frishman, A.	F-1651
F.7.3.111	Fuhlhage, M.	F-1654
F.7.3.112	Furman, G.	F-1655
F.7.3.113	Garber, D.	F-1655
F.7.3.114	Gartland, C.	F-1656
F.7.3.115	Gates, E.	F-1656
F.7.3.116	Getto, M.	F-1657
F.7.3.117	Giltner, M.	F-1658
F.7.3.118	Givant, C.	F-1663
F.7.3.119	Glover, R.	F-1663
F.7.3.120	Godbey, L.	F-1663
F.7.3.121	Golden, D.	F-1664
F.7.3.122	Goncharoff, T.	F-1665
F.7.3.123	Goodin, S.	F-1665
F.7.3.124	Goodnight, M.	F-1666
F.7.3.125	Glaser, A.	F-1667
F.7.3.126	Gray, D.	F-1668
F.7.3.127	Gray, L. B.	F-1670
F.7.3.128	Greenfield, R.	F-1670
F.7.3.129	Greenway, L.	F-1671
F.7.3.130	Greyback, J.	F-1671
F.7.3.131	Griffin, C.	F-1673
F.7.3.132	Grimm, B.	F-1674
F.7.3.133	Grossman, A.	F-1675
F.7.3.134	Hall, D.	F-1675
F.7.3.135	Hamby, G.	F-1675
F.7.3.136	Handley, D.	F-1676
F.7.3.137	Hansen, J.	F-1677
F.7.3.138	Harper, N.	F-1678
F.7.3.139	Harris, F.	F-1679
F.7.3.140	Harvill, E. A.	F-1680

F.7.3.141	Hass, C.	F-1680
F.7.3.142	Hawkins, G.	F-1681
F.7.3.143	Hawkins, J.	F-1683
F.7.3.144	Hawley, F.	F-1683
F.7.3.145	Hayes, S.	F-1684
F.7.3.146	Heading, L.	F-1685
F.7.3.147	Heath, R.	F-1696
F.7.3.148	Heil, C.	F-1697
F.7.3.149	Henry, H.	F-1697
F.7.3.150	Hensley, J.	F-1698
F.7.3.151	Hess, R.	F-1698
F.7.3.152	Heusinkveld, P.	F-1705
F.7.3.153	Hibbs, D.	F-1705
F.7.3.154	Hill, G. D.	F-1706
F.7.3.155	Hill, H.	F-1707
F.7.3.156	Hisey, J.	F-1707
F.7.3.157	Hnasko, P.	F-1708
F.7.3.158	Hoffman, D.	F-1708
F.7.3.159	Hoffman, N.	F-1711
F.7.3.160	Hoh, M.	F-1712
F.7.3.161	Holcomb, D.	F-1713
F.7.3.162	Houston, P.	F-1715
F.7.3.163	Hutchens, Lee and Dianne	F-1718
F.7.3.164	Inmon, W.	F-1719
F.7.3.165	Jacques, K.	F-1719
F.7.3.166	James, A.	F-1720
F.7.3.167	James-Reeves, S.	F-1721
F.7.3.168	Johnson, D.	F-1722
F.7.3.169	Johnson, J.	F-1726
F.7.3.170	Johnson, Mart.	F-1726
F.7.3.171	Johnson, Mary.	F-1729
F.7.3.172	Johnson, S.	F-1729
F.7.3.173	Johnston, W.	F-1731
F.7.3.174	Jones, N.	F-1732
F.7.3.175	Jones, S.	F-1733
F.7.3.176	Kajans, D.	F-1733
F.7.3.177	Kajans, Stephanie and Doug	F-1733
F.7.3.178	Kelly, K.	F-1734
F.7.3.179	Kershaw, A.	F-1735
F.7.3.180	Knight, C.	F-1736
F.7.3.181	Knowles, C.	F-1736
F.7.3.182	Koehl, D.	F-1737
F.7.3.183	Koerner, M.	F-1738
F.7.3.184	Kofoed, R.	F-1739

F.7.3.185	Koski, J.	F-1739
F.7.3.186	Kuykendall, R.	F-1740
F.7.3.187	Lalonde, T.	F-1740
F.7.3.188	Lambert, T.	F-1741
F.7.3.189	Lamphere, C.	F-1741
F.7.3.190	Lance, A.	F-1741
F.7.3.191	Lange, C.	F-1742
F.7.3.192	Langstaff, G.	F-1742
F.7.3.193	Lanni, K.	F-1744
F.7.3.194	Larson, T.	F-1744
F.7.3.195	LaRue, L.	F-1745
F.7.3.196	Lavelle, N.	F-1746
F.7.3.197	Lawnicki, T.	F-1747
F.7.3.198	Lay, T.	F-1748
F.7.3.199	Lee, H.	F-1749
F.7.3.200	Leigh, L.	F-1749
F.7.3.201	Leigh, M.	F-1750
F.7.3.202	Linebaugh, J.	F-1750
F.7.3.203	Loesch, R.	F-1751
F.7.3.204	Low, I.	F-1751
F.7.3.205	Lyman, T.	F-1753
F.7.3.206	Lyon, M.	F-1759
F.7.3.207	Macartney, B.	F-1759
F.7.3.208	MacDougall, B.	F-1761
F.7.3.209	Maddox, M. K.	F-1762
F.7.3.210	Maniatis, N.	F-1763
F.7.3.211	March, E.	F-1764
F.7.3.212	Marcussen, P.	F-1765
F.7.3.213	Martinelli, E.	F-1765
F.7.3.214	Martinez, E.	F-1766
F.7.3.215	Martinez, Ra.	F-1767
F.7.3.216	Martinez, Ro.	F-1768
F.7.3.217	Mason, L.	F-1768
F.7.3.218	Mathers, M.	F-1769
F.7.3.219	McClain, A.	F-1769
F.7.3.220	McCleary, D.	F-1769
F.7.3.221	Mccuiston, P.	F-1770
F.7.3.222	McDermott, B.	F-1770
F.7.3.223	McFarren, K.	F-1773
F.7.3.224	McFarren, S.	F-1773
F.7.3.225	McFarren, T.	F-1774
F.7.3.226	McGarry, M.	F-1774
F.7.3.227	McLellan, T.	F-1774
F.7.3.228	McMahon, M.	F-1775

F.7.3.229	McMinn, R.....	F-1776
F.7.3.230	Meck, S.....	F-1776
F.7.3.231	Meyer, S.....	F-1778
F.7.3.232	Miller, J.....	F-1778
F.7.3.233	Miller, T.....	F-1779
F.7.3.234	Milne, K.....	F-1780
F.7.3.235	Mitchell, L.....	F-1780
F.7.3.236	Moe, R.....	F-1780
F.7.3.237	Moellendorf, D.....	F-1781
F.7.3.238	Moore, G.....	F-1782
F.7.3.239	Morgan, D.....	F-1782
F.7.3.240	Morton, J.....	F-1782
F.7.3.241	Moscatello, B.....	F-1783
F.7.3.242	Motter, S. K.....	F-1784
F.7.3.243	Mowery, D.....	F-1784
F.7.3.244	Mullins, A.....	F-1785
F.7.3.245	Mullins, C.....	F-1785
F.7.3.246	N., V.....	F-1787
F.7.3.247	Navato, T.....	F-1789
F.7.3.248	Nellemann, C.....	F-1789
F.7.3.249	Nelson, G.....	F-1789
F.7.3.250	Nelson, M.....	F-1790
F.7.3.251	Nelson, P.....	F-1790
F.7.3.252	Nelson, T.....	F-1791
F.7.3.253	Nisbet, W.....	F-1791
F.7.3.254	Norrington, L.....	F-1791
F.7.3.255	Nygaard, C.....	F-1793
F.7.3.256	O'Brien, D.....	F-1793
F.7.3.257	Ochs, S.....	F-1793
F.7.3.258	Ogle, C.....	F-1794
F.7.3.259	Oliver, J.....	F-1794
F.7.3.260	Osborne, G.....	F-1795
F.7.3.261	Overbey, L.....	F-1796
F.7.3.262	Parachou, C.....	F-1796
F.7.3.263	Parachou, T.....	F-1796
F.7.3.264	Patterson, D. R.....	F-1796
F.7.3.265	Payne, W.....	F-1797
F.7.3.266	Pease, A.....	F-1797
F.7.3.267	Pena, R.....	F-1797
F.7.3.268	Pepin, C.....	F-1798
F.7.3.269	Perez, J.....	F-1799
F.7.3.270	Perry-Jones, J.....	F-1799
F.7.3.271	Peterson, R.....	F-1799
F.7.3.272	Phemister, M.....	F-1802

F.7.3.273	Piercy, E.	F-1803
F.7.3.274	Pierson, Gary and Janette	F-1803
F.7.3.275	Pineda, C.	F-1804
F.7.3.276	Pinkerson, A.	F-1804
F.7.3.277	Pirch, C.	F-1805
F.7.3.278	Pitts, S.....	F-1805
F.7.3.279	Plunk, D.	F-1806
F.7.3.280	Potashin, R.	F-1807
F.7.3.281	Powell, R.....	F-1811
F.7.3.282	Priester, B.....	F-1812
F.7.3.283	Prince-Dotson, C.....	F-1812
F.7.3.284	Procter, S.	F-1813
F.7.3.285	Prose, D.	F-1813
F.7.3.286	Publieee, J.	F-1825
F.7.3.287	Quandt, I.	F-1825
F.7.3.288	Queener-Plourde, S. N.	F-1826
F.7.3.289	Ralston, R.	F-1827
F.7.3.290	Ramey, M.	F-1827
F.7.3.291	Ratliff, J.....	F-1828
F.7.3.292	Reardon, G. E.....	F-1828
F.7.3.293	Reed, C.	F-1829
F.7.3.294	Reed, R.	F-1829
F.7.3.295	Reid, R.	F-1830
F.7.3.296	Rice, J.....	F-1830
F.7.3.297	Rimer, R.....	F-1830
F.7.3.298	Rinaldo, K.	F-1831
F.7.3.299	Ringler, J.	F-1832
F.7.3.300	Robinson, K.	F-1832
F.7.3.301	Rose, J.....	F-1833
F.7.3.302	Rutski, J.	F-1834
F.7.3.303	Sabo, B.....	F-1834
F.7.3.304	Sampson, K.....	F-1835
F.7.3.305	Samuels, D.....	F-1835
F.7.3.306	Sanders, T.....	F-1836
F.7.3.307	Sangster, T.....	F-1836
F.7.3.308	Sasaki, S.....	F-1837
F.7.3.309	Sax, J.	F-1837
F.7.3.310	Scruggs, T.	F-1838
F.7.3.311	Shaffer, J.....	F-1838
F.7.3.312	Sheldon-Davis, C.....	F-1839
F.7.3.313	Sherk, L.....	F-1840
F.7.3.314	Sherman, T.	F-1840
F.7.3.315	Shipton, J. R.....	F-1841
F.7.3.316	Simas, J.	F-1842

F.7.3.317	Skelton, D.	F-1842
F.7.3.318	Sloan, R.	F-1845
F.7.3.319	Smallwood, N.	F-1849
F.7.3.320	Smith, C.	F-1849
F.7.3.321	Smith, D.	F-1849
F.7.3.322	Smith, G.	F-1850
F.7.3.323	Smith, M.	F-1851
F.7.3.324	Smith, N.	F-1852
F.7.3.325	Smith Fillmore, L.	F-1852
F.7.3.326	Snooks, V.	F-1852
F.7.3.327	Snow, A.	F-1853
F.7.3.328	Snow, B. J.	F-1854
F.7.3.329	Snow, J.	F-1854
F.7.3.330	Southwell, K.	F-1855
F.7.3.331	Spiars, K.	F-1855
F.7.3.332	Srinivasan, A.	F-1855
F.7.3.333	St. Martin, C.	F-1856
F.7.3.334	Staas, B.	F-1856
F.7.3.335	Staniforth, J.	F-1857
F.7.3.336	Stanley, J.	F-1857
F.7.3.337	Starkey, M.	F-1858
F.7.3.338	Stell, S.	F-1858
F.7.3.339	Stevanovich, L.	F-1858
F.7.3.340	Stevenson, F.	F-1859
F.7.3.341	Stevenson, R.	F-1860
F.7.3.342	Stevenson, F.	F-1861
F.7.3.343	Strickland, R.	F-1862
F.7.3.344	Surber, J.	F-1868
F.7.3.345	Sutton, L.	F-1869
F.7.3.346	Taflin, T.	F-1869
F.7.3.347	Tanttila, M.	F-1869
F.7.3.348	Tattersall, E.	F-1870
F.7.3.349	Tayloe, C.	F-1870
F.7.3.350	Terry, S.	F-1871
F.7.3.351	Thabit, N.	F-1872
F.7.3.352	Thomas, H.	F-1873
F.7.3.353	Thomas, R.	F-1873
F.7.3.354	Thomasson, R.	F-1874
F.7.3.355	Ting, M.	F-1875
F.7.3.356	Tippens, R.	F-1876
F.7.3.357	Townsend, S.	F-1876
F.7.3.358	Tregilus, B.	F-1877
F.7.3.359	Trierweiler, S.	F-1878
F.7.3.360	Trujillo, M.	F-1879

F.7.3.361	Tucker, D.	F-1879
F.7.3.362	Twiss, S.	F-1879
F.7.3.363	Ure, T.	F-1882
F.7.3.364	Uwins, J.	F-1894
F.7.3.365	Van Deusen, D.	F-1894
F.7.3.366	van Wijk, J.	F-1894
F.7.3.367	Vanderhaar, J.	F-1895
F.7.3.368	VanderMeeden, R.	F-1896
F.7.3.369	VanHavermaat, L.	F-1896
F.7.3.370	Vaughn, C.	F-1897
F.7.3.371	Ventura, C.	F-1897
F.7.3.372	Victoria, B.	F-1897
F.7.3.373	Vineski, P.	F-1898
F.7.3.374	Wagner, K.	F-1899
F.7.3.375	Wagner, W.	F-1899
F.7.3.376	Walker, R.	F-1900
F.7.3.377	Ward, L.	F-1900
F.7.3.378	Wayt, K. D.	F-1901
F.7.3.379	Werning, k.	F-1901
F.7.3.380	West, Mr. G.	F-1901
F.7.3.381	Wheaton, L. G.	F-1902
F.7.3.382	Whetstone, T.	F-1903
F.7.3.383	Wicker, T.	F-1909
F.7.3.384	Williams, C.	F-1909
F.7.3.385	Williams, R.	F-1910
F.7.3.386	Wilson, A.	F-1911
F.7.3.387	Wilson, D.	F-1913
F.7.3.388	Wimmer, R.	F-1913
F.7.3.389	Winkleman, D.	F-1917
F.7.3.390	Winn, D. J.	F-1918
F.7.3.391	Wolfe, T.	F-1918
F.7.3.392	Wolther, M.	F-1919
F.7.3.393	Worley, D.	F-1919
F.7.3.394	Yancy, R.	F-1920
F.7.3.395	Young, A.	F-1926
F.7.3.396	Zotter, J.	F-1927
F.8	FORM LETTERS	F-1929
F.8.1	POSTCARD	F-1929
F.8.1.1	Response	F-1932
F.8.2	WEBSITE LETTER	F-1932
F.8.2.1	Response	F-1936

List of Figures

There are no figures in this Appendix.

List of Tables

TABLE F-1: U.S. DEPARTMENT OF THE INTERIOR SUB-MATRIX COMMENTS AND RESPONSES	F-14
TABLE F-2: STATE OF NEVADA, DEPARTMENT OF AGRICULTURE SUB-MATRIX COMMENTS AND RESPONSES	F-48
TABLE F-3: NEVADA DIVISION OF MINERALS AND NEVADA GOVERNOR'S OFFICE OF ENERGY SUB-MATRIX COMMENTS AND RESPONSES.....	
.....	F-72
TABLE F-4: NEVADA DEPARTMENT OF WILDLIFE SUB-MATRIX COMMENTS AND RESPONSES	F-121
TABLE F-5: EUREKA COUNTY BOARD OF COMMISSIONERS SUB-MATRIX COMMENTS AND RESPONSES	F-222
TABLE F-6: CHURCHILL COUNTY SUB-MATRIX COMMENTS AND RESPONSES.....	F-321
TABLE F-7: NYE COUNTY BOARD OF COUNTY COMMISSIONERS SUB-MATRIX COMMENTS AND RESPONSES	F-554
TABLE F-8: NEVADA ASSOCIATION OF COUNTIES SUB-MATRIX COMMENTS AND RESPONSES.....	F-610
TABLE F-9: FRED AND JOHN ETCHEGARAY SUB-MATRIX COMMENTS AND RESPONSES.....	F-1160

Appendix F Public Comments and Responses

This appendix includes public comments that were submitted during the Draft Fallon Range Training Complex (FRTC) Modernization Environmental Impact Statement (EIS) public comment period and responses from the U.S. Department of the Navy (Navy).

F.1 Introduction

The Navy would like to thank the elected officials, Indian Tribes, federal regulatory and state resource agencies, business and community leaders, organizations, and individuals who took the time to review the Draft FRTC EIS, attend the public meetings, and submit comments on the document. Public informational meetings and public participation are an essential aspect of the environmental review process. The public participation process in the development of the FRTC EIS is described in detail in Appendix E (Public Participation).

The Navy considered and responded to all comments received on the Draft EIS, as detailed in this Final EIS. The Navy's responses to comments received during the public comment period are included in this Appendix. In accordance with 40 Code of Federal Regulations (CFR) 1503.4, comments were assessed and responded to as follows:

- The Navy project team carefully reviewed all comments received. Each comment was assigned to a resource-specific specialist from the Navy's interdisciplinary team.
- Within each comment submittal, substantive comments were identified for consideration of possible updates to the EIS analysis. Generally, substantive comments included items such as questions related to the alternatives analysis and components of the Proposed Action; resource-specific methodology, analysis, or impact conclusions; or the use, adequacy, or accuracy of data used to support the analysis.
- The EIS analysis was updated as warranted based on comment review.
- Comment responses were developed for every comment based on the above-described comment review and EIS update process. Responses identify, as appropriate, sections of the EIS where revisions were made or details on where additional information is provided within the EIS.

F.2 Federal

This section contains comments from federal agencies received during the public comment period and the Navy's response to those comments. Letters, written comments, and emails are presented as received by the Navy in picture form with responses immediately following in text after that presentation. Comments submitted on the website are shown in tables and organized alphabetically by commenters' names, followed by their comment, with pictures of attachments if applicable; the Navy's response is in the final right-hand column of the table or after the attachment is presented. Enclosures to comments or other background information included along with the public's comments are not pictured in this appendix. Responses to these comments were prepared and reviewed for scientific and technical accuracy and completeness.

F.2.1 Letters, Written Comments, and Emails

F.2.1.1 Amodei, M. (Member of Congress, 2nd District Nevada)

MARK E. AMODEI
2ND DISTRICT, NEVADA

HOUSE COMMITTEE
ON APPROPRIATIONS
SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES
FINANCIAL SERVICES AND
GENERAL GOVERNMENT

Congress of the United States
House of Representatives
Washington, DC 20515-2802

February 14, 2019

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

Dear Captain Halloran and FRTC Modernization Project Team:

I write to you to provide comments to the Fallon Range Training Complex (FRTC) Modernization Draft EIS. I would like to give my perspective of the process so far, as well as my concerns as you work to complete the Final EIS and Proposed Action. This correspondence is forwarded with the request it be made a part of your official record regarding comments to the DEIS. As such, it is my hope these concerns will be addressed in the final product.

While the Navy has communicated and received input from stakeholders most impacted by the Modernization, I am concerned about the level of evaluation stakeholder concerns have received. Boiled down, communication from stakeholders has led to little traction in the development of the Navy's plans, to date. A common complaint is that input was sought, input was provided, and the DEIS essentially ignored most or all of the input of the State, Churchill County, and federal grazing permit holders. Native Nations representatives are expressing similar concerns.

I recognize that the decision to provide a 30-day extension to the DEIS comment period demonstrates a willingness to receive input, but I would like to see the resulting comments fully addressed in the final document EIS. Stakeholders must have a clear understanding of the basis for the Navy's actions moving forward.

Grazing and Agriculture

The DEIS Alternative 3 (the Navy's preferred Alternative) would close approximately 356,400 acres of BLM grazing allotments and 4,187 acres of Bureau of Reclamation livestock grazing areas. This would lead to the loss of between 7,920 and 10,965 AUMs. You have acknowledged that authority exists under 43 U.S.C. Section 315q of the Taylor Grazing Act of 1934 to make payments to federal grazing permit holders for losses suffered by permit holders as a result of withdrawal or other use of federal grazing lands for war or national defense purposes.

I am perplexed by the present lack of knowledge of the basic factual circumstances underlying not only individual grazing permit holders' impacts; but also the economic impacts to the regional economy with the potential loss of somewhere between 8,000 to 11,000 AUMs. This concern is magnified by the fact that, at this advanced juncture we apparently don't know what the number of AUMs in fact is. The fact that it could be 8,000 to 11,000 AUMs is not comforting in a precision of data sense.

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The comfort factor suffers further when looking for precision in justification for the unwillingness to evaluate potential suggestions aimed at reduction or elimination of impacts. There is unquestioned support for NAS Fallon and its evolving mission. However, a self-fulfilling prophecy based, conclusory statement of “inconsistent with purpose and need,” provides no indication of any quantifiable effort on your planning staff or consultants’ parts to consider and evaluate requests to alter either boundaries or range operations to lessen a given impact.

The February 4th meeting in Fallon left me with the impression that little or no effort had been made to confer with the federal, state, and county entities present to have a comprehensive, factual understanding of the expansion’s impact on those most directly impacted. If this is in fact accurate to any extent, it is a fundamental flaw in need of swift and comprehensive correction in your Final EIS product.

The lack of certainty of the methodology for how permit holders will see their AUMs valued and compensated for is particularly worrisome. Especially when considering the potential impacts on agribusiness. As such, in addition to identifying just compensation for each affected permit holder, I would also like to see a commitment from the Navy to work with the BLM and Bureau of Reclamation to identify alternative parcels that might be made available to impacted permit holders.

State of Nevada, Native Nations, and Resource Stakeholders

In preparation for the Navy’s DEIS, the State of Nevada proposed the “Nevada Alternative”, which was prepared to avoid and minimize conflicts with existing uses of public lands of importance to the state for economic development. Although some recommendations of the State were included in the DEIS, the “Nevada Alternative” was omitted, as well as what appears to be most recommendations by the State.

Once again, this represents a serious flaw by essentially abolishing the NEPA process. The same concerns are applicable to the minerals industry, input from Native Nations, and water rights, as well as other resource permittees and stakeholders. Accordingly, I am incorporating the comments to the DEIS submitted by the agencies and organizations copied on this correspondence herein by this reference.

Churchill County

It is my understanding that during the initial Project Scoping phase of the EIS, Churchill County suggested a “Limited Impact Alternative” to the Navy that would have reduced your Plan’s impact on the County. The Alternative proposal was deemed inconsistent with your Plan’s “purpose and need”, and not further analyzed to be included in the DEIS. Considering that the vast majority of your Plan’s footprint will be in Churchill County, it is at odds with the fundamental objective of the NEPA/EIS process to dismiss input with a conclusion that lacks any explanation as to how the subject input was compared to and analyzed with the specific purpose and need which also was not identified. Global conclusions without supporting analysis and explanation effectively abolish the NEPA process.

My conclusion is further strengthened when considering the fact that Churchill County requested that any impacts that could not be avoided should be minimized or mitigated. It is my understanding that the County believes that many of these impacts were not minimally

considered in the DEIS. To illustrate this, while the Affected Environment and Environmental Consequences in Chapter 3 of the DEIS were approximately 800 pages, the Management Practices, Monitoring, and Mitigation included in Chapter 5 were only 17 pages. Such a brief response to these impacts goes to reinforce my concerns that while the Navy is receiving comments and input, very little seems to be given full consideration.

I appreciate your consideration of the comments and concerns addressed above. Kindly advise.

Cordially,



Mark E. Amodei
Member of Congress

CC:

Governor Steve Sisolak
Brad Crowell, Nevada Department of Conservation and Natural Resources
Tim Wilson, Nevada State Engineer (Acting)
Richard Perry, Nevada Division of Minerals
Len George, Chairman of the Fallon Paiute-Shoshone Tribe
Amber Torres, Chairwoman of the Walker River Paiute Tribe
Jon Raby, Nevada BLM State Director
Terri Edwards, Bureau of Reclamation Lahontan Basin Area
Doug Busselman, Nevada Farm Bureau
Sam Mori, Nevada Cattlemen's Association

F.2.1.1.1 Response

Thank you for your participation in the National Environmental Policy Act (NEPA) process. Your comment has been included in the official project record. Public comments received during scoping and review of the Draft Environmental Impact Statement (EIS) are an important part of the NEPA process. The purpose of the public comment process is to provide members of the public an opportunity to submit their comments and concerns regarding the Proposed Action, alternatives, and the analysis of potential environmental impacts. The Navy reviewed all comments submitted during the scoping periods (August 26, 2016 through December 12, 2016) and during review of the Draft EIS (November 2018 to February 2019). All comments received are included as part of the administrative record for the project. Many commenters noted they submitted comments during the scoping process of the EIS but never received a formal response. Although the Navy is not required under NEPA to respond to scoping comments, the Navy did consider all scoping comments in preparing the Draft EIS and used them to shape the breadth and depth of the analysis in the Draft EIS. Section 1.9 (Public and Agency Participation and Intergovernmental Coordination), summarizes the public scoping comments received during the 2016 scoping efforts.

The Navy recognizes the efforts of all Cooperating Agencies as well as members of the public who participated in scoping or ongoing meetings to assist in the development of the Draft EIS. Through this

process, the Navy received many suggestions for alternatives or for actions that could reduce potential impacts to particular resources. The Navy examined each proposed alternative or action scenario (whether generated internally or proposed by members of the public or other commenting parties) to determine if it was feasible and met the purpose of and need for the project to provide required land for military training and the screening factors presented in Section 2.2 (Screening Factors). Chapter 2 (Section 2.5.3, Alternate Training Locations) of the EIS discusses in detail various alternatives that were considered (including alternatives brought up in public comments). Those alternatives or actions that were determined to be feasible and met the purpose and need for the project were carried forward for analysis and if necessary, based on the level of impacts, additional management practices, mitigation, or other impact avoidance/minimization measures were included to further avoid, minimize, or mitigate impacts.

While not presented in the Draft EIS, the Navy has added procedures and future processes to the Final EIS that it would implement pending any ultimate Congressional decision on the Proposed Action, on a case-by-case basis for mitigation, minimization, and avoidance of impacts to resources such as livestock grazing, water rights, recreation, socioeconomic impact, and cultural resources as applicable. The Navy has added tables applicable to each resource section discussing suggestions that were considered and reasoning by the Navy for classifying each suggestion as “eliminated,” “existing,” “incorporated,” or “under consideration.” If the suggestion was “incorporated” the Navy did not define this as a true mitigation, but rather included it as part of the Proposed Action itself. If the suggested was not included, the reasoning and criteria used for elimination is presented. The Navy evaluated every suggestion that it was provided and has provided rationale and explanations within Chapter 2 (Section 2.5, Alternatives Considered but Not Carried Forward for Detailed Analysis) or in each resources section within Chapter 5 (Mitigation).

This process was repeated following issuance of the Draft EIS. Comments received on the Draft EIS from public stakeholders--citizens, elected leaders, American Indian tribes and nations, regulatory agencies, and other interested parties--were used to revise and refine the analysis in the Final EIS. In response to public comment, the Navy carefully analyzed public suggestions for other basing and training solutions to the Proposed Action, reviewed reports and other documents prepared by independent sources, and made changes to the analysis and conclusions as applicable during the preparation of the Final EIS. The Navy documented public stakeholder engagement and how public comments were used to change and refine the analysis, as described in Section 1.9 (Public and Agency Participation and Intergovernmental Coordination). The Navy addressed all comments submitted during the Draft EIS review period with a response in the Final EIS.

In addition to public review, the Draft EIS was reviewed by the U.S. Environmental Protection Agency, Federal Aviation Administration (FAA), U.S. Fish and Wildlife Service, Nevada Department of Wildlife, Nevada Department of Minerals, Nevada Department of Agriculture, Nevada Department of Transportation, Nevada Governor’s Office of Energy, Churchill County, Nevada, Eureka County, Nevada, Lander County, Nevada, Mineral County, Nevada, Nye County, Nevada, Pershing County, Nevada, Nevada’s State Historic Preservation Office, and numerous other interested parties. The comments were used to inform the final analysis and ensure the Navy has a complete analysis addressing topics important to the public.

In accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments; DoD policies; the National Historic Preservation Act; and Navy instructions, the Navy engaged in Tribal consultations during scoping, during the public comment period for the Draft EIS, and following release of the Draft EIS. The Navy invited culturally affiliated Tribes to take part in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Tribes to (1) participate in project meetings, (2) provide additional information related to cultural resources, and (3) provide internal document review (e.g., of the Class III Cultural Resources Inventory Report) during the development of this Draft EIS.

With regards to grazing, the Navy deliberately presented a range of potential AUM impacts in order to capture minimums and maximums in determining potential socioeconomic impacts. This restrictive analysis is described in Section 3.4 (Livestock Grazing) and Section 3.13 (Socioeconomics). The BLM provided the Navy with guidance on how to estimate the potential change in AUMs to existing livestock grazing allotments. The Rangeland Administration System (RAS) is the BLM's system that provides publicly available information on grazing allotments and the Rangeland Improvement Project System (RIPS) is the active BLM internal repository of all physical projects that occur on BLM administered lands. RAS was used to collect data about each allotment and RIPS was utilized to identify water sources. Rangeland production data was sourced from BLM which utilizes the Soil Survey Geographic Database (SSURGO) developed by the National Cooperative Soil Survey. The Navy then verified and updated this information with the support of the BLM Stillwater Field Office and the Humboldt Field Office.

The BLM identified the following restrictions for estimating a change in AUMs, which were used to provide a range of AUMs lost per allotment to the Navy: 1) Percent of allotment closed from livestock grazing 2) Percent of allotment with a greater than 30 percent slope 3) Percent of allotment that is greater than four miles from water 4) Percent of allotment with an annual forage production per acre of less than 100 pounds 5) Percent of allotment with an annual forage production per acre between 100 pounds and 300 pounds 6) Percent of allotment with an annual forage production per acre greater than 300 pounds.

A restrictive analysis was then performed using the following five scenarios: (1) No Restrictions Scenario; (2) Less than 30 Percent Slope; (3) Less than 30 Percent Slope and Less than 4 Miles from Water; (4) Less than 30 Percent Slope, Less than 4 Miles from Water, and Greater than 100 pound/acre of Forage per Year; and (5) Less than 30 Percent Slope, Less than 4 Miles from Water, and Greater than 300 pound/acre of Forage per Year. Each scenario was run to establish a range of potential AUMs lost per allotment for each of the Navy's action alternatives. Losses of AUMs were rounded up to the nearest whole number. The scenario that produced the lowest number of AUMs represented the lowest value of the range of AUMs (minimum) and the scenario that produced the highest number of AUMs represented the highest value (maximum). The result is a range of AUMs that could be lost from the implementation of each alternative. At the time of the Draft EIS release, the document only noted that the Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit.

The Final EIS has been amended to further describe the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to

provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

The following information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

Payment for Losses

The Navy would first consider costs associated with obtaining replacement forage and otherwise restoring/maintaining a permittee's existing operational capacity. Working with BLM and the permittee, the Navy would determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs could include, but would not be limited to, preparing new allotment applications; complying with BLM environmental requirements and water rights studies; procuring private market replacement forage; shipping or transporting forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transferring of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime while restoring and/or relocating operations; and any other costs identified, which would be properly payable under 43 U.S.C. section 315q.

Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy would make a good faith estimate of the financial impact the loss of that individual's permit would be expected to have on his or her ranching operation. The Navy would ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information would be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the information shared is incomplete, the Navy would make an estimate of the value of the losses based on existing information from other sources.

It is possible that a payment amount would be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment would be based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity would first be determined, and the remaining payment amount would then be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.

Payment for Allotment Improvements

Improvements such as corrals, fencing, wells, and other appurtenances that cannot be relocated are considered real property, similar to a building. The Navy would appraise the value of all real property owned by a permit holder and would offer fair market value for the purchase of any such real property. Equipment, such as relocatable water tanks, is not considered real property, and the permit holder would be afforded an opportunity to remove their equipment prior to cancellation of a permit.

Timing of Permit Cancellation

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that BLM cancel any permit would be October 1, 2020.

If the Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.

With regards to Churchill County's "Limited Access Alternative", items therein were considered in the development of Alternative 3. However, some components (or the Alternative in full) could not be accommodated due to incompatibility with the Navy's need to provide sufficient land for military training and range safety requirements (see Section 1.4, Purpose of and Need for the Proposed Action). As presented earlier, Chapter 2 (Section 2.5.3, Alternate Training Locations) of the EIS discusses various alternatives the Navy considered, including those suggested by the public. The EIS provides screening criteria in Section 2.2 (The Navy has received additional comments from Churchill County following the issuance of the Draft EIS and has evaluated potential inclusion of their additional suggestions. Churchill County was involved in numerous Cooperating Agency meetings between the Draft and the Final EIS, and participated in workgroups between numerous Cooperating Agencies and the Navy to coordinate and determine processes and actions that can be incorporated into Action Alternatives. Through this iterative process, the Navy strived to achieve a balance between potential impacts and meeting its mission requirements.

F.2.1.2 Bureau of Land Management (Sarah Hill)

Comment 1

- Page: 2-29
- Section: 2.3.3.2 Public Accessibility under Alt 2
- Reference Text: Additionally, under Alternative 2 the Navy would allow the following:
Geothermal and leasable material exploration would be conditionally allowed on the DVTA
- Comment: Description of what the Navy would allow is not consistent throughout the text;
Geothermal exploration and development, salable exploration and development

Comment 2

- Page: 3
- Section: Chapter 3.3 Mining and Mineral Resources Summary page
- Reference Text: "... Additionally under Alternative 2, hunting would be conditionally allowed on designated portions of B-17, and geothermal and salable mineral exploration would be conditionally allowed on the DVTA.
- Comment: Description of what the Navy would allow is not consistent throughout the text;
referenced as leasable minerals development, sometimes just exploration, Geothermal exploration and development, salable exploration and development

Comment 3:

- Page: 3.3-47
- Section: 3.3.3.4 Leasable Minerals
- Reference Text: "Per the supporting study... The 15 MW power plant is used as a typical size to estimate the amount of disturbance that could be involved for the RFD."
- Comment: Power plant size referred to is inconsistent with Mineral Potential Report- Per the Mineral Potential Report, page 161 the RFD states that exploration drilling could lead to geothermal resources developing one 20–30 MW geothermal power plant. The 20 MW power plant is used as the typical size to estimate the amount of disturbance that could be involved for the RFD.

Comment 4:

- Page: 3.3.55
- Section: Table 3.3-8 Summary of Leasable Mineral Potential Impacts
- Reference Text: Table 3.3-8
- Comment: lacks the level of analysis that is provided for locatable minerals showing the percentage of high/moderate potential areas proposed to be withdrawn under the different alternatives

F.2.1.2.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. With regards to comment 1 and 2, the descriptions of what would be allowable under each alternative have been verified as consistent across the document, while reflecting variations between alternatives as appropriate (e.g., the nature and extent of managed access under Alternatives 2 and 3 as compared to Alternative 1). Geothermal and leasable exploration would be conditionally allowed in the DVTA so long as required design features (ensuring compatibility with military training activities) are met. With regards to comment 3, the Final EIS has been updated to reflect the statements made in the Supporting Study regarding the 20–30 MW geothermal power plant. Finally, the Final EIS presents the salable material information in the text and tables of the Final EIS, rather than as maps. This reflects the analysis that was completed in the summary report for mineral potential.

F.2.1.3 U.S. Department of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
333 Bush Street, Suite 515
San Francisco, California, 94104

In Reply Refer To:
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February 21, 2019

Sara Goodwin
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EIS Project Manager
Naval Facilities Engineering Command Southwest
Code EV21.SG
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San Diego, CA 92132

Subject: Department of the Interior comments on the *Fallon Range Training Complex Modernization Draft Environmental Impact Statement*, dated November, 2018

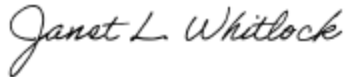
Dear Ms. Goodwin:

The United States Department of the Interior (DOI), through the Bureau of Reclamation, Lahontan Basin Area Office (Reclamation), has reviewed the *Fallon Range Training Complex Modernization Draft Environmental Impact Statement* (DEIS), dated November 2018. Please note that the proposal withdraws land currently withdrawn and reserved for use by Reclamation as described below:

- Bravo 16, Public Law 106-65 (PL 106-65). PL 106-65 withdraws land currently withdrawn and reserved for use by Reclamation. The reservation grants the Secretary of the Navy the primary reservation for public safety management actions only. The existing Reclamation reservation is the primary reservation for all other management actions. There is no discussion in the EIS regarding potential language in the new withdrawal order. Reclamation representatives should review the draft withdrawal order to ensure Reclamation's interests are addressed.
- Reclamation currently has a federal delivery/drainage feature which moves water from Sheckler Reservoir through the eastern part of Bravo 16 and ultimately to the Carson Lake and Pasture. Reclamation will need the ability to move water through this facility when the hydrologic conditions warrant. It appears Bravo 16 will be fenced and management access will be restricted. Therefore, the Reclamation delivery/drainage feature will need to be relocated or Reclamation and its representatives will need access to the delivery/drainage feature.

Please see the specific comments on the DEIS in the attachment to this letter. If you have questions regarding Reclamation's comments, please contact Ms. Rena Ballew at (775) 884-8342, email at rballew@usbr.gov, or using TTY Federal Relay System (800) 877-8339. For any other comments, please contact me at (415) 420-0524 or at janet_whitlock@ios.doi.gov.

Sincerely,



Janet L. Whitlock
Regional Environmental Officer

Attachment

Cc
Shawn Alam, OEPC
Rena Ballew, USBR
Catherine Cunningham, USBR
David Pritchett, BLM
Theresa Taylor, USBR

F.2.1.3.1 Response

Thank you for your comments and participation in the NEPA process. Specific line by line comments are addressed individually in the sub-matrix that follows this comment (Table F-1). The Navy recognizes the lands as currently withdrawn by the Bureau of Reclamation for military and other purposes by Public Law 99-606, one purpose of which was for Reclamation to utilize lands for flooding, overflow, and seepage purposes in B-20. The Navy also understands the facilities that are within the B-16 expansion area that are currently managed by the Bureau of Reclamation for flooding. The Navy would allow access to the Bureau of Reclamation to continue coordinating access to the ranges when compatible with training and upon approval of the Navy for flood management where necessary. This information has been added to Chapter 2 of the Final EIS.

Table F-1: U.S. Department of the Interior Sub-Matrix Comments and Responses

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-33	1.9		The Navy can make payments to federal grazing permit holders for losses due to land withdrawals, but Reclamation's contractor (TCID) could also suffer future economic losses associated with changes at Sheckler Pasture prior to Reclamation's relinquishment to BLM. The DEIS should also specify if the payments to permit holders are one-time (or annual) payments.	The Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the modification or a cancellation of a grazing permit, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.
2-9	Table 2-2		Management Access does not include Bureau of Reclamation for B-16 and B-20. In accordance with the previous PL106-65 for B-16, the existing Bureau of Reclamation reservation is primary for all other management activities (Section 2011). For B-20 and PL 99-606, Reclamation is able to utilize parts of B-20 for flooding, overflow, and seepage purposes for approximately 14, 750 acres. Therefore, for B-16 and B-20, Reclamation personnel would require management access.	The Navy will work with land managers that need access for flooding, overflow, and seepage purposes to ensure that their access is coordinated and compatible with military training activities. The Bureau of Reclamation has been noted as an agency that would be allowed access for management activities.
2-10	2.3.2.1.1		32,201 acres of public federal BLM land. There is also Bureau of Reclamation land in the expansion as wells as canals/ditches/drains for the delivery of water.	Bureau of Reclamation lands have been defined as such in the Final EIS

Table F-1: U.S. Department of the Interior Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-10	2.3.2.1.2		Add BOR to the last sentence in the first paragraph for management activities.	The recommended addition has been incorporated into the Final EIS.
2-16	2.3.2.3.1		The EIS speaks to the land withdrawn by USFWS but it does not speak to the land that has been withdrawn for BOR purposes.	Bureau of Reclamation lands have been defined as such in the Final EIS
2-16	2.3.2.3.2		Management activities may need to be conducted by BOR.	The Navy anticipates coordinating any management activities with the Bureau of Reclamation as required, following any ultimate Congressional decision on this EIS.
2-17	Figure 2-4		This figure should depict land under BOR's jurisdiction. This is a theme that needs to be addressed for any figures that have land under BOR's jurisdiction.	Jurisdictional information has been added to figures in section 3.2, Land Use. The amount of information shown on these maps only designated federal or non-federal lands
2-34	2.3.3.2.8		Add BOR to the last sentence in the first paragraph for management activities.	The recommended addition has been incorporated into the Final EIS.
2-39	2.3.4.1.1		Navy would relinquish back to BLM. As it stands right now, the Navy's withdrawal is over the top of the Reclamation withdrawal. Therefore, wouldn't the land revert back to BOR rather than BLM since BOR's withdrawal is still valid?	This statement has been revised to reflect Bureau of Reclamation lands.
2-39	2.3.4.1.2		BLM or NDOW activities. BOR would also need the ability to manage some of the lands that have dual withdrawals.	The Final EIS has been updated to reflect Bureau of Reclamation lands. At the time of the DEIS, it was thought that Bureau of Reclamation lands were being relinquished to the BLM. This is no longer the case, and the document has been updated as such.
2-43	2.3.4.3.1		There is also land currently withdrawn for BOR.	The Final EIS has been updated to reflect Bureau of Reclamation lands. At the time of the DEIS, it was thought that Bureau of Reclamation lands were being relinquished to the BLM. This is no longer the case, and the document has been updated as such.

Table F-1: U.S. Department of the Interior Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-43	2.3.4.3.2		BOR would also have management activities.	The Final EIS has been updated to reflect Bureau of Reclamation lands. At the time of the DEIS, it was thought that Bureau of Reclamation lands were being relinquished to the BLM. This is no longer the case, and the document has been updated as such.
3.1-19	3.1.2.2		Please double check that BLM manages the land that is categorized as farmland of statewide importance. Since there are grazing allotments on the land, it may be a BOR grazer with management of the land by BOR.	Confirmed that both Bureau of Reclamation and BLM manages the farmland. Clarifications have been made throughout the Final EIS
3.1-23	3.1.2.4		The Carson Sink is the terminus for the Humboldt River and the Carson River.	The recommended change has been incorporated into the Final EIS.
3.1-35	3.1.3.2.1		Based on the maps which do not show federal land jurisdiction, it appears that 2 Newlands Project facilities are within the expanded B-16 boundary. One is the Sheckler Spill which is critical to moving high volumes of water from behind Sheckler Dam around the City of Fallon. Also, it appears that the G-3 is also within the expanded boundaries. This is a Newlands Project delivery feature which delivers water and conveys water to the Carson Lake & Pasture. These Newlands project features should be cited for their importance for the movement of water around the City of Fallon, and they must be maintained in some configuration to allow water to move. Therefore, whatever fences are used should be able to pass water without the buildup of trash or the drain/ditch would need to be relocated.	The Final EIS has been updated to indicate that Bureau of Reclamation and the Navy would develop a Memorandum of Understanding to ensure continued access that is compatible with military training activities. Figures in the Final EIS have also been updated to identify Sheckler Spill and note that the G-3 is not on B-16 in the Water Resources Section (Section 3.9). The Navy will work with Bureau of Reclamation on incorporating required design features for fencing over water.
3.2-1	3.2.1		Include Reclamation's 2014 Newlands Project Final Resource Management Plan	The recommended addition has been incorporated into the Final EIS.

Table F-1: U.S. Department of the Interior Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-2	3.2.1.1		Show Reclamation lands in all B-16 and B-20 figures throughout DEIS, as shown in Figure 3.2-1 for example.	The recommended addition has been incorporated into the Final EIS. Bureau of Reclamation lands were already shown on figures in Land Use.
3.2-15	3.2.2.3.3		Add: The Newlands Project provides irrigation water from the Truckee and Carson Rivers for about 57,000 acres of land near Fallon and Fernley. In addition, water from the project is provided to the Lahontan Valley Wetlands near Fallon (Stillwater NWR, Stillwater WMA, Fallon NWR, Carson Lake and Pasture, and Fallon Paiute-Shoshone Tribe wetlands). Overall, the project has 68.5 miles of main canals, more than 300 miles of laterals, and almost 350 miles of drains. These project facilities are operated and maintained by Reclamation's contractor, the Truckee-Carson Irrigation District. The 1997 Adjusted Operating Criteria and Procedures (OCAP) for the Newlands Project is a Federal regulation that guides Reclamation and TCID. (Also, reference Reclamation's 2014 Newlands Project Final Resource Management Plan in this section.)	The Navy has added the discussion of this project to the Final EIS.
3.2-15	3.2.2.3.3		BOR is in the process of relinquishing land to BLM, not all of which is grazing land.	The Final EIS has been updated to reflect the current status of Bureau of Reclamation lands.
3.2-16	3.2.2.3.5		BOR also manages land around B-16 as the document indicates above.	The Final EIS has been updated to reflect the current status of Bureau of Reclamation lands.
3.2-17	Figure 3.2-4		The Nevada State land around Lahontan Reservoir is truly management by the State of Nevada; however, the land management is by Bureau of Reclamation. We do not know if you should change your figure, but leave it to you to determine what is more important to show.	No change to the figure given land management is Bureau of Reclamation.

Table F-1: U.S. Department of the Interior Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-21	3.2.2.3.5		Reword: Newlands Project facilities drain project water into this area and are operated and maintained by Reclamation's contractor (Truckee-Carson Irrigation District).	The recommended change has been incorporated into the Final EIS.
3.2-29	3.2.3.2.1		As stated earlier, some of the land to the north of the existing boundary is currently managed by BOR. Therefore, consistent with the existing withdrawal order, Reclamation would need access to continue with primary management activities which would presumably change to the ability to overflow, flood, and seep lands within the existing withdrawal.	The Navy would continue to allow management for flooding on the ranges by the Bureau of Reclamation.
3.2-30	3.2.3.2.1		Reclamation would also need access for management activities related to water.	The Navy would continue to allow management for flooding on the ranges by the Bureau of Reclamation.
3.2-33	3.2.3.2.3		Reclamation also has lands in the area which we manage. Additionally, pursuant to the current withdrawal order, Reclamation would still need to have the ability to flood, overflow, etc. on the lands.	The Navy would continue to allow management for flooding on the ranges by the Bureau of Reclamation. Bureau of Reclamation has been added to the list of agencies that would continue to have management access to the lands.
3.2-34	3.2.3.2.3		Reclamation would also need access for management activities related to water.	The Navy would continue to allow management for flooding on the ranges by the Bureau of Reclamation. Bureau of Reclamation has been added to the list of agencies that would continue to have management access to the lands.
3.2-38	3.2.3.2.6		Reclamation should also have management responsibilities related to water even if the area is closed to the public.	The Navy would continue to allow management for flooding on the ranges by the Bureau of Reclamation.
3.2-39	3.2.3.3		Reclamation should also have management responsibilities related to water even if the area is closed to the public	The Navy would continue to allow management for flooding on the ranges by the Bureau of Reclamation.
3.2-50	3.2.3.4.6		Reclamation should also have management responsibilities related to water even if the area is closed to the public	The Navy would continue to allow management for flooding on the ranges by the Bureau of Reclamation.

Table F-1: U.S. Department of the Interior Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-8	3.4.2.1		The TCID does not manage grazing on Reclamation lands. Please remove this sentence.	The recommended change has been incorporated into the Final EIS.
3.4-8	3.4.2.1		BLM has not agreed to administer the Sheckler lands. Remove this sentence.	The recommended change has been incorporated into the Final EIS.
3.4-10	3.4.2.1		Bureau of Reclamation constructed a new outlet structure from the V-line Canal in 2017.... Additionally, the V-line Canal and outlet structure are northwest of B-16.	The Navy would continue to allow access to the v-line canal for flood management by the Bureau of Reclamation under the Proposed Action.
3.4-13	3.4.2.3		Surrounding area also has Bureau of Reclamation land.	The recommended change has been incorporated into the Final EIS.
3.4-28	3.4.3.3		The Navy may potentially acquire surface water rights. It should be clarified that these acquisitions would not include rights to Newlands Project water, including drain water or flood water releases.	The Navy is not planning on acquiring any surface water rights.
3.9-1	3.9.1.2		The Diagonal Drains around the base are NOT waters of the U.S.	This statement has been corrected in the Final EIS.
3.9-7	3.9.2.1		Water from the Carson River is NOT stored in Stillwater, Sheckler or Carson Lake. Sheckler is used to convey water to a delivery feature and Carson Lake collects drain water and has delivery of water rights for grazing and wildlife purposes.	This statement has been corrected in the Final EIS.
3.9-12	3.9.2.2		Surface Water. There is a conveyance facility located within the expanded boundary of B-16. Please discuss this conveyance facility here and how flows through this facility will change based on the expanded boundary.	Flows through the existing conveyance are not anticipated to be impacted by the proposed expansion, Further, the Navy will allow land managers to continue accessing the ranges for flood management purposes or management of conveyances.
3.9-12	3.9.2.2		There are not 'three main canals' within Bravo 16. According to Reclamation records there is only one drainage/delivery feature with the proposed Bravo 16 boundary. It is called the 'Sheckler Spill - GT17'.	This statement has been corrected in the Final EIS.

Table F-1: U.S. Department of the Interior Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-32	3.9.3.2		There is no discussion of how the surface flow through the conveyance facility will be impacted by the change in boundary and fencing. The suggestion would be to pipe the conveyance facility or relocate the facility. Additionally, in the previous withdrawal order, Reclamation had primary responsibility for the lands. Management responsibility as it pertains to flood or overland flows should remain with Reclamation and outlined in the new withdrawal order.	Flows through the existing conveyance are not anticipated to be impacted by the proposed expansion, Further, the Navy will allow land managers to continue accessing the ranges for flood management purposes or management of conveyances.
3.12-3	3.12.2.1		There is no discussion of OHV use on Reclamation lands. Pursuant to 43 CFR part 420.2, "Reclamation lands are closed to off-road vehicle use, except for an area or trail specifically opened to use of off- road vehicles in accordance with § 420.21."	The recommended addition has been incorporated into the Final EIS.
3.12-8	3.12.2.4.1		Please reword as Reclamation lands are closed to off-road vehicle use.	The recommended addition has been incorporated into the Final EIS.
3.13-27	3.13.3.2		Tables: You do not show the grazing AUMs for Reclamation. Additionally, Reclamation grazing fees are not distributed to the Counties. They are deposited into the Reclamation Fund.	AUMs for Reclamation are not impacted by the Proposed Action.
3.14-52	3.14.3.5.1		Reclamation strongly supports the Navy's rapid completion of a Fire Management Plan to reduce the risk of wildfire in the region of influence that could also impact Newlands Project facilities.	The Navy is developing a Wildland Fire Management Plan, a draft outline of which can be found in Appendix D (Memoranda, Agreements, and Plans). Details from the outline and initial development of it have been added to the Final EIS as applicable.

F.2.1.4 U.S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

February 21, 2019

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

Subject: Draft Environmental Impact Statement for the Fallon Range Training Complex
Modernization, Naval Air Station Fallon, Nevada (CEQ # 20180272)

Dear Ms. Goodwin:

The U.S. Environmental Protection Agency (EPA) has reviewed the subject Draft Environmental Impact Statement (DEIS) pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The Navy's Proposed Action is to modernize the Fallon Range Training Complex (FRTC), which would include the renewal of the Navy's current withdrawal, land range expansion through additional withdrawal of public lands and acquisition of non-federal land, airspace modifications, and upgrades to range infrastructure. Alternative 3 is the Navy's preferred alternative.

EPA provided scoping comments to the Navy on December 12, 2016 and included recommendations to disclose data from the latest Range Condition Assessment, and to discuss how Operational Range Clearance Plans will accommodate increased bombing target areas. Our prior scoping comments also recommended addressing the impacts that can occur from incomplete detonations during range clearance. Our attached detailed comments reiterate these issues and include recommendations to minimize the potential for adverse environmental impacts from the migration of munitions constituents. While the Preferred Alternative 3 avoids some impacts due to the loss of public lands that would occur under Alternative 1, it proposes a much larger area for new targets and places some targets in ephemeral drainages. Such placement can facilitate migration of munitions constituents from target areas, possibly off-Range, and possibly hamper the success of range clearance efforts which benefit from defined sources of munitions. The attached detailed comments also include recommendations to clarify the populations that would be significantly affected by noise and identify additional mitigation to reduce significant noise impacts.

Effective October 22, 2018, EPA no longer includes ratings in our comment letters. Information about this change and EPA's continued roles and responsibilities in the review of federal actions can be found on our website at: <https://www.epa.gov/nepa/epa-review-process-under-section-309-clean-air-act>.

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one electronic copy to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 947-4161, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Connell Dunning". The signature is fluid and cursive, with the first name "Connell" and last name "Dunning" clearly legible.

Connell Dunning, Supervisory Team Leader
Environmental Review Section

Enclosure: EPA's Detailed Comments

CC: Alan Jenne, Nevada Department of Wildlife
Matthew Magaletti, Bureau of Land Management

EPA DETAILED COMMENTS ON THE FALLON RANGE TRAINING COMPLEX MODERNIZATION EXPANSION OF LAND RANGES, AIRSPACE MODIFICATIONS, AND PUBLIC LAND WITHDRAWAL RENEWAL, NAVAL AIR STATION FALLON, NEVADA, FEBRUARY 21, 2019

Range Contamination and Migration

Reducing residual munitions constituent migration from targets

The Proposed Action involves placing new targets on bombing ranges. The DEIS acknowledges that increases in the number of targets also increases the number of sites where expended munitions can accumulate, increasing the potential for migration of residual constituents for all action alternatives (Vol 2, p. 3.9-64 and 65); however, the acreage for new target areas under the Preferred Alternative 3 is much higher than for the other alternatives. Under Alternatives 1 and 2, new air-to-ground targets would be placed within a 4,241-acre area at ranges B-17 and B-20, but for Preferred Alternative 3, the new air-to-ground targets would be placed within an area 27,374-acres in size at B-17 and B-20 (Vol 1, p. 3.1-52). In addition, the DEIS states that under the Preferred Alternative, targets for high-explosive ordnance use would be placed in ephemeral tributaries that connect to Gabbs Wash, which would likely induce additional erosion as compared to the other alternatives (Vol 2, p. 3.9-53). Placing targets in ephemeral washes increases the potential for migration of munitions constituents away from target sites. We note that the Operational Range Assessment for the *Nevada Testing and Training Range (NTTR)*, as discussed in the *2018 NTTR Environmental Impact Statement*¹, detected munitions constituents, including lead and explosive residues, in soils in ephemeral washes at or near range boundaries, confirming that washes provide a migration pathway.

Recommendations:

EPA recommends exploring possibilities to reduce the acreages of new targets under Preferred Alternative 3, and recommends against the placement of targets in ephemeral washes. This would help to minimize migration of munitions and facilitate more effective removal during range clearance activities, consistent with DoD Directive 4715.14 - Operational Range Assessments, which encourages implementation of protective measures to minimize potential for adverse impacts on the environment from munitions constituents.

Reducing residual munitions constituent migration through range clearance

The DEIS concludes that regularly-conducted range clearance activities would remove most expended munitions and munitions fragments, greatly reducing the potential for migration (Vol 2, p. 3.9-65); however, the costs of finding and removing or detonating unexploded ordnance (UXO) are high, and the DEIS does not discuss or commit to resources to implement increased range clearance commensurate with increases in new target areas. In addition, because UXO will eventually leak explosives, releasing 100% of their explosive fill into the environment once their casings fail, and because blown-in-place operations can spread high energy particles onto nearby soils, especially during a partial detonation that deposits a significant fraction of its explosive fill², these limitations of range clearance as mitigation should be disclosed.

Recommendation:

Identify the anticipated frequency of range clearance under the Preferred Alternative as compared to current practice. We recommend increased range clearance frequency,

¹ Page 3-313 of Final NTTR EIS, available at: <http://www.nttrleis.com>

² Dontsova, Katerina and Susan Taylor, "High Explosives and Propellants Energetics: Their Dissolution and Fate in Soils". *Energetic Materials, Challenges and Advances in Computational Chemistry and Physics* 25, DOI 10.1007/978-3-319-59208-4_11

commensurate with increases in new target areas. Disclose how the effectiveness of range clearance, as a mitigation measure for range contamination, is affected by partial detonations.

Disclosing fate and transport of munitions

The DEIS states that explosive constituents are largely consumed during detonation, and those that are not consumed “degrade rapidly in the environment” (p. 3.9-53). The DEIS does not provide supporting information for the statement that that explosive constituents will degrade rapidly in the environment if not consumed. While detonations generally occur as intended, munitions might also undergo a low-order (incomplete) detonation or be a dud, and one estimate is that about 3% of fired munitions result in UXO, and the resulting UXO might be blown-in-place, detonated sympathetically, or left to corrode, with the majority of UXO corroding in place.^{3,4} Taylor et. al (2004) states that low-order detonations, be they from malfunctioning munitions or sympathetic detonations, are currently the largest contributors to range contamination, and dissolution of the explosive charge from heavily corroded UXO is significant and will increase in importance with time. Further, we note that Fallon NAS’s experiments⁵ in neutralizing RDX, in particular, from range clearance practices confirm the persistence of this munitions constituent.

Recommendations:

In the Final EIS, EPA recommends including more detailed information regarding the fate and transport of munitions constituents for the Preferred Alternative, particularly for nitramines (RDX, HMX) and perchlorate. Revise the information provided or include additional information to support statements that munitions constituents degrade rapidly in the environment.

Noise Impacts

Noise impacts to Gabbs and the eastern portion of the Special Use Airspace

The DEIS predicts a 20 A-weighted decibel (dBA) increase in noise near Gabbs as aircraft approach targets on the expanded B-17 bombing range under the Preferred Alternative (Vol 2, p. 3.7-71). This is a very large increase in noise; a 10 dB increase in the sound level is perceived as a doubling of loudness and a 20 dB increase is perceived as four times as loud by the normal human ear. The DEIS does not indicate how many individuals would experience these increases and only states that there would be “a slight increase in the number of incidents of indoor and outdoor speech interference, classroom interference, and a slightly higher probability of awakening, especially for sensitive receptors near Gabbs” (Vol 2, p. 3.7-73). The DEIS also concludes, “with intermittent aircraft operations coupled with the time most people spend indoors, it is very unlikely that individuals would experience noise exposure that would result in hearing loss”. While the DEIS states that “The population potentially at risk for potential hearing loss would not change under Alternative 3”, the DEIS does not appear to identify the actual number of individuals expected to be exposed to levels that could result in hearing loss.

In addition to Gabbs, the DEIS indicates that noise would also increase significantly on lands under the eastern portion of the Fallon Range Special Use Airspace (SUA), but no population estimates are included. While supplemental metrics of annoyance, speech interference, and awakenings are discussed in general, quantified estimates of these metrics are not provided in the analysis of the Preferred Alternative’s impacts. Similarly, the DEIS identifies 235 acres along the eastern portion of the proposed

³ Taylor, Susan et.al “Underground UXO: Are They a Significant Source of Explosives in Soil Compared to Low- and High-Order Detonations?” U.S. Army Engineer Research and Development Center, ERDC/CRREL TR-04-23, December 2004

⁴ Taylor, Susan et al. “Condition of in situ unexploded ordnance” *Science of the Total Environment* 505 (2015) 762–769

⁵ http://navysustainability.dodlive.mil/files/2013/11/Fall13_Neutralizing_RDX.pdf

B-17 range that would have Day-Night Average noise levels greater than 65 dBA (and therefore inconsistent with residential land use), but does not identify/quantify residential populations in this area.

Recommendations: In the FEIS, quantify the population that would be exposed to noise levels representing a doubling and quadrupling of noise over existing conditions and quantify population potentially at risk for potential hearing loss that would not change under Alternative 3.

Quantify the supplemental metrics of annoyance, speech interference, and awakenings to clearly disclose the quantity of residents that would be affected by the significant noise impacts under the Preferred Alternative, both near Gabbs, and in the eastern portion of the SUA, as well as in the 235 acres along the eastern portion of the proposed B-17 range that would have Day-Night Average noise levels greater than 65 dBA.

Identify potential mitigation to address significant noise impacts in Gabbs. Discuss whether the noise abatement measures proposed for Crescent Valley and Eureka (avoidance areas over the towns, and elevation restrictions to no lower than 3,000 feet above ground level) can be proposed for the town of Gabbs in addition to the Gabbs airport exclusion area. Identify other mitigations including potential funding mechanisms for off-base residences to use for home noise reduction.

Noise impacts to children/classroom interference

The DEIS discloses that background noise can have a variety of effects on children, including effects on learning and cognitive abilities and various noise-related physiological changes, and that aircraft noise can affect the academic performance of school children (Vol 2, p. 3.7-6). The noise impact analysis indicates there would be a slight increase in the number of incidents of such classroom interference but does not quantify this impact or identify the location of the schools that would be impacted. The DEIS only states that schools east of existing SUA would experience this impact (Vol 2, p. 3.7-59) and that, for the Preferred Alternative, “schools near Gabbs would be expected to experience additional events of classroom/learning interference”.

This analysis utilized a significance threshold/interior noise level of 50 dB L_{max} for an 8-hour day, as recommended by the DoD Noise Working Group since it represents a level at which a person with normal hearing can clearly hear someone (i.e., a teacher) (Vol 2, p. 3.7-7). However, the acoustical performance criteria for schools under the American National Standards Institute (ANSI) standard S12.60-2002⁶ recommends one-hour average background noise level not exceed 35 dBA in core learning spaces smaller than 20,000 cubic feet and 40 dBA in larger spaces.

Recommendation: In the FEIS, quantify the number and locations of schools that would experience classroom interference from noise under the alternatives. EPA recommends using the levels in ANSI standard S12.60-2002 as significance thresholds for this evaluation or, at a minimum, that they be included in the discussion of impacts. Identify mitigation that could address these impacts, even if DoD is not authorized to perform such mitigation⁷. This could include adding insulation, adding a second window pane or replacing windows with better sound

⁶ ANSI S12.60-2002 American National Standard, Acoustical Performance Criteria, Design Requirements, and Guidelines for Schools

⁷ See the Council on Environmental Quality's (CEQ's) *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, Question 19b. Available at: <https://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf>

attenuation, sealing gaps or leaks in windows and doors, installing baffles in vents, and improving the exterior roofing, consistent with radon safety.

Biological Resources

The proposed action will allow aircraft to fly at much lower elevations in Military Operations Areas, from 18,000 feet to as low as 200 ft above ground level in Duckwater and Smokie MOAs. These areas contain primary habitat and mating areas (leks) for Sage Grouse. In the Bureau of Land Management's Nevada and Northeastern California Greater Sage-Grouse Proposed Resource Management Plan Amendment (RMPA) for areas adjacent to the Range contain buffers, and for noise and related disruptive activities, including those that do not result in habitat loss (e.g., motorized recreational events), the buffer is at least 0.25 miles from leks. Seasonal restrictions on disturbance are also included. The Fallon DEIS notes that aircraft noise is generally thought to be most detrimental to wildlife during periods of stress such as winter, gestation, and nesting (Vol 2, p. 3.10-113).

Recommendation: Consider including avoidance and minimization measures for the benefit of Sage Grouse and other wildlife, by adopting, as practicable, the buffers and seasonal restrictions contained in BLM's Nevada and Northeastern California Greater Sage-Grouse RMPA, and in coordination with Nevada Department of Wildlife.

Additional Comments

- The DEIS states that disturbances of intact desert soils from vehicle and foot traffic will lead to the disruption of desert crust, pavement, or varnish, all which stabilize the soil, and as a result, there will be increased potential for soil erosion, compaction, and displacement, which would be considered a permanent disruption due to the long recovery time required for desert soils (Vol 1, p. 3.1-34). Please revise Table 3.1-4 to reflect this permanent impact as it currently lists some acreage disturbances as temporary.
- Impacts to grazing and recreation are disclosed as significant, and since the action alternatives would remove these uses from large areas of land, it is reasonably foreseeable that ranchers and recreationalists may use other lands in the vicinity for these activities once the existing locations providing for these uses are closed to public access. The DEIS does not appear to identify where, and to what extent, recreation and grazing might occur as a result of this displacement due to the action alternatives. EPA recommends including a brief discussion of these impacts in the FEIS, including where recreation and grazing might occur after the preferred alternative is implemented.

F.2.1.4.1 Response

The Navy thanks the EPA for their review of the Draft EIS. The Navy shares your goal of reducing munitions constituent migration, and acknowledges your concerns related to noise and biological resources, soils and the displacement of recreation and grazing.

With regard to “Range Contamination and Migration; Reducing residual munitions constituent migration from targets,” proposed impact areas and weapons danger zones have been identified for each of our alternatives. Individual targets would be placed within the impact areas and the Navy would consider a number of factors before deciding on specific target locations - topography, mission requirements, instrumentation, cultural resources, etc. Targets would not be placed in washes.

Regarding, “Reducing residual munitions constituent migration through range clearance,” the Navy has a responsibility to sustain the highest levels of readiness to meet mission requirements while operating in an environmentally responsible manner that is protective of the public. In accordance with Operational Navy (OPNAV) Instruction 3571.14 the Navy is required to clear the range surface, to include the removal or disposal of all ordnance, inert ordnance debris, target practice ammunition, and other range debris (normally down to 4 inches in size). The instruction requires that range-specific clearance protocols be established for ranges, targets, target groups or test areas that specify clearance areas and frequency of clearance. These protocols are established for each range and are documented in an Operational Range Clearance (ORC) Plan. The ORC Plan documents how the primary objectives (sustain readiness and ensure environmental sustainability and public safety) of OPNAV Instruction 3571.14 will be accomplished.

In accordance with the OPNAV M-5090.1, Environmental Readiness Program Manual, the Navy meets the requirements of Department of Defense Instruction (DoDI) 4715.14 by implementing the Range Sustainability Environmental Program Assessment (RSEPA) and Water Range Sustainability Environmental Program Assessment (WRSEPA) Programs. RSEPA is conducted to: (1) ensure range operations comply with existing environmental laws and regulations; and (2) ensure that munitions constituents (MC) are not migrating off-range, or that munition constituents do not present an unacceptable risk to human health or the environment. A Range Condition Assessment has been performed for the FRTC and is updated on a recurring basis (every 5 years) to ensure conditions have not changed since the last update.

Regarding, “Disclosing fate and transport of munitions,” the ORC and RSEPA programs at the FRTC are funded each year to meet all requirements as outlined in the instructions, manuals, and plans. The required level of effort is evaluated on a reoccurring basis and is adjusted based on the training operational tempo. All new target areas will be added to the ORC and RSEPA programs prior to initial use. Final placement of the targets and total target acreage will be evaluated to ensure impacts to the environment (e.g. erosion and potential munition constituent migration in washes) are proactively mitigated to the maximum extent possible. As indicated in the ORC instruction, ordnance items and material >4” are cleared on a reoccurring basis (typically annually). This includes exposed explosives from low order detonations and venting or blow in place operations. Following the initial use of the new targets, the Navy would monitor the areas for indication of munition constituent migration and implement preventative measures, as required, consistent with the RSEPA Implementation Manual. Additional references discussing munition constituent consumption during detonation and munition constituent degradation (fate and transport) will be provided in the Final EIS.

With respect to EPA's recommendations related to quantification of noise impacts and mitigation of those impacts, the Navy has completed further analysis of residences potentially under elevated noise contours (>65dB DNL), relative to what was presented in the Draft EIS. The Navy recognizes that there are areas where the contours do not exceed 65dB DNL, but the change in DNLs is estimated to increase by approximately 10dB when compared to the existing conditions. In these locations, it is possible that there would be significant impacts to the noise environment. To alleviate potential impacts from increases in DNLs, the Navy proposed the airspace exclusion zone above the Gabbs airport. This is in addition to the existing noise sensitive area buffer that currently exists above Gabbs.

In addition to review of aerial imagery for comparison with the Environmental Baseline, the Navy used an approximate uniform population density for each census tract and block group that underlies DNL contours above 65 dB to determine a conservative estimate of population potentially impacted by the Action Alternatives. While population centers typically exhibit patchy distribution, the assumption of uniform population distribution in the FRTC area allows comparisons of overlap. The percent area of the census block covered by the DNL contour range was applied to the population of that census block to estimate the population within the DNL contour range (e.g., if 25 percent of the census block is within a DNL contour range, then 25 percent of the population is included in the population count). For example, Census Tract 9501, Block Group 1 in Churchill County has an approximate area of 2,236,087 acres (approximately 3,494 square miles) and an estimated population of 1,092 individuals. However, the aerial imagery analysis within this Census Tract indicated that there were less than 20 residences identified under the >65dB DNL contour in Churchill County, far less than the 1,092 individuals estimated via uniform distribution. Both of these methods are now presented in the Final EIS and describe the strengths and weaknesses of both methods.

The Final EIS has been updated to note the ANSI standard for learning spaces in Section 3.7.3.2.7 (Classroom/Learning Interference). It has also reviewed both aerial maps (similar to above), regional maps, and the individual school districts page at the Nevada Department of Education to identify all regional schools and has revised the Final EIS to include the number and location of potentially impacted schools. However, mitigation in the form of payment for retrofitting classrooms at schools to decrease noise is not under the authority of the DoD. The Navy has not sought additional appropriations for improvements to state or private property. Specific Congressional authorization and appropriation would be required for such funding. The Navy does not intend to seek specific Congressional authorization and appropriation of funds for these purposes to support the increase in land and changes to SUA at the FRTC. The decision to implement sound attenuation is a choice made by local governments and school boards. It is important to note that the conservative modeling for the FRTC did not include these noise sensitive areas and are representative of a worst-case scenario.

The Navy has updated and augmented the analysis in the Final EIS in Section 3.10 (Biological Resources) with new research and updated the significance determinations for impacts to individual sage grouse and species populations where appropriate. Data are lacking on the effects of aircraft overflights or sonic booms on galliformes (e.g., grouse, quail), particularly on greater sage-grouse lekking attendance and behavior. Greater sage-grouse, like most bird species, rely on auditory signals as part of mating. Sage-grouse are known to select their leks based on acoustic properties and depend on auditory communication for mating behavior (Blickley & Patricelli, 2012). Although little specific research has been completed to determine what, if any, effects aircraft overflight and sonic booms would have on the breeding behavior of this species, factors that may be important include season and time of day,

altitude, frequency and duration of overflights, and frequency and loudness of sonic booms. Based on the available information regarding sage-grouse and similar species (e.g., prairie chickens) response to noise, aerial-based noise may have no impact or may impact lekking sage grouse by: (1) causing a decrease in lek attendance, (2) increasing stress hormone concentrations, or (3) masking lek communication (within and among leks).

Based on the most current data from 2008 to 2017 regarding active greater sage-grouse leks within the region of influence, 158 leks occur beneath existing FRTC SUA (see Table 3.10-20 and Figure 3.10-28 of the Final EIS). Although there would be no change in the number of leks potentially overflowed under the Alternatives with the proposed SUA revision (see Figure 3.10-43 of the Final EIS), 65 leks would experience overflights at a lower altitude or floor:

- 5 leks under the Reno MOA: current floor = 13,000 feet MSL; proposed floor = 1,200 feet AGL.
- 36 leks under the Diamond ATCAA: current floor = 18,000 feet MSL; proposed floor within the new Ruby, Zircon, and Diamond MOAs = 1,200 feet AGL.
- 24 leks under the Duckwater and Smokie ATCAAs: current floor = 18,000 feet MSL; proposed floor within the new Duckwater and Smokie MOAs = 200 feet AGL.

Although greater-sage grouse leks and populations underlying the proposed airspace revisions of the Reno MOA and Diamond, Duckwater, and Smokie ATCAAs would experience aircraft overflights at a lower altitude (i.e., 200 feet and 1,200 feet AGL) than they currently experience, the majority (93 or 60 percent) of the leks within the region of influence currently experience overflights of 200 feet or less: 20 leks occur under airspace with a floor of 100 feet AGL, and 73 leks occur under airspace with a floor of 200 feet AGL (see Table 3.10-20 of the Final EIS). The existing airspace associated with the current low-level aircraft operations (Fallon North MOAs and Fallon South MOAs) has been in use for over 20 years. As stated above, the primary threats to greater sage-grouse are habitat loss and fragmentation. Military aircraft overflights have not been identified as a threat to greater-sage grouse lekking attendance and behavior or populations (U.S. Fish and Wildlife Service, 2015). Sonic booms have not been shown to result in significant impacts to avian species, including sage-grouse.

Therefore, proposed low-level aircraft operations within the Reno, Ruby, Diamond, Duckwater, and Smokie MOAs and supersonic operations within the revised Supersonic Operating Areas would not result in significant impacts to greater sage-grouse leks or sage-grouse populations in general for the following reasons:

1. The probability of an animal, nest, or lek experiencing overflights more than once per day would be low due to the random nature of flight within the MOAs and the large area of land overflowed.
2. The majority of greater sage-grouse leks within the region of influence are currently experiencing aircraft overflights at altitudes of less than 200 feet AGL.
3. The majority of aircraft operations within the MOAs would occur at altitudes greater than the minimum altitude (floor).
4. Averaged noise levels within the proposed MOAs would be 55 dBA DNL and within the Reno MOA would be less than 50 dBA DNL.
5. Noise levels from sonic booms within the Supersonic Operating Areas would only reach a maximum 52 dB C-weighted DNL.

The majority of the literature suggests that wildlife species may exhibit adaptation, acclimation, or habituation after repeated exposure to jet aircraft overflights and associated noise, including sonic booms, and that there are no adverse impacts to wildlife species from aircraft overflights; (see Section 3.10.3.1.1, Noise of the Final EIS).

The Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

The Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). The Final EIS has been updated to more accurately list acres of land that could be permanently impacted by foot and vehicular traffic at B-16. Closure of existing recreational areas would likely result in the public shifting their recreational activities to other areas. While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the bombing ranges, these activities could continue to occur in the DVTA, Special Land Management Overlay, and surrounding areas. The recreational setting (i.e., wildlife species, terrain) in surrounding areas is similar to that of the bombing ranges, and these areas would remain fully available for public use and recreation. The Navy anticipates that recreationalists would prefer to remain on BLM-administered lands in the region in similar environs to those lands that are being proposed for withdrawal or acquisition; however, the Navy does not know exactly where recreators would decide to go instead of recreating in lands proposed for withdrawal or requested for acquisition. With respect to potential relocation of grazing activities, the Navy notes that, in conjunction with its identified process for determining potential payments under 43 U.S.C. Sec. 315q—see Sec. 3.4.3.2.6 of the Final EIS—it would work with affected grazing permittees to try to help them obtain replacement forage; however, it would be unduly speculative to attempt at this time to identify where such forage might be available or where any potential relocations might be made.

Regarding comments on Table 3.1-4, the table contains both permanent and temporary impact areas estimated to result from all action alternatives. Temporary impacts occur from construction from staging and laydown areas as well as routes used during construction for movement of machinery. These impacts occur in areas where, although nothing permanent is installed, the land is disturbed temporarily.

F.2.2 Website Comments

Please see the Navy's responses to comments provided by federal agencies on the project website during the public commenting period on the Draft EIS in the following tables and sub-sections.

F.2.2.1 Amodei, M. (Member of Congress, 2nd District Nevada)

First	Last	Comment	Response
Mark	Amodei	Please accept attached letter.	Thank you for participating in the NEPA process. Please see the Navy's response to the attachment below.

MARK E. AMODEI
2ND DISTRICT, NEVADA

HOUSE COMMITTEE
ON APPROPRIATIONS
SUBCOMMITTEE ON
INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES
FINANCIAL SERVICES AND
GENERAL GOVERNMENT

Congress of the United States
House of Representatives
Washington, DC 20515-2802

February 14, 2019

WASHINGTON, DC
104 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2802
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ELKO, NV 89601
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Naval Facilities Engineering Command Southwest
Code EV21.SG
1220 Pacific Highway
Building 1, 5th Floor
San Diego, CA 92132

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

Dear Captain Halloran and FRTC Modernization Project Team:

I write to you to provide comments to the Fallon Range Training Complex (FRTC) Modernization Draft EIS. I would like to give my perspective of the process so far, as well as my concerns as you work to complete the Final EIS and Proposed Action. This correspondence is forwarded with the request it be made a part of your official record regarding comments to the DEIS. As such, it is my hope these concerns will be addressed in the final product.

While the Navy has communicated and received input from stakeholders most impacted by the Modernization, I am concerned about the level of evaluation stakeholder concerns have received. Boiled down, communication from stakeholders has led to little traction in the development of the Navy's plans, to date. A common complaint is that input was sought, input was provided, and the DEIS essentially ignored most or all of the input of the State, Churchill County, and federal grazing permit holders. Native Nations representatives are expressing similar concerns.

I recognize that the decision to provide a 30-day extension to the DEIS comment period demonstrates a willingness to receive input, but I would like to see the resulting comments fully addressed in the final document EIS. Stakeholders must have a clear understanding of the basis for the Navy's actions moving forward.

Grazing and Agriculture

The DEIS Alternative 3 (the Navy's preferred Alternative) would close approximately 356,400 acres of BLM grazing allotments and 4,187 acres of Bureau of Reclamation livestock grazing areas. This would lead to the loss of between 7,920 and 10,965 AUMs. You have acknowledged that authority exists under 43 U.S.C. Section 315q of the Taylor Grazing Act of 1934 to make payments to federal grazing permit holders for losses suffered by permit holders as a result of withdrawal or other use of federal grazing lands for war or national defense purposes.

I am perplexed by the present lack of knowledge of the basic factual circumstances underlying not only individual grazing permit holders' impacts; but also the economic impacts to the regional economy with the potential loss of somewhere between 8,000 to 11,000 AUMs. This concern is magnified by the fact that, at this advanced juncture we apparently don't know what the number of AUMs in fact is. The fact that it could be 8,000 to 11,000 AUMs is not comforting in a precision of data sense.

PRINTED ON RECYCLED PAPER

The comfort factor suffers further when looking for precision in justification for the unwillingness to evaluate potential suggestions aimed at reduction or elimination of impacts. There is unquestioned support for NAS Fallon and its evolving mission. However, a self-fulfilling prophecy based, conclusory statement of “inconsistent with purpose and need,” provides no indication of any quantifiable effort on your planning staff or consultants’ parts to consider and evaluate requests to alter either boundaries or range operations to lessen a given impact.

The February 4th meeting in Fallon left me with the impression that little or no effort had been made to confer with the federal, state, and county entities present to have a comprehensive, factual understanding of the expansion’s impact on those most directly impacted. If this is in fact accurate to any extent, it is a fundamental flaw in need of swift and comprehensive correction in your Final EIS product.

The lack of certainty of the methodology for how permit holders will see their AUMs valued and compensated for is particularly worrisome. Especially when considering the potential impacts on agribusiness. As such, in addition to identifying just compensation for each affected permit holder, I would also like to see a commitment from the Navy to work with the BLM and Bureau of Reclamation to identify alternative parcels that might be made available to impacted permit holders.

State of Nevada, Native Nations, and Resource Stakeholders

In preparation for the Navy’s DEIS, the State of Nevada proposed the “Nevada Alternative”, which was prepared to avoid and minimize conflicts with existing uses of public lands of importance to the state for economic development. Although some recommendations of the State were included in the DEIS, the “Nevada Alternative” was omitted, as well as what appears to be most recommendations by the State.

Once again, this represents a serious flaw by essentially abolishing the NEPA process. The same concerns are applicable to the minerals industry, input from Native Nations, and water rights, as well as other resource permittees and stakeholders. Accordingly, I am incorporating the comments to the DEIS submitted by the agencies and organizations copied on this correspondence herein by this reference.

Churchill County

It is my understanding that during the initial Project Scoping phase of the EIS, Churchill County suggested a “Limited Impact Alternative” to the Navy that would have reduced your Plan’s impact on the County. The Alternative proposal was deemed inconsistent with your Plan’s “purpose and need”, and not further analyzed to be included in the DEIS. Considering that the vast majority of your Plan’s footprint will be in Churchill County, it is at odds with the fundamental objective of the NEPA/EIS process to dismiss input with a conclusion that lacks any explanation as to how the subject input was compared to and analyzed with the specific purpose and need which also was not identified. Global conclusions without supporting analysis and explanation effectively abolish the NEPA process.

My conclusion is further strengthened when considering the fact that Churchill County requested that any impacts that could not be avoided should be minimized or mitigated. It is my understanding that the County believes that many of these impacts were not minimally

considered in the DEIS. To illustrate this, while the Affected Environment and Environmental Consequences in Chapter 3 of the DEIS were approximately 800 pages, the Management Practices, Monitoring, and Mitigation included in Chapter 5 were only 17 pages. Such a brief response to these impacts goes to reinforce my concerns that while the Navy is receiving comments and input, very little seems to be given full consideration.

I appreciate your consideration of the comments and concerns addressed above. Kindly advise.

Cordially,



Mark E. Amodei
Member of Congress

CC:

Governor Steve Sisolak
Brad Crowell, Nevada Department of Conservation and Natural Resources
Tim Wilson, Nevada State Engineer (Acting)
Richard Perry, Nevada Division of Minerals
Len George, Chairman of the Fallon Paiute-Shoshone Tribe
Amber Torres, Chairwoman of the Walker River Paiute Tribe
Jon Raby, Nevada BLM State Director
Terri Edwards, Bureau of Reclamation Lahontan Basin Area
Doug Busselman, Nevada Farm Bureau
Sam Mori, Nevada Cattlemen's Association

F.2.2.1.1 Response

Thank you for your participation in the National Environmental Policy Act (NEPA) process. Your comment has been included in the official project record. Public comments received during scoping and review of the Draft Environmental Impact Statement (EIS) are an important part of the NEPA process. The purpose of the public comment process is to provide members of the public an opportunity to submit their comments and concerns regarding the Proposed Action, alternatives, and the analysis of potential environmental impacts. The Navy reviewed all comments submitted during the scoping periods (August 26, 2016 through December 12, 2016) and during review of the Draft EIS (November 2018 to February 2019). All comments received are included as part of the administrative record for the project. Many commenters noted they submitted comments during the scoping process of the EIS but never received a formal response. Although the Navy is not required under NEPA to respond to scoping comments, the Navy did consider all scoping comments in preparing the Draft EIS and used them to shape the breadth and depth of the analysis in the Draft EIS. Section 1.9 (Public and Agency Participation and Intergovernmental Coordination), summarizes the public scoping comments received during the 2016 scoping efforts.

The Navy recognizes the efforts of all Cooperating Agencies as well as members of the public who participated in scoping or ongoing meetings to assist in the development of the Draft EIS. Through this

process, the Navy received many suggestions for alternatives or for actions that could reduce potential impacts to particular resources. The Navy examined each proposed alternative or action scenario (whether generated internally or proposed by members of the public or other commenting parties) to determine if it was feasible and met the purpose of and need for the project to provide required land for military training and the screening factors presented in Section 2.2 (Screening Factors). Chapter 2 (Section 2.5.3, Alternate Training Locations) of the EIS discusses in detail various alternatives that were considered (including alternatives brought up in public comments). Those alternatives or actions that were determined to be feasible and met the purpose and need for the project were carried forward for analysis and if necessary, based on the level of impacts, additional management practices, mitigation, or other impact avoidance/minimization measures were included to further avoid, minimize, or mitigate impacts.

While not presented in the Draft EIS, the Navy has added procedures and future processes to the Final EIS that it would implement pending any ultimate Congressional decision on the Proposed Action, on a case-by-case basis for mitigation, minimization, and avoidance of impacts to resources such as livestock grazing, water rights, recreation, socioeconomic impact, and cultural resources as applicable. The Navy has added tables applicable to each resource section discussing suggestions that were considered and reasoning by the Navy for classifying each suggestion as “eliminated,” “existing,” “incorporated,” or “under consideration.” If the suggestion was “incorporated” the Navy did not define this as a true mitigation, but rather included it as part of the Proposed Action itself. If the suggested was not included, the reasoning and criteria used for elimination is presented. The Navy evaluated every suggestion that it was provided and has provided rationale and explanations within Chapter 2 (Chapter 2.5, Alternatives Considered but Not Carried Forward for Detailed Analysis) or in each resources section within Chapter 5 (Mitigation).

This process was repeated following issuance of the Draft EIS. Comments received on the Draft EIS from public stakeholders--citizens, elected leaders, American Indian tribes and nations, regulatory agencies, and other interested parties--were used to revise and refine the analysis in the Final EIS. In response to public comment, the Navy carefully analyzed public suggestions for other basing and training solutions to the Proposed Action, reviewed reports and other documents prepared by independent sources, and made changes to the analysis and conclusions as applicable during the preparation of the Final EIS. The Navy documented public stakeholder engagement and how public comments were used to change and refine the analysis, as described in Section 1.9 (Public and Agency Participation and Intergovernmental Coordination). The Navy addressed all comments submitted during the Draft EIS review period with a response in the Final EIS.

In addition to public review, the Draft EIS was reviewed by the U.S. Environmental Protection Agency, Federal Aviation Administration (FAA), U.S. Fish and Wildlife Service, Nevada Department of Wildlife, Nevada Department of Minerals, Nevada Department of Agriculture, Nevada Department of Transportation, Nevada Governor’s Office of Energy, Churchill County, Nevada, Eureka County, Nevada, Lander County, Nevada, Mineral County, Nevada, Nye County, Nevada, Pershing County, Nevada, Nevada’s State Historic Preservation Office, and numerous other interested parties. The comments were used to inform the final analysis and ensure the Navy has a complete analysis addressing topics important to the public.

In accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments; DoD policies; the National Historic Preservation Act; and Navy instructions, the Navy engaged in Tribal consultations during scoping, during the public comment period for the Draft EIS, and following release of the Draft EIS. The Navy invited culturally affiliated Tribes to take part in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Tribes to (1) participate in project meetings, (2) provide additional information related to cultural resources, and (3) provide internal document review (e.g., of the Class III Cultural Resources Inventory Report) during the development of this Draft EIS.

With regards to grazing, the Navy deliberately presented a range of potential AUM impacts in order to capture minimums and maximums in determining potential socioeconomic impacts. This restrictive analysis is described in Section 3.4 (Livestock Grazing) and Section 3.13 (Socioeconomics). The BLM provided the Navy with guidance on how to estimate the potential change in AUMs to existing livestock grazing allotments. The Rangeland Administration System (RAS) is the BLM's system that provides publicly available information on grazing allotments and the Rangeland Improvement Project System (RIPS) is the active BLM internal repository of all physical projects that occur on BLM administered lands. RAS was used to collect data about each allotment and RIPS was utilized to identify water sources. Rangeland production data was sourced from BLM which utilizes the Soil Survey Geographic Database (SSURGO) developed by the National Cooperative Soil Survey. The Navy then verified and updated this information with the support of the BLM Stillwater Field Office and the Humboldt Field Office.

The BLM identified the following restrictions for estimating a change in AUMs, which were used to provide a range of AUMs lost per allotment to the Navy: (1) Percent of allotment closed from livestock grazing (2) Percent of allotment with a greater than 30 percent slope (3) Percent of allotment that is greater than four miles from water (4) Percent of allotment with an annual forage production per acre of less than 100 pounds (5) Percent of allotment with an annual forage production per acre between 100 pounds and 300 pounds (6) Percent of allotment with an annual forage production per acre greater than 300 pounds.

A restrictive analysis was then performed using the following five scenarios: 1) No Restrictions Scenario; 2) Less than 30 Percent Slope; 3) Less than 30 Percent Slope and Less than 4 Miles from Water; 4) Less than 30 Percent Slope, Less than 4 Miles from Water, and Greater than 100 pound/acre of Forage per Year; 5) Less than 30 Percent Slope, Less than 4 Miles from Water, and Greater than 300 pound/acre of Forage per Year. Each scenario was run to establish a range of potential AUMs lost per allotment for each of the Navy's action alternatives. Losses of AUMs were rounded up to the nearest whole number. The scenario that produced the lowest number of AUMs represented the lowest value of the range of AUMs (minimum) and the scenario that produced the highest number of AUMs represented the highest value (maximum). The result is a range of AUMs that could be lost from the implementation of each alternative. At the time of the Draft EIS release, the document only noted that the Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit.

The Final EIS has been amended to further describe the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to

provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

The following information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

Payment for Losses

The Navy would first consider costs associated with obtaining replacement forage and otherwise restoring/maintaining a permittee's existing operational capacity. Working with BLM and the permittee, the Navy would determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs could include, but would not be limited to, preparing new allotment applications; complying with BLM environmental requirements and water rights studies; procuring private market replacement forage; shipping or transporting forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transferring of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime while restoring and/or relocating operations; and any other costs identified, which would be properly payable under 43 U.S.C. section 315q.

Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy would make a good faith estimate of the financial impact the loss of that individual's permit would be expected to have on his or her ranching operation. The Navy would ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information would be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the information shared is incomplete, the Navy would make an estimate of the value of the losses based on existing information from other sources.

It is possible that a payment amount would be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment would be based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity would first be determined, and the remaining payment amount would then be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.

Payment for Allotment Improvements

Improvements such as corrals, fencing, wells, and other appurtenances that cannot be relocated are considered real property, similar to a building. The Navy would appraise the value of all real property owned by a permit holder and would offer fair market value for the purchase of any such real property. Equipment, such as relocatable water tanks, is not considered real property, and the permit holder would be afforded an opportunity to remove their equipment prior to cancellation of a permit.

Timing of Permit Cancellation

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that BLM cancel any permit would be October 1, 2020.

If the Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.

With regards to Churchill County's "Limited Access Alternative", items therein were considered in the development of Alternative 3. However, some components (or the Alternative in full) could not be accommodated due to incompatibility with the Navy's need to provide sufficient land for military training and range safety requirements (see Section 1.4 [Purpose of and Need for the Proposed Action]). As presented earlier, Chapter 2 (Section 2.5.3, Alternate Training Locations) of the EIS discusses various alternatives the Navy considered, including those suggested by the public. The EIS provides screening criteria in Section 2.2 (The Navy has received additional comments from Churchill County following the issuance of the Draft EIS and has evaluated potential inclusion of their additional suggestions. Churchill County was involved in numerous Cooperating Agency meetings between the Draft and the Final EIS, and participated in workgroups between numerous Cooperating Agencies and the Navy to coordinate and determine processes and actions that can be incorporated into Action Alternatives. Through this iterative process, the Navy strived to achieve a balance between potential impacts and meeting its mission requirements.

F.3 State

This section contains comments from state agencies received during the public comment period and the Navy's response to those comments. Letters, written comments, and emails are presented as received by the Navy in picture form with responses immediately following in text after that presentation. Comments submitted on the website are shown in tables and organized alphabetically by commenters names, followed by their comment, with pictures of attachments if applicable, and the Navy's response in the final right-hand column of the table or after the attachment is presented. Enclosures to comments or other background information included along with the public's comments are not pictured in this appendix. Responses to these comments were prepared and reviewed for scientific and technical accuracy and completeness.

F.3.1 Letters, Written Comments, and Emails

F.3.1.1 Baumann, J. (Nevada State Grazing Board District N-6)

Nevada State Grazing Board District N-6
C/o Jim Baumann, Chairman
PO Box 308
Eureka, NV 89316

TELEPHONE: (775) 237-5452

January 4, 2019

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

RE: Fallon Range Training Complex Modernization Draft EIS

To Whom It May Concern:

The N-6 Grazing Board is an eleven member board, political subdivision of the State of Nevada under NRS 568. Ranchers and ranching families that operated within the N-6 Grazing District will be severely affected by the Fallon Range Training Complex (FRTC) Modernization. Today at our meeting, we unanimously found that the Draft EIS (DEIS) does not adequately analyze and consider the proposed actions' impacts to these ranches adjudicated forage base, water rights, and rights-of-way nor does the DEIS outline proper mitigation or compensation for unavoidable impacts and takings.

Allotted Grazing and Appurtenant Water Rights and Rights-of-Way Are Private Property

The economic value of the affected ranches is highly dependent upon the grazing permit on the impacted allotments. These ranches appraise at a higher rate than they would be appraised if no permit existed and the grazing permit and appurtenant water rights are considered part of the realty (i.e., real, private property). In fact, the affected ranchers hold deeds, liens, and operating loans that consider grazing permit and water rights on the allotment as private property collateral with real value. The IRS also considers the permit as a taxable property interest. As noted above, financing institutions, whose support is critical to continued livestock grazing and agricultural operations, consider the existence of the permit, and the reasonable expectation of land use which emanates therefrom, as an indispensable factor in determining to extend and continue financial support. Grazing permits are capitalized into the value of a ranch, so that when a buyer purchases a ranch, he actually pays for livestock production stemming from the private and federally managed lands, as well as additional property in the form of water rights, rights of way, and improvements also on both private and federally managed land areas.

The grazing on the allotments was recognized by Congress as having the character of a property right, interest or investment backed expectation when it enacted that portion of the Taylor Grazing Act which is found in 43 U.S.C § 315 (b) guaranteeing renewal of permits if denial of the permit would "impair the value of the grazing unit of the permittee, when such unit is pledged as security for any bona fide loan." Under the Taylor Grazing Act, a grazing permit is considered private property and is mandatorily attached to private "base property" – land or water.

Allotments in Nevada, including those at issue here, were originally identified and adjudicated on the basis of water ownership. The "right to graze" is a property interest appurtenant to livestock watering rights. All property, including water rights, is founded in the power of the State of Nevada, even property existing within lands controlled by federal agencies. The nature of Nevada water rights reflects the split estate concept developed on western lands under Mexican law and continued with the establishment of the United States. The interest created in and owned by predecessors on these allotments is a portion of the "surface estate" of the split estate. McIntosh (2002) further describes this right in terms of the travel by livestock to the place where a livestock watering right is used has established livestock grazing rights-of-way for access to each water source that is based on the normal travel of livestock that are grazing as they approach or leave the water location. The split estate is further demonstrated by the stockwatering rights I/we possess on the allotment. My/our property ownership includes a "bundle-of-rights." McIntosh (2002) quotes a legal dictionary in defining the bundle-of-rights as: "...the collection of rights that constitute fee ownership in an object or realty (or interests in real estate). The bundle-of-rights includes, but is not limited to, the right to: sell, lease, use, give away, exclude others from and to retain. The bundle-of-rights is the list of options that an owner can exercise over his property." The term "fee" refers to the quality and character of ownership in a property.

Part of the bundle of rights on these allotments are rights-of-way established prior to 1976 to allow access to the various infrastructure and water rights on the allotment. These include Revised Statute (RS) 2477 rights-of-way for travel and access and RS 2339 rights-of-way for water storage and conveyance (ditches, dams, pipelines, etc.).

There are many other sources not referenced above defining the private property-nature of these grazing allotment, stockwater rights, and rights-of-way on the allotment.

Take Every Effort to Avoid and Minimize Impacts

We understand that the National Environmental Policy Act (NEPA), under which the EIS is being developed, outlines a general policy of "Avoid, Minimize, and Mitigate." Please incorporate adequate avoidance and minimization options in the proposed action and analyze such in the Final EIS. Please better work with affected ranchers to identify and implement all economically and technically feasible options to avoid and minimize impacts to these ranching operation at a ratio of 1:1 (i.e., completely balance negative impacts). This could include the following options:

1. Through close coordination and scheduling, where possible, allow continued grazing;
2. Minimize ground operations when livestock are present to avoid hazing, livestock stress, road degradation, unwanted spreading or moving of livestock, etc.;
3. Provide alternate livestock forage (may include seeding) on other federally administered land which the ranch is authorized to graze livestock;
4. Provide a livestock forage seeding on other private land owned/controlled by the ranch;
5. Provide alternative livestock watering source(s) on federally administered land which the ranch is authorized to graze livestock where forage was previously unused or underused due to lack of a viable water source or to replace water that would be now inaccessible due to the Modernization;

6. Provide an alternative livestock watering source on private land owned/controlled by the ranch, in any area where forage was previously unused or underused due to lack of a viable water source or to replace water that would be now inaccessible due to the Modernization;
7. Implement a Rangeland Improvement Project on federally administered land which the ranch is authorized to graze livestock which would improve livestock production, forage availability, or rangeland condition (e.g., fencing, weed control, brush management); , vegetation management); and/or
8. Implement a project on private land owned/controlled by the ranch which would improve livestock production, forage availability, or rangeland/ranch condition (e.g., fencing, weed control, brush management).

If any of the above actions are implemented and require a water right, the right must be held in the affected ranch's name.

Monetary Compensation If Avoidance and Minimization Cannot Fully Mitigate Impacts

We wish to keep all ranches in Nevada intact. However, if after closely working with the affected ranchers, it is determined that none of the avoidance and minimization measures outlined above can be implemented or the impact is not totally offset by the above avoidance and minimization measures, the Navy must mitigate the forage loss and loss of access water rights through direct monetary compensation. In fact, Congress has mandated compensation for grazing "losses" due to military withdrawals in 43 US Code, Title 43, Chapter 8A, Section 315q¹.

There have also been many efforts completed, including many in Nevada and many NEPA documents, quantifying the value of grazing permits and livestock forage. There are also many examples of precedence in Nevada (and elsewhere) where entities, including the military, have done the right thing and compensated loss of grazing forage and water rights. This includes many mining projects and the Air Force at Nellis Air Force Base and Nevada Test and Training Range. The Navy must follow Congress' mandate and other precedent and do the right thing by adequately compensating ranchers, in a manner that is "fair and reasonable," for the lost economic outputs due to loss of forage and water access that will exist forever.

Sincerely,



Jim Baumann, Chairman

¹ Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be canceled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States. (July 9, 1942, ch. 500, 56 Stat. 654; May 28, 1948, ch. 353, § 1, 62 Stat. 277).

F.3.1.1.1 Response

Without agreeing with or otherwise addressing the various assertions made within the comment to the effect that grazing pursuant to a federal permit is or has been recognized by Congress as having the character of a property right, the Navy acknowledges that it has the authority under 43 United States Code section 315q of the Taylor Grazing Act of 1934, as amended, to make payments to federal grazing permit holders for losses suffered by the permit holders as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes. This authority has been incorporated into the Proposed Action. The Final EIS discusses the process that the Navy is proposing to use to determine payment amounts to each specific grazing permit holder for losses resulting from cancellation of their permits.

The Navy, as part of the proposed action, would acquire water rights within the proposed withdrawal areas if the water right can be maintained for beneficial use. If a condition of the water right can be modified (e.g., the point of use moved outside of the withdrawal areas), then the water right would not be acquired by the Navy. If wells are associated with the water right, then the Navy will evaluate on a case-by-case basis the disposition of the well (e.g., continued beneficial use or capping of the well). The Navy acknowledges that there may be impacts that have yet to be defined and that it would continue to develop and incorporate mitigation measures as necessary.

The Navy has been working with ranchers on a case-by-case basis with meetings to discuss the potential for grazing on training ranges. However, it was determined that providing for and scheduling ongoing grazing on bombing ranges would not be compatible with safety or the Navy's training requirements. Pursuant to 43 United States Code section 315q of the Taylor Grazing Act of 1934, as amended, the Navy would make payments to federal grazing permit holders for losses suffered as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes. The Final EIS (Chapter 2 and Section 3.4 [Grazing]) discusses the valuation process that the Navy is proposing to use to determine payment amounts to each affected grazing permit holder for losses resulting from cancellation of their permits.

Alternative 3 (the Preferred Alternative) would grant limited public access to the extent compatible with mission training requirements and public safety. Certain types of water development, mining, and geothermal development would be allowable in the DVTA. Grazing would also continue to be allowed in the DVTA. Because of public safety concerns, areas defined as WDZs are not compatible with public access, but the Navy would allow for wildlife management, cultural visits, bighorn sheep hunting, and events that are pre-coordinated with the Navy.

The BLM has worked with the Navy as a cooperating agency on the EIS. The BLM has not identified any RS2477 roads in the areas requested for withdrawal or proposed for acquisition. The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a

certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.

The Navy also recognizes the inputs of the public regarding suggestions for how to avoid, minimize, or mitigate potential impacts. While not presented in the Draft EIS, the Navy has added procedures and future processes to the Final EIS that it would implement pending any ultimate Congressional decision on the Proposed Action, on a case-by-case basis for mitigation, minimization, and avoidance of impacts to resources such as livestock grazing, water rights, recreation, socioeconomic impact, and cultural resources as applicable. The Navy has added tables applicable to each resource section discussing suggestions that were considered and reasoning by the Navy for classifying each suggestion as "eliminated" "existing," "incorporated," or "under consideration." If the suggestion was "incorporated" the Navy did not define this as a true mitigation, but rather included it as part of the Proposed Action itself. If the suggested was not included, the reasoning and criteria used for elimination is presented. The Navy evaluated every suggestion that it was provided and has provided rationale and explanations within Chapter 2 (Chapter 2.5, Alternatives Considered but Not Carried Forward for Detailed Analysis) or in each resources section within Chapter 5 (Mitigation).

F.3.1.2 Conrad, J. (State of Nevada Department of Agriculture)

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February 20, 2019

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RE: Nevada Department of Agriculture Comments to the Fallon Range Training Complex (FRTC)
Modernization Project Draft Environmental Impact Statement (DEIS)

FRTC Modernization Project Team and Captain Halloran,

We appreciate the ability to provide feedback regarding issues that impact the food and agriculture industry in the state of Nevada. Although specific comments are provided in the attached matrix, we would like to highlight some of the overarching themes of concern:

- Given past and recent history with both the FRTC and Nellis Training Ranges, the department remains very concerned about the potential for increased fire starts and wildfire spreading from training areas and bombing ranges onto adjacent private and public lands. Every effort needs to be made to strengthen wildfire pre-suppression (i.e. fuel breaks, suppression plans and available apparatus), suppression (initial attack, coordination with local, state and federal teams) and post-fire rehabilitation (use of wildfire resistant plant species, including desirable non-native species, and methods to minimize flammable invasive plant species).

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- The Navy should develop and implement an Integrated Vegetation Management Plan and Program across all resource areas (B-17, DVTA, B-20, B-19, NDA Fallon, B-16, SHOAL site). Such a plan would describe procedures and protocols for utilizing appropriate seed mixes (native and adapted) to control flammable invasive annual species (cheatgrass) and establish more fire-resistant vegetation. In addition, establishment (i.e. use of temporary irrigation) and maintenance (mechanical or biological harvest of biomass, herbicide, etc.) of desirable vegetation is a must. Finally, a robust monitoring and adaptive management program is key to continued success.
- NDA is opposed to the statement that, *no mitigation measures are proposed for livestock grazing*. Public land grazing is a critical component to the state economy as many ranches affected by this proposed action utilize public lands which constitute a majority of their grazing activity. Ranching operations are the backbone of livestock industry in the state and contribute not only to the local economy through taxes and sales, but significantly to the exports of the state. Beef cattle is the number one agricultural export commodity counting for approximately 31% of all agriculture production exports.
- Water resources are critical to ranching and agricultural practices. Impacts and loss of those resources should be evaluated and then mitigated for. It's unclear how the no action alternative could have significant impacts on water resources while the other alternatives would not as shown in table 9 on page 20 of the executive summary.
- The department disagrees with the conclusion that there are no significant impacts on socioeconomics from any of the alternatives. In the affected counties, the farm related earnings equate to \$8,756,000.00. Any loss of ranching operations would directly affect earning and tax income to those counties. The average market value of sales per farm in these counties is over \$235,000.00. With the potential loss of over 10,900 Animal Unit Months (AUM) by the proposed alternative, the impact is significant.

Thank you for the opportunity to comment on the Fallon Range Training Complex Modernization Project Draft Environmental Impact Statement. We look forward to continued engagement on this important issue.

Sincerely,



Jerri Conrad
Interim Director

F.3.1.2.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. With regards to your comment about fire and fire starts, the Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). A Vegetation Management Plan is being developed as part of the Wildland Fire Management Plan that the Navy is currently developing with input and coordination of Cooperating Agencies, to include the Nevada Department of Agriculture.

With respect to potential impacts to grazing, the following specific grazing mitigations would be implemented under all action alternatives. Policies and procedures in the NAS Fallon INRMP would continue to be implemented to avoid conflicts with livestock grazing. This includes routine monitoring of fence lines surrounding potentially hazardous areas to ensure that the fence is secure and cannot be crossed by people or animals; the monitoring area would be increased to include new perimeter fences on lands proposed for withdrawal. The Navy is proposing to provide funds for BLM to hire two Conservation Law Enforcement Officers who would assist with management of the additional area. The Standard Operating Procedures for handling cattle on the FRTC training ranges would be revised and implemented. Livestock friendly erosion controls would be used when performing construction activities on or adjacent to grazing land that is actively being used.

The Navy acknowledges that it has the authority under 43 United States Code section 315q of the Taylor Grazing Act of 1934, as amended, to make payments to federal grazing permit holders for losses suffered by the permit holders as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes. This authority has been incorporated into the Proposed Action. The Final EIS (specifically Section 3.4.3.2 [Alternative 1: Modernization of the Fallon Range Training Complex]) discusses the process that the Navy is proposing to use to determine payment amounts to each specific grazing permit holder for losses resulting from cancellation of their permits.

Private water rights would be purchased as real property as necessary. Acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority or the expertise to assist water rights holders with any other water rights actions (i.e. change applications).

With regards to conclusion statements regarding socioeconomics, Section 3.13 (Socioeconomics) of the Final EIS has acknowledges both local and regional socioeconomic impacts as a result of grazing. However, the Final EIS makes a conclusion of no significant impact to socioeconomics.

Please see the Navy's responses to specific comments provided via table in Table F-2.

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-1	3.4.1.1	The region of influence (also referred to as Study Area) includes all land that are within or adjacent to 11 the proposed FRTC withdrawal areas for the Bravo (B) ranges and training areas.	Clarify the term "...all land..." in this sentence. It appears the analysis area includes any grazing allotments within or immediately adjacent to proposed withdrawal areas, and this should be made clear here.	The sentence has been revised as so, "The region of influence includes grazing allotments on lands within or adjacent to the proposed FRTC withdrawal areas for the Bravo (B) ranges and the Dixie Valley Training Area (DVTA) (Table 3.4-1) and includes lands that may not be actively grazed by livestock."
3.4-2	3.4.1.3	The Navy supplemented this effort by working closely with rangeland management specialists at the BLM Field Offices. A physical records search of the potentially affected BLM allotments and permittee files was conducted in the summer and fall of 2017. In	Please made clear who "most" of the affected permittees and allotments include. Any permittees not consulted or allotments not field verified should be disclosed and permittees given the opportunity to provide supplemental information to fully inform this analysis of the impact of this proposed action.	The Navy wishes to clarify that field-verification has not yet occurred and meetings with allotment holders are ongoing. The Navy has conducted meetings and would continue to work with allotment holders as part of the valuation process, and all allotment holders either have been or will be consulted and afforded an opportunity to provide supplemental information. However, the Navy does not intend to publicly disclose the names of these private parties.

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-2	3.4.1.3	Required Addition	<p>This section also needs to analyze the impacts to range improvements (fencing, corrals, water sources, etc.). Per 43 CFR 4120.3-6(C) reasonable compensation must be provided to the permittee for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee on subject public lands.</p> <p>The other major gap in the approach, is describing the total impact that the loss of grazing privileges (AUMs) has on overall ranching operations. For instance, some losses may be significant enough that a Ranch, including private lands and other allotments are no longer viable.</p>	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p>

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein.</p>

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action. The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process would also be used to determine the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-2	3.4.1.3	The Navy obtained Geographical Information System (GIS) data for each affected allotment from the BLM in November 2017.	The BLMs shape files are not always completely up-to-date, particularly in regards to range improvements (stock water infrastructure, fencing, corrals, etc.). Have permittees, BLM Range Cons, or others reviewed this information in order to verify completeness and accuracy? If not such exercise has been completed we suggests completing such an exercise in order to maximize accuracy of the analysis and quantification of the impacts.	The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses.
3.4-3	3.4.1.3.1	<ul style="list-style-type: none"> • Percent of allotment closed from livestock grazing 1 • Percent of allotment with a greater than 30 percent slope 2 • Percent of allotment that is greater than 4 miles from water 3 • Percent of allotment with an annual forage production per acre of less 	Determining the loss of AUMs SHOULD not only be calculated as outlined in this section but should also account for the loss of winter allotments. 11 of the 14 allotments are winter range. This type of allotment is harder to find and losing it or a portion of it will either mean a direct reduction in livestock operated or increase in cost of wintering by having to feed hay or truck animals. Determining the loss of AUMs should account not only for direct calculations but for the compounding affect. Meaning if a producer used to run 100 head and now is reduced to 30 are they going to continue to operate? What is the cost of feeding hay or trucking. It is also not cited where the criteria came from for the calculations and delineations of AUM loss. Each of these criteria should be cited.	The Navy has acknowledged the higher value of winter allotments and has included this parameter in the valuation process to be followed after any ultimate Congressional decision. AUMs were used to assess the overall socioeconomic impacts to the agricultural industry in each county, they will not be used to assess the value of allotments on a case-by-case basis. The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses.

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) For instance, was forage production based upon NRCS Ecological Site Descriptions or some other method. Have range improvements such as "water" been verified with the permittees or against water right files, etc. Please work with the BLM to determine if the original forage allocation mapping and information can be found in order to compare this analysis to it and the original forage allocations when the allotments were first established and/or any subsequent amendments if such information is available.	
3.4-3	3.4.1.3.1	The BLM would complete site-specific environmental analysis for each allotment prior to taking any action concerning such allotments based on any alternatives implemented based on this EIS.	At whose expense will this analysis be completed: BLM, the permittee (via cost recovery account with the BLM as part of a permit renewal), etc. Was this included in the economic analysis as far as impacts to the producer if the cost associated with this lands on the permittee?	The Navy anticipates the costs of such environmental analysis would be paid by BLM. The Navy anticipates making payments directly to affected permittees to cover certain costs such permittees may incur in seeking to obtain replacement forage or otherwise restore/maintain their existing operational capacity, as discussed in Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex) of the FEIS.

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-3	3.4.1.4	In particular, the public was concerned about potential losses of AUMs, winter grazing lands, and rangeland improvements (wells, tanks, and pipeline) that could result from the Proposed Action.	NDA is greatly concerned about the loss of water rights associated with grazing operations as well as the impact to the states customs and culture (i.e. potential loss of multi-generational family ranches).	The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy would value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.
3.4-4	3.4.1.4	The Navy met with several of the potentially affected BLM permit holders and interested individuals in October 2017 to discuss potential alternatives and impacts on individual allotments. The Navy will provide the opportunity to meet individually with per	It should be made clear to the public which permittees were present and if some were unable to attend, another opportunity should be afforded so that proper engagement is done with those affected by the proposed action.	The Navy indicates that field-verification has not yet occurred and meetings with allotment holders are ongoing. The Navy has conducted meetings and will continue to work with allotment holders as part of the valuation process. Internal records of contacts are maintained by the Navy, but plan to keep this particular information outside of the public domain.
3.4-4	3.4.2	Some grazing areas may lose available acreage as urban areas expand, which ensures a continual demand for areas that will remain open to livestock grazing in the foreseeable future (Bureau of Land Management, 2014).	Loss of grazing due to urban development isn't much of an issue in the area of influence for this project. Losses associated with regulatory changes, wildfire and subsequent conversion to invasive annual grasses are much more of an issue in this region.	This part of the document has been relocated to the Socioeconomics Section in Section 3.13 in the Final EIS.

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-5 & 6	NA		It should be clarified that "Period Begin" and "Period End" are defined in grazing permits. Suggest adding the % of the allotment that is affected by the proposed withdrawals in this table. Finally, with a footnote, add the definition of "Maintain, Custodial and Improve".	Table 3.4-1 presents the existing allotment information. Details regarding the acreage and percentage thereof that is potentially impacted by each alternative is presented in Table 3.4-3 (Alternative 1), Table 3.4-4 (Alternative 2), and Table 3.4-6 (Alternative 3). The management status definitions are included in the footnote section of Table 3.4-1 of the Final EIS as footnote 3.
3.4-7	3.4.2	rangeland improvement projects have been implemented within the region to aid in the control of	For added clarity, provide an example of "rangeland improvement projects" (i.e. fencing / cattleguards, stock water development, corrals, seedings, etc.)	The recommended clarification has been incorporated into the Final EIS.
3.4-8	3.4.2	Historic overgrazing has contributed to the establishment of invasive plant species within the region of influence (Eiswerth & Shonkwiler, 2006). Current livestock management and regulations have diminished overgrazing throughout the region and reduced t	It should be clarified that most "overgrazing" was a historic occurrence which has been greatly diminished based on current management and regulations. . It should be clarified that the establishment of invasive plant species is primarily driven by wildfire, not livestock. Finally, not only can grazing be used as a management tool, it is also a very inexpensive means of managing and controlling fuels and wildfire which contribute to the spread of invasive annual grasses.	These issues were addressed in the Draft EIS in this same paragraph and are addressed in the discussion in the Final EIS, as shown, "Historic overgrazing and wildland fires have contributed to the establishment of invasive plant species within the region of influence. Current livestock management and regulations have diminished overgrazing throughout the region and reduced the spread of invasive species. Grazing may be used as a habitat management tool as well as an effective tool to reduce the potential for wildfires, which could potentially lessen the spread of invasive grasses."

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-10	NA		Cite the source for locating "well locations", and also include valid water rights through the Nevada Division of Water Resources. Inclusion of existing range improvements such as pipelines, water tanks/troughs, water haul/stock ponds, fencing, cattle guards, corrals, and fencing should be added. These improvement have been developed by permittees in coordination with the BLM and represent a monetary investment. Changes to the allotments will also require changes, relocation or loss of such improvements.	The Navy has revised the Final EIS such that all water related information is described and presented in Section 3.9 (Water Resources). Citations and references have been included in that particular section
3.4-10	3.4.2.1	In addition, 39 wells are within the proposed boundary of B-16, five of which were identified as being used for stock water and are shown in Figure 8 3.4-1. The remaining wells are used for a variety of purposes, including domestic uses, testing, and moni	Please cite the source for identification of the 39 wells. Also, are there any surface water rights located in this area? Finally, please reference where other "wells" with other "uses" are analyzed in the document.	The Navy has revised the Final EIS such that all water related information is described and presented in Section 3.9 (Water Resources). Citations and references have been included in that particular section
3.4-14	3.4.2	Livestock grazing has had an important and historical role in the State of Nevada and continues to represent cultural traditions that influence day-to-day life for many individuals and families in the State, and especially in its rural areas.	This point should be better emphasized in this Section and also in the Section on Socioeconomics.	The recommended change has been incorporated into the Final EIS.

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-14	3.4.2	The management status of allotments within the region of influence are identified as belonging to one of three objective categories: maintain, improve, and custodial (Bureau of Land Management, 15 1982).	These terms, "maintain, improve and custodial" should be defined and explained in terms of pertinence to the analysis of loss of AUMs.	Table 3.4-1 includes the definition of management status as footnote 3 of the table.
3.4-17	3.4.3	the elimination of livestock grazing could potentially affect biological communities, decreasing the competition between livestock and wildlife for resources, and potentially could have a positive impact on some plant communities.	The insinuation that proper livestock competes negatively with wildlife and causes negative impacts to plant communities is not accurate or relevant in this document, and if are used in the further citations are warranted. The removal of livestock grazing could also result in increased fuel loads, resulting in increased fire risk (particularly in the face of increased use of explosives), and the further spread and domination of annual invasive species resulting in a degraded ecological state and degraded wildlife habitat.	This point has been revised as follows due to the discussion referenced by the comment residing more in other sections of the Draft and Final EIS then in the Grazing section of the document, "As stated earlier in this section, livestock grazing has had an important and historical role in the State of Nevada and continues to represent local customs and cultural traditions that influence day-to-day life for many individuals and families in the State, especially in its rural areas. As discussed in Section 3.13 (Socioeconomics), the most direct economic effects of such changes would be on livestock grazing permittees. In addition, Section 3.10 (Biological Resources) discusses the elimination of livestock grazing in the areas requested for withdrawal or proposed for acquisition and potential impacts to biological communities. Additionally, Section 3.10 addresses how the removal of livestock grazing could result in increased fuel loads, which would increase fire risk and would prevent the use of livestock grazing to minimize the spread of annual invasive species."

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-20	3.4.3.2.2	Expanding B-17 under this alternative would result in a loss of between 5,017 and 5,697 permitted AUMs from five BLM allotments.	Please report what % of the authorized AUMs this loss represents within the Carson City District of BLM? Also, this impact analysis does not include any quantification as to the loss of range improvement or loss of stock water rights (considered private property in Nevada), nor does it identify if these losses would result in multi-generational family ranches going out of business, which would impact the local customs and culture. These impacts must be disclosed before an accurate analysis of the impact's "significance" can be conducted and conclusions reached based on the Navy's own stated criteria on page 3.4-16.	<p>The AUM discussion has been moved to the Socioeconomic section (Section 3.13) of the Final EIS, as that section more heavily relies on the AUM discussion for its analysis. However, in the Socioeconomics section of the EIS, the Navy states that within the BLM Carson City District, the action under Alternative 1 and 2 would result in a loss of up to approximately 6.23 percent of AUMs and would result in a loss of up to approximately 6.58 percent under Alternative 3.</p> <p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee. Land acreages have been revised as a result of reducing the acres requested for withdrawal. AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis. The Navy has added the percentage loss of total AUMs in BLM districts and all of Nevada to the Final EIS.</p>

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-21	3.4.3.2	While the BLM would conduct further site-specific evaluations to make a final determination as to whether AUM allowances would need to be adjusted, the Navy estimates that Alternative 1 would result in the loss of between 6,394 and 8,557 AUMs. As depicted	Please also include the % of the authorized AUMs this loss represents within the Carson City District of BLM? Also, this impact analysis does not include any quantification as to the loss of range improvement or loss of stock water rights (considered private property in Nevada), nor does it identify if these losses would result in multi-generational family ranches going out of business, which would impact the local customs and culture. These impacts must be disclosed before an accurate analysis of the impact's "significance" can be conducted and conclusions reached based on the Navy's own stated criteria on page 3.4-16.	The AUM discussion has been moved to the Socioeconomic section (Section 3.13) of the Final EIS, as that section more heavily relies on the AUM discussion for its analysis. However, in the Socioeconomics section of the EIS, the Navy states that within the BLM Carson City District, the action under Alternative 1 and 2 would result in a loss of up to approximately 6.23 percent of AUMs and would result in a loss of up to approximately 6.58 percent under Alternative 3. The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee. Land acreages have been revised as a result of reducing the acres requested for withdrawal. AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis. The Navy has added the percentage loss of total AUMs in BLM districts and all of Nevada to the Final EIS.

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-22-23	NA		To the above comment, does the loss of 70% (Bell Flat Allotment) or 72% (Phillips Well Allotment) of the allotment area result in an allotment that is viable into the future? And if over 70% of the allotment is closed the inclusion of all the loss of AUMs should be analyzed.	The EIS analyzes anticipated impacts associated with a projected overall reduction in the total number of AUMs, but the viability of particular allotments is beyond the scope of this analysis and would need to be determined following the NEPA action. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives. This process is defined in detail in Section 3.4.3.2.6 (Process for Determining Payment for Losses Resulting from Permit Cancellation)

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-25	3.4.3.2.2	Relocating State Route 839 could fragment 11 existing grazing land depending on the route ultimately proposed for its relocation.	This could also result in further reductions of AUMs and/or loss (or need to replace or relocate) range improvements and stock water rights. An initial analysis should be conducted to determine potential affects across the three proposed alignments.	Land acreages have been revised as a result of reducing the acres requested for withdrawal. AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis. The Navy has added the percentage loss of total AUMs in BLM districts and all of Nevada to the Final EIS.
3.4-26	3.4.3.2.2	Expanding B-20 under this alternative would result in a loss of between 868 and 2,125 permitted AUMs from five BLM allotments.	Report what % of the authorized AUMs this loss represents within the Carson City District of BLM? Also, this impact analysis does not include any quantification as to the loss of range improvement or loss of stock water rights (considered private property in Nevada), nor does it identify if these losses would result in multi-generational family ranches going out of business, which would impact the local customs and culture. These impacts must be disclosed before an accurate analysis of the impact's "significance" can be conducted and conclusions reached based on the Navy's own stated criteria on page 3.4-16.	The AUM discussion has been moved to the Socioeconomic section (Section 3.13) of the Final EIS, as that section more heavily relies on the AUM discussion for its analysis. However, in the Socioeconomics section of the EIS, the Navy states that within the BLM Carson City District, the action under Alternative 1 and 2 would result in a loss of up to approximately 6.23 percent of AUMs and would result in a loss of up to approximately 6.58 percent under Alternative 3. Land acreages have been revised as a result of reducing the acres requested for withdrawal. AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis. The Navy has added the percentage loss of total AUMs in BLM districts and all of Nevada to the Final EIS. The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders.

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p> <p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The losses incurred from the loss of the permit to the ranch will be evaluated and the process and procedures for this repayment are outlined in the Final EIS. The Navy has revised the sentence as follows, "Section 3.13 (Socioeconomics) analyzes the socioeconomic impacts of restricting or removing livestock grazing on public lands, the ranching community, and local customs, culture, and economy."</p>
3.4-28	3.4.3.2.6	Therefore, implementation of Alternative 1 would significantly impact livestock grazing.	<p>Typical to all summaries of Alternatives: NDA agrees with the assessment of "significant impacts to livestock grazing". NDA also believes that an assessment of lost grazing infrastructure should be incorporated into this conclusion. Finally, this conclusion does not match the summary offered at the beginning of the analysis section in the text box on page 3.4-16.</p>	The Navy has adjusted the analysis based on draft EIS comments and comments submitted prior to public release from cooperating agencies to include discussion of grazing infrastructure and presents a process by which this infrastructure would be valued following any ultimate Congressional decision on this EIS.

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-41	3.4.3.5.1	proposed addition	Under "Proposed Management Practices" NDA understands the Navy's inability / lack of technical expertise to implement a BLM-style grazing program on the Bravo Ranges. However, the Navy should leave the option open to implement outcome based grazing or targeted grazing practices (as authorized under Navy rules, regulations and policies) to allow for grazing along the perimeter of the WDZs for the purpose of fuels reduction and/or maintenance of fuel breaks. Such a program could allow for watering and supplement locations outside or at the perimeter of the WDZ with targeted grazing along the periphery of the area.	The Navy has looked into the possibility of working with grazing permittees to schedule grazing on ranges extensively during the EIS drafting process. The Navy is unable to allow grazing on bombing ranges due to the needs of the permittees for scheduling and access, as well as public health and safety risks.
3.4-42	3.4.3.5.3	No mitigation measures are proposed for livestock grazing based on the analysis presented in Section 3.4.4 (Environmental Consequences). Although not a mitigation measure, the Navy acknowledges that it has the authority under the Taylor Grazing Act of 1934, as amended, to make payments to permit holders to terminate grazing permits. The Navy has never exercised this authority and is working with BLM to determine whether such payments should be made.	<p>"No mitigation" is completely unacceptable. Every effort should be made by the Navy to keep public land grazing operators impacted by the proposed action "whole" or as close to "whole" as possible. Grazing permittees should be compensated for the following losses:</p> <ul style="list-style-type: none"> • Loss of AUMs; • Loss of range improvements (including but not limited to fences, water pipelines, tanks, gates, corals etc.); and, • Loss of water rights. <p>The Navy should establish a fund to help pay for the cost the permittee will incur for development of a new grazing permit (due to boundary changes and AUM</p>	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the</p>

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			adjustments) and/or allotment management plans as well as costs to implement the additional terms and conditions (i.e. new fencing, relocated or new range improvements, etc.).	<p>funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p>

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) (c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p>

Table F-2: State of Nevada, Department of Agriculture Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>
3.4-42-43	NA	None	NDA agrees with the finding of significant impacts to livestock grazing for Alternatives 1 - 3, and this finding further supports the claim above that mitigation must be implemented in order to reduce such impacts since measures to avoid or minimize impacts to grazing have been found infeasible. Adding a bullet to summarize the loss of range improvements and water rights to each alternative is also needed.	The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee. Land acreages have been revised as a result of reducing the acres requested for withdrawal. AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis. The Navy has added the percentage loss of total AUMs in BLM districts and all of Nevada to the Final EIS.

F.3.1.3 Edwards, T. A. (United States Department of the Interior Bureau of Reclamation Lahontan Basin Area Office)



IN REPLY REFER TO

LO-600
2.2.3.18

United States Department of the Interior

BUREAU OF RECLAMATION
Lahontan Basin Area Office
705 N. Plaza Street, Rm 320
Carson City, NV 89701

FEB 13 2019

FEB 19 '19 PM 3:55

Memorandum

To: Bureau of Land Management, Carson City District
Attention: NAS Fallon FRTC

From: Terri A. Edwards
Area Manager

Subject: Fallon Range Training Complex Modernization – Withdrawal Action – Newlands Project, Nevada

The Bureau of Reclamation, Lahontan Basin Area Office, offers the following comments on the potential new public land order for the Fallon Range Training Complex Modernization:

- Bravo 16, Public Law 106-65 (PL 106-65). PL 106-65 withdraws land currently withdrawn and reserved for use by Reclamation. The reservation grants the Secretary of the Navy the primary reservation for public safety management actions only. The existing Reclamation reservation is the primary reservation for all other management actions. It appears as though Bravo 16 may be closed to the public except for specific management actions. Reclamation currently has a federal delivery/drainage feature which moves water from Sheckler Reservoir through the eastern part of Bravo 16 and ultimately to the Carson Lake and Pasture. Reclamation will need the ability to move water through this facility when the hydrologic conditions warrant. Therefore, Reclamation requests that the current arrangement for management actions for only the federal drainage/delivery feature be retained or the federal drainage/delivery feature will need to be relocated outside the fenced area.
- Bravo 20, Public Law 99-606 (PL 99-606). PL 99-606 withdrew certain public lands for military and other purposes. One of the other purposes was for Reclamation to utilize 14,750 acres for flooding, overflow, and seepage purposes. Bravo 20 is currently used for flooding, overflow and seepage purposes for water from the Humboldt and Carson rivers. Reclamation does not control the amount of water that enters Carson Sink as it is a naturally occurring end point for all water that is not diverted from the rivers by the various water users.

Should you have any questions regarding our comments, please contact Ms. Rena Ballew at (775) 884-8342 or by email at rballew@usbr.gov, or TTY Federal Relay System (800) 877-8339.

F.3.1.3.1 Response

Thank you for your participation in the NEPA process. The Navy recognizes the lands as currently withdrawn by the Bureau of Reclamation for military and other purposes by Public Law 99-606, one purpose of which was for Reclamation to utilize lands for flooding, overflow, and seepage purposes in B-20. The Navy also understands the facilities that are within the B-16 expansion area that are currently managed by the Bureau of Reclamation for flooding. The Navy would allow access to the Bureau of Reclamation to continue coordinating access to the ranges when compatible with training and upon approval of the Navy for flood management where necessary. This information has been added to Chapter 2 of the Final EIS.

F.3.1.4 Perry, R. (Nevada Division of Minerals and Nevada Governor's Office of Energy)



STEVE SISOLAK
Governor

STATE OF NEVADA
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February 12, 2019



RICHARD PERRY
Administrator

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

To Whom it May Concern:

This letter represents the Division of Minerals' comments on the Fallon Range Training Complex modernization draft environmental impact statement (EIS). For the past two years the Division was an active cooperating agency and appreciates the time and effort Navy personnel devoted to the process. The attached comment matrix contains page-by-page comments on the draft EIS from the Division and Governor's Office of Energy. The Division has several broad comments about the process over the past two years, and resulting draft EIS:

1. The Nevada Alternative, which was presented by the Governor to the Secretary of the Navy on August 17, 2017, was not analyzed in the EIS. This was a very detailed alternative prepared by Nevada State agencies that largely excluded DVTA in Dixie Valley. Dixie Valley is significant to Nevada's economy due to the substantial growth potential for the production of minerals, geothermal and solar energy. Navy personnel articulated the need for expansion of bombing ranges, however, the need for the withdrawal of DVTA in Dixie Valley north of highway 50 is lacking any substantive detailed justification.
2. The draft EIS did not quantify the socioeconomic impacts resulting from the reasonably foreseeable geothermal and mining development analysis performed by the Navy's contractor, Golder and Associates. The economic impacts of the FRTC expansion are real and significant. Geothermal and mineral development are likely the largest economic impacts, and there is no economic analysis of this in the draft EIS.
3. There is no clear process outlined for compensation to claimants due to the "taking" of unpatented mining claims and geothermal or oil leases.
4. The cost and impacts of incorporating the required design features for geothermal development west of SR 121 were not evaluated and shown to be economically viable as part of the portrayed mitigation under Alternative 3.

Thank you for the opportunity to comment,

Richard Perry, Administrator

Dennis Bryan; Small-Scale Mining and Prospecting
Mary Korpi, Public at Large
Arthur Henderson; Oil and Gas

Commission on Mineral Resources
Richard DeLong, Chairman; Large-Scale Mining

Nigel Bain; Large-Scale Mining
Robert Felder; Exploration and Development
John H. Snow; Geothermal Resources

F.3.1.4.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. Your specific line-by-line comments are addressed individually in the sub-matrix that follows this comment. Chapter 2 of the Final EIS summarized and presents and summarizes the Nevada Alternative. However, some components of the Nevada Alternative, as suggested, could not be accommodated because they would be incompatible with the need to provide sufficient land for military training and associated range safety requirements (see Section 1.4 [Purpose of and Need for the Proposed Action]). A detailed discussion is provided in Chapter 2, specifically Section 2.5.7 (Governor's Alternative [“Nevada Alternative”]).

The proposed de-designation of portions of Wilderness Study Areas and the need to withdraw areas for the DVTA in Dixie Valley, north of highway 50 is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces (along with other non-hazardous training activities, such as night vision goggle training and low-altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTA, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed. Clarification for why the Navy needs to withdraw additional land in the Dixie Valley has been added to the Final EIS.

Regarding the socioeconomic impacts resulting to the mining industry as a result of the Proposed Action, the Navy’s analysis states that, Alternative 3 would have similar potential impacts as described under Alternative 2. Repositioning the B-17 and DVTA withdrawal area would potentially allow greater access to areas located west of the B-17 expansion area under Alternative 2 for mining and geothermal opportunities; however, the socioeconomic impacts would likely be very similar to impacts under Alternative 1. In addition, State Route 839 would not potentially need to be rerouted, which would maintain access to locations off of the existing route (e.g., the Denton-Rawhide mine) as they are currently.

Potential losses associated with currently unknown mining and geothermal opportunities as defined under Alternative 1 would be less under Alternative 3 because geothermal opportunities would be allowed in DVTA. However, significant impacts could still occur under Alternative 3 due to such potential lost mining and geothermal opportunities in the expanded B-16, B-17, and B-20.

With regards to mining and mining claims, the Final EIS has been updated to further describe the process by which the Navy would compensate valid mining claims. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources). For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. For existing patented mining claims, the federal government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal

process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam demonstrating a valuable mineral deposit a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

The Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary in order for the Navy to meet necessary training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy is committed to working with the developer on a case-by-case basis and acknowledges that complying with required design features could add cost to a potential geothermal development. This is addressed in Section 3.3 (Mining and Mineral Resources).

Please see the Navy's responses to specific comments provided via table in Table F-3.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-10 and 1-19	1.4 1.5.4	The DVTA must be retained and expanded to preserve a viable location to train the Navy's air and ground forces in these critical non-ordnance training activities.	There's still no explanation for how the DVTA expansion boundaries were derived and an analysis as to the specifics of why certain industry activities are not compatible with the training activities. Without such an analysis how can DVTA alternatives be reviewed and on what basis would they be found to "not meet the purpose and need"?	<p>Section 2.2.1 of the Final EIS describes the need and requirements for non-weapons requirements, which are scheduled for the DVTA due to other ranges being utilized at full capacity. Additionally, Section 2.2.2 describes the safety parameters the need to be met, including that Navy-controlled land is free of safety hazards for aircraft, including cables, wires, towers, as well as cultural lighting (from cities, streets, and infrastructure), incompatible with the use of Night Vision Devices.</p> <p>Boundaries were determined utilizing terrain feature to readily contain spectrum and limit environmental lighting. The configuration of the DVTA was also based on the need to space threat emitters that are proposed. Also, by bounding the DVTA east-west to ridgelines of mountains facilitate line of sight. The northern boundary was drawn to provide the minimum area necessary to facility free-maneuver. Eastern boundary was drawn to ridgeline, excepting those lands identified by BLM that retain wilderness characteristics. The southern boundary was limited by U.S. 50.</p>
1-21	1.6	The level of detail describing a resource is commensurate with the anticipated level of potential impact.	If this were true, then there would substantive analyses regarding the significant impacts to mining and mineral resources.	Section 3.3 (Mining and Mineral Resources) presents potential impacts to mining and minerals resources, which is informed by a Mineral Resource Potential report, which is available to the public on the FRTC Modernization website.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-8	2.3.2	Table 2-1	Table 2-1 footnote contains "^" symbol denoting "Some acres are considered open" but is not actually shown anywhere in the table.	The character and text in Table 2-1 has been removed between the Draft and Final EIS
2-18	2.3.2.4.2	The Navy would be responsible for the inventory, monitoring, and proper handling of any Abandoned Mine Land features on Navy property.	Because the DVTA will remain open to the public, any AML work performed by the Navy should be done in accordance and consultation with existing State and BLM AML programs.	The Navy will follow the Nevada Bureau of Mines and Geology procedures for management of abandoned mine land (AML) on the DVTA. This statement has been inserted into the Final EIS in Section 3.14 (Public Health and Safety and Protection of Children).
2-19	2.3.2.4.2	Figure 2-5	The figure does not indicate where the non-federal lands are that are proposed for acquisition	According to real estate information, there are no non-federal lands under lands proposed for withdrawal or acquisition on the DVTA.
2-33	2.3.3.2.5	The existing utility corridor in the DVTA would be allowed to remain...	There are two existing utility corridors in the DVTA. One runs ENE-WSW, the other runs N-S north of this.	The recommended change has been incorporated into the Final EIS.
2-33	2.3.3.2.6	...the Navy would not allow OHV activity within any of the Navy bombing ranges (B-16, B-17, B-19, or B-20).	Does this mean OHV use will not be allowed during the 2 week hunting period on B-17?	That is correct. OHV on bombing ranges would not be allowed.
2-45	2.3.4.4.1	Further, prior to issuing approval for installation or use of mobile or stationary equipment used to transmit and receive electromagnetic signals in the special use zones as part of any federal action...	Does this apply to passive GPS receivers? SPOT messaging devices?	The portion of the electromagnetic spectrum that is used for GPS and SPOT are in a different frequency band than the military spectrum. However, any equipment for installation would require coordination with the Navy to ensure spectrums proposed for use are compatible with military training activities.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-45	2.3.4.4.1	With the shift of B-17, the Navy would expand the DVTA along the western side of State Route 839 south of US Route 50 and around Earthquake Fault Road.	This sentence should be deleted as it is incorrect and no longer applies to the current Alt. 3.	The recommended change has been incorporated into the Final EIS.
2-45	2.3.4.4.2	The Navy would allow the same uses under Alternative 3 as defined under Alternative 2, including limited geothermal development east of State Route 839 and utility corridors.	I believe this should be west (not east) of State Route 839 and there shouldn't be any limits or RDFs as this area is no longer within the DVTA. Geothermal and mineral development would be allowed, subject to the Overlay requirements, in the two areas south of Hwy 50 outside of B-17.	The Final EIS has corrected any incorrect statements regarding development on either side of the State Route 121.
2-64	2.5.7	B-17: The Nevada Alternative would allow grazing and wildlife management in the area west of SR 839 and in portions of the DVTA next to Bravo 17.	In the Nevada Alternative, there is no DVTA adjacent to B-17, so this sentence is in error and should be omitted.	The recommended change has been incorporated into the Final EIS.
2-64	2.5.7	B-17: The Navy's Alternative 3 has therefore largely incorporated the Nevada Alternative with respect to B-17.	There is a roughly 3,000 acre reduction to B-17 in the Nevada Alternative, which was intended to preserve the exploration/exploitation opportunities related to the Bell Mountain gold and silver resource along the northeastern boundary of B-17. The WDZ as shown in Figure 2-14 is fairly close to...	Reductions in acreage have been included in the Final EIS under Alternative 3 (Preferred Alternative). The precise sentence referenced in this comment has been removed. The Nevada alternative is discussed in Section 2.5.7 (Governor's Alternative ["Nevada Alternative"]). Bell Mountain Exploration (BMEC) is currently involved in permitting the mining operation and the completion of the BLM EA is expected in 2020. ...

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) the B-17 boundary as proposed in the NV Alternative. This should be discussed in the EIS.	(continued) The Navy is working with the BMEC to identify ways in which the Navy's proposed action and BMEC's valid existing mining right and proposed mining operations can be de-conflicted, both for purposes of public safety and so as to leave BMEC's operations and interests unaffected by the proposed withdrawal to the maximum extent achievable consistent with training requirements.
2-65	2.5.7	B-17: ...the Nevada Alternative also proposes that the Navy allow public access to and development of high potential geothermal resource areas and active mining claims within the B-17 withdrawal area.	The Nevada Alternative did not propose public access to bombing areas, other than for managed access for hunting. This sentence is in reference to DVTA not B-17. As such the 7 subsequent sentences can be omitted.	The recommended change has been incorporated into the Final EIS.
2-65	2.5.7	B-17: However, it may be possible to allow limited geothermal development on the edge of B-17 proximate to the Don A. Campbell geothermal plant.	This statement is too vague. Specify what is meant by "limited geothermal development" and "proximate".	Based on earlier comments, this comment is no longer valid, as sentences have been removed due to a misinterpretation
2-65	2.5.7	DVTA: The Nevada Alternative proposes to modify the Navy's DVTA public land withdrawal request to ensure continued access by the public for recreation and grazing and by NDOW for wildlife management activities...	This statement mischaracterizes the Nevada Alternative which proposes changes to the DVTA boundaries, such that only the southern portion of the Stillwater Range and northern portion of Dixie Valley and the Clan Alpine Range, and still contiguous with the existing DVTA, are withdrawn from mineral and geothermal development. The Nevada Alternative reduces the DVTA withdrawal addition to approximately 85,000 acres while maintaining full multiple use activities in most of	Based on earlier comments, this comment is no longer valid, as sentences have been removed due to a misinterpretation

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			the Stillwater and Clan Alpine ranges and all of the Louderback Mountains.	

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-66	2.5.7	However, the Navy is unable to accommodate exploitation of locatable minerals (e.g. gold) ...	The word exploitation should be defined. As used in this section, it is unclear whether casual-use mineral exploration will be accommodated by the Navy. In other words, will a claimant, or the public, be allowed to prospect with hand tools and/or metal detectors? If so, at what activity level would it then be disallowed?	Based on earlier comments, this comment is no longer valid, as sentences have been removed due to a misinterpretation. However, if part of general recreation, rock hunting and metal detecting would be allowed. Projects that require infrastructure or filing of claims would be restricted.
2-66	2.5.7	As discussed above, not all of the Governor's proposed alternative has been adopted by the Navy since not all aspects of that proposal would meet the Navy's purpose of and need for the FRTC Modernization.	The DEIS fails to discuss which aspects of the reduced size of the DVTA in the Nevada Alternative did not specifically meet the purpose and need. It more than doubles the size of existing DVTA and adds new terrain types, while preserving economic development opportunities beneficial to the county and state.	The areas referenced in this comment that increased the size of the DVTA have been removed and changed to areas proposed as Special Land Management Overlay areas that would be the property of the BLM. Under Alternative 3, the DVTA would only exist north of the U.S. 50.
2-66	2.5.7	...as a result, much of the Governor's proposal is reflected in Alternative 3.	Not hardly. There is an approximately 161,000 acre difference in the DVTA. An acreage amount roughly equal to the sum of current B-16, B-17, and DVTA ranges.	This statement has been revised in the Final EIS.
3.2-1	3.2.1.1	The region of influence was determined to be approximately 5 miles based on the physical area that bounds the environmental, sociological, economic and cultural features of interest for the purpose of analysis.	This statement is too vague and needs clarification. The region of influence is dependent on the action and/or activity. By expanding to include the SUA and applying this as the denominator you've purposely and inappropriately reduced any potential impacts. This is an inaccurate and misleading application.	Clarification has been incorporated into the Final EIS.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-6	3.2.2.1	According to this study, the BLM administers approximately 46,977,225 acres; USFS administers 5,760,343 acres; USFWS administers 2,344,972 acres; NPS administers 797,603 acres; and DOD administers 48,364 acres within Nevada (Vincent et al, 2017).	The DOD acreage is incorrect, it should be 3,515,416 acres as noted on page 52 of the DOD Base Structure Report - Fiscal Year 2015 Baseline which is the source referenced in the Vincent et al, 2017 document. The number used in the Vincent document listed the DOD owned acreage only not total acreage. See report at: https://www.acq.osd.mil/eie/Downloads/BSI/Base%20Structure%20Report%20FY15.pdf	The recommended change has been incorporated into the Final EIS.
3.2-16	3.2.2.3.5	Transmission corridors run parallel to U.S. Route 95, west of B-16, and south of B-16 (less than 13 55 kilovolts). A portion of the West-wide Energy Corridor is west of B-16. In addition, as shown in Figure 14 3.2-3, the BLM has designated energy corridor	While acknowledging that the Section 368 Energy Corridor falls within the B-16 footprint, the Navy fails to provide any remedy for the conflict. In order to allow for future energy development, the corridor should be avoided or the Navy should work with the BLM to re- route the corridor during the appropriate regional review.	The Navy withdrawal will avoid the existing power transmission line and access road and the Final EIS has been updated to more clearly show the withdrawal in this area. Both would be outside of the surface danger zone (SDZ) and fencing. Regarding the west-wide energy corridor, the Navy agreed to re-validate the spatial requirements for the B-16 proposed expansion with Naval Special Warfare Command and NAWDC, in terms of impacts of a reduced withdrawal. Based on this review, avoiding 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.
3.2-26	3.2.2.3.5	These powerlines originate from the Dixie Valley Geothermal Plant.	There are two transmission lines that cut through the DVTA, one N-S, the other ENE-WSW, only one of which originates from a geothermal plant.	Clarification has been incorporated into the Final EIS.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-49	3.2.3.4.4	Limited geothermal development would be allowed east of SR 839 and managed under the Geothermal Steam Act of 1970 where compatible.	I believe this should be west (not east) of State Route 839 and there shouldn't be any limits or RDFs as this area is no longer within the DVTA. Geothermal and mineral development would be allowed, subject to the Overlay requirements, in the two areas south of Hwy 50 outside of B-17.	The sentence has been revised to state "west" of the State Route 839. The Special Land Management Overlay would not be part of the DVTA but would require that the BLM coordinate and consult with the Navy for any development in the area to ensure compatible use and to reduce the risk of encroachment.
3.2-49	3.2.3.4.4	Multiple uses would be allowed within the DVTA except for mining of locatable minerals and solar and wind development.	Will casual-use level exploration and extraction activities be allowed?	The Navy cannot allow even casual-use level exploration or extraction activities for locatable mineral on the DVTA north of the U.S. 50. However, as part of discussions and coordination with Cooperating agencies, the Navy is now proposing two Special Land Management Overlays south of the U.S. 50 rather than withdrawing the land as part of the DVTA. Locatable mineral development is proposed to be allowed within these two Special Land Management Overlays.
3.2-49	3.2.3.4.4	Alternative 3 would not change land use patterns or public accessibility within the proposed DVTA boundary.	The statement is incorrect. Since mining and geothermal development will not be allowed this will indeed change land use patterns.	The recommended change has been incorporated into the Final EIS.
3.2-50	3.2.3.4.6	Table 3.2-7: Proposed Increase in Federal Land by County Under Alternative 3	This table is irrelevant because most of the withdrawal is simply a transfer from one federal agency to another for management. What is far more important and accurate for this section of the DEIS is a table indicating the % change in federal lands open to multiple use within each county.	This section of the EIS focuses on land use management. Please see other sections of the EIS such as 3.3 (Mining and Minerals), 3.4 (Grazing), 3.5 (Transportation) and 3.12 (Recreation) for access related to specific activities or uses.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-51	3.2.3.4.6	Alternative 3 would allow low-altitude overflights of three designated wilderness areas...	I believe this is intended to say three designated wilderness study areas. This statement reinforces the need to de-designate all three WSAs as low-altitude overflights would not be compatible with any region considered as wilderness.	No change. There are three wilderness areas under the SUA.
3.2-51	3.2.3.4.6	Therefore, land use impacts within the region of influence would be considered less than significant.	Therefore? There seems to be missing text in support of this concluding statement. The definition of Region of influence must be re-introduced as part of this concluding statement in order for the statement to be considered valid.	The recommended change has been incorporated into the Final EIS.
3.2-52	Table 3.2-8	Withdrawn lands would no longer be managed for the purpose of multiple use.	A bullet should be added for each alternative that summarizes the % loss of multiple use lands in each county resulting from withdrawn lands.	Each alternative notes the percent increase in federal land.
3.3-1	3.3.1	The Navy performed a review of relevant mineral resource inventories in and near the region of influence to address potential impacts...	This statement is incorrect. The mineral resource review was performed on the "Study Area", the maximum area of land considered for withdrawal under all alternatives, as noted in the Supporting Study: Mineral Potential Report. This is not the region of influence as defined in Section 3.2.2.1.	Clarification has been incorporated into the Final EIS.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-3	3.3.1.3	Region of influence	Definition is not consistent, see previous comment.	Thank you for your comment, the Navy has updated this definition for consistency as applicable. Please note that the region of influence may be different for different resources based on the approach to analysis for each of them. The Approach to Analysis can be found at the beginning of each resource section in Chapter 3. The approach to analysis varies by resource, but is developed based on standard practices implemented in conjunction with any applicable requirements for each resource area.
3.3-6	Figure 3.3-1	Numbers within a box indicate number of claims inside section	Due to the manner in which data is input to and exported from the BLM's LR2000, this explanation is not technically correct. Suggest rephrase to "Numbers within a box indicate number of claim listings for that section" as was done in the MPR.	The recommended change has been incorporated into the Final EIS.
3.3-7	Figure 3.3-2	Numbers within a box indicate number of claims inside section	Due to the manner in which data is input to and exported from the BLM's LR2000, this explanation is not technically correct. Suggest rephrase to "Numbers within a box indicate number of claim listings for that section" as was done in the MPR.	The recommended change has been incorporated into the Final EIS.
3.3-8	Table 3.3-2	Rawhide District Au and Ag production	The numbers represent the reported annual production amounts for 2016, but the year got cut off in the table.	The recommended change has been incorporated into the Final EIS.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-9	3.3.2.3.2	For this analysis, industrial locatable minerals with moderate and low potential are not discussed because they are not considered to be significant.	Delete "moderate and", as moderate potential is discussed and is considered significant (per page 3.3-2)	The recommended change has been incorporated into the Final EIS.
3.3-13	Table 3.3-3	Summary of Industrial Locatable Resources	Fluorite is misspelled	The recommended correction has been incorporated into the Final EIS.
3.3-13	3.3.2.3.4	Leasable Minerals - sulfur with certainty of D.	Sulfur is only subject to leasing in Louisiana and New Mexico (44 Stat. 301), it is locatable everywhere else.	The recommended correction has been incorporated into the Final EIS.
3.3-15	Table 3.3-4	Summary of Leasable Resources	Sulfur is only subject to leasing in Louisiana and New Mexico (44 Stat. 301), it is locatable everywhere else.	The recommended correction has been incorporated into the Final EIS.
3.3-27	Table 3.3-6	Tin - No indications of Tellurium in the Study Area	Replace "Tellurium" with "Tin". Note that the USGS MILS/MRDS datasets indicate occurrences of Tin in Wonder and Chalk Mtn districts	The recommended correction has been incorporated into the Final EIS.
3.3-28	Table 3.3-6	Tungsten - Moderate/B	This does not accurately reflect the tungsten potential in the Leonard District - High/D (page 3.3-36)	Clarification has been incorporated into the Final EIS.
3.3-28	Table 3.3-6	Uranium - No indications of Uranium in the Study Area	USGS MILS/MRDS datasets indicate uranium occurrences in Poinsettia, Mountain Wells and Eagleville districts	The recommended addition has been incorporated into the Final EIS.
3.3-28	Table 3.3-6	Vanadium - No indications of Vanadium in the Study Area	USGS MILS/MRDS datasets indicate vanadium occurrences in the Chalk Mtn and Sand Springs districts	The recommended addition has been incorporated into the Final EIS.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-46	3.3.3.1	"...the permitting process can typically take 5-10 years."	This is an extreme case and not typical, current timeframes for a ROD on and EIS are 2-4 years.	The recommended change has been incorporated into the Final EIS.
3.3-46	3.3.3.2	"...lithium is produced from leasable lithium-enriched brine in the Clayton Valley."	replace "leasable" with "locatable"	The recommended change has been incorporated into the Final EIS.
3.3-46	3.3.3.2	"A comparison of playas in the Study Area...suggests that the conditions responsible for economic lithium concentrations at Clayton Valley do not exist in the Study Area."	This statement contradicts Figure 3.3-5	Clarification has been incorporated into the Final EIS.
3.3-49	Table 3.3-7	B-17 Broken Hills Gold Alt. 1 & 2 Moderate Potential - 100%	Believe this % is incorrect.	Agree, the percentage that was listed under Alternative 3 was incorrect and the document has been corrected.
3.3-50	Table 3.3-7	B-17 King Copper Alt. 3 Moderate Potential - 75%	This should be 100%	Agree, the percentage that was listed under Alternative 3 was incorrect and the document has been corrected.
3.3-51	Table 3.3-7	B-17 Lodi Copper and Zinc Alt.3 Moderate Potential - 100%	Can't be 100%, 1% at most but still not consistent with Figures.	Agree, the percentage that was listed under Alternative 3 was incorrect and the document has been corrected.
3.3-53	Table 3.3-7	DVTA Gold Basin Gold Alt.3 High Potential - 100%	This should be 0% as this district is not in the Alt. 3 withdrawal	Agree, the percentage that was listed under Alternative 3 was incorrect and the document has been corrected.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-54	Table 3.3-7	DVTA Sand Springs Tungsten High Potential - <3%	This should be 0% as this district is not in the Alt. 3 withdrawal	Agree, the percentage that was listed under Alternative 3 was incorrect and the document has been corrected.
3.3-55	Table 3.3-8	B-20 Oil Shale, Potash, Sodium - 0	Missing % signs.	The recommended addition has been incorporated into the Final EIS.
3.3-56	3.3.4.2	Existing mining claims on public lands may have to undergo a vailidity exam.....	Clarify the conditions under which a claim will undergo a validity exam.	<p>The Final EIS has been updated to further describe the process by which the Navy would compensate valid mining claims. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).</p> <p>For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.</p> <p>With regard to existing patented mining claims, the Federal Government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.</p>

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. The Secretary of the Interior determines the validity of a claim based on this validity examination. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.
3.3-56	3.3.4.2	Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation. Therefore, under this alternative, the Navy would acquire any valid existing claims within the proposed withdrawal.	Clarify the process by which the Navy will acquire the valid existing claims and how the Navy will determine fair market value. Clarify whether or not this applies to claims within the DVT. Develop and include a decision process 'flowchart' similar to what is provided for the disposition of water rights in figure 3.9-16, page 3.9-32.	The Final EIS has been updated to further describe the process by which the Navy would compensate valid mining claims. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources). For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.</p> <p>With regard to existing patented mining claims, the Federal Government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.</p> <p>Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. The Secretary of the Interior determines the validity of a claim based on this validity examination. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.</p>

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-57	3.3.4.2.1	B-16 Land Withdrawal - "For the purposes of this analysis, a significant impact on the mineral resources is considered to be the withdrawal from access of the minerals classified as either moderate or high potential."	Following this sentence should be, "Affected commodities with high or moderate potential include gold and silver."	Thank you for your comment, the Navy has added the following sentence as consistent with the analysis and affected environment at B-16, "Affected locatable minerals with moderate potential include gold and silver."
3.3-59	3.3.4.2.4	"The proposed withdrawal would prohibit access to parts of the ... mining districts."	Clarify that mineral and geothermal development is what will be prohibited and not access. Access is allowed for recreation and other multiple use activities, is it not?	That is correct, the Final EIS has been updated to clarify this distinction.
3.3-60	3.3.4.2.4	"The Navy would continue to follow existing operating procedures that prohibit the collection of materials from any mining area and prohibit entry to mine shafts and sites."	What existing operating procedures are being referred to? There are no current mineral collection restrictions within the DVTa. Mineral collection is typically considered by BLM to be casual use and as such requires no notification or permitting. Is a restriction of all casual use activities being considered within the DVTa? What about the current practice of underground surveys by wildlife specialists, will this be prohibited?	This sentence has been clarified for the DVTa under all alternatives.
3.3-60	3.3.4.2.4	"Other than potentially requiring the use of raw materials..."	"raw materials", such as?	Examples of raw materials have been incorporated into the Final EIS.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-60	3.3.4.2.5	"The Navy would continue to work with the local counties and municipalities as well as federal property land managers to plan compatible land use development."	Without mentioning specific examples of compatible land use development, it's premature to say Special Use Airspace would not impact mining or mineral resources.	The Navy has determined that the SUA designation over additional areas would not adversely impact the exercise of mineral rights or exploration activities. Currently, these activities are carried out under the existing SUA.
3.3-61	3.3.4.3.1	"The Navy would continue to follow existing operating procedures that prohibit the collection of materials from any mining area and prohibit entry to mine shafts and sites."	What existing operating procedures are being referred to? There are no current mineral collection restrictions within the DVTA. Mineral collection is typically considered by BLM to be casual use and as such requires no notification or permitting. Is a restriction of all casual use activities being considered within the DVTA? What about the current practice of underground surveys by wildlife specialists, will this be prohibited?	Revised this section as the sentence in question was not accurate in this location. It should have stated, "The Navy would continue to follow existing operating procedures that prohibit the collection of locatable materials from any locatable mining area and prohibit entry to mine shafts and sites." Wildlife surveys would not be prohibited in the DVTA, casual use in the DVTA would not be prohibited. Allowable activities in the DVTA under each alternative can be found in Chapter 2 (Description of the Proposed Action and Alternatives.
3.3-61	3.3.4.3.3	"Other than potentially requiring the use of raw materials..."	"raw materials", such as?	Examples of raw materials have been incorporated into the Final EIS.
3.3-61	3.3.4.3	"Expand Right of Way only on west side of current transmission corridor.."	It is prohibitive to the future development of geothermal facilities to only accommodate a reasonable right of way on one side of the current transmission line. A case in point is the Dixie Meadows geothermal project, in which the Environmental Assessment includes two potential alignments for a southern gen-tie route to the west and the east of the existing Oxbow line...	The Navy is proposing 90 foot permanent and 300-foot temporary ROW for development along the west side of the State Route 121. The Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary in order for the Navy to meet necessary training requirements.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) If the developer faces other site specific restrictions on one side, there must be an option for development on the other. In addition, what constitutes a 'reasonable' right of way has not been adequately defined. The RDF should state a maximum distance within existing ROW regardless of which side of current transmission lines. The expanded ROW must be sufficiently large to allow for efficient and effective utility placement and construction.	(continued) Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy acknowledges that complying with required design features could add cost to a potential geothermal development, however, the Navy is committed to working with the developer on a case-by-case basis. This is addressed in Section 3.3 (Mining and Mineral Resources).
3.3-61	3.3.4.3	"Construct underground transmission line..."	This is too restrictive and will likely make the geothermal resources uneconomic. Suggest adding "unless surface transmission lines can be made compatible with night-vision devices, or subsequent technology, and Navy activities proposed for the specific region or the extent of surface transmission lines can be lessened such that there is no significant impact to Navy proposed activities ."	The Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary in order for the Navy to meet necessary training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy acknowledges that complying with required design features could add cost to a potential geothermal development, however, the Navy is committed to working with the developer on a case-by-case basis. This is addressed in Section 3.3 (Mining and Mineral Resources).

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-61	3.3.4.3	"Avoid photovoltaic solar/geothermal hybrid design."	Again, this RDF is too restrictive and could make the resource uneconomic. Prohibiting solar development will also be prohibitive to geothermal development, since solar can be used to complement the generation portfolio of geothermal resources as evidenced by Enel's Stillwater Solar Geothermal Hybrid plant in Fallon and Ormat's planned PV solar addition to its Tungsten Mountain in Edwards Creek Valley. The Navy fails to account for the fact that there are technologies to offset impacts of glare from solar panels and other interference with infrared and heat sensors. Suggest adding "unless design can be shown to be compatible with Navy activities proposed for the specific region."	The Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary in order for the Navy to meet necessary training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy acknowledges that complying with required design features could add cost to a potential geothermal development, however, the Navy is committed to working with the developer on a case-by-case basis. This is addressed in Section 3.3 (Mining and Mineral Resources).
3.3-61	3.3.4.3	"Use cooling towers and other structures no higher than 40 feet"	Because geothermal development will require use of temporary structures taller than this (e.g. cranes, drilling rigs), suggest adding the word "permanent" in front of "structures".	The recommended addition has been incorporated into the Final EIS.
3.3-61	3.3.4.3	"Any exploration or development on the de-designated lands would still need to meet the proposed require design features before any activities could occur."	Add "d" to "require". Exploration activities should be excluded from the RDFs as they are temporary. Exploration is required to determine the presence and economic viability of the resource, even more so because of the high costs associated with the RFDs for development.	The recommended change has been incorporated into the Final EIS. The Navy would coordinate with any potential exploration activities as they would be temporary but would need to be compatible with training schedules in the DVTA.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-62	3.3.4.3.4	"With implementation of required design features, the impacts to geothermal exploration and development, as well as salable exploration and development, would be reduced in comparison to Alternative 1."	This statement is only true if the RFDs can be shown to have a negligible impact on development, which they have not.	The Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary in order for the Navy to meet necessary training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy acknowledges that complying with required design features could add cost to a potential geothermal development, however, the Navy is committed to working with the developer on a case-by-case basis. This is addressed in Section 3.3 (Mining and Mineral Resources).
3.3-62	3.3.4.4	"However, prior to issuing any decisions on projects, permits, leases, studies, and other land uses within the two special use zones, BLM would be required to consult with NAS Fallon."	The BLM is afforded a 15-day review for proposed Notice-level exploration activities. In order to accomplish the stated requirement, the information required for Notice-level proposals will need to be changed, if it can, to include references to EM spectrum use. Specific examples of EM spectrum uses and duration which would be prohibited needs to be cited.	This consultation would inform the Navy of proposed projects, permits, leases, studies, and other land uses and afford the Navy an opportunity to collaborate with BLM to preserve the training environment near B-17. If changes to the information required for Notice-level exploration activities is necessary, the BLM would inform the proposing party.
3.3-62	3.3.4.4	"The expansion to the southwest..."	Should be "southeast"	The recommended change has been incorporated into the Final EIS.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-64	3.3.4.4.3	"Other than potentially requiring the use of raw materials..."	"raw materials", such as?	Examples of raw materials have been incorporated into the Final EIS.
3.3-64	3.3.4.4	"In the DVTA, the proposed withdrawal would prohibit access for locatable mining to parts of I.X.L., Job Peak, Mountain Wells, and Westgate Mining Districts. In addition, the proposed withdrawal would prohibit all access to Wonder and Chalk Mountain distr	Clarify that access isn't the activity that is prohibited, rather that exploration and development of mineral resources is the prohibited activity.	The recommended clarification has been incorporated into the Final EIS.
3.3-65	3.3.4.4.4	(Alt. 3) "This alternative would not allow the exploration and development of leasable geothermal resources within the proposed boundaries of the FRTC..."	Incorrect statement. Clarify that exploration and development of geothermal would be allowed west of SR121 subject to RFDs.	The recommended clarification has been incorporated into the Final EIS.
3.3-65	3.3.4.4.4	"Although Alternative 3 includes changes meant to reduce impacts to mineral resources...may have an economic impact if market conditions were favorable for more mineral resource development."	May?! It will absolutely have an economic impact. The MPR (p.166) concluded that the Reasonably Foreseeable Development would include one open-pit metal mine, one open-pit industrial mine, one geothermal operation, one sand and gravel or aggregate operation. The economic impact these operations would have is obviously significant and must be evaluated and quantified.	The Navy has modified this text to read as "would likely have less of a negative economic impact for mineral resource development than the other alternatives."

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-65	3.3.4.5	"Alternative 2 and Alternative 3 incorporate mitigation by proposing the Navy...allow geothermal development west of SR 121 in the DVTA. The Navy is currently proposing the following required design features for geothermal development..."	It can't be considered mitigation unless it is shown to be practical and economically viable. Until there is a study demonstrating this, then the allowance with RFDs should not be considered mitigation.	The Navy has clarified that this is not a mitigation but rather a component of the Proposed Action.
3.7-19	3.7.2.4.2	"...and Figure 3.7-8 shows the C-weighted DNL levels from existing high-energy munitions at B-27."	Change "form" to "from" and "B-27" to "B-17"	The recommended change has been incorporated into the Final EIS.
3.9-6	3.9.1.4	"As "vested" water rights...these rights enjoy maximum protection against later appropriations and later statutory provisions."	"Vested" water rights are simply claims of beneficial use pre-dating the state's water law, they have not been certificated.	This statement has been corrected in the Final EIS.
3.11-37	3.11.3.4.2	Additional data will be presented upon completion of on-going cultural resource studies associated with Alternative 3.	So studies are on-going, yet this section states there will be no significant impacts. Once again you have conclusions stated in the DEIS without the data to support them. It's clear from reading the supporting study (Class I Cultural Resources Report) that the Navy failed to utilize GIS information provided to them by NDOM regarding the state's inventory of mining features as part of it's statewide Abandoned Mine Lands(AML) program. The AML database contains information on features found to be hazardous or non- hazardous, including...	The EIS has been updated to present additional data as a result of the latest cultural resources studies. See Section 3.3 (Mining and Mineral Resources) for more discussion of mines in the Study Area, and Section 3.14 (Public Health and Safety) for a discussion on abandoned mine lands.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) associated cultural features, biological habitat, ownership, and history of securing efforts. It is recommended that this dataset be consulted as soon as possible, particularly as it relates to B-17 in Alt. 3 and target/direct impact locations.	
3.13-3	3.13.1.4	"In regards to mining and geothermal activities, the public inquired about a potential compensation process for loss of claims, mining exploration and production, and associated rights located on withdrawn lands."	This scoping comment is never fully answered in the DEIS, only vaguely alluded to. We again wish to reiterate that claimants with active claims within the withdrawal should be fairly compensated for what is in effect a de-facto taking of their right to explore for, and extract, minerals. The amounts paid to the BLM and county recorders for filing a new claim plus the annual maintenance fees and recording fees, which are documented at the BLM and county recorders' offices, establish a minimum compensation amount. An preliminary calculation of these land holding costs, by claimant for all claims within the proposed withdrawal, amounted to over one million dollars. This information was provided to the Navy in February of 2018. Additional compensation should be made for other "on- the-ground" investments/expenditures which are documented.	<p>The following process for valuing mining claims has been added to the EIS in Chapter 5 (Management Practices, Monitoring, and Mitigation) and Section 3.3 (Mining and Mineral Resources). For land included in the renewal, the land withdrawal is subject to existing and valid rights. While the proposed withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right.</p> <p>The Secretary of the Interior determines the validity of a claim based on this examination. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim.</p>

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) Under the 1872 Mining Law, claims are considered real property, however they don't lend themselves to easy valuation under "fair market value". In the Uniform Appraisal Standards for Federal Land Acquisitions, Section 1.10.3 Special Considerations for Minerals Properties, it recommends, "Appraisers valuing mineral properties impacted by the 1872 Mining Law are advised to coordinate with client agency staff to clarify the approaches to valuing those interests." These approaches should've been delineated in the DEIS so that claimants can better understand the process and provide meaningful comment.	(continued) Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. However, holders of existing claims on public land are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim. With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary. The Navy cannot estimate the potential tax that could be paid by geothermal produces or mining claims as they would be highly speculative.
3.13-32	3.13.3.2.3	Due to potential lithium deposits...	This paragraph on lithium brine belongs in the locatable section. Lithium in clay or in brines is a locatable mineral.	The recommended change has been incorporated into the Final EIS.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-32	3.13.3.2.3	Therefore, while reasonable foreseeable economic impacts with lost mining and geothermal opportunities cannot accurately be determined at this time...	The preceding discussion on "Potential Impacts on Mining and Geothermal Industries" which summarizes likely development including employment provides the basis for quantifying the socioeconomic impacts and yet it's completely absent. This development is echoed in the November 2018 Mineral Potential Report Section 6.7 Reasonable and Foreseeable Development which includes: one open-pit metal mine, one open-pit industrial mine, one geothermal operation, and one aggregate operation. Employment ranges, time-frame forecasts, land disturbance acreages are further described in section 5.1.1 of the MPR. It is absurd to dismiss the quantification of these potential impacts and replace it with "cannot accurately be determined" in order to deflect attention to what is obviously a very real and significant impact. The DEIS Alt.1 devotes 6 pages of text and tables on "Potential Impacts on Range Livestock" but just 1.5 pages of just text on "Potential Impacts on Mining and Geothermal Industries". For Alt. 3 the disparity is even worse, 3.75 pages on livestock and just a quarter page on mining and geothermal.	The Navy's position is that lost mining and geothermal opportunities cannot be definitively determined or quantified at this time because of the variability of the market. The EIS does in fact state that while speculative, there is the potential that significant economic impacts could occur due to the potential loss of mining and geothermal opportunities under Alternatives 1, 2, and 3.
3.13-36	3.13.3.3.3	Potential losses associated with currently unknown mining and geothermal opportunities as defined under Alternative 1 would be less under Alternative 2 because geothermal opportunities would be allowed in DVTA...	First off, geothermal development would be allowed only in a portion of the DVTA and then only if required design features were incorporated. Until the costs associated with the RDFs are quantified how can one determine they wouldn't be so onerous as to make development improbable, in which case there'd be no difference between Alt.1, 2 or 3. Second, see above comment.	That is correct. Geothermal would be allowed in a portion of the DVTA with associated required design features. The Navy's position is that lost mining and geothermal opportunities cannot be definitively determined or quantified at this time because of the variability of the market.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) The EIS does in fact state that while speculative, there is the potential that significant economic impacts could occur due to the potential loss of mining and geothermal opportunities under all alternative scenarios. However, in this section, while speculative, the Navy acknowledges that losses could be less under Alternative 2 because geothermal opportunities would be allowed in portions of DVTA. It is not the Navy's intent to make development improbable based on required design features within portions of DVTA.
3.13-42	3.13.3.4.3	Potential losses associated with currently unknown mining and geothermal opportunities as defined under Alternative 1 would be less under Alternative 3 because geothermal opportunities would be allowed in DVTA...	Same comment as above.	Please see the Navy's response to the comment above.
3.13-45 to 46	3.13.3.6	Table 3.13-26 Summary of Effects and Conclusions for Socioeconomics - Impact Conclusion	It is customary to list impacts in a descending order of significance. In this case, "Alternative 1 would result in significant impacts to geothermal and mining opportunities." should be listed first, rather than sandwiched between two "no significant impacts". This comment applies to Alt.2 and Alt. 3 as well.	The summary of impacts is presented in order of discussion.

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-11	3.14.2.1.6	Standard operating procedures to avoid excessive exposures of electromagnetic energy from military aircraft establish minimum separation distances between electromagnetic energy emitters and people, munitions, and fuels (US DoD, 2009). Practices are in pla	These practices should include means to ensure that Navy EM spectrum use does not impact mining operations at the Denton- Rawhide and Premier Magnesite mines, especially during mine blasting operations.	The Navy does not purposefully interfere with cell phone signals or GPS. The Navy has standard practices in place to avoid interference with the public's use of the electromagnetic spectrum and will continue to use a separate military bandwidth from the public. The Navy would coordinate with the Denton-Rawhide and Premier Magnesite mines to avoid interference as applicable.
3.14-27	3.14.2.6	On the existing DVTA there are two shafts and one adit that range from moderate to high hazard risk. In the land requested for withdrawal or proposed acquisition there are 259 mine features and 279 under the different Alternative configurations.	These numbers are not absolute, as they only represent the number of features inventoried by NDOM as of the date of the database snapshot provided to the Navy. The DVTA still contains numerous features that are likely hazards that have yet to be inventoried.	The Navy would be responsible for and would follow the procedures of the State of Nevada in general with regard to securing abandoned mines in the areas proposed for acquisition or requested for withdrawal.
4-41	4.4.13.3	While the Proposed Action could potentially impact mining, geothermal, and grazing opportunities and may produce small economic losses in these sectors viewed in isolation, significant cumulative impacts to socioeconomic resources in the region of influen	This conclusion cannot be justified because there was no quantification of the socioeconomic impacts resulting from the loss of mining and geothermal opportunities. Additionally, there is no mention at all of the lost revenue to the BLM, the state and counties from annual mining claim filings, geothermal leases, taxes on privately owned patented mining claims, Net Proceeds of Minerals tax paid by mineral and geothermal producers.	The following process for valuing mining claims has been added to the EIS in Chapter 5 (Management Practices, Monitoring, and Mitigation) and Section 3.3 (Mining and Mineral Resources). For land included in the renewal, the land withdrawal is subject to existing and valid rights...

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) While the proposed withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this examination. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. However, holders of existing claims on public land are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal....</p>

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.</p> <p>With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.</p> <p>The Navy cannot estimate the potential tax that could be paid by geothermal produces or mining claims as they would be highly speculative.</p>
5-4	5.4.2	Alternative 2 and Alternative 3 incorporate mitigation by proposing to allow geothermal and mining activities to continue on certain withdrawn areas as long as the actions are consistent with training activities and approved by the Navy.	This is misleading as the only mining activities allowed are salable mining activities, which should be stated, and the certain withdrawn lands applies only to DVTA, which should be stated. Why is there no mitigation for locatable mining activities? Because mitigation for geothermal hinges on RFDs which have not been evaluated for applicability and economic viability, there is no basis for calling this mitigation.	Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation...

Table F-3: Nevada Division of Minerals and Nevada Governor's Office of Energy Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants. The Navy cannot accommodate locatable mining activities due to restrictions in authorities set forth in the Mining Law of 1872.
6-3	Table 6-1	The Navy is consulting with the BLM and the BLM would continue to regulate prospecting and development of minerals when and where applicable.	Too vague. Explain the reasoning behind the denial of mineral exploration and exploitation activities and stating that is not in conflict with the General Mining Law Of 1872.	The reasoning has been restated from Chapter 2 and the Mining and Mineral Resources Section (Section 3.3).

F.3.1.5 Sandoval, B. (Former Governor of Nevada)

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Office of the Governor

December 19, 2018

Captain David Halloran
Commanding Officer
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Naval Facilities Engineering Command Southwest
Code EV21.SG
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Re: Comments to the Draft Environmental Impact Statement
Fallon Range Training Complex Modernization

Dear Captain Halloran and Naval Facilities Engineering Command Southwest Personnel:

Thank you for the opportunity to provide comments to the Fallon Range Training Complex (FRTC) Modernization Draft Environmental Impact Statement (Draft EIS). As you know, I have a deep respect for the military and support the mission at Naval Air Station (NAS) Fallon and the FRTC. The contributions that have been made to our national security and military preparedness – and that continue to be made – at NAS Fallon are outstanding and bring great pride to our State.

For the last two years, my staff has worked diligently through our State cooperating agency agreements, and with Churchill County and the Nevada Association of Counties (NACO), to ensure that the Navy's analysis of the proposed land withdrawal would be transparent, accurate, and based on the best information and data available. Although we have made some progress toward reaching that goal, there are still several unresolved issues in the Draft EIS where this objective was not met. This letter addresses the issues and concerns broadly, as our cooperating agencies will be providing more detailed comments that relate to each agency's purview before the end of the comment period.

ERRORS and OMISSIONS

Following our joint meeting on September 5, 2018 at the Nevada Capitol Building, Mr. Jim Omans, Director of Real Estate, Office of the Assistant Secretary of the Navy for Energy, Installations and Environment, made written assurances that the Navy would remove Simpson Road and the lands south of Simpson Road, and East County Road and the lands east of East County Road, from the B-16 withdrawal and the B-20 withdrawal, respectively, as part of Alternative 3 (the Navy's Preferred Alternative). The Draft EIS is inconsistent with this agreement throughout the document and in some places these areas still appear to be included in the proposed withdrawal. Additionally, it was agreed that the Navy would eliminate the Dixie Valley Training Area (DVTA) proposed withdrawal south of U.S. Route 50 and instead establish a special land management overlay within the withdrawal legislation. The land management overlay would require the Bureau of Land Management (BLM) to obtain Navy approval before authorizing fixed or mobile equipment that would be used for transmitting and receiving radio signals or other land use decisions that require BLM permitting. The Draft EIS is inconsistent with this agreement as well. While, I understand the timeline between reaching these agreements and publishing the Draft EIS was short, it is imperative that these agreements are reflected in the Final Environmental Impact Statement/Record of Decision (EIS/ROD). It is important to make sure the Navy's stated intentions are included in the Final EIS/ROD.

SIGNIFICANT IMPACTS NOT ADDRESSED

The impacts of the proposed withdrawal have been significantly underestimated. The State of Nevada believes that withdrawing an additional 600,000 acres of public land that supports existing and future opportunities for economic development, energy production, livestock grazing, and recreation will result in much greater impacts than disclosed in the Draft EIS. Detailed comments regarding the Draft EIS will be forthcoming from our cooperating agencies to underscore the errors in analysis and pre-decisional conclusions in the Draft EIS.

AIRSPACE

The Draft EIS lacks clarity and disclosure regarding proposed changes to military airspace. The existing and proposed airspace blocks are extremely complicated and require additional discussion. Of particular concern are the Visual Flight Route (VFR) corridors along Highway 50 and Highway 95 which lie over land not owned or controlled by the Navy and additionally are blocked by overlapping restricted airspaces that extend to the surface. Existing, published charts do not depict VFR corridors and are described by text only in existing publications.

MITIGATION

Although the Draft EIS is not required to develop and adopt completed plans to mitigate environmental and socioeconomic impacts, the State of Nevada believes compensatory mitigation is necessary to compensate for the loss of several resources. Additionally, the proposed withdrawal will negatively impact, or take a variety of private property rights (e.g. grazing permits, water rights, mining claims and private property), and additional details are warranted regarding the Navy's intentions and commitments to ensure just compensation for these losses.

The Navy is proposing to de-designate, or release, approximately 75,000 acres (20 percent) of existing Wilderness Study Areas (WSA) in the Stillwater Range WSA, Jobs Peak WSA, and the Clan Alpine Mountains WSA and add those acres to the DVTA proposed withdrawal. Unrestricted release of these WSA designations, which for the most part have been found by the BLM to be

unsuitable for wilderness designation, should be analyzed as a means of partially compensating for the impacts to geothermal resources, mineral resources, and socioeconomics, by providing additional resource areas that could be used for displaced resources.

THE NEVADA ALTERNATIVE

The State of Nevada, with the participation of all State agencies and the Nevada Association of Counties, proposed a "Nevada Alternative" that we believe meets the Navy's purpose and need for a modernized, realistic training environment that also supports the expansion of existing bombing ranges to meet justified safety criteria for the protection of both military personnel and the public. The Nevada Alternative was configured to avoid and minimize conflicts with existing uses of public lands including critical mineral and geothermal resources that are of paramount importance to Nevada and the nation. If Nevada is to meet the 50 percent Renewable Portfolio Standard (RPS) requirement by 2030, as presented in Ballot Question Six, we must safeguard the potential for geothermal energy development in Dixie Valley, the heartland of Nevada's geothermal resources potential.

The Draft EIS inadequately presents the Nevada Alternative and dismissed our submittal in Chapter 2 by failing to capture the essence of the proposed alternative in its entirety. In previous correspondence to Secretary of the Navy Spencer (April 17, 2018 and June 20, 2018), and during numerous meetings with the Navy, including in February 2018 with Secretary Spencer, we provided information demonstrating significant differences between the Navy's Preferred Alternative 3 and the Nevada Alternative and requested the Navy fully analyze the Nevada Alternative in the Draft EIS as an independent alternative. We firmly believe the National Environmental Policy and Management Act (NEPA), as amended, requires that type of analysis. To not fully and completely analyze legitimate alternatives, the Navy would be out of compliance with NEPA and could be perceived as pre-decisional.

RECOMMENDATIONS

Nevada's cooperating agencies encompass a tremendous level of expertise on the natural resources and land uses affected by the proposed withdrawal. Our subject-matter experts have worked extensively with the Navy since the scoping period and will continue to make themselves available at every possible opportunity to assist with the Navy's NEPA analysis and findings. Nevada's agencies are keenly interested in continuing to find and agree upon solutions to many of the State's remaining concerns, including incorrect interpretations and a lack of satisfactory mitigation in the Draft EIS. As explained during the November 20, 2018 meeting with my staff and state agency representatives, the Draft EIS is missing important details and agreements made between the State and the Navy. For example, specific issues that the Navy has agreed to address in the Final EIS include:

- Required Design Features (RDF) for geothermal development that are acceptable and feasible to the geothermal industry. This includes, but is not limited to, allowance of a 90 foot permanent right-of-way and 300 foot temporary construction right-of-way on both the west and east sides of the current TerraGen transmission corridor; glint and glare mitigation on photovoltaic solar/geothermal hybrid plants rather than outright avoidance; and allowable height restrictions for powerlines within the RDFs that can realistically be

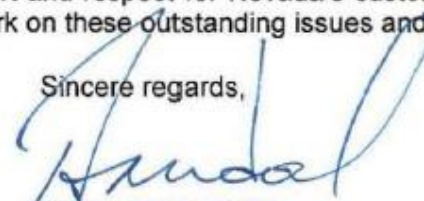
implemented to resolve Navy concerns and are consistent with the existing 100 foot structures along the TerraGen right-of-way;

- A detailed Managed Access Agreement that provides access for sportsmen and the Nevada Department of Wildlife (NDOW) for hunting and wildlife management activities, developed cooperatively with NDOW;
- A detailed Fire Management and Rehabilitation Plan that includes plans and funding for fuels management, wildfire prevention and suppression, and wildfire rehabilitation on military lands developed cooperatively with the Nevada Division of Forestry, NDOW and the Nevada Department of Agriculture (NDA);
- Mitigation for acquisition of valid existing rights developed in cooperation with the Nevada Division of Minerals, the Nevada Division of Water Resources, and the NDA;
- Disclosure of the results of the economic analyses prepared for the Navy by Dr. Tom Harris at the University of Nevada, Reno that analyzed the effects of the Mineral Potential Report, which showed that reasonable and foreseeable development in the proposed withdrawal area would include one new open-pit metal mine, one open-pit industrial mine, one geothermal operation, and one aggregate operation. The Navy has not explained why the analysis precludes this economic development, which was incorporated in the Preliminary Draft EIS and presented to our cooperating agencies for review, was deleted and not published in the Draft EIS. These results and analysis of other baseline studies undertaken by the Navy in conjunction with cooperating agency expertise need to be fully incorporated in the Final EIS/ROD to portray accurate and realistic baseline conditions of natural resources and economic considerations.

I appreciate the Navy's commitment that it will fulfill its previous assurances and intentions to resolve these issues with a more thorough analysis before the Final EIS/ROD is published. To avoid potential confusion during the Congressional approval process, we appreciate your willingness to address these concerns and the upcoming comments that will be provided by Nevada's cooperating agencies. The State of Nevada also requests additional assurances that the Navy will fully commit to adequate compensation for the impacts resulting from the FRTC withdrawal.

As Nevadans, we are proud our State is a full partner to the United States Defense Department and take our role and contribution to military preparedness and national security seriously. We appreciate the Navy's mutual support and respect for Nevada's customs, culture and economy and look forward to continuing to work on these outstanding issues and concerns.

Sincere regards,



BRIAN SANDOVAL
Governor

cc: Nevada Congressional Delegation

F.3.1.5.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. The Navy appreciates your time and work as a Cooperating Agency in the development of the Final EIS. The Navy has updated the Final EIS, most notably those throughout the document regarding B-16 and Simpson Road, B-20 and East County Road, as well as the Special Land Management Overlay presented in Alternative 3 (Preferred Alternative). The Navy added figures in Chapter 2 of the Final EIS that illustrate the withdrawal and acquisition lands included in the Draft EIS and highlights additional reductions that have been made to the withdrawal and acquisition lands between the Draft and Final EIS under Alternative 3 (Preferred Alternative).

Regarding the assertion that significant impacts have not been addressed, in the Draft and Final EIS, an Approach to Analysis, including significance criteria, is presented for each resource section as a sub-heading. The approach to analysis and significance criteria varies but was developed based on applicable laws, regulations, and policies for each resource area. In addition, context, intensity, and relevant thresholds were considered when determining significance.

In regard to proposed changes to military airspace, the Final EIS discusses proposed changes at length in Section 3.6 (Airspace). The VFR corridors are not proposed to change under the Proposed Action and aviators would be able to fly through MOAs when they are not active per flight rules that currently exist in the FRTC airspace. All changes to airspace must go through the FAA and are evaluated by the FAA to meet applicable rules, regulations, and guidelines.

Regarding mitigation, the Navy has developed and proposed specific mitigation for each alternative that can be implemented and would avoid or minimize impacts. As such, alternatives include actions specifically designed to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities. The Final EIS discusses the mitigation measures suggested and the Navy's adoption of such measures in the alternatives or as measures to minimize impacts as applicable in tables under each resource description.

Regarding affected private landowners, they would receive just compensation for loss of any privately-owned land and all compensable rights associated with that land acquired by the United States. Claim holders for mining and water would be compensated as described in Section 3.3 (Mining and Mineral Resources) and Section 3.9 (Water Resources). Pursuant to the Taylor Grazing Act of 1934, as amended (43 U.S.C. section 315q), the Navy would make payments to federal grazing permit holders for losses suffered as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes. The Navy has added more detail to the procedures and methodology for valuation of property and future compensation for such losses as applicable.

Regarding Wilderness Study Areas (WSAs), under the Proposed Action, Congressional legislation would remove the WSA designation of withdrawn portions of the following WSAs: Stillwater Range WSA (approximately 10,951 acres [12 percent]), Jobs Peak WSA (approximately 41,680 acres [47 percent]), and Clan Alpine Mountains WSA (approximately 22,324 acres [11 percent]) but would not prohibit the use of the area by recreationalists. As this is part of the Proposed Action, it is not included as a mitigation measure. Impacts to geothermal resources, mineral resources, and socioeconomics in these portions of the WSAs would be the same as those described for the rest of the DVTA.

As referenced in the comment pertaining to, “The Nevada Alternative,” components of the “Nevada Alternative” or Governor’s Alternative were considered in the development of Alternative 3. However, some components could not be accommodated because they would be incompatible with the need to provide sufficient land for military training and associated range safety requirements (see Section 1.4 [Purpose of and Need for the Proposed Action]). A detailed discussion is provided in Chapter 2, specifically Section 2.5.7 (Governor's Alternative [“Nevada Alternative”]).

Regarding the recommendations given by the comment, the Navy worked with cooperating agencies between the Draft and Final versions of the EIS and narrowed specifics of mitigations as was possible. For geothermal development, the Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary in order for the Navy to meet necessary training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy is committed to working with the developer on a case-by-case basis and acknowledges that complying with required design features could add cost to a potential geothermal development. This is addressed in Section 3.3 (Mining and Mineral Resources).

Regarding the managed access agreement with the NDOW, the Navy is developing a draft MOA in conjunction with NDOW that is included in the Final EIS as a model for an anticipated finalized agreement for managed access to B-17 for a hunting program for bighorn sheep (a draft of which can be found in Appendix D [Memoranda, Agreements, and Plans]).

For fire management and rehabilitation, the Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. A draft outline of the plan can be found in Appendix D (Memoranda, Agreements, and Plans) which would also include and post-fire management actions. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

With regard to existing patented mining claims, the Federal Government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior

determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

Private water rights would be purchased as real property as necessary. Acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority or the expertise to assist water rights holders with any other water rights actions (i.e. change applications).

Regarding the results of the economic analyses prepared for the Navy by Dr. Tom Harris at the University of Nevada, Reno that analyzed the effects of the Mineral Potential Report, the Navy revised the discussion of potential loss of mineral resource opportunities to reflect the fundamental uncertainty as to whether, where or to what extent these opportunities might actually exist. The EIS acknowledges the fact that the various mineral resource opportunities may potentially be present, and thus that the proposed action could indeed result in the potential loss of such opportunities.

The Navy appreciates the role that Nevada has taken as a full partner to the United States Defense Department and would continue to work to mitigate and minimize impacts as described in the Final EIS, specifically in Chapter 5 (Management Practices, Monitoring, and Mitigation).

F.3.1.6 Swallow, K. (Nevada Department of Transportation)



Steve Sisolak
Governor

STATE OF NEVADA
DEPARTMENT OF TRANSPORTATION
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KRISTINA SWALLOW, *Director*

February 13, 2019

Captain David Halloran
Commanding Officer
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Naval Facilities Engineering Command Southwest
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Re: Comments to the Draft Environmental Impact Statement
Fallon Range Training Complex (FRTC) Modernization

Dear Captain Halloran and Naval Facilities Engineering Command Southwest Personnel:

Thank you for the opportunity to provide comments to the Fallon Range Training Complex (FRTC) Modernization Draft Environmental Impact Statement (Draft EIS). These comments from the Nevada Department of Transportation (NDOT) are meant to follow those sent by the former Governor of Nevada, Brian Sandoval, on December 19, 2018.

Most of these comments have been previously stated by NDOT staff, who have been serving in this agency's role as a cooperating agency. In some cases, the concerns have been partially addressed or Naval personnel have made assurances they will be addressed. However, NDOT wishes to clearly identify and document what items remain outstanding and need to be acted upon.

AIRSPACE

As stated in Governor Sandoval's letter, the Draft EIS lacks clarity and disclosure regarding proposed changes to military airspace. The existing and proposed airspace blocks are extremely complicated and require careful consideration by pilots to avoid inadvertent incursions when flying. Of particular concern are the Visual Flight Route (VFR) corridors along Highway 50 and Highway 95 which lie over land not owned or controlled by the Navy and are blocked by overlapping restricted airspaces that extend to the surface. Existing, published charts do not depict VFR corridors accurately. Naval staff have agreed to make the necessary corrections in Federal Aviation Administration (FAA) documents, though NDOT staff have not seen them.

Future Airfield development within and outside of the FRTC is impacted as reviewed in the DEIS primarily at Austin, Eureka, Kingston, and Gabbs due to encroachment of the Restricted Areas, expansion of the Firing Ranges and previous objections by the FRTC to their development. During negotiations, the Navy has agreed to allow a "cut out" area so the Gabbs operation will be unaffected but this provision is not yet visible to NDOT.

Incidences where flares, ordinance, or other FRTC activities cause a fire outbreak necessitates asking for local assistance to prevent fires from towns and cities within and surrounding the FRTC. Local and state firefighting resources are under increasing strain and their availability may be curtailed. The FRTC should be responsible for their own firefighting particularly when caused by their activity.

I-11

The I-11 Corridor as shown in figure 4-3 of the Cumulative Impacts chapter is obsolete. Alternative I-11 routes B-1, B-4 and B-5 should be deleted since they are no longer under consideration due to the recently completed planning and environmental linkage (PEL) study. Only the routes B-2 and B-3 should be included since those are remaining routes under consideration. Limiting the I-11 Corridor possibilities in figure 4-3 will present a more accurate picture of the potential impact on the Navy's proposed land withdrawal and the areas where NDOT must retain access.

NDOT District 2

The concerns listed below originated from NDOT District 2 staff whose servicing area includes the FRTC land withdrawal. All three of the FRTC possible alternatives were reviewed and are commented on, even though alternative 3 is the DEIS preferred. Alternatives 1 and 2 represent changes to the SR 839 alignment in various options and Alternative 3 results in a relocation of SR 361.

NDOT's purpose and need is shown on its Asphalt Zone Chart and Maintenance District Map (see NDOT website and the Transportation Asset Management Plan (TAMP – April 20, 2018). SR 839 is shown as only partially maintained by the NDOT and does not represent a contiguous route. It serves local enterprises and activities, including the Rawhide Mine. Consequently, local governments have a keen interest in SR 839 and NDOT encourages the relinquishment of this route to those entities. SR 361 is a primary connector to the traffic network with a road standard of class 5 and also serves as a potential alternative route for emergency situations or in the event other routes are disabled.

While it is understood, the route relocation would require its own National Environmental Policy Act (NEPA) document and more detailed study of the specific area, the DLEIS should still address utility relocations, existing and future permits for NDOT occupancy, road requirements, and ownerships rights, roles and responsibilities. Other items to be expanded on include road design requirements (road prism, typical section, design vehicle), ownership rights, roles, and responsibilities.

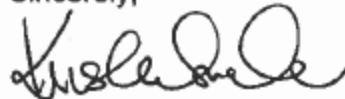
Depending on the new route of SR 839, it should be pointed out a negotiated agreement would have to be made with the tribe regarding road ownership and maintenance. The potential increase in lane miles and the resulting impacts to weather effect, topography and drainage would increase maintenance responsibilities for whoever owns the road.

NDOT's interest in SR 839 is based on support logistics (e.g., roadway) to support a heavy mining operation. As such, any relocation or modifications to this facility should take into account the equivalent single axle loading (ESAL) pavement for this facility. This impact would potentially create the need for loading considerations on interconnected roadways such as US 95. Table 2-2 outlines traffic counts to the ranges. Please clarify the accesses this traffic is proposed to utilize with each alternative.

Regarding the relocated SR 361, it is proposed to have a fence on the west side of the road to prohibit access to the FRTC. NDOT proposes that the Navy also have a fence to the east side of the road to reduce the chance of wildlife crossing the road and being trapped, thereby increasing the likelihood of vehicle crashes.

NDOT recognizes the importance of the Navy's mission towards providing for the defense of our country. There must be realistic training for Naval personnel to be successful and to increase the likelihood of their return from battle. This is reason why NDOT has been working with the Navy for over two years on the FRTC modernization and land withdrawal. Minimizing potentially adverse impacts to Nevada's transportation is also primary concern and one which the Navy's cooperation is sought. NDOT requests assurances and visible results that its concerns are being addressed. As always, NDOT staff are ready to assist and cooperate with the FRTC modernization.

Sincerely,



Kristina L. Swallow, P.E.
Director

F.3.1.6.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. Details regarding the existing and proposed airspace are defined in Chapter 2 and Section 3.6 (Airspace) of the Final EIS. Additionally, any changes to the VFR corridor as depicted on IFR Low Sectional Maps have been provided to the FAA as part of the proposed Airspace Proposal. Further, cumulative maps have been revised to only show proposed routes B-2 and B-3 of the I-11 Corridor project.

When developing the proposed alternatives, the Navy designed special use airspace to maximize the Navy's use of the airspace while allowing as much public and commercial use as possible. To minimize aviation impacts under each of the alternatives, the Navy is requesting the Federal Aviation Administration (FAA) create "airspace exclusion zones" (3 nautical-mile radius, surface to 1,500 feet Above Ground Level [AGL]) around the Gabbs, Crescent Valley, and Eureka airports. These exclusion areas would ensure those airports could continue to operate under all of the alternatives. The Navy would avoid the exclusion areas unless the airport is specifically being used for takeoffs and landings associated with military training activities. Airspace exclusion zones are discussed further in Section 3.6.2.2.4 (Local and Regional Airports).

For fire management and rehabilitation, the Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. A draft outline (which proposes to include sections on fire management guidelines and responsibilities) of the plan can be found in Appendix D (Memoranda, Agreements, and Plans). For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

With regards to any closure and relocation of State Routes (839 OR 361), the Navy and USDOT recognize that any proposed rerouting is still conceptual in nature and would be evaluated prior to closure of the route. Follow-on NEPA analysis would be conducted for the potential relocation of State Route 839 if Alternative 1 or 2 were to be chosen and State Route 361 if Alternative 3 were to be selected. See Chapter 2, specifically Section 2.3.4.2.4 (Road and Infrastructure Improvements to Support Alternative 3) for further details. Because of the conceptual nature of the action at this time, the Navy decided to analyze the potential change in access and transport time, whereas the specifics that are mentioned in your letter (utility relocations, existing and future permits for NDOT occupancy, road requirements, and ownerships rights, roles and responsibilities) were beyond the scope of this particular action, and were not yet ripe for analysis. The Navy acknowledges that this will need to be addressed in the follow-on NEPA. Independent of which alternative may ultimately be chosen, if a road relocation is part of any ultimate Congressional decision, the Navy would transfer any funds appropriated for relocating the road to the Federal Highway Administration, which in turn would make these funds available to NDOT for planning, design, NEPA-documentation, permitting and construction of the replacement road to meet state standards. The Navy is currently working with NDOT on the mechanism for this action.

F.3.1.7 Wasley, T. (Nevada Department of Wildlife)



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February 14, 2019

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

ATTN: Ms. Sara Goodwin, EIS Project Manager

Subject: Comments on Draft Environmental Impact Statement (EIS) for Fallon Range Training Complex (FRTC) Modernization

Dear Ms. Goodwin:

Thank you for providing the Nevada Department of Wildlife (NDOW) with the opportunity to review the FRTC Modernization Draft EIS (DEIS). As a cooperating agency we have worked extensively with the Navy on this endeavor beginning in December of 2016 and we provided input throughout numerous meetings, emails, and conference calls. These efforts were intended to assist the Navy understand and analyze the potential impacts of a 600,000+ acre military withdrawal while also ensuring the many resources important to NDOW and Nevada citizens are addressed. NDOW still has significant concerns with the proposed action, identification and adequacy of analysis, limited resolution of significant impacts, and the level of commitment by the Navy to mitigate anticipated impacts.

NDOW has provided the Navy with comments on the Preliminary DEIS and included information and resources to help guide a thorough and accurate analysis. We provided information throughout a series of State-Agency meetings at which recommendations were proposed to resolve outstanding significant issues. In addition to providing information during Agency-meetings, NDOW also provided extensive comments on the Preliminary DEIS. A comparison of our previous comments and the public version of the DEIS reveals that the Navy has yet to address many of our previously stated concerns, has not followed through with verbal commitments made during State Agency meetings, and has failed to correct even basic factual errors within the DEIS. Overall, most of our key issues and concerns remain unresolved and call into question the seriousness with which the Navy is taking public and agency comments.

The Preferred Alternative, including the proposed airspace expansion, overlaps areas of significant wildlife and recreation resources that will be threatened or degraded due to the proposed withdrawal and associated actions. As previously stated, we remain genuinely concerned at the Navy's inability or unwillingness to address these critical issues. These concerns and our corresponding recommendations are discussed below.

Access

NDOW and many conservation partners have invested significant amounts of time and money on habitat improvements and bighorn sheep re-introductions within the proposed withdrawal. Installation and maintenance of wildlife water developments reflects a tremendous commitment for over 30 years and is estimated at over \$1.5 million dollars to-date. Restricting or closing access to these areas severely restricts NDOW's ability to maintain water developments, conduct emergency water hauls to dependent wildlife, and otherwise manage wildlife populations. Wildlife populations that depend upon management actions such as water developments could be jeopardized, and sportsmen will almost certainly lose access. The Draft EIS does not adequately address or resolve anticipated impacts on these resources from more restricted access and added costs for inspecting and maintaining these developments. As an example, managing wildlife water developments on lands withdrawn for military use (e.g. Nevada Test and Training Range) adds considerable complexity and cost versus Federal Land Management Agencies due to training schedules. There will be a significant burden placed on NDOW, sportsmen, and conservation volunteers to coordinate access for management activities. These impacts have not been assessed to appropriately avoid, minimize or mitigate loss of access within the DEIS, as required by the National Environmental Policy Act (NEPA) process.

We appreciate the Navy's consideration of Alternative 3 (Shift) and recognize this alternative reduces impacts to public access compared to Alternatives 1 and 2. However, areas still proposed for withdrawal include popular and productive hunting areas for bighorn sheep, pronghorn antelope, mule deer, chukar, and waterfowl. In cooperation with a working group, NDOW has provided input on developing a Managed Access Plan that would outline objectives and intentions for a hunting program within the proposed withdrawal. We remain highly concerned with the lack of progress on the Managed Access Plan, despite clear requests from NDOW and indication from the State of Nevada Governor's Office that this plan is a priority. For your reference, we have attached our previous suggestions for the Managed Access Program (Attachment B and C). Attachment B includes NDOW's general comments and objectives for a Managed Access Program and Attachment C includes our specific comments on the Draft Managed Access Program provided by the Navy in March 2018. We strongly recommend the Navy review and incorporate our previous suggestions. The lack of finalized access commitments through a Managed Access Plan illustrates how the Navy has failed to address or offset these impacts. NDOW questions whether the limited assurances provided by the Navy are enough to guarantee access for NDOW and sportsmen for the duration of the withdrawal.

Recommendation

The Managed Access Plan should guarantee access commitments for wildlife/habitat management activities and hunting opportunities for the duration of the withdrawal. The lack of existing assurances for public and agency access remains a significant concern and should be addressed and completed for inclusion in the Final EIS. Inclusion of the Managed Access Plan will allow for comprehensive understanding of both impacts, and how those impacts were accounted for, in keeping with the requirements of the NEPA process. Access for a bighorn sheep hunt is especially critical and we continue to recommend a minimum of 15 consecutive days for the bighorn sheep hunt every year. We also strongly recommend the Plan include designated camping locations, proposed travel routes, trail heads, and hunting area boundaries so that a clear vision of what will be accessible for hunting is understood among each party. Given the size of the withdrawal and required travel distances to and from hunting areas, allowing on-site camping and approved road access is a necessary step towards maintaining a quality experience and ensuring compliance with program rules. We have had early discussions on check-in/check-out procedures and hope that a flexible solution that is relatively easy for hunters to comply with can be

outlined in the plan. We also recommend the Plan allow opportunities to consider options for hunting pronghorn antelope, mule deer, and small game. If these species cannot be hunted within the withdrawal, we strongly recommend the Navy mitigate the loss of this hunting opportunity. Finally, NDOW requests an annual review of the Managed Access Program that provides an opportunity to implement adaptive management strategies and improve access opportunities where possible.

We strongly request the Navy include a final and agreed-upon version of the Managed Access Program (completed in coordination with NDOW) in the Final EIS. During a recent meeting with the Navy, it was suggested the Navy may elect not to sign this Plan with the release of the Final EIS. We find it critical that the Navy and NDOW have a fully executed agreement prior to releasing the Final EIS. Failure to include the Managed Access Plan in the Final EIS that addresses how access impacts will be minimized or mitigated for shows a neglect to follow the NEPA process and ultimately does a great disservice to the public and those tasked with managing this resource.

Impacts to Biological Resources

NDOW strongly disagrees with the DEIS's conclusions that there will be no significant impacts to wildlife and habitat resources. NDOW believes there is the potential for significant noise impacts as a result of expanded airspace (horizontal and vertical), increased utilization of airspace (e.g. in the Reno MOA, Section 3.6 Noise Study), and creation of new target areas. We are particularly concerned with the vertical airspace expansions that permit low-altitude flights and anticipate negative effects on Greater sage-grouse (GRSG), bighorn sheep, and waterfowl. There are approximately 113 GRSG leks, including 57 active/pending leks within the proposed Ruby, Zircon, Diamond, Duckwater and Smokie MOAs. Generally speaking, the Noise Report identifies several areas where an increase of 10+ dBA DNL is anticipated under the Proposed Action. Although use of DNL as the noise metric is not consistent with other GRSG noise research, an increase of 10 dBA or more is likely to have significant effects on GRSG. When this increase is combined with noise generated from existing or reasonably foreseeable projects, the cumulative effects are also likely to be significant. This increase in un-mitigated noise conflicts with State and Federal GRSG conservation plans.

NDOW has provided comments, references, and protocols in this process that encouraged the Navy to take a "hard look" at noise impacts and provided information for use in the DEIS, including NDOW's *Acoustic Impacts and Greater Sage-Grouse*. The Navy chose not to follow this protocol. As a result, the existing Noise Study is incompatible with properly analyzing GRSG impacts because it was designed from a human-community perspective and not a wildlife perspective. We question the applicability of using DNL metrics when GRSG noise protocols primarily rely on L50 and L90 metrics, which are not interchangeable, easily convertible, or directly comparable. We also question why other land use proposals in Nevada are held to standards that protect GRSG from noise impacts, but the Navy has chosen to disregard these requirements. It is unclear why the Navy continues to ignore current science, accepted management actions, and most importantly, why the Navy puts forward analysis that is inconsistent with State and Federal GRSG conservation plans.

Recommendation

NDOW recommends the Navy redo the DEIS's approach to noise impacts on GRSG. The Navy should complete a noise study following the protocols contained in NDOW's *Acoustic Impacts and Greater Sage Grouse*, which are based on best-available science. This includes a recommendation that the Navy collect actual baseline noise monitoring and complete noise modeling in a manner that can be translated to GRSG impacts. This approach will result in an analysis with proper disclosure of potential impacts and

the ability to respond with effective avoidance, minimization, and mitigation measures if necessary. It will also allow the Navy to comply with State and Federal GRSG recommendations and requirements.

If noise modeling indicates noise levels above 25 dba at GRSG leks or an increase of 10 dba over ambient (whichever is lower), then the Navy should take steps to avoid, minimize and mitigate impacts. This request is consistent with requirements outlined by other land management agencies, including BLM, US Forest Service, and the State of Nevada, for any other land use project occurring in GRSG habitat. Example strategies could include avoiding and seasonally restricting low-altitude overflights near GRSG sage-grouse leks. Monitoring of flight tracks over or near GRSG leks would demonstrate compliance with seasonal flight restrictions. These are common-sense measures that should be addressed in the Final EIS and will go a long way towards reducing impacts to GRSG.

Wildfire and Wildfire Management Plan

Wildfires and subsequent conversion to annual grass dominated vegetation communities such as cheatgrass is a priority threat to Nevada's wildlife and habitat resources. The prevalence and significance of wildfire, and the Navy's past role in igniting past wildfires, is not adequately addressed in the DEIS. Training operations such as release of live munitions and flares will, as history demonstrates, ignite wildfires within and outside Fallon NAS lands. The impacts of these Navy-ignited wildfires and the loss of wildlife habitat is largely overlooked in the DEIS and is a significant concern to NDOW. Our comments during the Preliminary DEIS requested additional analysis, which the Navy committed to providing in their response. However, we did not find an analysis of past fires or rehabilitation projects in the DEIS despite this prior commitment. As an example, since 2016, NDOW is aware of the Little Den Fire (2016; 3,500 acres) and the Bravo-17 Fire (2017; 24,000 acres) that were ignited by flares and bombing practices, respectively. NDOW and BLM cumulatively spent approximately \$400,000.00 to reseed portions of these fires. The Navy did not provide any funding to this effort, and in addition, restricted NDOW access to the B-17 Range in a way that made the completion of the seeding effort incredibly challenging. To demonstrate the magnitude of this issue, consider that NDOW spent \$100,000.00 to rehabilitate 10 percent of the Bravo-17 Fire. To reseed all 24,000 acres of damage caused by the Navy would cost over \$1 million. Unfortunately, a 24,000 acre fire is considered relatively small in size as many fires grow to hundreds of thousands of acres. Rehabilitation efforts for these two fires were funded by NDOW, BLM, and local conservation groups as the Navy did not contribute any funding. These are significant ecological and economic impacts that are being exacerbated by the Navy's training operations, but restoration efforts to offset these impacts paid for and implemented by other agencies and organizations with exponentially smaller budgets.

Given the expansion of bombing areas and proposed airspace expansion (horizontal and vertical) with a corresponding increase in flare ignitions, we anticipate a significant increase in fire impacts under the Proposed Action. In addition to fully disclosing the consequences of training related wildfires, the Navy should be taking financial responsibility for wildfires they ignite. The DEIS does not include a Fire Management Plan and NDOW was informed that the Navy does not have the funding to develop this plan. We are concerned with the lack of progress, funding, and opportunity for public input on this plan and we question the Navy's commitment to implementing a Fire Management Plan.

Recommendation

The Final EIS should include greater detail on past fire events, anticipated increases in fire starts, and a firm commitment to managing wildfire, restoration, and invasive species management through a Fire Management Plan. This Plan must include guaranteed funding for fire prevention, suppression, and

rehabilitation at a scale that can meaningfully offset the impacts. Examples of desirable prevention strategies include green stripping and brown stripping around target areas, modeling to predict fire behavior, and strict restrictions on the use of flares. To reduce fire starts across the withdrawn airspace, we recommend increasing the minimum height for releasing flares to a safer height (fire starts are shown to occur at 2000' AGL) and eliminating flares entirely during the fire season. There should be strict policies in place to ensure pilots are complying with these requirements. To assist BLM with suppression efforts and decrease response time, the Navy should contribute funding for air-supported suppression equipment. The Plan should also commit to fire rehabilitation projects through a mitigation account and appropriation of a dedicated wildfire budget. In addition to being expensive, rehabilitation projects (e.g. reseeding and planting) are time-sensitive so the Navy must be responsive and include provisions for timely action in the plan. Previous post-fire rehabilitation efforts have been challenged by a lack of funding, restrictions on seeded species, and access to withdrawn land and airspace. The Navy needs to prioritize fire rehabilitation funding and access so that reseeding projects are successful. We strongly recommend the Fire Management Plan address these critical concerns by including additional limitations on flare use, robust funding commitments, and public/agency input opportunities. Most importantly, a finalized version of the plan must be included in the Final EIS and Congressional Legislation as a means guaranteeing the Navy's participation and financial obligations.

Insufficient Monitoring and Mitigation

There are insufficient management actions, monitoring, and mitigation (MMM) presented given the scope and magnitude of potential impacts to wildlife, recreation, wildfire, and access for management activities. We do not agree with the Navy's intention to postpone mitigation discussions until Congressional action or rely upon the Integrated Natural Resources Management Plan (INRMP) for MMM. In our experience, INRMPs routinely placed as a low priority, and consistently experience a lack funding, personnel, and flexibility in completing projects both on an installation, and outside withdrawn lands. INRMPs provide limited benefit to wildlife and habitat resources compared to observed impacts from military training. Pushing MMM from the DEIS into the INRMP guarantees that insufficient action will be taken to benefit wildlife and natural resources. Postponing MMM until Congressional action removes any opportunity for genuine involvement by the public and agency stakeholders. Further, this strategy leaves a multitude of impacts unaccounted for and is inconsistent with the intent of NEPA.

The Proposed Action will result in significant negative impacts to recreation, NDOW access, wildfire and habitat conversion and biological resources. Further, these impacts are expected to occur indefinitely. Although the withdrawal may only be recommended for 20 years, it is highly unlikely the Navy will ever return these lands to public use or re-allocate mitigation funds for an existing withdrawal. Mitigation is required by NEPA and is critical to offsetting the impacts of the proposed action. If the Final EIS does not include mitigation commitments, it is our experience that they will never be executed. The Navy has shown little effort to include and commit to meaningful avoidance, minimization, or compensatory mitigation that offsets anticipated impacts. Under the DEIS, Nevada's agencies and stakeholders will be negatively impacted and left to re-create these resources using their own funding sources. This is a disappointing fact given the magnitude of the proposed action and the impacts on Nevada's wildlife resources.

Recommendation

NDOW recommends the Navy commit to additional avoidance, minimization and monitoring measures for wildlife and habitat resources. We further request the Navy commit funding for the duration of the withdrawal to ensure these measures can continue to be executed.

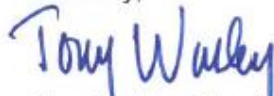
NDOW recommends creating a "Wildlife Working Group" within the Final EIS that would include representatives from the Navy, NDOW, BLM, and conservation organizations. We have successfully used this model to coordinate, fund, and implement projects that benefit wildlife resources in Nevada. The objective of this group would be to improve wildlife populations, habitat resources, and hunting opportunities within and outside of the proposed withdrawal. The DEIS current provision for constructing a few water developments is unacceptable given the significant impacts. It is clear the Navy is largely unaware of the magnitude of wildlife conservation and the financial commitment needed to implement meaningful projects. Examples of recommended projects include fuels reduction projects, wildfire rehabilitation, weed treatments, riparian enhancements, pinyon-juniper removal, water developments, increasing water rights and water availability at Stillwater NWR, and game management actions (disease sampling, surveys, collaring projects). These are all critical-need type projects that must be used to offset the impacts of the proposed action. We request the Final EIS and subsequent Congressional legislative action commit to funding a Mitigation Account for use by the Wildlife Working Group.

We understand the need for the FRTC modernization and will continue to work cooperatively with the Navy to help ensure impacts to wildlife, wildlife management, and public access are appropriately addressed and resolved. In exchange, we reasonably anticipate a genuine effort on the part of the Navy to accomplish the same.

In summary, NDOW remains concerned and disappointed that many of the issues, scientific information, and potential solutions offered by NDOW and others during stakeholder and working group meetings have not been included in the DEIS. There are many critical pieces that still need to be completed between now and the Final EIS in order for the Navy to demonstrate it is capable and willing to respond to impacts created by the proposed action. Public and Agency comments at this stage represent the last formal opportunity to provide input on the proposed withdrawal, which will have a dramatic effect on Nevada, its natural resources, and citizens. We are hopeful that the Navy will re-consider the current path and integrate public and agency comments with a genuine interest in significantly improving the quality of the Final EIS and improving the long-term outcome for the State of Nevada and its citizens.

We remain committed to further cooperation to ensure these concerns are effectively addressed and resolved and would appreciate additional opportunity to work with the Navy prior to finalization of the EIS.

Sincerely,



Tony Wasley, Director
Nevada Department of Wildlife

Attachments

- A – Specific comments in matrix
- B – Acoustic Impacts and Greater Sage-grouse
- C – FRTC Managed Access Program Recommendations
- D - FRTC Draft Managed Access Program, Specific Comments

F.3.1.7.1 Response

Thank you for your comments here and your participation in the NEPA process. The Navy has worked with cooperating agencies, and Indian Tribes to design the Preferred Alternative (Alternative 3) so that it reduces potential impacts to all resources. Regarding mitigation, the Navy has developed and proposed specific mitigation for each alternative that can be implemented and would avoid or minimize impacts.

As such, alternatives include actions specifically designed to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities. Cooperating agencies, Indian Tribes, and other stakeholders were solicited for potential mitigation or management actions through the public scoping process and the public comment process on the Draft EIS, and the Navy evaluated the suggestions against compatibility with military training and testing activities and range safety. The Navy conducted several mitigation working group meetings with Cooperating Agencies and Indian Tribes to discuss their concerns as well as the feasibility of their suggested management practices or mitigations. The Navy continued to work with cooperating agencies, Indian Tribes, and other public stakeholders between the Draft and Final EIS to refine or augment mitigation methods to reduce potential impacts. These suggestions for management practices, monitoring, and mitigation have been added to the Final EIS in Tables 5-1 through 5-16. General mitigation suggestions are shown in Table 5-1 along with the Navy's response if it was adopted or not; including reasoning for considering but eliminating the suggestion if applicable. Suggestions that were specific to different resource categories are discussed under their respective resource headers in Table 5-2 through Table 5-13, located in Section 5.2 through 5.16.

With regards to management access, the Navy recognizes the efforts of NDOW and many conservation partners on habitat improvements and bighorn sheep re-introductions within the proposed withdrawal area. The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. These programs have been developed by the Navy with the assistance of NDOW, USFWS, and other cooperating agencies. The Navy is also developing the Bighorn Sheep Hunting Program with NDOW through a MOA that is included in Appendix D (Memoranda, Agreements, and Plans) in Draft form and would be formalized after any ultimate Congressional decision. The MOA would outline how and when hunters would have access to the B-17 range in specific areas defined by the Navy on a year-to-year basis.

Details of the bighorn sheep hunting program MOA can be found in Chapter 2, Section 3.12 (Recreation), and Appendix D (Memoranda, Agreements, and Plans).

Regarding adverse impacts to wildlife and habitat resources, Navy operational doctrine dictates that during transit to and from training areas, pilots avoid lambing areas. Regarding impacts to sage grouse, the most recent Nevada Department of Wildlife greater sage grouse lek location data indicates that they are east of the land areas proposed for withdrawal or acquisition. Sage grouse in these areas would be exposed to noise from aircraft overflights. Available science indicates that short-term noise intrusion does not play a significant role in lek success and is not proposing seasonal flight restrictions. The Navy would work closely with BLM and NDOW to manage sage grouse and other species on land under the Navy's control. State management plans use L_{xx} (e.g., L_{10} and L_{90}) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L_{max}), sound exposure level (SEL), the DNL, and equivalent sound level (L_{eq}) metrics to determine potential impacts. The Navy has determined that the analysis presented in the Final EIS is comprehensive and based on the best available science for assessing potential population impacts. The Navy recognizes the importance of the state management plan metrics, and therefore the Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

The Navy has and would continue to implement operational and administrative controls to reduce wildfires. The Navy is developing a Wildland Fire Management Plan (which includes post-fire management actions including reseeding) and, where possible, proposed plan elements and goals are included in the Final EIS. An outline of the Draft Wildland Fire Management Plan has been provided in Appendix D (Memoranda, Agreements, and Plans), and applicable information has been incorporated from the Draft Wildland Fire Management Plan into the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

The Final EIS includes greater detail on past fire events as available in the public records in Section 3.14 (Public Health and Safety). The Navy does not anticipate increases in fire starts as a result of the Proposed Action because the training activities proposed have not changed from the 2015 FRTC EIS, and because the Navy would take action to implement the Wildland Fire Management Plan when it is complete. The Navy is committed to managing wildfire, restoration, and invasive species management through the Wildland Fire Management Plan.

Although the Navy cannot guarantee funding because the budget of the Navy is created by Congressional decision, the Navy would ask for funding for fire prevention, suppression, and rehabilitation at a scale that can meaningfully offset the impacts as necessary after any ultimate Congressional decision.

The Navy will consider and discuss with stakeholders of the Wildland Fire Management Plan the examples provided by the commenter of desirable prevention strategies, including green stripping and brown stripping around target areas, modeling to predict fire behavior, and strict restrictions on the use of flares.

The Navy would discuss increasing the minimum height for releasing flares above the current restriction height at 2,000 feet AGL during the Wildland Fire Management Plan planning process. The Navy already has in place policies that eliminate flares entirely during the fire season.

The FRTC Operations Manual contains policies in place to ensure pilots are complying with these requirements.

Although the Navy cannot guarantee funding because the budget of the Navy is created by Congressional decision, the Navy would ask for funding to assist BLM with suppression efforts and decrease response time, and for air-supported suppression equipment.

The Navy would discuss committing to fire rehabilitation projects through a mitigation account and appropriation of a dedicated wildfire budget during the Wildland Fire Management Plan process. The Navy would prioritize the Wildland Fire Management Plan process after any ultimate Congressional decision and would consider fire rehabilitation funding and access so that reseeding projects are successful. The Navy cannot include a finalized version of the Wildland Fire Management Plan due to the need for any ultimate Congressional decision on the Proposed Action in order to know specifics on what the Wildland Fire Management Plan should cover.

Your specific line by line comments are addressed individually in the sub-matrix that follows this comment in Table F-4.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-4	2.3.1 No Action Alternative		NDOW continues to disagree with the Navy's tactic on the "no action alternative." Complete removal of training facilities and expiration of existing withdrawals is not a realistic alternative, especially in light of the assertion by the Navy that there is no other location to conduct training at any level. This is a disingenuous alternative. The Draft EIS does not contain a true "no action" or status quo alternative, as mandated by NEPA. Throughout the cooperating agency process, the Navy has maintained the original Purpose and Need is not flexible and continues to use this justification to prevent inclusion and analysis of other Alternatives, including the Nevada Alternative. NDOW would submit that writing a Purpose and Need to the level of specificity presented in the DEIS and the Navy's unwillingness to adopt a more general Purpose and Need is preventing a genuine NEPA analysis. The current narrow scope of Purpose and Need severely limits the ability for Cooperating Agencies to provide meaningful input and have their proposals for avoidance and minimization properly analyzed. This approach runs counter to the spirit of NEPA and conveys a lack of genuine interest in hearing from Cooperating Agencies and other stakeholders.	The Council on Environmental Quality implementing regulations require inclusion of a No Action Alternative and analysis of all reasonable alternatives to provide a clear basis for choice among options by the decision maker and the public (40 CFR section 1502.14). Council on Environmental Quality guidance identifies two approaches in developing the No Action Alternative (46 Federal Register 18026). One approach for activities that have been ongoing for long periods of time is for the No Action Alternative to be thought of in terms of continuing the present course of action, or current management direction or intensity, such as the continuation of Navy training at NAS Fallon and the FRTC at current levels. Under this approach, which was used in Phases I and II of the Navy's environmental planning and compliance program for training and testing activities, the analysis compares the effects of continuing current activity levels (i.e., the "status quo") with the effects of the Proposed Action. The second approach depicts a scenario where no authorizations or permits are issued, the Navy's training activities do not take place, and the resulting environmental effects from taking no action are compared with the effects of the Proposed Action. This approach is being applied in Phase III of the Navy's environmental planning and compliance program, including in this EIS...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) The No Action Alternative does not include the renewal of the existing withdrawn lands under Public Law 106-65. This alternative does not request any withdrawal or propose any acquisition of new land. Under the No Action Alternative, current and proposed training at FRTC would likely need to be accommodated elsewhere. This would likely result in the potential loss of the integrated nature of training, as well as the fragmentation and total loss of essential training functions. Consequently, the No Action Alternative of not renewing existing withdrawn lands or requesting additional withdrawals or proposals is inherently unreasonable in that it does not meet the Navy's purpose and need. However, the analysis associated with the No Action Alternative is carried forward in order to compare the magnitude of the potential environmental effects of the Proposed Action with the conditions that would occur if the Proposed Action did not occur.
2-6	2.3.2 Alternative 1		NDOW strongly opposes Alternative 1 as it does not reflect the progress made between the Navy and Cooperating Agencies in the development of Alternative 3. Comparatively, Alternative 1 has the highest level of impact to wildlife, habitat, and access resources and it is our understanding the Navy does not prefer Alternative 1 or 2 because of these, and other, impacts to Nevada custom, culture and economy. Although NDOW remains concerned with many aspects of Alternative 3, it does more to avoid and minimize impacts than does Alternative 1...	Thank you for your comment and participation in the NEPA process.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) Because the Navy has selected Alternative 3 as the Preferred Alternative, NDOW is restricting our detailed comments to Alternative 3 and will not be providing detailed comments on Alternative 1.	
2-29	2.3.3 Alternative 2		NDOW strongly opposes Alternative 2 as it does not reflect the progress made between the Navy and Cooperating Agencies in the development of Alternative 3. Comparatively, Alternative 2 has the second highest level of impact to wildlife, habitat, and access resources and it is our understanding the Navy does not prefer Alternative 1 or 2 because of these, and other, impacts to Nevada custom, culture and economy. Although NDOW remains concerned with many aspects of Alternative 3, it does more to avoid and minimize impacts than does Alternative 2. Because the Navy has selected Alternative 3 as the Preferred Alternative, NDOW is restricting our detailed comments to Alternative 3 and will not be providing detailed comments on Alternative 2.	The Navy is appreciative of all inputs of Cooperating Agencies and comments made to date on the DEIS. The comment submitted for Alternative 3 were evaluated below.
2-29 thru 2-32	2.3.3.2 Public Accessibility and 2.3.3.2.2 Hunting Activities		NDOW requests language that provides additional and permanent assurances for sportsman and NDOW access to the B-17 Range. This language should be added to Alternative 2 and Alternative 3 since they rely upon the same 2.3.3.2 Public Accessibility and 2.3.3.2.2 Hunting Activities sections. The current use of "conditionally allowed" does not clearly guarantee access will be provided based upon the contents of the Managed Access Plan (in development). This is counter to the formal request by the State of Nevada (Letter by Governor Sandoval) as well as verbal assurances provided by the Navy during various Cooperating Agency and State Agency meetings. Addressing access through a plan that...	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details. Details of these plans can be found in Chapter 2, in Section 3.12 (Recreation), and Appendix D (Memoranda, Agreements, and Plans). Hunting access to the B-17 range would be subject to mission and safety requirements.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) doesn't yet exist does not avoid, or minimize the impacts to the loss of a public resource and is not in line with the NEPA process.	
2-29 thru 2-32	2.3.3.2.2 Hunting Activities	"Navy and NDOW would manage the hunting program through a Memorandum of Agreement"	During the course of several State-agency and Cooperating Agency meetings, NDOW and the Navy had agreed to complete a "Managed Access Plan" to guide sportsman and NDOW access onto B-17 and potentially, B-20, not simply a Memorandum of Agreement. Please clarify this agreement in the Final EIS. Current language in the Draft EIS is inaccurate and calls into question the Navy's intentions. NDOW has formally requested on many occasions that the Final EIS and ROD/congressional legislative action would include the Managed Access Plan to provide committed assurance to the State that the hunting program will operate for the duration of the withdrawal. It is our understanding that the Navy has agreed to fulfill this request. It is highly dissapointing and concerning to see the Navy continue to leave to leave this important language out of the Draft EIS. As with other aspects of this program, this calls into the question the Navy's true intention and ability to follow-through on verbal agreements made during agency meetings.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). Details can be found in both Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.
2-29 thru 2-32	2.3.3.2.2 Hunting Activities	"...with no member of the hunting party under 18 years of age"	NDOW recommends the Navy adopt the age restriction used in Southern Nevada for bighorn sheep hunts conducted on the NTTR. Existing regulations require "hunters and everyone in their respective hunting parties...be at least 14 years old on opening day of the respective hunting season." This is important not to confuse potential tag holders on the requirements for hunting on military lands...	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans) ...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) NDOW questions why the Navy would require a hunter or hunting-party member to be at least 18 year old when the NTTR has demonstrated a safe and succesful program with an age limit of 14 years old. This should be consistent throughout the document and the Managed Access Hunting Program document.	(continued) To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.
2-29 thru 2-32	2.3.3.2.2 Hunting Activities	"Bombing range access procedures would be in accordance with Navy range policies"	Please include detailed explanation on the Navy Range Policies? How will these affect hunting access? It is important for the public to understand what these policies include and how easily they can be changed by the Navy in order to understand the impact on the Managed Access Plan.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.
2-29 thru 2-32	2.3.3.2.2 Hunting Activities	"...check-in and check-out would be mandatory for any access to the Bravo 17 range"	What does this entail? We previously discussed the challenges of conducting daily check-in/check-out procedures and camping in designated areas on range. This section should include additional detail so NDOW and the public can be fully aware of the process for access restrictions proposed by the Navy. For example, since hunting is only expected to be permitted when the range is closed, the requirement to enter, exit, and perform check-in/check-out for each day is...	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) too onerous for a functional hunting program. Hunters will need early access and late access to range for effective hunting purposes. Implementing a 24/hr check-in process would be unnecessarily burdensome for all parties involved. NDOW proposes that hunters be allowed to stay on the range when hunting is occurring (in concert with designated camping areas) and check-in/check-out procedures are only conducted at the start and end of a hunting 'trip,' not each day. NDOW has previously provided extensive comments and recommendations on this particular topic and we remain highly concerned the Navy continues to avoid providing a clear and reasonable path forward in the Draft EIS.	(continued) Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.
2-29 thru 2-32	2.3.3.2.2 Hunting Activities		Wording such as "on a not-to-interfere basis" and "to the maximum extent practicable" does not provide much assurance to NDOW or the public that the Managed Access Program can persist and is a genuine priority for the Navy. Alternative 2 and 3 result in significant impacts for hunting and public access. The Final EIS should adopt language that more clearly commits the Navy to implementing the Managed Access Plan as a means to minimize impacts.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-29 thru 2-32	2.3.3.2.2 Hunting Activities		NDOW stongly recommends the Navy allow hunters to camp in designated locations with the proposed withdrawal area of B-17 when done in concert with an active hunt. The NTTR has demonstrated a safe and succesful program with camping in designated areas as a common and accepted practice. Due to the large size of the range, limited opportunities for camping off-range, remote location of the range, and significant travel times, accommodations for camping should be provided. Additionally, given the travel requirements and limited opportunities for off-range camping, NDOW would offer that allowing on-range camping will prevent or limit the temptation some users may have to camp on-range and in areas not cleared for UXO. This type of issue could create long-term compliance issues with the hunting program and ultimately jeopardize its ability to continue. Designated camping areas will allow the Navy to perform UXO sweeps in these areas and ensure hunter safety. Providing 4-6 designated camping areas for hunters in strategic on-range locations will provide a better opportunity for hunters to easily comply with the rules of the hunting program and prevent unwanted behavior, while maintaining safety requirements in place. NDOW has made extensive previous comments on this topic and we remain highly concerned the Navy has not incorporated this critical piece into the Draft EIS.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.
2-29 thru 2-32	2.3.3.2.2 Hunting Activities		NDOW strongly recommends the Navy and NDOW work together to create and finalize a Managed Access Program for inclusion into the Final EIS and ROD/Congressional legislative action.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.
2-29 thru 2-32	2.3.3.2.2 Hunting Activities		NDOW continues to recommend the Navy allow "opportunistic" hunting for mule deer, pronghorn antelope, and upland game birds on the proposed B-17 and B-20 ranges. The proposed expansion is a significant impact on recreation and severely limits public access. This can be partially minimized by a more robust managed access program for hunting as we strongly encourage the Navy to allow additional hunting opportunities. NDOW has made extensive previous comments on this aspect and we are disappointed to find the Draft EIS make little commitment to opening B-17 and B-20 to additional hunting opportunities.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.
2-29 thru 2-32	2.3.3.2.2 Hunting Activities		NDOW continues to recommend the Navy allow use of hunting dogs on the proposed B-17 range in concert with opportunistic hunts for upland game birds. Use of dogs is an essential component to small game hunting.	Due to safety issues, the Navy is not including hunting dogs, nor upland bird hunting in its managed access plan and hunting program on B-17.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
	2.3.4.3.1 Bravo-20 Land Withdrawal and Acquisition		NDOW remains extremely concerned about the potential for wildlife management activities to occur on the 3,200 acres of USFWS land proposed for withdrawal by the Navy. The DEIS states that USFWS would continue to manage the land, but we have observed difficulties with this model in southern Nevada between the USFWS and the Air Force on the Desert NWR. Given the priorities of the Navy and USFWS are significantly different, how will the Navy ensure that appropriate wildlife management actions can and will occur on the 3,200 acres proposed for withdrawal? What management actions will be allowed given the area is within the WDZ? Will NDOW be afforded opportunities for access to conduct wildlife management actions? Again, there have been no assurances included in the DEIS. This is particularly concerning considering that NDOW has a statutory responsibility to manage wildlife in Nevada.	Management of proposed expansion areas would require extensive updates to management plans. If the proposed action is implemented (i.e., expansion of the existing DVTA and B-16, B-17, and B-20 ranges), the NAS Fallon INRMP would be revised to include management practices for special-status species. The Navy will coordinate with BLM, NDOW, and USFWS in the revision of the INRMP and will consider which additional management or monitoring activities can be incorporated. This coordination would include grazing management by BLM on DVTA, invasive species control and interdiction, wildland fire management, and other stewardship conservation programs. The Navy and the NDOW have drafted a MOA that is included in Appendix D (Memoranda, Agreements, and Plans), which outlines the agreements between the Navy and NDOW for access to the FRTC and the hunting program. Specific details from Appendix D (Memoranda, Agreements, and Plans) have been inserted in the Final EIS, specifically in Chapter 2 and Section 3.12 (Recreation).
	2.3.4.3.2 B-20 Public Accessibility		NDOW questions how the Navy is proposing to allow special event races in B-20, while simultaneously restricting or denying access for hunting? NDOW has continuously requested managed access to provide current or future hunting opportunities and would still like to pursue this option.	Race events in the B-20 range would be along set routes, and would only occur over a few hours or a day, and from once to a few times a year as compatible with training schedules. The Navy cannot offer hunting in the B-20 range as hunting is not compatible with training activities in the same way that hunting for bighorn sheep could be in B-17...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) The hunting season for bighorn sheep overlaps with time in the FRTC schedule that would allow for use of the B-17 range for hunting. Furthermore, the surrounding area of the existing B-20 range is not known to be a popular destination for hunters.
2-35	2.3.4 Alternative 3		NDOW will largely restrict our review and comment to Alternative 3 because it reflects the greatest level of compromise and reduction of impacts. It is also the Navy's Preferred Alternative and for that reason we will also be focusing on this Alternative. Despite Alternative 3 being the most favorable alternative for wildlife, habitat, and access resources, NDOW remains concerned with many aspects of this alternative, as well as the lack of attention and analysis given to the Nevada Alternative. We continue to disagree with the Navy's assertion that Alternative 3 adequately analyzes Nevada's proposed alternative.	Portions of the Nevada Alternative have been incorporated that are compatible with the Navy's mission and purpose and need. Those portions of the Alternative that do not meet the screening criteria were not incorporated into the analysis.
2-35	2.3.4 Alternative 3		NDOW strongly supports the "shift and rotate" for B-17 as this moves the bombing range off of the Sand Springs Range, thereby avoiding important wildlife habitat as well as popular hunting destinations.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
2-36	2.3.4 Alternative 4		NDOW strongly supports the "shift and rotate" for B-17 as this moves the bombing range off of the Sand Springs Range, thereby avoiding important wildlife habitat as well as popular hunting destinations.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
2-41 and 2-44	Figure 2-14 FRTC B-17 under Alternative 3 and Figure 2- 15 FRTC B-20 under Alternative 3	Map	As a result of discussions during State-agency and Cooperating Agency meetings, we were under the impression that the boundary fence would follow the outline of the WDZ. Figure 2-14 and Figure 2- clearly portray the fenceline following section boundaries identified for withdrawal. It would be helpful to have a consistent answer on where the fenceline will be placed: section edges or the edge of the WDZ? ...	The Navy followed the Public Lands Survey System, which is based upon a grid layout. A description of the grids is used to define the area for withdrawal. The Weapons Danger Zones (WDZs) are modeled based on a curve. In order to fit the grid to the curve, the Navy refined the areas impacted along the WDZs into successively smaller grids in accordance with ...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) As with past comments, we strongly encourage fencing the WDZ as this is the area identified by the Navy as problematic for public safety. Many of the withdrawal sections appear to be withdrawn because they intersect the WDZ. We continue to encourage the Navy to fence only the WDZ to reduce impacts to public access. The consequences of this are particularly evident in B-20 where significant portions of a section (>75%) are being included in the withdrawal despite being outside the WDZ. Impacts include loss of access to the public and resource management agencies (e.g. USFWS on the Fallon NWR Withdrawal).	(continued) the rules of the Public Lands Survey System. The Navy has re-evaluated the land withdrawal since the initial NOI release and has reduced land parcels down to their closest 1/4 aliquot. This reduces the overall land area that is being requested for withdrawal. However, areas between the WDZ and fence line are still needed by the Navy for staging and training activities that need to be conducted outside of the WDZ.
2-50	2.51 Continue Training at FRTC		NDOW continues to recommend the Navy consider the existing withdrawal as the No Action Alternative as the Status Quo would be a more realistic and honest No Action Alternative. The DEIS states that this alternative was not carried forward because it "would not meet the purpose and need of the project." NDOW questions how the existing No Action Alternative (not renewing the existing withdrawal and terminating training at FRTC) would meet the Purpose and Need? We continue to offer that the DEIS does not include an appropriate or realistic No Action Alternative. This presents a serious and legitimate weakness in the NEPA analysis. It is not reasonable to eliminate an alternative because it does not meet the Purpose and Need while simultaneously including another alternative (in this case, the existing No Action) that also does not meet the Purpose and Need, but does force the implementation of an action alternative simply because the No Action is unrealistic. The remaining alternatives considered but not carried forward clearly demonstrate ...	The Navy included the "status quo" alternative as an "Alternative Considered But Eliminated" in Section 2.5.1 (Continue Training at the Fallon Range Training Complex in the Current Configuration). This alternative, also known as the "status quo" alternative, would renew the existing FRTC land withdrawals as currently configured. The Navy would not withdraw or acquire any additional land, and there would be no changes to existing restricted airspace at the FRTC. In their comments during the scoping period, Churchill County, Eureka County, Nevada Association of Counties, and other members of the public recommended that the Navy consider this alternative in this EIS. The Navy considered this alternative but did not carry it forward for detailed analysis in the EIS. It would not meet the purpose of and need for the project, nor would it satisfy the realistic training environment and safety screening factors.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) there is no where else for the Navy to build a facility like FRTC. It currently appears that the No Action Alternative is in place merely to support the Navy's Preferred Alternative, rather than for the intended purpose of analyzing the impacts of taking no action.	
3.10-32	3.10.2.3.3 Mammals		"striped skink" is most likely supposed to read "striped skunk"	The recommended change has been incorporated into the Final EIS.
3.6-6	Table 3.6-1 FRTC Special Use Airspace		NDOW again question the assertion that there will be "no impacts" to wildlife resources. For example, the horizontal expansion of the Fallon South 2 SUA dramatically increases the number of sensitive wildlife receptors affected by this airspace. The existing Fallon 2 SUA overlaps with 1 active/pending GRSG lek and 10 raptor nests (including 5 GOEA and 3 Ferruginous hawk nest). The proposed horizontal expansion would affect an ADDITIONAL 1 GOEA nest, 8 Ferruginous hawk nest, and 8 Northern Goshawk nests, 5 active/pending GRSG leks, and 9 inactive or unknown GRSG leks. This represents a significant increase in the number of sensitive wildlife receptors that will be subjected to increased noise and visual disturbance from very low (200 AGL) flights.	The proposed SUA changes for Fallon 2 have no dimensional changes from current SUA. The only change for the proposed Fallon 2 is to combine the current Fallon 2 and Fallon 3 MOAs into a single Fallon 2 MOA, with the same overall dimensions. There is no change to the volume of traffic from current.
3.6-9	3.6.2.2.2 Military Air Traffic	"RSO must ensure that...livestock are clear of the surrounding airspace and intended target."	Please include "big game wildlife" species to this list. If RSOs are checking for livestock impacts, we would appreciate the same consideration for big-game wildlife.	Will add "big game wildlife" to RSO clearance guidance.
3.6 -20	Table 3.6-3 Proposed Special Airspace Changes	R-48116S (Low)	This airspace directly overlaps the Lounderback Mountains and Chalk Mountain. Chalk Mountain is especially important for bighorn sheep lambing. What steps will the Navy take to avoid extremely low-level and disruptive flights to lambing bighorn sheep? ...	The FAA does not require seasonal flight restrictions and the Navy is not proposing seasonal flight restrictions.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) Can the areas directly overlapping lambing habitat be avoided during critical time periods?	
3.6-22	Table 3.6-3 Proposed Special Airspace Changes	Reno SUA	NDOW opposes the the vertical expansion in the Reno MOA from a current floor of 13,000'MSL to 1,500AGL due to the strong potential for wildlife impacts. The Reno MOA directly overlaps 5 active/pending GRSG leks, 12 inactive/unknown GRSG leks, 88 documented raptor nest locations, and bighorn sheep habitat. There are approximately 5 additional active/pending GRSG leks within a three mile buffer of the Reno MOA boundary. Each of these are potentially sensitive wildlife receptors that will be impacted by low-level flights and the associated disturbance. Additionally, we strongly oppose the addition of "chaff and flare release capability" in this area due to increased impacts from wildfire as a result of chaff/flare releases. There is a documented history of Navy-ignited wildfires on and off active bombing ranges. For off-range fires, flares are typically implicated in the ignition. There is tremendous economic and ecological cost from wildfire in Nevada and starts from flares should be minimized to the maximum extent. If chaff/flare use is required for this region, we strongly recommend the Navy take a more active financial role in fire suppression and rehabilitation activities associated with Navy-ignited wildfire.	The Reno MOA modernization is being used to support specific air-to-air training that does not required the bombing ranges. Chaff and flare use will be in accordance with procedures followed throughout the FRTC. Altitude restrictions are adhered to during identified fire season. Low-level flight is not envisioned for the Reno MOA, at 1,500 ft AGL. While the airspace floor is proposed to lower, the number of low-level flights is expected to be low. The Navy's role in fire suppression and rehabilitation activities associated with Navy-ignited wildfire will remain consistent with current FRTC practice.
3.6-22	Table 3.6-3 Proposed Special Airspace Changes	Proposed Ruby, Zircon, Diamond, Duckwater, and Smokie MOA	NDOW opposes the horizontal and vertical expansion of MOA/SUA airspace. Low level flights of 200-1,200 AGL flights are proposed for these SUA/MOA that will likely impact sensitive wildlife receptors. For example, there are 113 GRSG leks (including approximately 57 active/pending leks and 56 unknown, inactive or historic leks) and 472 documented raptor nest locations...	Proposed airspace (MOA/ATCAA) realignment remains consistent with existing FRTC lateral boundaries. Vertical changes are for the safety and efficiency of civil, commercial, and military aircraft in the FRTC. The volume of military traffic in the FRTC is unchanged. Low level flight is for specific events and is momentary over any given location.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) (including 95 eagle or potential eagle nests), occur on land underneath this airspace expansion request. There is a significant potential for long-term negative effects to GRSG as a result of this airspace expansion.	
3.7-9	3.7.1.4 Approach to Analysis	...other sensitive receptors (schools, libraries, hospitals, etc).	NDOW and the State have previously requested that sensitive wildlife receptors, in particular GRSG leks be included for analysis. NDOW disagrees with this approach and would offer that ignoring these receptors will cause significant wildlife impacts that are not properly disclosed or analyzed, much as was the case with the PDEIS.	This section is primarily for human sensitive receptors. Chapter 3.10 (Biological Resources) has been updated with additional information regarding greater sage grouse and other wildlife species.
3.7-10	3.7.1.4 Approach to Analysis	These locations...were used...to evaluate potential for..."	There is no mention of analyzing for sensitive wildlife receptors, despite several specific requests by NDOW to do so. The expanded airspace encompasses many sensitive wildlife receptors that should be analyzed for effects using wildlife specific analysis techniques (as these are quite different than human-exposure techniques).	This section is primarily for human sensitive receptors. Chapter 3.10 (Biological Resources) has been updated with additional information regarding greater sage grouse and other wildlife species.
3.7-11	3.7.2.1	Sensitive receptors...	Again, there is no mention of sensitive wildlife receptors such as GRSG leks or raptor nests. Both of these are highly sensitive to noise disturbance and affect special status species (Species of Conservation Priority, Sensitive Species, etc). The noise analysis and methodology should include these receptors and present an analysis that is specific to wildlife-noise impacts.	This section is primarily for human sensitive receptors. Chapter 3.10 (Biological Resources) has been updated with additional information regarding greater sage grouse and other wildlife species.
3.7-53	Figure 3.7-32 Aircraft Noise Difference Contours		An increase of 6-10dBA is significant for wildlife species, especially GRSG at leks (see Ambrose literature and NDOW Noise Impacts document previously submitted with PDEIS comments).	This section is primarily for human sensitive receptors. Chapter 3.10 (Biological Resources) has been updated with additional information regarding greater sage grouse and other wildlife species.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.7-53	Figure 3.7-32 Aircraft Noise Difference Contours		NDOW questions how there would be no difference in noise contours/DNL db mapped for the area under the MOA? How can there be no added sound when going from no military flights to a higher rate of flights, including low level flights?	The Final EIS has been revised to indicate that occurrences of overflights will increase in these areas, but their contribution to the 24-hour noise level (DNL) would be negligible. An overflight lasting seconds would increase the overall sound level, but not to the extent that said change would be measurable in a 24-hour period.
3.9-19	Figure 3.9-9 Water Wells within B-17 Under Alt 1 & 2		This figure is missing four NDOW water developments (guzzlers) within the Shoal Site area and six NDOW water developments (guzzlers) within the existing B-17 Withdrawal. Since Alternatives 1, 2 and 3 all include the renewal of current withdrawals, please include these sites in the Final EIS.	Revised maps have been incorporated into the Final EIS.
3.9-29 to 3.9-30	3.9.3.1 No Action Alternative		NDOW continues to question the biased information provided in the entire water quality section of the DEIS, in particular the No Action Alternative section. It is extremely difficult to believe the water quality would improve by creating a bombing range and dedicating several thousand 'new' acres to target and munitions areas, especially when compared to dispersed recreation. Please refer to our comment from the PDEIS: NDOW questions the data and information used to characterize the expected impacts resulting from a No Action Alternative. In many areas, BLM regulations and terrain prohibit or naturally limit off-road travel for recreation. In the majority of the proposed withdrawal areas where off-road vehicle travel is possible, there are few to no surface waters present. The document also does not include any information regarding wildlife water developments, which are unlikely to benefit from the proposed withdrawal. NDOW is required to monitor and maintain these water developments...	The Navy has revised impact conclusions for each alternative. In summary, the No Action Alternative has a conclusion pursuant with NEPA as having "significant impacts" primarily because the Navy will not have control over the withdrawal areas, and development pressures in the future could impact general water resources. For the action alternatives, the Navy has revised the conclusion to "significant impacts" primarily because of the acquisition of water rights within the proposed withdrawal areas, even though stress on subsurface and surface water resources would be anticipated to be less. In addition, off-road vehicle use is not considered a significant impact in the FEIS.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) Although NDOW and the Navy have maintained a positive working relationship for completing these tasks in the past, there is still far more coordination, cost, and more restrictive scheduling that occurs for the water developments located within the existing withdrawal boundary, compared with those that are not.	
3.9-37	3.9.3.2.2 Bravo-17 Public Accessibility		There is no analysis or discussion of the negative impacts that would occur if NDOW were to lose access to the guzzlers located within B-17. Without routine inspection and maintenance, water availability and quality will to decline, as has been experienced at other unmaintained water development sites around the state.	<p>The Navy would provide access to B-17 for an annual bighorn sheep hunt. NDOW would be the managing agency that would set any quotas and distribute any permits, as well as maintenance of wildlife habitat. The Navy has developed a draft MOA in conjunction with NDOW for managed access to B-17 for this hunting program (further details are provided in Section 3.12, Recreation, and Appendix D, Memoranda, Agreements, and Plans, of the Final EIS). The Navy acknowledges the potential loss of hunting opportunities for species other than the bighorn sheep and would conduct an annual review to determine if additional hunts may be feasible and compatible with the Navy mission.</p> <p>The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy would continue to coordinate with NDOW for access to maintain guzzlers on Bravo ranges and to implement wildlife management across the FRTC.</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-45	3.9.3.3 Alternative 2 Modernization of FRTC and Managed Access	"The primary environmental concern from camping and hunting activities are solid waste management and prevention of wildfires."	NDOW strongly recommends the Navy take a more active financial role in fire suppression and rehabilitation activities associated with Navy-ignited wildfire. Will the Navy also implement a program to prevent wildfires during training exercises? To list wildfire as an impact from hunting without any mention of wildfires from training exercises (flares, live ordinance explosions, etc) is severely biased and inappropriate in this document. Does the Navy have any evidence to support wildfire starts from hunting activities? Most hunting occurs in the fall or winter when fire danger is very low, whereas training occurs year-round.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, a draft outline of which is included in Appendix D (Memoranda, Agreements, and Plans), and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).
3.9-45	3.9.3.3 Alternative 2 Modernization of FRTC and Managed Access	Last Paragraph "...Impacts on water resources would be greater under this alternative compared to Alt 1)	NDOW questions what this is based on. Please refer to our comment from the PDEIS and consider including actual data to support claims. Previous comment: There is no information or data provided in the document to support the statement that the withdrawal would reduce soil erosion, compaction, and displacement leading to impacts to surface waters. Is this due to limited public access? The document arbitrarily stated the withdrawal and enhanced training, changing target locations, and use of small arms/ordinances will not impair water quality, but removing an undefined amount of recreation that is currently occurring, water quality will increase. There is no evidence or data in the DEIS to support any of these claims and they appear quite biased to the reader. These statements are further made in an area where the document lists no perennial water sources.	The Navy has revised impact conclusions for each alternative. In summary, the No Action Alternative has a conclusion pursuant with NEPA as having "significant impacts" primarily because the Navy will not have control over the withdrawal areas, and development pressures in the future could impact general water resources. For the action alternatives, the Navy has revised the conclusion to "significant impacts" primarily because of the acquisition of water rights within the proposed withdrawal areas, even though stress on subsurface and surface water resources would be anticipated to be less. In addition, off-road vehicle use is not considered a significant impact in the Final EIS.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-54	3.9.3.4.3 Alternative 3 - Bravo 20		There is no disclosure, analysis, or discussion on the potential impacts to water quality of munitions use in a playa (B-20) that is often inundated with water and serves as ephemeral wetland habitat. Exploded and unexploded munitions likely contain chemicals and metals that are hazardous to water quality/resources, yet there is no discussion of this impact. The Navy should assess existing water quality and the potential for future surface and groundwater impacts as a result of munitions. As currently provided, there is no data to support the Navy's conclusion.	The proposed action will expand bombing activities outside of the existing B-20 boundaries. The fate and transport of munitions constituents were analyzed previously in the 2015 Final EIS. Although the area has expanded, the number of munitions would not change.
3.9-62	3.9.3.5 Proposed Management Practices, Monitoring, Mitigation		Previous Sections on water resources state there are no significant effects on water resources, including water quality from the Proposed Action or Alternatives because of the actions included in Section 3.9.3.5. A review of Section 3.9.3.5 reveals there is little to no effort by the Navy to prevent munitions from polluting surface or groundwater resources. Each of the Proposed Management Practices included in Section 3.9.3.5.1 are specific to "spills" and do not include any reference to management practices that reduce potential sources of pollution from munitions. Given that B-20's target areas are in an ephemeral playa wetland (that is periodically inundated), this analysis is insufficient and the conclusions are likely flawed. Further, the preceding sections mention control and clean-up of munitions, but these actions are not specifically included in Section 3.9.3.5.1, so it is unclear if the Navy will actually implement this strategy.	The cleanup of hazardous materials and wastes is discussed in Section 3.14 (Public Health and Safety). As discussed in Section 3.14 (Public Health and Safety), the Navy has implemented a strict Hazardous Material Control and Management Program and a Hazardous Waste Minimization Program for all activities. The Navy continuously monitors its operations to find ways to minimize the use of hazardous materials and to reduce the generation of hazardous wastes. Any spills would be managed and cleaned up in accordance with applicable state and federal regulatory requirements. If any such spill were to exceed reportable quantities as defined by the U.S. Environmental Protection Agency for regulated material, the event would be immediately reported to the NAS Fallon Environmental Division for appropriate action per the Integrated Contingency Plan (U.S. Department of the Navy, 2009) ...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Additionally, the DoD created the Installation Restoration Program to identify, evaluate, and clean up contamination from past operations on military bases. The program was designed to ensure DoD compliance with federal and state environmental laws and regulations. Lastly, Chief of Naval Operations Instruction 3571.4, Operational Range Clearance Policy for Navy Ranges, establishes the policy and requirements for performing operational range clearance on Navy ranges.
3.9-62	3.9.3.5.2 Proposed Monitoring	The "need" for groundwater sampling...would continue to be "considered"	Does this imply that existing ground and surface water monitoring for water quality is not being completed? What are the results of existing monitoring and why aren't these included in the Draft EIS? NDOW recommends that monitoring occur and the results be presented as part of the Final EIS in order to support the Navy's claim that water quality will not be impacted.	Groundwater sampling is not currently performed on the ranges. However, as part of the Range Condition Assessment program, potential for vertical migration of constituents is modeled using mass-balance estimates from soil sampling. Based on results of these simulations, the RCA concluded that ground surface sources of 2, 4, - DNT, HMX, RDX, and TNT would not migrate to the groundwater table at concentrations above detection limits in 100 years.
3.9-63	Table 3.9-2 Summary of Effects		There is no data provided to support the notion that current multiple land use practices cause the degree of water resource impacts as stated in this table. Despite the potential for isolated issues under multiple use management, there are a variety of Federal and State laws regulating development and recreation. There are best practices, avoidance, minimization, mitigation and monitoring that is implemented development or recreation, but these are not included in the analysis. The claim that implementing the No Action Alternative could result in significant impacts on water resources, ...	The Final EIS has inserted revisions to impact conclusions. In the EIS, the no action alternative has "significant impacts" while action alternatives are "not significant." Note that for wetlands issues, with significant impacts, EPA/USACE would likely request some kind of LEDPA, but in this case, the significant issue arises from water rights.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) but a bombing range with active munitions use would not result in significant impacts is not supported by data and is a baseless and laughable claim. Please provide data to support the conclusions presented in the Draft EIS or revise the language. The Draft EIS currently portrays a scenario where current land use is more impactful to water resources than a bombing range - including a bombing range sited on an ephemeral playa wetland (B-20).	
3.10-1	3.10 General Comment		All citations referencing the Nevada Wildlife Action Plan throughout the EIS should be cited as: Wildlife Action Plan Team. 2012. Nevada Wildlife Action Plan. Nevada Department of Wildlife, Reno. Abbreviated "WAPT, 2012" and not NDOW (2013).	Citation format has been revised.
3.10-111	3.10.3.1.1 Noise; General Comment, Entire Section		NDOW has provided extensive comments, research findings, and recommended references with regards to noise impacts on wildlife - in particular Greater sage grouse. It is highly concerning that the Navy continues to completely ignore this current research and recommendations on noise impacts on Greater sage grouse. This is a serious issue and the Navy's lack of effort in understanding, analyzing, disclosing, and responding to this impact is unacceptable. This is a specific and important impact that has been clearly articulated by NDOW and many other agency commentors, yet the language in the Public DEIS is verbatim with the original language presented in the Preliminary Draft EIS. The Navy chose not to change or address even a single comment on noise impacts to wildlife and continues to rely on outdated and incomplete information. There is a robust assemblage of scientific information relative to noise that the Navy is ignoring...	Please refer to Section 3.10.3.3.1 for a discussion of noise impacts to sage grouse, including references provided by NDOW. Note that the sources provided regarding noise effects to sage grouse address terrestrial-based noise sources and not jet aircraft overflights. These terrestrial-based noise sources are very different noise sources both in terms of duration, proximity, and frequency. Jet overflights are infrequent, last only seconds, and do not occur over the same location multiple times. The land use and development projects address terrestrial-based, chronic noise sources and do not address aircraft overflights, particularly jet aircraft overflights. It is not appropriate to use noise studies addressing land-based chronic noise sources to determine potential impacts of short-term noise impacts from jet overflights on sage grouse...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) Every other land use and development project in Nevada is considering noise impacts on GRSg and taking steps to understand/disclose the impact and then avoid, minimize, and mitigate the impacts. The Navy is the only organization completely ignoring noise impacts on GRSg. The research provided is general in nature, severely outdated, and largely incomplete. We strongly recommend the Navy completely revamp this section and include current research.	(continued) State management plans use L _{xx} (e.g., L ₁₀ and L ₉₀) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L _{max}), sound exposure level (SEL), the Day-Night-Level (DNL), and equivalent sound level (Leq) metrics to determine potential impacts. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts. The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. The Navy will work closely with BLM to manage the sage grouse and other species on lands under the Navy's control. The Navy is proposing to fund a study by NDOW to monitor the potential effects to sage grouse lek behavior from aircraft overflights. Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.
3.10-111	3.10.3.1.1 Noise; General Comment, Entire Section		Furthermore, the BLM/USFS Land Use Plans and the Nevada Greater Sage Grouse Conservation Plan all discuss the existence and importance of noise impacts on GRSg. Additionally, the BLM/USFS Land Use Plan and Nevada Greater Sage Grouse Conservation Plan all limit noise to 10 dBA above baseline. How will the Navy analyze and address these requirements? The following comments pertain to noise and were included in the Preliminary Draft EIS Comments ...	Note that the sources provided re noise effects to sage grouse address terrestrial-based noise sources and not jet aircraft overflights. These terrestrial-based noise sources are very different noise sources both in terms of duration, proximity, and frequency. Jet overflights are infrequent, last only seconds, and do not occur over the same location multiple times. The BLM/USFS land use plans and state conservation plan address terrestrial-based, ...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) in June of 2018. We are bringing these comments forward again and formally request the Navy address noise impacts to GRSG.	(continued) chronic noise sources and do not address aircraft overflights, particularly jet aircraft overflights. It is not appropriate to use noise studies addressing land-based chronic noise sources to determine potential impacts of short-term noise impacts from jet overflights on sage grouse. State management plans use L _{xx} (e.g., L ₁₀ and L ₉₀) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L _{max}), sound exposure level (SEL), the Day-Night-Level (DNL), and equivalent sound level (Leq) metrics to determine potential impacts. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts. The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.
3.10-111	3.10.3.1.1 Noise; General Comment, Entire Section		Comment brought forward from Preliminary DEIS NDOW Comments: What are the expected noise impacts from the proposal on sage-grouse? Will lowering the floor in the RENO MOA effect greater sage-grouse leks? Will sage-grouse leks be impacted as a result of the increased airspace in the Diamond, Ruby, Zircom, Duckwater, and Smokie MOA's? What noise rates (i.e. time and spatial scale) can reasonably be expected in these areas and around leks and what is the magnitude of this impact on sage-grouse?	See response to previous. The Navy will coordinate with NDOW to assist in the development of a monitoring program to determine the potential impacts of jet overflights on great sage grouse. The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. The Navy is proposing to fund a study by NDOW to further assess potential impacts of low-level aircraft operations on sage grouse...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) We feel that further analysis is necessary given that these questions remain un-addressed and sage-grouse have shown a noise sensitivity. Please see NDOW's Acoustic Impacts to Greater Sage Grouse document for an assessment of the issue, potential impacts and thresholds, as well as proposed monitoring/modeling approaches that can be used to determine if affects are likely to occur. There is also an extensive Literature Cited section that contains best-available research for inclusion into the DEIS. Current research is inadequate, out-dated and irrelevant to many wildlife species and thus is not appropriate for sole reliance upon in the DEIS. Below is a list of citations that would also be valuable to incorporate into the analysis:	(continued) Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.
3.10-111	3.10.3.1.1 Noise; General Comment, Entire Section		Ambrose, S., and C. Florian. 2014. Sound levels at greater sage-grouse leks, Pinedale Anticline Project Area, Wyoming, April 2013. Castle Valley, UT. Barber, J. R., K. R. Crooks, and K. M. Fristrup. 2010. The costs of chronic noise exposure for terrestrial organisms. Trends in Ecology and Evolution 25:180–189. Blickley, J. L. 2013. The effects of anthropogenic noise on Greater Sage-Grouse (<i>Centrocercus urophasianus</i>) lek attendance, communication, and behavior. University of California, Davis. Blickley, J. L., D. Blackwood, and G. L. Patricelli. 2012a. Experimental evidence for the effects of chronic anthropogenic noise on greater sage- grouse at leks. Conservation Biology 26:461–471. Blickley, J. L., and G. L. Patricelli. 2012. Potential acoustic masking of greater sage-grouse (<i>Centrocercus urophasianus</i>) display components by chronic industrial noise. Ornithological Monographs:23–35. Blickley, J. L., K. R. Word, A. H. Krakauer, J. L. Phillips, S. N. Sells, ...	Comment noted. However, these studies do not address jet aircraft overflights of sage grouse and therefore are not directly applicable to an assessment of potential noise impacts to sage grouse. The DEIS does contain discussion of land-based noise sources and their effects on sage grouse (see page 3.10-122).

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) C. C. Taff, J. C. Wingfield, and G. L. Patricelli. 2012b. Experimental chronic noise is related to elevated fecal corticosteroid metabolites in lekking male greater sage-grouse (<i>Centrocercus urophasianus</i>). PLOS One 7:e50462. Bunkley, J. P., C. J. W. McClure, N. J. Kleist, C. D. Francis, and J. R. Barber. 2015. Anthropogenic noise alters bat activity levels and echolocation calls. Global Ecology and Conservation 3:62– 71. Chan, A. A. Y.-H., P. Giraldo-Perez, S. Smith, and D. T. Blumstein. 2010. Anthropogenic noise affects risk assessment and attention: the distracted prey hypothesis. Biology letters 6:458–61. Francis, C. D., and J. R. Barber. 2013. A framework for understanding noise impacts on wildlife: an urgent conservation priority. Frontiers in Ecology and the Environment 11:305–313. Gibson, R. 1989. Field playback of male display attracts females in lek breeding sage grouse. Behavioral Ecology and Sociobiology 24:439–443. Hodgson, D. J. 2008. A decibel primer. http://dallashodgson.info/articles/Acrobat/DecibelPrimer.pdf. Holloran, M. 2005. Greater sage-grouse (<i>Centrocercus urophasianus</i>) population response to natural gas field development in western Wyoming. University of Wyoming, Laramie, Wyoming. Kight, C. R., and J. P. Swaddle. 2011. How and why environmental noise impacts animals: an integrative, mechanistic review. Ecology Letters 14:1052–1061. Pater, L. L., T. G. Grubb, and D. K. Delaney. 2009. Recommendations for improved assessment of noise impacts on wildlife. The Journal of Wildlife Management 73:788–795...</p>	

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) Patricelli, G. L., J. L. Blickley, and S. L. Hooper. 2013. Recommended management strategies to limit anthropogenic noise impacts on greater sage-grouse in Wyoming. <i>Human-Wildlife Interactions</i> 7:230–249. Rabin, L., and B. McCowan. 2003. Anthropogenic noise and its effect on animal communication: an interface between comparative psychology and conservation biology. <i>International Journal of Comparative Psychology</i> 16:172–192. Swaddle, J. P., and L. C. Page. 2007. High levels of environmental noise erode pair preferences in zebra finches: implications for noise pollution. <i>Animal Behaviour</i> 74:363–368. Warren, P. S., M. Katti, M. Ermann, and A. Brazel. 2006. Urban bioacoustics: it's not just noise. <i>Animal Behaviour</i> 71:491–502.	
	3.14		While we appreciate the information in Section 3.14 on wildfire, this remains an inadequate analysis given the fire history with Fallon NAS. The document assures the wildland fire starts from flares are rare and due to non-compliance with the rules. Who is held accountable when flares are mis-used?	The Navy has updated Section 3.14 (Public Health and Safety with fire history and components of the Wildland Fire Management Plan as applicable and available.
3.10-109	3.10.2.7 Rodents		This should be called "Small Mammals" consistent with the report. All references to "rodents" should be changed to "small mammals."	The recommended change has been incorporated into the Final EIS.
3.10-10	3.10.2.2.1 Veg Mapping within FRTC	"For the purposes of mapping and classifying the vegetation with the proposed FRTC expansion areas, the ranks of formation ...	Utilizing vegetation ranking terminology such as "formation" and "alliances," while acceptable, is outdated. This comment was provided in the comments for baseline reporting. Peer reviewed literature on the Braun-Blanquet method, where terminology "alliances" or "formations" originates, is 30-40 years old. Please use the widely accepted and simplified Ecological System Name/Landcover Type terminology instead, ...	The vegetation mapping report prepared to support the EIS used the methodology described with the associated terminology (refer to the vegetation mapping report for full details). The approach to mapping used the International Vegetation Classification (IVC), which uses the formation, alliance, and association hierarchy...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) and alliance were used..."	(continued) see Southwest Regional GAP (USGS) to classify vegetation based on previous surveys. The vegetation mapping and classification will not be altered, but the terminology will be more consistent with current nomenclature.	(continued) The classification system has won broad acceptance within the NatureServe network as well as among its partners. In North America, the IVC consists of the U.S. National Vegetation Classification (USNVC) and the Canadian National Vegetation Classification. In Nevada, the Nevada Natural Heritage Program (NNHP) has developed a comprehensive IVC-compliant list of vegetation alliances with a large dataset of plots and Nevada-specific descriptions. In addition, the earlier 2015 vegetation mapping project of existing FRTC lands used IVC-compliant classifications that corresponded to the NNHP alliances. It would not be prudent to use a different terminology at this stage given the EIS references the supporting studies. In addition, as the commenter states, "...vegetation ranking terminology such as "formation" and "alliances," while acceptable..." Changing terminology would be semantics as this stage and would not change the overall discussion of vegetation communities within the ROI.
3.10-11	3.10.2.2.1 Veg Mapping within FRTC	"...and 1 potential wetland totaling 0.1 acre...in B-20 expansion area"	Please elaborate on how B-20 only includes 0.1 acre of potential wetland. The majority of the existing and proposed withdrawal is playa, which are ephemerally wet or inundated and generally fit at wetland areas. During and for several years after inundation, wetland conditions exist in significant expanses of B-20. Unless addressed elsewhere, this significantly misleads the public on the habitat conditions in B-20.	Microphytic playa is described as a seasonal lake in the veg mapping report. Final EIS text has been revised to include statement that microphytic playa is considered an ephemeral wetland.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-11	3.10.2.2.1 Veg Mapping within FRTC	"None of the potential wetland areas are located in areas subject to ground disturbance"	We disagree given the above comment on B-20. This area is certainly an ephemeral wetland, including the roughly 3200 acres of Fallon NWR included in the withdrawal. The Draft EIS shows target areas within the existing withdrawal, which is proposed for renewal under each of the action alternatives.	Final EIS text has been revised to more clearly state that the recently mapped potential wetland areas within the proposed expansion areas would not be subject to ground disturbance. Potential direct impacts to the microphytic playa/ephemeral wetland area of B-20 are addressed in the discussion of impacts (Section 3.10.3).
3.10-13	Table 3.10-3 Acreage and Table 3.10-7 Acreage.		There are approximately 76,000 acres or 11.6% of B-17 that has not been mapped and 16,400 acres of DVTA that has not been mapped. By not including this information in the Draft EIS, the Navy is limiting the public's ability to understand impacts and also limits the Navy's ability to develop reasonable and informed decisions on environmental consequences. While we understand this acreage likely corresponds with the new boundaries of B-17 Shift, this is yet another example of incomplete analysis.	The proposed B-17 expansion was delineated during the preparation of the Draft EIS and outside of the season for vegetation mapping. The additional areas not previously mapped in 2018 were mapped in 2019 and information incorporated into the Final EIS accordingly.
3.10-68	Golden Eagle		Golden eagles are especially sensitive to human and noise disturbance during nesting activities. Given the number of nests within the proposed withdrawal and airspace expansion, the effects of noise and human disturbance are probably worthy of mentioning.	Comment noted. A discussion of potential impacts of noise on avian species is presented in Section 3.10.3 Env Consequences.
3.10-68	Greater Sage-grouse		Greater sage grouse are especially sensitive to noise during lekking, nesting, and brood rearing stages. Given the significant airspace expansions proposed under the action alternatives, this is worthy of mentioning. NDOW previously provided the NDOW Acoustic Impacts on Greater Sage Grouse (Feb 2018) to the Navy as a reference and will do so again with these comments. It is also worthy to note that the BLM/USFS LUPA and the Nevada Greater Sage Grouse Conservation Plan speak to noise impacts and restrict noise to 10dba above baseline.	A discussion of potential impacts of noise on avian species is presented in Section 3.10.3 Env Consequences. Note that the discussion of noise impacts in the BLM/USFS LUPA and the Nevada Greater Sage Grouse Conservation Plan address only ground-based noise sources, not aircraft overflights. State management plans use L _{xx} (e.g., L ₁₀ and L ₉₀) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L _{max}), sound exposure level (SEL), ...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) the Day-Night-Level (DNL), and equivalent sound level (Leq) metrics to determine potential impacts. These metrics have been used widely for decades with respect to noise impacts to wildlife species. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts.
3.10-68	Greater Sage-grouse		There are approximately 158 Greater sage-grouse leks within the region of influence; of those, 126 are located within Supersonic Operating Areas, though these don't seem to be given any additional impacts analysis. This should be addressed, and any impacts on federally managed lands will need to be mitigated for using the Nevada Conservation Credit System per Nevada Executive Order 2018-32 (Dec., 2018). DoD should be conferring with the State of Nevada on matters of sage-grouse conservation and mitigation, in addition to USFWS, as this species falls under the jurisdiction of the State.	The Navy has addressed Supersonic Operating Areas in the EIS, please see Section 3.10.3.3.1. Federal agencies are not required to follow state mitigation plans. Currently, all state management plans concentrate on habitat availability, wildfire, and land-based chronic noise sources. The EIS determined that impacts to the sage grouse would not be significant. Given that the species is not a federally listed endangered species, no consultations are required.
3.10-88	Desert bighorn sheep		On 10/23/2018, NDOW provided definitions for spatial data displaying seasonal ranges for bighorn sheep, pronghorn and mule deer to the Navy. We recommend pertinent sections of these definitions be included to support the definitions provided in the DEIS.	The recommended change has been incorporated into the Final EIS.
3.10-93	Figure 3.10-37		Would recommend moving this map "up" in the document so it is positioned after the section on Bighorn Sheep, instead of inserted in the middle of the mule deer section.	The recommended change has been incorporated into the Final EIS.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-119	3.10.3.3.1 Alternative 1 Training Activities - Wildland Fire		The presence of a wildland fire management plan does not necessarily mean there will be no significant impacts from wildfires to biological resources and it is impossible to make this determination without a clear understanding of what the plan will contain and how it will be implemented/funded. As with previous comments relative to fire, there is no assessment or inclusion of any actual data, despite some history with past fires associated with B-17 and adjacent training areas. The document also does not include a copy of the fire management plan, what this plan includes, how it will be funded and implemented, and how much funding will be available. These will all be important considerations in determining if fire impacts have been adequately minimize and mitigated. The section on fire is very similar to the section presented in the Preliminary Draft EIS despite NDOW comments on the PDEIS and multiple agency meetings stressing the importance of this subject. The current lack of a wildand fire management plan (even in draft form) indicates the Navy is not taking this topic seriously and calls the Navy's true intentions into question. It is not clear how the Navy arrived at a "no significant impacts" conclusion given the lack of any real data, in-depth analysis or inclusion of the fire management plan.	The Navy acknowledges that there is a potential for significant impacts due to wildfire. However, fire prevention and response activities prescribed in the Wildland Fire Management Plan would be utilized to minimize the potential as much as possible. A draft outline of the plan has been incorporated into the Final EIS (see Appendix D [Memoranda, Agreements, and Plans]).

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-119	3.10.3.3.1 Alternative 1 Training Activities - Wildland Fire		This section is largely unchanged from the Preliminary Draft EIS despite repeated request for additional information and the inclusion of a wildland fire management plan (complete with commitments for funding). This represents a significant issue for many Nevada agencies, and one that has been continually communicated to the Navy. As this section has not appreciably satisfied our concerns, we are bringing forward relevant and unaddressed comments from the PDEIS here:	The Navy acknowledges that there is a potential for significant impacts due to wildfire. However, fire prevention and response activities prescribed in the Wildland Fire Management Plan would be utilized to minimize the potential as much as possible. A draft outline of the plan has been incorporated into the Final EIS (see Appendix D [Memoranda, Agreements, and Plans])
3.10-119	3.10.3.3.1 Alternative 1 Training Activities - Wildland Fire		Comment from PDEIS: It would be helpful and informative to the public to discuss and provide data on past incidences of wildland fires on the existing FRTC withdrawal and airspace. There is little data included that supports the "no significant impacts" conclusion presented in the DEIS. In fact, we would offer that significant impacts have occurred from existing withdrawals. The proposed land and airspace withdrawal may significantly increase the threat and frequency of wildfire not only from increased training boundaries, but also from a much larger area of airspace that may complicate firefighting air operations. There are examples of wildland fires that are likely tied to Navy training operations, but none of these are discussed or presented in the text. A management plan (especially one that is not completed or included in the DEIS for public review) does not adequately suffice for arriving at a "no significant impact" conclusion. There is a significant lack of data and analysis on this issue. Wildland fires are a principle cause of habitat conversion and loss to many species, including special status species, in Nevada. Even a relatively small wildland fire, in certain locations, is a significant impact for many species, ...	The Navy acknowledges that there is a potential for significant impacts due to wildfire. However, fire prevention and response activities prescribed in the Wildland Fire Management Plan would be utilized to minimize the potential as much as possible. A draft outline of the plan has been incorporated into the Final EIS (see Appendix D [Memoranda, Agreements, and Plans])

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) in particular those that depend upon sagebrush ecosystems such as mule deer, many migratory songbirds, and greater sage-grouse.	
3.10-119	3.10.3.3.1 Alternative 1 Training Activities - Wildland Fire		Comment from PDEIS: Is there any evidence to show that flares completely burn out when released at 2000 AGL and don't pose a risk of igniting a wildfire? NDOW, sportsmans organizations, private landowner and many other partners invest millions into rehabilitating wildfires, including those that were likely caused by Navy training activities. We recommend the Navy only release flares or other fire ignition sources if there is a guarantee that a fire won't occur 99% of the time they are utilized. Is a copy of the Fire Management Plan available for review? If this plan is the impetus for arriving at a "no significant impact" conclusion, it should be available for public/agency review and comment.	Refer to the Public Health and Safety Section 3.14.2.1.2 (Wildfire Management). The Navy has established minimum flare release heights to prevent wildfire occurrence. During the severe fire season (typically between May and October of each year), the Navy raises these minimum flare release heights to 2,000 feet AGL to further reduce a flare ignition source. While flare training is very important in terms of training realism and value, the Navy eliminates the use of airborne flares during severe drought conditions. Fires that have occurred in the past were due primarily to a combination of aircrew error and flare equipment malfunctions. In these cases, the Navy has attempted to learn from and to correct any historical deficiencies. In the case of flare malfunction, the Navy will issue a Conventional Ordnance Deficiency Report to the Naval Safety Center, and temporarily remove from the training inventory the flare type(s) believed to operate unreliably. If required by the outcome the Conventional Ordnance Deficiency Report investigation, the Navy will permanently remove from training, any known defective flares or flare types. The Navy acknowledges that there is a potential for significant impacts due to wildfire. However, fire prevention and response activities prescribed in the Wildland Fire Management Plan would be utilized to minimize the potential as much as possible. A draft outline of the plan has been incorporated into the Final EIS (see

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				Appendix D [Memoranda, Agreements, and Plans])

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-119	3.10.3.3.1 Alternative 1 Training Activities - Wildland Fire		<p>In the PDEIS the Navy stated fires could not be adequately predicted and thus, could not be analyzed. We responded that this was a somewhat misleading paragraph. There are many wildland fire modeling programs and exercises that could be used to help the Navy predict the potential for future wildfires. This is especially true as the potential sources for Navy-caused ignition could be identified and properly analyzed, especially compared to naturally-occurring fire starts (e.g. lightning). NDOW recommends using fire models to help predict where wildland fires are most likely to occur, how they will travel across the landscape, and take steps to further mitigate large-scale wildfires by using and modifying high-risk actions (target locations, flare drops) to minimize risk. Efforts to create fire breaks in strategic locations should be analyzed as a means to avoid and minimize the frequency and size of wildfire. The Navy responded to that comment by saying they would take a look at using fire modeling to better inform future decisions. We've noticed none of this language is included in the DEIS - what were the results of the Navy's assessment of fire modeling?</p> <p>Additionally, while predicting wildfire is challenging, predicting impacts as a result of wildfire is not, and should have been addressed rather than been ignored.</p>	<p>The Navy acknowledges that there is a potential for significant impacts due to wildfire. However, fire prevention and response activities prescribed in the Wildland Fire Management Plan would be utilized to minimize the potential as much as possible. A draft outline of the plan has been incorporated into the Final EIS (see Appendix D [Memoranda, Agreements, and Plans])</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-119	3.10.3.3.1 Alternative 1 Training Activities - Wildland Fire		<p>The document states, "Therefore, there would be no significant impacts to biological resources from potential wildfires within the proposed range expansion areas." How did the analysis arrive at this conclusion? BLM wildland fire fighting crews are instructed not to suppress fires within WDZ's (e.g. Bravo-17 fire) and the proposed withdrawal will dramatically increase the expanse of land without adequate fire suppression activities. Additionally, additional target areas and a dramatic horizontal and vertical expansion of airspace suggest that wildland fires ignited from Navy-training activities is likely to increase in frequency and impact a greater expanse of area. These all represent significant threat to the vegetation and thus, wildlife habitat. How will fire prevention and suppression occur within target areas or WDZs? Using B-17 as an example, the existing withdrawal area is approximately 54,000 acres and the proposed withdrawal is approximately 233,000 acres. This is an area four times as large, with additional and further distributed target areas that will no longer be protected with fire suppression resources; this is a very significant impact. How will an expanded airspace affect fire suppression through air-operations? How will an expanded airspace and expanded land withdrawal affect post-fire rehabilitation efforts? Fire rehabilitation is very time sensitive and further restrictions on when and how post-fire restoration can be applied is an indirect, but potentially significant impact.</p>	<p>The Navy acknowledges that there is a potential for significant impacts due to wildfire. However, fire prevention and response activities prescribed in the Wildland Fire Management Plan would be utilized to minimize the potential as much as possible. A draft outline of the plan has been incorporated into the Final EIS (see Appendix D [Memoranda, Agreements, and Plans])</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-120	3.10.3.3.1 Alternative 1 Training Activities - Noise		Use of DNL as a noise metric for wildlife, in particular GRSg, is inappropriate and not consistent with any research we are aware of. We strongly recommend a noise analysis that incorporates Leq, L90, and L50 as these are far more appropriate for wildlife impacts and can be compared against current research. The DNL is not a comparable measure to Leq, L90, and L50, and cannot be extrapolated to equate to Leq, L90, and L50; therefore it is a useless metric for the sake of noise impact analysis at it pertains to wildlife.	<p>State management plans use L_{xx} (e.g., L₁₀ and L₉₀) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L_{max}), sound exposure level (SEL), the Day-Night-Level (DNL), and equivalent sound level (Leq) metrics to determine potential impacts. The L_{max} is the highest noise level reached during a noise event and this is the metric to which people generally respond when an aircraft flyover occurs. The SEL metric considers the maximum noise level of the event and the duration of the noise event. Where L_{max} and SEL reference a single event, the DNL is an average of the overall noise experienced during an entire (24-hour) day, and is therefore generally used for land use compatibility comparisons. DNL calculations account for the SEL of aircraft, the number of aircraft operations and a penalty for nighttime operations.</p> <p>Background, or ambient noise, levels (those without aircraft noise) are often presented using Percent Noise Levels (Ln). Percent Noise Level characterizes intermittent or fluctuating noise by showing the noise level that is exceeded during a significant percent of time during the noise measurement period. Ln is most often used to characterize background noise where, for example, L₉₀ is the noise level exceeded 90 percent of the time, L₅₀ is the level exceeded 50 percent of the time, and L₁₀ is the level exceeded 10 percent of the time. Other noise sources that are part of the background noise environment include roadway, wind in the trees, ...</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) and chronic noise activities. It should be noted that L90 and L50 type metrics are a better indicator of chronic noise, particularly land-based continuous noise sources, and are not reliable indicators for transient noise sources (Harris 1979). These terrestrial-based noise sources are very different noise sources both in terms of duration, proximity, and frequency. It is not appropriate to use noise studies addressing land-based chronic noise sources to determine potential impacts of short-term noise impacts from jet overflights on sage grouse. Jet overflights are infrequent, last only seconds, and do not occur over the same location multiple times. Overflights typically last only seconds and their contribution to a long-term noise level would be minimal. A large number of overflights would be required to register a change in the L90 value.</p> <p>Please see Section 3.10 (Biological Resources) for a discussion on the impacts to the greater sage grouse from noise associated with the Proposed Action. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts. The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. Final details of the scope of any potential study are still being discussed...</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.
3.10-120	3.10.3.3.1 Alternative 1 Training Activities - Noise		While it is difficult to interpret how noise countours in the range of mid-50s to mid-60s DNL compare to Leq L50, and L90 metrics, noise levels greater than 25 dBA L50 are shown to negatively impact GRSG especially during the breeding season. Noise levels of the mid-50s would be expected to have dramatic and long-lasting effects on GRSG.	State management plans use L _{xx} (e.g., L ₁₀ and L ₉₀) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L _{max}), sound exposure level (SEL), the Day-Night-Level (DNL), and equivalent sound level (Leq) metrics to determine potential impacts. Please see Section 3.10 (Biological Resources) for a discussion on the impacts to the greater sage grouse from noise associated with the Proposed Action. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts. The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.
3.10-121	3.10.3.3.1 Alternative 1 Training Activities - Noise	2nd paragraph	While the paragraph descibing wildlife response to noise may be applicable for some species, it is certainly not true for GRSG, and also unlikely to be correct for certain raptors. Golden eagles are particularly sensitive to noise and disturbance, especially during breeding season. Please review and reference Pagel et al (2010) for guidelines on understanding and reducing impacts to ...	Text regarding golden eagles has been revised as appropriate. Note that Pagel et al. (2010) addresses ground disturbance and disturbance from helicopter surveys. Pagel et al. (2010) summarized past studies by stating that most golden eagles respond to survey aircraft (fixed-wing and helicopters) by remaining on their nests and continuing to incubate or roost...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) Golden eagles. Noise impacts to GRSg are documented and have long-term population scale effects. This is an excellent example of how the Navy's improper use of outdated and incomplete information in Section 3.10.3.1 Noise has led to a gross misrepresentation in the analysis.	<p>(continued) Surveys took place as close as 10-20 meters from cliffs and no farther than 200 meters from cliffs depending on safety.</p> <p>Please refer to Section 3.10.3.3.1 for a discussion of noise impacts to sage grouse, including references provided by NDOW. Note that the sources provided regarding noise effects to sage grouse address terrestrial-based noise sources and not jet aircraft overflights. These terrestrial-based noise sources are very different noise sources both in terms of duration, proximity, and frequency. Jet overflights are infrequent, last only seconds, and do not occur over the same location multiple times. The land use and development projects address terrestrial-based, chronic noise sources and do not address aircraft overflights, particularly jet aircraft overflights. It is not appropriate to use noise studies addressing land-based chronic noise sources to determine potential impacts of short-term noise impacts from jet overflights on sage grouse.</p> <p>The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. The Navy will work closely with BLM to manage the sage grouse and other species on lands under the Navy's control. The Navy is proposing to fund a study by NDOW to monitor the potential effects to sage grouse lek behavior from aircraft overflights. Final details of the scope of any potential study are still being discussed...</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.
3.10-121	3.10.3.3.1 Alternative 1 Training Activities - Noise		We are concerned that the basis for the DEIS concluding there are no current impacts to wildlife from noise is a single US Dept of Navy reference from 2015. Given the outdated and incomplete information presented in the DEIS, we question the validity of the Navy's 2015 results. The document incorrectly concludes that since there are no known current impacts (unproven) from the existing actions, there will be no future impacts. This is a major oversimplification as the new boundaries will be closer to GRSF leks and noise is not contained within the bounds of the FRTC withdrawal. There is little to no information on the attenuation rates and this is an important piece of information needed before making this claim.	Unclear what statement the commenter is referring to that bases the conclusions in the DEIS on a single Navy reference from 2015. The DEIS provides numerous citations regarding noise effects to wildlife and the discussion uses those references to support the analysis regarding potential noise impacts to wildlife. Based on the current NDOW data, the closest lek is approx. 5 miles from any lands proposed for withdrawal.
3.10-123	3.10.3.3.1 Alternative 1 Training Activities - Noise & Table 3.10-20		NDOW recommends noise monitoring and modeling be completed on leks that are within the project area AND within a 3.1 mile (5 km) buffer of the project area. We recommend the Navy include leks that are captured by this 3.1 mile buffer. Noise attenuates with distance and does not stop at the end of a project boundary.	The NDOW data presented in the figures depicting the leks within the FRTC airspace also includes leks that are within the requested 5-km buffer (e.g., Figure 3.10-43). The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-125	3.10.3.3.1 Alternative 1 Training Activities - Noise - Greater Sage Grouse	"low-level aircraft operation has been in use for over 20 years, and greater sage grouse continue to lek beneath the airspace..."	This statement has little scientific backing and is an over-simplification that could be used to "address" any impact. Greater sage grouse have been declining in Nevada and range-wide, so the continued presence of a lek does not mean that aircraft overflights are not having any affect. Trend information on lek attendance is an essential consideration and these data will show a declines in lek attendance, which is a good indicator of population trend. We strongly recommend striking this sentence as it lacks scientific integrity and is overly speculative. While the primary threats to GRSG in Nevada are habitat loss and fragmentation, a lack of regulatory oversight on land use (e.g. industrial development) was a major contributing factor to the proposed listing. Additionally, the BLM/USFS LUPAs significantly increased regulatory oversight on BLM/USFS land use decisions because such actions were necessary to prevent a listing. A major consideration for regulating industrial development to benefit GRSG is noise. We are again surprised and dissapointed that the Navy has not included a reasonable discussion of noise and disclosure of potential impacts. From a biological perspective, there are multiple threats to GRSG, and human disturbance/noise is a significant one. It is likely that GRSG are declining because they are facing a wide array of threats and there is data to show that human disturbance and noise can be a significant contributing factor. As previously stated, we are curious why the Navy has elected to "pass" on this important topic when most other land use decisions have to address noise impacts to GRSG. We are not aware of a military specific exception to these processes.	Please see Section 3.10 (Biological Resources) for a discussion on the impacts to the greater sage grouse from noise associated with the Proposed Action. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts. The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-125	3.10.3.3.1 Alternative 1 Training Activities - Noise - Greater Sage Grouse	"Maximum C-weighted DNL of 52..contribution of C-weighted DNLs would not represent a significant degradation of noise environment."	While these metrics (e.g DNL) and statements may have bearing on the impacts to humans from noise, they are misused when assessing impacts to wildlife, especially GRSG. We previously requested the Navy use the "Acoustic Impacts to Greater Sage Grouse" document provided by NDOW that recommends specific protocols and data formats that are applicable to GRSG and provide useful data in the analysis. The Navy has failed to include necessary data and instead continues to rely upon data points that prevent the reader and agencies from understanding expected impacts. We strongly recommend the Navy take steps to present the noise data consistent with the NDOW Protocol. This will ensure the data can be readily interpreted from a GRSG perspective. Consistent with Federal and State land management plans, any noise contribution greater than 10dba above baseline conditions is an impact to GRSG and should be avoided. Additionally, the research from Wyoming found a noise threshold of 25dba. Noise conditions above 25 dba were consistently associated with declining attendance at GRSG leks and noise conditions less than 25 dba were consistently associated with stable or increasing lek attendance. This is an important piece of information that should be included in the DEIS and evaluated. On the surface, we do not understand what a 52 or 57db DNL contour means in the context of a L50 25dba, but it would appear that the noise levels expected by the Navy are significantly higher than the 25dba threshold and major impacts to GRSG should be expected.	<p>State management plans use L_{xx} (e.g., L₁₀ and L₉₀) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L_{max}), sound exposure level (SEL), the Day-Night-Level (DNL), and equivalent sound level (Leq) metrics to determine potential impacts. The L_{max} is the highest noise level reached during a noise event and this is the metric to which people generally respond when an aircraft flyover occurs. The SEL metric considers the maximum noise level of the event and the duration of the noise event. Where L_{max} and SEL reference a single event, the DNL is an average of the overall noise experienced during an entire (24-hour) day, and is therefore generally used for land use compatibility comparisons. DNL calculations account for the SEL of aircraft, the number of aircraft operations and a penalty for nighttime operations.</p> <p>Please see Section 3.10 (Biological Resources) for a discussion on the impacts to the greater sage grouse from noise associated with the Proposed Action. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts. The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. Final details of the scope of any potential study are still being discussed...</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.
3.10-125	3.10.3.3.1 Alternative 1 Training Activities - Noise - Greater Sage Grouse	"Averaged noise levels with the proposed MOAs would be 55 dbA DNL and within the Reno MOA would be less than 50 dbA DNL.	We are unsure how to convert DNL into an L50 or L90 dBA value (which are necessary metrics for assessing impacts to GRSG), but if a DNL is similar to Leq, then these values are significantly higher than recommended thresholds for sage grouse conservation. NDOW recommends the DEIS present this noise information in L50 and L90 formats so an accurate assesment of noise impacts can be completed.	State management plans use L _{xx} (e.g., L ₁₀ and L ₉₀) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L _{max}), sound exposure level (SEL), the Day-Night-Level (DNL), and equivalent sound level (Leq) metrics to determine potential impacts. Please see Section 3.10 (Biological Resources) for a discussion on the impacts to the greater sage grouse from noise associated with the Proposed Action. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts. The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-126	3.10.3.3.1 Alternative 1 Training Activities - Noise - Greater Sage Grouse	7. The majority of the literature suggests..	While this may be true for certain species, and supported in the limited research provided in the DEIS, this statement has no place in a discussion of impacts to GRSG as their sensitivity to noise is documented in the literature. We are not aware of any literature suggesting sage grouse become acclimated to noise and don't suffer adverse impacts.	Refer to Section 3.10.3.1.1, Noise, Overview of Wildlife Responses to Noise, which provides a summary of noise effects on wildlife species from anthropogenic noise, particularly aircraft overflights. In addition, see Section 3.10.3.3.1, Sage Grouse regarding a summary of potential noise impacts on sage grouse, including terrestrial-based noise sources and aircraft overflights.
3.10-151	3.10.3.5.1 Alternative 3 Training Activities - Wildfire		Please see comments on wildfire for Alternative 1. The same comments apply to Alternative 3. We also recommend including a discussion of the impacts to Wildlife from wildfire as fire impacts hit wildlife as well as native plant species.	See previous responses to comments on wildfire.
3.10-152	3.10.3.5.1 Alternative 3 Training Activities - Noise - Greater Sage Grouse		Please see comments on noise for Alternative 1. The same comments apply to Alternative 3.	See previous responses to comments on noise.
3.10-156	3.10.3.5.3 Alternative 3 Construction Activities - Wildlife		NDOW previously commented on the conclusion of "no significant impacts" to wildlife from construction or munitions use. We continue to disagree and are disappointed the Navy failed to include additional information to support the conclusion. These conclusions, without any real data and a misleading use of ROI is arbitrary. Please note our unresolved comment from the PDEIS: The FRTC ROI overlaps several different and unconnected populations of mule deer, bighorn sheep, and pronghorn. The conclusion that no significant population impacts would occur to pronghorn and bighorn sheep, because the affected acreage ...	Based upon the mapped pronghorn range shown in Figure 3.10-46, pronghorn populations are interconnected and are not unconnected as with bighorn sheep and mule deer. The assessment does not use a state-wide scale to determine potential significance of the impact to 3,000 acres of pronghorn habitat, but uses the ROI as shown in Figure 3.10-46. Under NEPA impacts to species are assessed at the population level not at the management unit or area level. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) within the FRTC boundary is minimal compared to what is included in the ROI demonstrates a weak analysis with a very limited understanding of the wildlife that occur in this area. Removing 3,000 acres of year-round pronghorn habitat may not impact pronghorn significantly at a statewide scale, but will certainly be a significant impact to the pronghorn population on and near the FRTC withdrawal boundary. Considering nearly 25% of the Management Area 18 pronghorn population is dependent on lands within the proposed withdrawal, it is inaccurate to state the impact will not be significant. The document provides no analysis or estimate of the indirect impacts to habitat disturbance and conversion of habitat into an active bombing target. It is unlikely that bighorn sheep or pronghorn will be able to adequately use habitat immediately outside the target polygon due to various forms of disturbance, thus suggesting a more in-depth analysis of impacts to wildlife resources and wildlife habitat is warranted.	
3.10-159	3.10.3.5.3 Alternative 3 Construction Activities - Wildlife		Please see previous unaddressed NDOW comment from the PDEIS: The document asserts that BLM-certified fencing would contain pass-throughs and "other features" to minimize impacts. What are these "other features"? Where will the pass-throughs and "other features" be located in relation to wildlife habitat to ensure they are appropriately located to benefit wildlife. What fencing specifications will be used in which areas? Different fencing specifications are suitable for different species of wildlife. The design of perimeter fencing within certain habitats has the potential to impact wildlife...	Fencing would be installed in accordance with specifications outlined in BLM Handbook H-1741-1 (Fencing). Refer to Chapter 4, Section D (Standards for Big Game Habitat). Details as to what type of fencing would be installed in specific areas is to be determined based on topography, habitat, etc.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) Please consider providing more detail as to the fencing specifications. Perimeter fencing is generally targeting humans from entering an area, and as such, do not take wildlife passage into account, posing significant barriers and/or mortality traps. Please see our previous comments on fencing specifications. These comments apply to fencing under each action alternative	
3.10-159	3.10.3.5.3 Alternative 3 Construction Activities - Wildlife		Please see previous unaddressed NDOW comment from the PDEIS: Given the disappointing lack of data and analysis used to formulate this document, the conclusion that there will be no significant impacts to wildlife is entirely unsubstantiated. There are several outstanding wildlife issues that are not adequately addressed in this document, including: impacts to sage grouse on expansion of the SUA and potential for noise disturbance during lekking and nesting periods, impacts to pronghorn and bighorn sheep from habitat loss and indirect impacts associated with an active bombing range, impacts to wildlife from loss of access by an interested public that largely provides the necessary funding for habitat and population management actions, impacts from more restrictive agency access to inspect and maintain wildlife water developments that are critical to wildlife populations in this region, and impacts to an expanding population of bighorn sheep that relies on existing (and potential future increases) in harvest to maintain sustainable population levels that prevent habitat and disease issues.	Comment noted. See previous responses to comments regarding noise impacts to sage grouse as well as impacts to other wildlife species and associated habitat. Access to proposed expanded FRTC lands for natural resources management activities (e.g., water sources and wildlife) will continue to be coordinated with the Navy as on existing FRTC lands. Land management activities would still remain compatible with the military mission to the maximum extent practicable.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-160	3.10.3.6 Proposed Management Practices, Monitoring and Mitigation		<p>Please see previous unaddressed NDOW comment from the PDEIS: The proposed action includes withdrawal of over 600,000 acres, direct impacts to several thousand acres spread across multiple bombing ranges, and many indirect impacts. Many of these impacts are poorly defined and analyzed in the document, but are potentially significant to many resources. How can the Navy propose no specific biological monitoring, management or mitigation efforts? The Navy is essentially taking ownership of 600,000+ acres of valuable wildlife habitat and management on these lands will be forever changed. Despite a positive working relationship on Fallon NAS and NTTR, management on these landscapes will be perpetually more challenging due to timing constraints for access and management actions. NDOW and the sportsmen of Nevada have worked diligently and spent considerable amounts of money for over three decades to enhance wildlife habitat and manage populations of several species with great success. As the benefits of this work are finally coming to bear, the Navy proposes to withdraw the public lands these species depend upon, yet offer no strategies for monitoring or future management? At an absolute minimum, how can the Navy justify claiming "no significant impacts" and simultaneously propose no monitoring to demonstrate to the public that no significant impacts are occurring?</p> <p>Additionally, if the proposed withdrawal is approved, we strongly encourage the Navy to take a more serious and pro-active approach to managing 600,000+ acres of Nevada. The extensive wildlife resources occurring in this region did not occur on accident or absent of active management...</p>	<p>All suggested measures to assist in avoiding, minimizing and mitigating potential impacts to wildlife are to be evaluated against the purpose and need of the Proposed Action and their compatibility with current and proposed military training requirements. Access to proposed expanded FRTC lands for natural resources management activities (e.g., water sources and wildlife) will continue to be coordinated with the Navy as on existing FRTC lands. Land management activities would still remain compatible with the military mission to the maximum extent practicable. The Navy has formed a working group with NDOW to address these suggested measures and will continue to work with NDOW to arrive at measures that are compatible with the Proposed Action and military mission.</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) The continued persistence of these valuable resources is dependent upon a suite of mangement actions and practices that the DEIS completely overlooks. Regardless of the determination of impacts, impacts to wildlife will occur. NDOW has offered many ideas over the past 18 months that could help avoid, minimize and mitigate potential impacts to wildlife from a variety of stressors, but these recommendations have not been incorporated. As a result, we feel there are mitigation measures that could be implemented to help offset impacts from proposed activities, such as but not limited to: restricting aircraft overflights near the most sensitive wildlife receptors (e.g. bighorn sheep lambing areas during lambing periods), creating a plan for NDOW and the Navy to continue inspections and maintenance on critical wildlife water developments under reduced access limitations, plans to properly manage growing bighorn sheep populations, plans to adjust wildlife water developments to shift wildlife use out of proposed target areas, and a compensation fund established to address wildfire rehabilitation, weed treatments, habitat enhancements (e.g. spring/riparian protection, pinion-juniper removal), etc.	
3.10-162	Table 3.10-29	Biological resources would continue to be exposed to stressors from any continuing military training activities	The No Action Alternative specifies training will no longer occur at Fallon the existing withdrawals will not be renewed. That implies that those stressors will no longer affect wildlife in those areas.	The Navy would also continue to be responsible for the 35,012 acres of public lands permanently withdrawn for military use under Public Law Order 898 (1953) and the 30,383 acres acquired by the Navy through purchase in 1986 (see Figure 1-2). The Public Law Order 898 lands are divided among the B-16, B-17, and B-19 ranges, and the 1986 acquisition lands are ...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) at the existing B-20 range (19,430 acres in checkerboard pattern) and the very northern portion of the Dixie Valley Training Area (DVTA) (10,953 acres). The Navy could still perform some training activities within the FRTC.
3.12-2	3.12.1.3	(Maples, 2017)	Please change reference citation to (NDOW, 2017)	The recommended addition has been incorporated into the Final EIS.
3.12-8	3.12.2.2 Hunting, Trapping, and Fishing	"The majority of the waterbodies within the region are ephemeral washes."	This is an odd statement considering the area of influence includes the largest marsh systems in western Nevada (Stillwater NWR, Carson Lake/Sink) as well as a variety of perennial streams and several reservoirs or lakes that attract anglers.	Revised the sentence to specify the region of withdrawal or acquisition to be more specific in the Final EIS.
3.12-8	3.12.2.2 Hunting, Trapping, and Fishing	Popular fishing species vary..but may included bull trout, mountain whitefish, and redband trout	Minor Correction: Of all the game fish species present in Nevada, these are likely the three least popular species for angling because of limited availability and/or very small and geographically remote populations. Not sure where this came from, but it is general a very inaccurate description.	The recommended change has been incorporated into the Final EIS.
3.12-11	3.12.2.4.2 B-16 Hunting Fishing Trapping	Maples, 2017	Please change reference citation to (NDOW, 2017)	The recommended addition has been incorporated into the Final EIS.
3.12-12	3.12.2.5.2 B-17 Hunting Trapping Fishing	Maples, 2017	Please change all of these and future reference citation to (NDOW, 2017)	The recommended addition has been incorporated into the Final EIS.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12-15	3.12.2.5.2 Hunting, Trapping, Fishing	There is also a bighorn sheep lambing range...	While this is true, bighorn sheep lamb throughout the B-17 withdrawal area in habitats on Slate Mtn, Fairview Peak, and the Sand Springs Range. As previously pointed out in PDEIS comments and within these DEIS comments, the Navy is misusing NDOW's spatial dataset. Since Slate/Fairview/Sand Springs are mapped as Year-Round habitat, bighorn sheep use these areas for all live-stages, including lambing habitat. To portray this single area in Unit 184 as "the" lambing area is inaccurate.	Between the Draft and Final EIS, the Navy discussed this comment with NDOW and NDOW clarified that the areas depicted by their data as winter/lambing areas, although priority management areas, were chosen due to detection of a high proportion of animals using these areas, not because they are the only areas where winter/lambing use occurs. NDOW explained that there are likely additional areas that are used during the winter/lambing periods, however, they have not been documented using direct observation or GPS collars. NDOW does not know, given the population and the extent of the potential habitat, how the population uses each piece of the habitat. Therefore, NDOW considers year-round habitat to mean that any seasonal habitat needs such as summer, winter, or lambing, could be fulfilled within the extent of that year-round mapped boundary. Based on this clarification and new data provided, the Navy has updated figures and text where applicable in the Final EIS.
3.12-15	3.12.2.5.2 Hunting, Trapping, Fishing	"Data on the population size within the existing withdrawal and land requested for withdrawal is not currently available.	This is inaccurate. NDOW has communicated to the Navy during agency meetings and within the PDEIS comments that approximately 25 percent of the Unit 181- 184 pronghorn population resides within the current or proposed B-17 withdrawal areas. As stated in the Population Summary document, the 2017 pronghorn population estimate is 660 individuals. Twenty-five percent of this total means that the population estimate for the proposed B-17 withdrawal is 165 pronghorn. Population size within the Project Area in the summary document was ...	The recommended change has been incorporated into the Final EIS.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) stated as "not available" because that document was referencing all withdrawal areas (including DVTA), which is not calculated. The portion of the population for B-17 is known (~165). Also, please note the population estimate for Units 181-184 is 660, not 600 as stated in the DEIS.	
3.12-20	3.12.2.8.2 Hunting Trapping Fishing	The following areas are highly used by bighorn sheep within this area	None of the areas listed in the bulleted list are within the bounds of the DVTA. These areas are actually associated with B-17. This was also pointed out in NDOW's PDEIS comments and has not been resolved.	Under Alternative 1 and 2, the DVTA extends south of Highway 50 into these areas, which is why they are discussed in relation to it here.
3.12-37	3.12.3.3.2 Bravo-17 Public Accessibility		NDOW appreciates the Navy's willingness to support and continue the bighorn sheep hunt on B-17. We are, however, concerned about the lack of assurances and commitment the existing language reflects. Throughout the process, we have continued to push for a Managed Access Plan that takes a more holistic approach to access issues for Sportsmen and NDOW and includes a stronger commitment from the Navy to provide access for the duration of the withdrawal. The existing language contains weak language that fails to provide these assurances. Statements such as "not to interfere," "compatible with mission training activities," and "aiming to accommodate" do not convey much confidence that the hunting program will be implemented for the duration of the withdrawal. Over the course of several meetings, the State was assured this Managed Access Plan would be completed and included in the FEIS, yet the DEIS still makes little mention of this strategy. We remain highly concerned about the Navy's intention and ability to follow-through with their verbal commitments.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12-38	3.12.3.3.2 Bravo-17 Public Accessibility	"...no member of the hunting party under 18 years of age"	The age restriction has been previously discussed in NDOW's PDEIS comments and since the age restriction has not been changed, we will bring forward this unresolved issue from our previous comments: NDOW recommends the Navy adopt the age restriction used in Southern Nevada for bighorn sheep hunts conducted on the NTTR. Existing regulations require "hunters and everyone in their respective hunting parties...be at least 14 years old on opening day of the respective hunting season." This is important not to confuse potential tag holders on the requirements for hunting on military lands. NDOW questions why the Navy would require a hunter or hunting-party member to be at least 18 year old when the NTTR has demonstrated a safe and successful program with an age limit of 14 years old. This should be consistent throughout the document and the Managed Access Hunting Program document.	The Navy has added the draft MOA for the hunting program describing in detail the rules and restrictions for the hunting program on B-17 in Appendix D (Memoranda, Agreements, and Plans). The Navy is unable to reduce the age of hunters to 14 as requested in the comment due to public health and safety requirements.
3.12-38	3.12.3.3.2 Bravo-17 Public Accessibility	"Check-in and check-out with range control would be mandatory"	While NDOW agrees that some form of check-in/check-out process should be required under the Managed Access Program, we remain uncomfortable with the lack of detail presented here. What are the specific check-in/out requirements proposed by the Navy? Daily check-in/out? Start of hunt and end of hunt? These are important details that will have significant implications on the success and sustainability of the hunting program and quality of experience we can provide to hunters. We remain disappointed and highly concerned that despite posing this question numerous times, including our PDEIS comments, that no additional detail or coordination on this issue has occurred. The State was assured by the Navy that these issues would be resolved, but we have yet to see any action...	The Navy has added the draft MOA for the hunting program describing in detail the rules and restrictions for the hunting program on B-17 in Appendix D (Memoranda, Agreements, and Plans). The Navy is unable to allow all requested stipulations to the hunting program from this comment, as there are public health and safety requirements that must be met. Please see the Navy's responses to your comments that were attached after this table.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) Therefore, we are bringing forward additional comments from the PDEIS that we consider to be unresolved: Hunting is only expected to be permitted when the range is closed, the requirement to enter, exit, and perform check-in/check-out for each day is too onerous for a functional hunting program. Hunters will need early access and late access to range for effective hunting purposes. Implementing a 24/hr check-in process would be unnecessarily burdensome for all parties involved. NDOW proposes that hunters be allowed to stay on the range when hunting is occurring (in concert with designated camping areas) and check- in/check-out procedures are only conducted at the start and end of a hunting 'trip,' not each day. NDOW recommends the Navy allow hunters to camp in designated locations with the proposed withdrawal area of B-17 when done in concert with an active hunt. NDOW questions why the Navy would require daily check in/out procedures and not allow camping on-range during an authorized hunt when the NTTR has demonstrated a safe and succesful program with camping in designated areas as a common and accepted practice. Please see our comments in Attachments B and C for additional details on this issue. This was previously discussed and we are disappointed this important aspect of a managed access program was not included in the DEIS.</p>	

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12-38	3.12.3.3.2 Bravo-17 Public Accessibility	"Hunters must remain clear of B 17 designated avoidance areas..."	While we appreciate and understand the safety aspect of this this and do not want to create a hunting program that places hunters in overly risky positions, greater detail here is warranted. What areas would the Navy anticipate falling into an avoidance area? What percentage of B-17 does this represented and how much overlap is there with bighorn sheep habitat and hunting areas? A general sense of these avoidance areas is necessary to assess the potential success and sustainability of the program.	The Navy has added the draft MOA for the hunting program describing in detail the rules and restrictions for the hunting program on B-17 in Appendix D (Memoranda, Agreements, and Plans). The Navy is unable to reduce the age of hunters to 14 as requested in the comment due to public health and safety requirements.
3.12-38	3.12.3.3.2 Bravo-17 Public Accessibility	"Navy would minimize impacts by coordinating with NDOW and installing water developments outside of the range.."	NDOW appreciated the Navy's intent to minimize impacts and enhance habitat outside the ranges. We support this idea in concept and would like to include other habitat enhancement projects to this list. Additionally, since this is being proposed as a minimization strategy by the Navy, we feel it is reasonable to request additional details and commitments. The current language does not include the number of water development units, a commitment for the Navy to provide labor and materials funding for the projects, assistance for NEPA clearance, and many other details that would be helpful in conveying the Navy's commitment to implementing this strategy. As currently written, there are no firm commitments or assurances for what "coordinating with NDOW to install water developments" actually means. We further recommend the FEIS include the formation of a Wildlife Working Group that is responsible for coordinating wildlife related issues and developing solutions both on and off the bombing ranges, but with within the ROI. More information on the structure and objective of the wildlife working group is provided in our cover letter.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12-50	3.12.3.5.3		We appreciate the inclusion of water development installation and an annual review. As previously stated, we would like to propose additional types of habitat enhancements in addition to water developments as other strategies are often more appropriate within the ROI. We would like the FEIS to include the formation of a Wildlife Working Group and Mitigation Fund that can be used to coordinate and implement wildlife related projects. The Wildlife Working Group would primarily consist of NDOW and Navy personnel, but would also be available for coordination and input by sportsmans organizations.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.
3.13-32 to 3.13-33	Alternative 1 - Potential Impacts on the Recreation Industry and Tourism and Table 3.13-17	"hunting-related economic loses would represent less than 0.0005 percent"	Although we understand that it does not make a significant statistical difference, it is unclear where the Navy obtained \$822,412 as the Churchill value lost. The data provided by NDOW indicate a loss in Churchill County of \$918,269. Additionally, it appears the 0.0005 percent figure is a mistake. Although $822,412/1,700,000,000 = 0.00048$, to convert to a percentage as presented in the DEIS, 0.00048 must be multiplied by 100 (equals 0.048 percent, not 0.00048 percent). Again, not statistically significant, but the continued lack of QA/QC as displayed by this example is frustrating and concerning.	Thank you for your comment. These numbers were validated as the value lost and are correct as presented. Validation was confirmed by the DOI. Percentage correction has been made in the final EIS.
3.13-32 to 3.13-33	Alternative 1 - Potential Impacts on the Recreation Industry and Tourism		Please clarify that these figures represent an annual loss, but the withdrawal will be a permanent, annually-occurring loss with an absolute minimum of 20 years ($\$918,269 \times 20 = \18.37 Million over the course of the first 20 year withdrawal without accounting for inflation).	Text has been clarified.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-35	Alternative 1 - Potential Impacts on County Revenue and PILT	"this is a conservative estimate because it assumes that a hunter will still likely hutn in Nevada.	This is not entirely true. The data provided is based on applications to hunt and the number of tags awarded to hunt within the impacted areas. While we agree a hunter may still apply for other hunting units if hunting was eliminated within the withdrawal, the number of tags awarded to hunt within the affected units would not be resold or transferred to a different hunting unit, as tags issued in a given unit are directly influenced by the population numbers in that unit. Thus, this represents an actual loss of revenue as a reduction in tag sales reduces revenue.	The EIS has been revised to acknowledge the possibility that revenue would be impacted by hunters leaving the state.
3.13-35	Alternative 1 - Potential Impacts on County Revenue and PILT	"...a loss of \$373,179 represents a reduction of about 0.008 percent in total funding...buget of over 47 million dollars.	Although we understand that it does not make a significant statistical difference, it appears the 0.0008 percent figure is a mistake. Although $373,179/47,000,000 = 0.0079$, to convert to a percentage as presented in the DEIS, 0.0079 must be multiplied by 100 (equals 0.79 percent, not 0.0079 percent). Again, not statistically significant, but the continued lack of QA/QC as displayed by this example is frustrating and concerning.	Thank you for your comment. These numbers were validated as the value lost and are correct as presented. Validation was confirmed by the DOI. Percentage correction has been made in the final EIS.
3.13-35	Alternative 1 - Potential Impacts on County Revenue and PILT	"...a loss of \$373,179 represents a reduction of about 0.008 percent in total funding...buget of over 47 million dollars.	Please clarify that these figures represent an annual loss, but the withdrawal will be a permanent, annually-occurring loss with an absolute minimum of 20 years ($\$373,000 \times 20 = \7.46 Million over the course of the first 20 year withdrawal without accounting for inflation).	Text has been clarified.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-37	Alternative 2 - Potential Impacts on the Recreation Industry and Tourism and Table 3.13-19		Although we understand that it does not make a significant statistical difference, it is unclear where the Navy obtained \$587,794 as the Churchill value lost. The data provided by NDOW indicate a loss in Churchill County of \$683,651. Additionally, it appears the 0.0003 percent figure is a mistake. Although $587,794 / 1,700,000,000 = 0.00034$, to convert to a percentage as presented in the DEIS, 0.00034 must be multiplied by 100 (equals 0.0345 percent, not 0.00034 percent). Again, not statistically significant, but the continued lack of QA/QC as displayed by this example is frustrating and concerning.	Thank you for your comment. These numbers were validated as the value lost and are correct as presented. Validation was confirmed by the DOI. Percentage correction has been made in the final EIS.
3.13-37	Alternative 2 - Potential Impacts on the Recreation Industry and Tourism and Table 3.13-19		Please clarify that these figures represent an annual loss, but the withdrawal will be a permanent, annually-occurring loss with an absolute minimum of 20 years ($\$587,794 \times 20 = \11.75 Million over the course of the first 20 year withdrawal without accounting for inflation).	Text has been clarified.
3.13-43	Alternative 3 - Potential Impacts on the Recreation Industry and Tourism and Table 3.13-25		Although we understand that it does not make a significant statistical difference, it is unclear where the Navy obtained \$328,740 as the Churchill value lost. The data provided by NDOW indicate a loss in Churchill County of \$399,045. Additionally, it appears the 0.0001 percent figure is a mistake. Although $328,740 / 1,700,000,000 = 0.00019$, to convert to a percentage as presented in the DEIS, 0.00019 must be multiplied by 100 (equals 0.019 percent, not 0.00019 percent). Again, not statistically significant, but the continued lack of QA/QC as displayed by this example is frustrating and concerning.	Thank you for your comment. These numbers were validated as the value lost and are correct as presented. Validation was confirmed by the DOI. Percentage correction has been made in the final EIS.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-43	Alternative 3 - Potential Impacts on the Recreation Industry and Tourism and Table 3.13-25		Please clarify that these figures represent an annual loss, but the withdrawal will be a permanent, annually-occurring loss with an absolute minimum of 20 years ($\$328740 \times 20 = \6.5 Million over the course of the first 20 year withdrawal without accounting for inflation).	Text will be clarified.
3.14-6	3.14.2.1.2 Wildfire Management	"combination of aircrew error"	What does the Navy do to correct aircrew error?	The Navy briefs all pilots on guidelines and restrictions in the airspace prior to flight.
3.14-6	3.14.2.1.2 Wildfire Management	"BLM and Navy mutually support each other in prevention, suppression, and rehabilitation"	What is the Navy's specific role and contribution here? It is unclear if the Navy provided funding, equipment, or personnel for prevention, suppression or rehabilitation costs associated with Navy-ignited wildfires. NDOW is under the impression that the cost frequently encountered with fire suppression and rehabilitation have not been paid or reimbursed by the Navy. As a recent example with the B-17 Fire, NDOW and our conservation partners entirely funded the re-seeding effort for this Navy-ignited fire. We are not aware of any Navy-funded seeding that occurred and recommend the Navy take a more active role in the prevention and rehabilitation costs associated with Navy-ignited wildfires. Since wildfires, especially in remote, unpopulated areas, create a significant biological impact, we recommend wildfires and their impact on wildlife resources be discussed and analyzed in the Biological Resources section. We also recommend this topic receive attention in the socio-economic section as the costs of Navy-ignited wildfires are currently passed along to other agencies (BLM, NDOW,).	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-8	3.14.2.1.2 Wildfire Management		What is the data and analysis behind the 2,000' minimum for flare releases? Would it be beneficial to increase this minimum to further reduce wildfire ignitions? Given the dry nature of many of the Navy's MOA's would the Navy consider extending the fire season or making the 2000' + minimum a requirement year-round. What can be done with flare releases to reduce wildfire risk? Is there any option for monitoring and adaptive management within the Fire Management Plan that could help improve flare release heights for wildfire prevention?	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy cannot accommodate seasonal mitigations and support mission requirements in the FRTC.
3.14-8	3.14.2.1.2 Wildfire Management	"when there is a severe fire season"	How does the Navy determine severe fire season? Using history as a guide, on average the past 20+ years has generally been very severe for wildfires and the frequency, size, and consequences to biological resources of wildfires continues to increase in Nevada. We recommend no flare use during fire season as well as better definitions of fire season dates and a commitment by the Navy to discipline unauthorized flare releases.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy cannot accommodate seasonal mitigations and support mission requirements in the FRTC.
3.14-32	3.14.3.2.2 Fire Risk and Wildfire Management		We continue to believe that Navy-ignited wildfires, especially those caused by flares, are currently an issue (as demonstrated by recent fire history) and this issue will be more significant under Alternative 1, mainly because of increased airspace use, both horizontally and vertically, and the proposed use of flares in the Reno MOA. Additionally, since wildfires are one of the greatest threats to ...	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, ...

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) biological resources in Nevada, we strongly encourage the Navy to include a greater analysis of this issue in the biological resources section, and not just the Public Health and Safety section. The document continues to state flares do not cause wildfires when used properly and therefore don't pose a threat. However, there is a history of Navy-ignited wildfires from flares, including off-bombing range, so either they do cause fires or they are not being used properly. Either way, this is an inaccuracy in the analysis and doesn't provide complete disclosure or analysis.	(continued) see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.
3.14-32	3.14.3.2.2 Fire Risk and Wildfire Management	"...impacts associated with such fires difficult"	Although it may be difficult to accurately predict the exact location and behavior of a wildfire, the general consequences of a wildfire in the region of Nevada are much more predictable than the document states. Wildfire, the subsequent increase in non-native annual grasses is one of the largest threats to wildlife and habitat resources in Nevada. This is well-documented in the literature and well accepted in the scientific and conservation community. Further, it has even been documented on Navy-ignited wildfires on and off the Fallon bombing ranges. The Navy's inability or unwillingness to capture and disclose this impact, as well as strive to avoid, minimize, and mitigate for these anticipated impacts is arbitrary, capricious, and does not allow for a complete analysis.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-32	3.14.3.2.2 Fire Risk and Wildfire Management	"The FRTC is actively developing a Fire Mangement Plan"	At a recent State Agency/Navy meeting in Carson City, the Navy indicated it did not have the funding available to even write the Fire Management Plan, much less fund any actions contained in the plan. This effectively suggests the Navy does not take wildfire seriously. Has this changed?	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.
3.14-32	3.14.3.2.2 Fire Risk and Wildfire Management	"The FRTC is actively developing a Fire Mangement Plan"	What is the status of this plan? What partners have been invited to participate? In our comments on the PDEIS as well as Agency/Navy meetings in Carson City, we recommended the Navy include (at a minimum), NDOW, NV Dept. of Agriculture, and the BLM. NDOW has not been notified of any work to-date on this plan. Have any other the other partners been invited or notified? Will the plan be completed and included in the FEIS? What does the Plan include? Does it include any funding commitments for prevention, suppression, or rehabilitation? How Much? These are all important questions that will change the quality and potential positive impact of the Fire Management Plan, but have not yet been disclosed?	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-32	3.14.3.2.2 Fire Risk and Wildfire Management	"The FRTC is actively developing a Fire Mangement Plan"	What are the "considerations" in the Fire Management Plan used to arrive at the Navy's conclusion that wildfire impacts would not be a significant impact. There is no indication of any fire prevention, suppression, or rehabilitation measures in the DEIS, yet the document makes a significant determination with no data and no commitment to any actions? This is an entirely speculative and biased conclusion that blatantly ignores science and basic premis of NEPA.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.
3.14-32	3.14.3.2.2 Fire Risk and Wildfire Management	"no significant impact on public health"	What about biological resources? We have previously commented as to the impacts of wildfire on habitat and wildlife resources in Nevada and request a more detailed section on fire be included in the Biological Resources section.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process. Section 3.10 (Biological Resources) discusses impacts to wildlife from fires.
3.14-41	3.14.3.3 Alternative 2		Please consider our preceding comments on wildfire under Alternative 1 as directly applicable to Alternative 2 as well.	The Navy has considered all comments on wildfire under all Alternatives for the Final EIS.
3.14-42	3.14.3.3.2 Bravo 17		Please see our previous comments regaring the hunting and controlled access program, especially regarding keeping the minimum age consistent with NTTR/NELLIS hunting program, relaxing the daily check-in/check-out requirements to a "hunting trip" requirement	The Navy cannot change the requirements of the hunting trip as described in the Draft EIS due to safety restrictions.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-42	3.14.3.3.2 Bravo 17		We appreciate the inclusion of an exception for hunter camping in designated areas and hope this piece of information can be included in other pertinent areas through the FEIS and the Controlled/Managed Access Program document.	All hunting detail has been updated and added to appropriate locations in the Final EIS as applicable.
3.14-47	3.14-.3.4 Alternative 3		Please consider our preceding comments on wildfire under Alternative 1 as directly applicable to Alternative 3 as well.	The Navy has considered all comments on wildfire under all Alternatives for the Final EIS.
3.14-52	3.14.3.5.1 Proposed Management Practices		We appreciate the inclusion of a Fire Management Plan and strongly recommend the Navy include a variety of State and local partners into this process, provide a Draft that is publically available for comment, include a final/approved Fire Management Plan into the FEIS, and commit to funding the plan in its entirety. Please see our other comments on the Fire Management Plan for additional details.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.
3.14.53	3.14.3.5.1 Proposed Management Practices, 3.14.3.5.2 Proposed Monitoring, and 3.14.3.5.3 Proposed Mitigation		We strongly recommend that Fire Management be included into the biological resources section and include commitments for monitoring and mitigation. Please see our other comments on fire management, the DEIS' inadequate analysis, and our comments on the Fire Management Plan for additional details.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process. Section 3.10 (Biological Resources) discusses impacts to wildlife from fires.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
4-29	4.4.7.3		DEIS states cumulative impacts from noise, especially under new MOAs. There is no mention of GRSG in this section, nor does it mention the Navy's intention to comply with noise requirements of the BLM/USFS GRSG LUPA or the State of Nevada GRSG Conservation Plan with regards to noise. What is being proposed to avoid, minimize or mitigate this significant impact?	Federal agencies are not required to follow state mitigation plans. Currently all state management plans concentrate on habitat availability, wildfire, and land-based chronic noise sources. Available science indicates that short-term noise intrusion does not play a significant role in lek success; however, the Navy is developing a MOU with NDOW to assist NDOWs future research and population studies assessing aviation impacts to sage grouse. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. As noted previously, Navy is considering a proposal by NDOW to conduct a follow-on study to further assess potential impacts of low-level aircraft operations on the sage grouse.
4-33	4.4.10.2 Relevant Past, Present, and Future Actions		We continue to disagree with the Navy's assessment that noise will not have an impact on certain sensitive noise receptors, primarily GRSG. Most importantly, the Navy has not taken steps to provide noise data modeling in a format that is meaningful to sage grouse, thus significantly impairing NDOW and the public's ability to assess potential impacts. NDOW previously provided our Acoustic Impacts to Greater Sage Grouse document, which provides protocols for measuring baseline conditions and modeling the expected noise environment as a result of the proposed action, but the Navy has willfully ignored this information. The deficiencies stated in Sections 3.7 Noise and Section 3.10.3.1.1 Noise are also impacting the analysis and conclusion of this section.	Federal agencies are not required to follow state mitigation plans. Currently all state management plans concentrate on habitat availability, wildfire, and land-based chronic noise sources. Available science indicates that short-term noise intrusion does not play a significant role in lek success; however, the Navy is developing a MOU with NDOW to assist NDOWs future research and population studies assessing aviation impacts to sage grouse. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. As noted previously, Navy is considering a proposal by NDOW to conduct a follow-on study to further assess potential impacts of low-level aircraft operations on the sage grouse.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
4-33	4.4.10.2 Relevant Past, Present, and Future Actions	"Vegetation treatments on public and private rangelands to improve forage conditions..would positively affect forage availability...where grazing of livestock would no longer occur."	Where are these vegetation treatments occurring? NDOW is not aware of any planned treatments within the proposed boundaries of the bombing ranges and the Navy does not have a history of completing such projects. The only location where grazing is being eliminated is on the bombing ranges and there are no planned treatments that overlap the grazing allotments proposed for cancellation. Please provide locations and plans for the stated vegetation treatments or remove this statement as it is misleading.	This sentence has been revised to state that the forage availability would improve in these areas.
5-7 to 5-8	5.8 Noise		<p>We continue to disagree with the Navy's perspective on noise and believe the DEIS is severely lacking in its analysis and disclosure of noise impacts on wildlife, especially GRSG. The lack of analysis and disclosure directly affects the management practices, monitoring and mitigation sections. Without a better understanding of potential impacts (discovered through more appropriate wildlife/noise impacts research), there is no opportunity to pursue effective avoidance, minimization and mitigation. We strongly recommend the Navy re-assess its position on noise impacts to wildlife and avoid sensitive wildlife receptors, similar to what is proposed for sensitive human receptors. We strongly recommend limiting low-level overflights in and around GRSG leks during the breeding season.</p> <p>This simply tactic would likely reduce impacts to GRSG. Additionally, as the Navy is proposing no noise monitoring, it presents the optic that the is not committed to implementing any management practices proposed as without any monitoring, ...</p>	<p>The Based on available literature and the analysis presented in Section 3.10 (Biological Resources), specifically, Section 3.10.3.1 (Potential Stressors) of the Final EIS, impacts on Sage Grouse are expected to be minimal. However, NDOW has expressed concerns regarding increased low-level overflights and has asked the Navy to undertake a study to further assess potential impacts. The Navy is considering funding a study that would be conducted by NDOW to monitor sage grouse lek behavior from aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.</p> <p>Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and ...</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) how can the Navy or public understand if compliance with the DEIS is being achieved?	(continued) Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.
5-11	5.11 Biological Resources		NDOW continues to disagree with the Navy's intention to push all biological resources practices, monitoring, and mitigation to the INRMP. Past performance on implementing effective conservation through an INRMP has shown that there is competition for financial and staff resources among installations to implement INRMPs across the nation, and previous experience is that INRMPs, while well intentioned, rarely get implemented. We have often observed a significant lack of funding and personnel dedicated towards implementing on-the-ground actions identified in the INRMP. INRMPs are a flawed process with low priority. Actual benefits resulting from INRMPs are very limited and we find the Navy's continued insistence to push impacts resulting from the proposed action to an INRMP highly disappointing and concerning. Additionally, pushing wildland fire management to the INRMP is completely inappropriate as these impacts often occur off-base from flare releases and it is our understanding that INRMPs can only target on-base areas. The push to address significant issues on an undetermined plan is not acceptable for the FEIS.	The Navy will update the INRMP and would use resource available to it from the INRMP to avoid, minimize, and monitor impacts. Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-14	5.13.2.3 Proposed Mitigation	"Install water developments.."	Repeat of Previous Comment: We appreciate the inclusion of water development installation and an annual review. As previously stated, we would like to propose additional types of habitat enhancements in addition to water developments as other strategies are often more appropriate within the ROI. We would like the FEIS to include the formation of a Wildlife Working Group and Mitigation Fund that can be used to coordinate and implement wildlife related projects. The Wildlife Working Group would primarily consist of NDOW and Navy personnel, but would also be available for coordination and input by sportsmans organizations.	<p>The Navy will update the INRMP and would use resource available to it from the INRMP to avoid, minimize, and monitor impacts. The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS. The Navy would work with the NDOW to determine guzzler movement if applicable.</p> <p>Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>

Table F-4: Nevada Department of Wildlife Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
6-1	6.1 Possible Conflicts with Objectives of Federal, State, and Local Plans, Policies		We would offer the DEIS is in direct conflict with several Federal and State Plans and Policies with regards to GRSG and noise impacts. The BLM/FS LUPAs require/recommend no increase in noise greater than 10dba above ambient. This stipulation is also reflected in the State of Nevada GRSG Conservation Plan. There is limited to no information in the DEIS that satisfies noise monitoring and modeling recommendations for GRSG in a manner that can be interpreted for wildlife resources. NDOW has a policy detailing noise monitoring and modeling requirements for projects generating noise in Nevada (Acoustic Impacts on Greater Sage Grouse) and has previously provided this to the Navy, yet the Navy has not taken any steps to follow these recommendations. Further, some information suggests that noise may increase more than 10 dba, which conflicts with these plans and is not addressed in the DEIS.	Federal agencies are not required to follow state mitigation plans. Currently all state management plans concentrate on habitat availability, wildfire, and land-based chronic noise sources. Available science indicates that short-term noise intrusion does not play a significant role in lek success; however, the Navy is developing a MOU with NDOW to assist NDOW's future research and population studies assessing aviation impacts to sage grouse. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. As noted previously, Navy is considering a proposal by NDOW to conduct a follow-on study to further assess potential impacts of low-level aircraft operations on the sage grouse.
6-1	6.1 Possible Conflicts with Objectives of Federal, State, and Local Plans, Policies		The current DEIS is in direct conflict with State of Nevada Executive Order 2018-32, signed by Governor Sandoval on December 7, 2018 that states projects requiring Federal or State reviews must consult with the Sagebrush Ecosystem Technical Team (SETT) and mitigate through the Conservation Credit System or other approved mitigation program. We recommend the Navy consult with the SETT to determine if mitigation is necessary.	Federal agencies are not required to follow state mitigation plans.

F.3.1.8 Wilson, T. (Department of Conservation and Natural Resources Division of Water Resources)

STEVE SISOLAK
Governor

STATE OF NEVADA



BRADLEY CROWELL
Director

TIM WILSON, P.E.
Acting State Engineer

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

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January 22, 2019

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

Ladies and Gentlemen:

After review of the DEIS, the Nevada Division of Water Resources (hereafter, "Division") has a number of concerns that we feel are not addressed or very lightly treated. Listed below are the primary concerns of our office.

1. Section 3.4 Livestock Grazing, p. 3.4-10, indicates there are 39 wells within the Boundary of B-16, five of which are identified as being used for stockwater. This does not match the number of wells identified in Section 3.9 Water Resources, which indicates the number of wells is 36 wells. There is no information regarding the methodology used to identify the wells and the wells are not uniquely identified, i.e., gps location, permit number, well name, well driller's report number, etc. As a result, our Division cannot verify the accuracy of any statement regarding number of wells or manner of use of the wells. Figure 3.4-1 is insufficient for illustrating well locations due to large scale, lack of identifiers and incompleteness. The status of the water rights for the five wells identified as being used for stockwater purposes is not discussed. The use of a well without a valid water right permit, vested claim or waiver would be a violation of Nevada Water Law. At p. 3.4-10, the DEIS states, "The remaining wells are used for a variety of purposes, including domestic use, testing, and monitoring...", however, no specificity is provided that would allow the Division to verify this statement and check the status of the wells. No evaluation of the condition of the wells was provided and whether the wells may be subject to mandatory plugging provisions required by statute and regulation. No analysis of whether the wells were actually used for the stated manners of use was provided. There was no indication that any ground-truthing was conducted to verify that the wells actually exist or can be located.

2. In Section 3.4 Livestock Grazing, p. 3.4-13, indicates there are 10 wells within the Boundary of B-17, three of which are identified as being used for stockwater. This does not match the number of wells identified in Section 3.9 Water Resources, which indicates the number of wells is 12. Same comments apply as Item 1, above.
3. In Section 3.4 Livestock Grazing, p. 3.4-13, indicates there are 12 wells within the Boundary of B-20. The wells are generally identified and being used for industrial and mining purposes (e.g., geothermal test wells), three of which are identified as being used for stockwater. This does not match the information provided in Section 3.9, Water Resources, pp. 3.9-24 and 25, which indicates at least one stockwater right, 1 irrigation right, wells used for mining, an unused well and an unknown use. Same comments apply as Item 1, above.
4. In Section 3.4 Livestock Grazing, p. 3.4-19, the DEIS indicates that a 2002 Grazing, Vegetation, and Water Resource Management Plan shows the location of water sources that would be maintained for livestock and wildlife habitat. No mention is made of whether these unidentified water sources allow for that manner of use via a water right permit or vested claim. The Division cannot verify the Navy's assertions due to the lack of information provided. The use of a water source without a valid water right permit, vested claim or waiver would be a violation of Nevada Water Law.
5. In Section 3.4 Livestock Grazing, p. 3.4-19, the DEIS mentions Dempsey, Turley and Casey ponds are fenced to exclude livestock watering. Justification for this is not provided. No mention is made of any water rights, statutory or vested, that allow for watering of livestock at these locations. If a valid water right exists, the Navy may be prohibiting the exercise of these rights by fencing off the springs. There is no indication if the ponds are naturally occurring or man-made. If man-made, there is no indication of whether a dam permit or other authorization from our office has been obtained. The DEIS goes on to note that there are numerous ponds within the Dixie Valley settlement area and that the Navy has identified 84 wells, seven of which are used for stockwater. Regarding the ponds, they need to be identified and a determination of any water rights associated with the ponds should be made. The ponds should be further identified as man-made or naturally occurring. In regards to the 84 wells, the same comments apply as Item 1, above.
6. Under Section 3.4.3.4, (preferred alternative) indicates the loss of up to 10,965 AUMs. Cattle grazing necessitates the utilization of water by the cattle for survival on the range. Page 3.4-34 addresses impacted water resources with a single sentence stating "The Navy would acquire surface water rights within the B-16, B-17 and B-20 (see Section 3.9, Water Resources)." This is insufficient. The impact on water resources and the recommended mitigation should be acknowledged. Water rights should be identified by Permit or Claim number to allow verification by the Division. The statement that the Navy will obtain stockwater rights appears to be in conflict with Nevada Water Law, which requires generally the owner of a stockwater right to own the cattle or have a proprietary interest in the cattle. The

Navy's proposal to acquire stockwater rights appears to violate Nevada Revised Statute § 533.503.

7. In Section 3.4, the issue of possibly restricting grazing and therefore, access to water that may be claimed under vested rights is not addressed. A Claim of Vested right is a pre-statutory right to the use of water that pre-dates Nevada Water Law.
8. Section 3.9 Water Resources, p. 3.9-5, is titled Nevada Water Rights and Assessment and consists of three short paragraphs. No water rights are identified and no inventory of water rights is presented. There is no assessment of any inventoried water rights. In paragraph 3, the Navy indicates that it has conducted an inventory of current water rights as part of the DEIS; however, the inventory is not presented and therefore, cannot be reviewed for accuracy by the Division. It is stated that the disposition of these water rights and associated wells is discussed under each range's description; however, this is done in only vague generalities and no individual water right permits or specific wells are mentioned making it impossible for the Division to evaluate the Navy's proposed actions for impacts and compliance with Nevada Water Law.
9. Section 3.9 Water Resources, p. 3.9-11, is titled Water Wells and Water Rights. The Navy indicates that it used the Division database as the primary source of information and notes that the database may not be comprehensive. Again, whatever data was retrieved by the Navy is not presented, so the veracity of the data cannot be verified by the Division. The presence of wells and well locations should be verified by ground-truthing the affected areas. It should be recognized that the Division's Well Log Database is not comprehensive and older wells in particular will be under-represented; it should not be relied upon as a sole source for locating affected wells within the expansion areas.
10. Section 3.9.2.2, Bravo 16, the DEIS states that four existing water right records were identified. Again, no classifying information was provided in the DEIS so verification by the Division is not possible. Failure to provide the permit number, certificate number, claim number or waiver number makes it impossible to check. Figure 3.9-5 is insufficient to describe and identify the water right. Thirty-six wells are grouped by manner of use; no water rights are identified as being associated with any particular well. Wells are not identified by location, well driller's report number, water right number or any other feature that would allow for analysis by the Division. A general statement is made that four wells are permitted and the remaining wells are not required to have a water right; however, there is no way for the Division to verify this statement as inadequate information is provided. Further, based on the representation that there are five wells used for stockwater and one well for irrigation at least six water rights would be required by statute. This indicates that the Navy's statement regarding four permitted rights is inaccurate and further analysis needs to be conducted.
11. Section 3.9.2.3, Bravo 17, the DEIS references Figures 3.9-8 and 3.9-9 as showing the water rights and wells within B-17. The figures are insufficient for illustrating water rights and wells, due to large scale, lack of identifiers and incompleteness.

The DEIS states that water rights were identified but this information is not included in the DEIS. Yet again, no classifying information was provided in the DEIS so verification by the Division is not possible. Failure to provide the permit number, certificate number, claim number or waiver number makes it impossible to check. The same comments regarding lack of specificity and transparency apply as stated in Item 10, above.

12. Section 3.9.2.4, Bravo 20, the DEIS references Figures 3.9-10 and 3.9-11 as showing the water rights and wells within B-20. The figures are insufficient for illustrating water rights and wells, due to large scale, lack of identifiers and incompleteness. The DEIS states that water rights were identified but this information is not included in the DEIS. Again, no classifying information was provided in the DEIS so verification by the Division is not possible. Failure to provide the permit number, certificate number, claim number or waiver number makes it impossible to check. The same comments regarding lack of specificity and transparency apply as stated in Item 10, above.
13. Section 3.9.2.5, DVTA, the DEIS references Figures 3.9-13, 14 and 15 as showing the water rights and wells within the DVTA. The figures are insufficient for illustrating water rights and wells, due to large scale, lack of identifiers and incompleteness. The DEIS states that water rights were identified but this information is not included in the DEIS. Again, no classifying information was provided in the DEIS so verification by the Division is not possible. Failure to provide the permit number, certificate number, claim number or waiver number makes it impossible to check. The same comments regarding lack of specificity and transparency apply as stated in Item 10, above.
14. The DEIS states that the disposition of water rights and wells is discussed for each alternative by each land withdrawal section within Section 3.9.3, Environmental Consequences. Only the Navy preferred alternative is reviewed herein. Section 3.9.3.4, states that the Navy evaluated water rights and well locations based on an August 2018 search of the Nevada Hydrographic Assay [sic] database within lands proposed for withdrawal under Alternative 3. Again, no water rights are identified in a manner that can be researched and verified by the Division as the database search result is not presented in the DEIS and a database search, in and of itself, is insufficient to develop a complete and accurate analysis of water rights and wells. On p.3.9-46 it is stated, "If no well is associated with a water right, and no use for the well can be obtained, the Navy would close and abandon the well." In order to comply with Nevada Water Law and associated regulations, the Division believes this sentence should read, "If no water right permit, claim or waiver is associated with a well, and no use for the well can be legally obtained, the Navy would use a Nevada licensed well driller to plug the well in accordance with Nevada Administrative Code (NAC) chapter 534." In general, the Navy should be cognizant of well plugging requirements primarily contained in the Regulations for Water Well and Related Drilling NAC 534.

15. Section 3.9.3.5.3, the DEIS again mentions "...capping of the well." Please refer to NAC § 534.427 Mandatory plugging of certain wells. The DEIS must be in compliance with the statutes and regulations regarding wells. Simply proposing to place a cap on a well would not be in compliance with Nevada statutes and regulations.
16. Table 3.9-2 states that the preferred Alternative 3 would result in no significant impacts to water resources but acknowledge there may be impacts to individuals. The Division does not believe this statement is supported by the information supplied in the DEIS. Failure to provide a list of the water rights affected and the quantities of the water involved made it impossible for the Division to review the Water Resources portion of the DEIS for veracity and impacts. A preliminary review by the Division, and presented to the Navy on September 5, 2018, showed approximately 91 water rights and 489 million gallons of water annually could be affected, not including domestic wells or yet to be filed claims of vested right.
17. The Division supports the Nevada Alternative, proposed to the Navy but not presented in the DEIS. It is believed that the Nevada Alternative would reduce the impact to water rights by approximately 66%, as presented to the Navy on September 5, 2018.
18. In summary, the DEIS failure to provide the data relied upon to make its conclusions proscribed the Division's ability to adequately analyze the DEIS. As written, the Water Resources section of the DEIS is insufficient to make a determination of no significant impact. There is a lack of transparency as to which water rights and wells will be acquired and the mitigation that will be offered. General statements such as "...water right acquisitions would occur on a case-by-case basis..." is inadequate to allow the Division to protect the public interest and evaluate the overall impact of the proposed expansion.

Should you have any questions, please contact me at (775) 684-2800.

Sincerely,



Tim Wilson, P.E.
Acting State Engineer

F.3.1.8.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record.

The Navy completed a water resources study after the publication of the Draft EIS. This study includes a discussion of vested water rights along with well location and status. The Navy has revised the Final EIS to note that no field verification of the existence of these wells has been performed and would not be conducted until after any ultimate Congressional decision on this Final EIS. The findings of the study were incorporated into the Final EIS in Section 3.9 (Water Resources), specifically Section 3.9.3 (Environmental Consequences). For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at <https://frtcmodernization.com>.

It is important to note that the Navy has revised the sections to describe not the total number of wells (as that remains to be field verified), but rather the process by which the Navy anticipates compensating water rights. The Navy does not have the authority to validate vested water rights. Only the State Engineer can validate water rights. However, valid water rights would be treated as real property in the valuation process. The Navy does not plan to use water rights purchased (via negotiated sale or pursuant to eminent domain) for stock water but would instead request to modify the beneficial use, as appropriate, relative to mission requirements. In the Dixie Valley Training Area (DVTA), the Navy would not seek to acquire existing water rights. Section 3.9 (Water Resources), specifically Section 3.9.3 (Environmental Consequences) of the Final EIS has been updated with a discussion of the evaluation of water rights. The Navy acknowledges that the loss of water rights could be a factor in determining payments for losses associated with the cancellation of grazing permits. Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex) addresses the valuation of losses due to the cancellation of such permits. This valuation process would also apply to Alternatives 2 and 3.

The Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives. This information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

Chapter 2 of the Final EIS presents and summarizes the Nevada Alternative. However, some components of the Nevada Alternative, as suggested, could not be accommodated because they would be incompatible with the need to provide sufficient land for military training and associated range safety

requirements (see Section 1.4 [Purpose of and Need for the Proposed Action]). A detailed discussion is provided in Chapter 2, specifically Section 2.5.7 (Governor's Alternative ["Nevada Alternative"]).

F.3.2 Website Comments

Please see the Navy's responses to comments provided by State Agencies on the project website during the public commenting period on the Draft EIS in the following tables and sub-sections.

F.3.2.1 Canfield, S. (Nevada State Historic Preservation Office)

First	Last	Comment	Response
Skip	Canfield	ATTACHED FILE COMMENTS	Thank you for participating in the NEPA process. Please see the Navy's responses to your comments that were attached.



NEVADA
**STATE HISTORIC
PRESERVATION OFFICE**

Department of Conservation and Natural Resources

Brian Sandoval, Governor
Bradley Crowell, Director
Rebecca L. Palmer, Administrator, SHPO

December 17, 2018

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

RE: Fallon Range Training Complex Modernization Draft Environmental Impact Statement (EIS)

The Nevada State Historic Preservation Office (SHPO) has reviewed the subject document and noticed a number of errors in the Cultural Resources section of the document (Section 3.11) related to the identification of traditional cultural properties and their National Register of Historic Places evaluation. For example, the SHPO notes that a number of sensitive traditional cultural properties previously determined eligible or listed in the National Register of Historic Places as traditional cultural properties are identified in Table 3.11-10 not being traditional cultural properties. A traditional cultural property is defined by the cultural members who ascribe value to the resource, and can only be determined through consistent and thorough consultation with such parties as Native American representatives and Tribal governments. As this consultation does not appear to have been undertaken by the U.S. Navy to develop Tables 3.11-4, 3.11-8, 3.11-10, the SHPO strongly recommends that the column "Traditional Cultural Property" be removed from all tables in the Final EIS to avoid confusing the reader into believing that this consultation has occurred and that these resources have been evaluated for their National Register of Historic Places eligibility as have other historic properties in the tables found in Section 3.11.

The SHPO notes that the Navy is proposing to develop a Programmatic Agreement for the modernization project. This agreement would establish protocols for the future management of historic properties in association with the proposed action. The SHPO assumes that these management protocols would describe and include identification and National Register of Historic Places evaluation efforts. As a result, it is somewhat premature at this point to state in the EIS that the undertaking is likely to result in a finding of No Adverse Effect under Section 106 of the National Historic Preservation Act of 1966, as amended.

The Nevada SHPO supports the Navy's proposal to allow for access to the withdrawn lands for ceremonial, cultural, and academic activities. To ensure that this access meets the needs of Native American practitioners and research projects that might need to occur on these withdrawn lands, the SHPO recommends that the process for requesting and receiving permission to access the lands be included in any agreement document developed for this undertaking.

The SHPO looks forward to consulting with the Navy under Section 106 of the National Historic Preservation Act of 1966, as amended. If you have any questions, please contact me at 775.684.3443 or by email at rlpalmer@shpo.nv.gov.

Sincerely,

Rebecca L. Palmer
State Historic Preservation Officer

901 S. Stewart Street, Suite 5004 ✦ Carson City, Nevada 89701 ✦ Phone: 775.684.3448 Fax: 775.684.3442

www.shpo.nv.gov

F.3.2.1.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. As shown in Section 3.11 (Cultural Resources), specifically Section 3.11.1.2 (Regulatory Framework), the Navy has established procedures for addressing its responsibilities with regard to historic properties, including consultation. This includes the Advisory Council on Historic Preservation (ACHP), Nevada SHPO, Indian Tribes, local governments and agencies, and other organizations or individuals.

With regards to Traditional Cultural Properties, based on previous consultation and discussions with the Indian Tribes regarding the Resource Management Plan for certain federal lands in Churchill County, the Navy and BLM identified sensitive areas that have religious or cultural importance. Additional properties have been identified through government to government consultation. These include mountain peaks, springs, plant resources, and pinyon stands. Numerous other properties may be present, but have not yet been identified. Rather than removing the columns from the table that you reference, the Navy has retained those to show the findings of the Class I and Class III reports, but acknowledges that consultation is needed and ongoing. Further, the Final EIS has been revised so that no Section 106 conclusions are presented, as they are premature at this time.

With regards to the Programmatic Agreement (PA), the Navy abides by stipulations found within the current PA between Nevada SHPO, BLM, and the Advisory Council on Historic Preservation with respect to withdrawn lands. Currently, existing withdrawn lands are managed under the prescriptions of the 2011 PA. The Navy is required to consult with the signatories of the 2011 PA (ACHP, SHPO & BLM) for approval of an amendment which would add the newly withdrawn lands. The Navy would also offer government to government consultation with affected Indian Tribes concerning any such proposed amendment per 36 CFR 800.14. As part of this action, the Navy drafted an amendment of the 2011 PA for consultation and completion by 2021 (when the 2011 PA expires). This proposed amended 2011 PA would stipulate requirements for Navy cultural resources management of all Navy managed lands (withdrawn and purchased). Section 3.11 (Cultural Resources) of the Final EIS was updated regarding the PA process. Consistent with Executive Order 13007, *Indian Sacred Sites*, the Navy will continue to work with Indian Tribes to develop protocols for access to cultural resources where compatible with mission requirements through the creation of an MOU.

The Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range “buffer” areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.

F.3.2.2 Clinger, C. (Big Meadow Conservation District; Nevada Department of Natural Resources)

First	Last	Comment	Response
Carl	Clinger	<p>The Big Meadow Conservation District, BMCD, a District in Good Standing and authorized under the state of Nevada Department of Natural Resources and NRS 548, would like to inform you to our strong opposition to portions of the Navy's Fallon Range Training Complex (FRTC) Modernization Environmental Impact Statement. Although, BMCD believes in a Strong Well Trained Military, BMCD also believes that the FRTC is being overly Greedy in the amount of proposed growth and unwilling to work with allotment holders and the Counties that they are significantly impacting.</p> <p>BMCD is located in Pershing County, and will limit it's comments to the B20 Area as it directly impacts Pershing County Residents. Pole Line Road North of B20 is an important Route for Pershing County Producers. The Proposed Closure of Pole line Road is greatly detrimental to Pershing County Economics as well as the Movement of Heavy Farm Equipment from Fallon to Lovelock. The Closure is due to the potential of the one out of 8,000 Bombs that "might" fail and over shoot the intended target and land somewhere on the 15 miles of Roadway. Suggestions of moving the Target Area 3 miles to the Southeast which would eliminate the need to Close the B20 Pole Line Rd. were met with the excuse that the Playa was to soft part of the year to allow truck traffic to the suggested Target area. It would be a minimal effort to build a road and pad to firm up the Playa area. This Target Area Relocation would also eliminate the current Proposed Impact on the Humboldt Sink allotment. See Attached File for Further comments</p>	<p>Thank you for participating in the NEPA process. Please see the Navy's responses to your comments that were attached.</p> <p>Regarding B-20 comments, the Navy is not proposing to re-locate Pole Line Road. The public would be able to access areas east of B-20 and north of B-20 via the East County Road. The Navy reduced the withdrawal under Alternative 3 from 3,200 acres to 2,720 acres, however the Navy cannot reduce it further due to public health and safety concerns.</p> <p>If the Navy moves the target area for B-20 to the southeast, the WDW would change as a result and the border necessary for the B-20 range would extend into the Stillwater National Wildlife Refuge as well as over an established road, East County Road. For further details regarding alternatives to the proposed action that were considered but not carried forward for detailed analysis in the EIS, and the reason they were not carried forward, are described in Section 2.5 (Alternatives Considered but Not Carried Forward for Detailed Analysis). Please see the Navy's responses to your comments that were attached.</p>

Navel Facilities Engineering Command Southwest
Attn: Amy P. Kelly
Code EV21.AK
1220 Pacific High Way
Building 1, 5th Floor
San Diego, CA 92132

To Whom It May Concern:

Thank you for the opportunity to provide scoping comments on the Navy's Fallon Range Training Complex (FRTC) Modernization Environmental Impact Statement (EIS).

The Big Meadow Conservation District, BMCD, a District in Good Standing and authorized under the state of Nevada Department of Natural Resources and NRS 548, would like to inform you to our strong opposition to portions of the Navy's Fallon Range Training Complex (FRTC) Modernization Environmental Impact Statement. Although, BMCD believes in a Strong Well Trained Military, BMCD also believes that the FRTC is being overly Greedy in the amount of proposed growth and unwillingness to work with allotment holders and the Counties that they are significantly impacting.

BMCD is located in Pershing County, and will limit it's comments to the B20 Area as it directly impacts Pershing County Residents. Pole Line Road North of B20 is an important Route for Pershing County Producers. The Proposed Closure of Pole line Road is greatly detrimental to Pershing County Economics i.e. the Proposed Iron Mine Rail Line, as well as the Movement of Large Heavy Farm Equipment from Fallon to Lovelock. The Closure is due to the potential of the one out of 8,000 Bombs that "might" fail and over shoot the intended target and land somewhere on or near the 15 miles of Roadway. Suggestions of moving the "New" Target Area 3 miles to the Southeast which would eliminate the need to Close the B20 Pole Line Rd. were met with the excuse that the Playa was to soft part of the year to allow truck traffic to the suggested Target area. It would be a minimal effort to build a road and pad to firm up the Playa area for the desired targets. This Target Area Relocation would also eliminate the current Proposed Impact on the Humboldt Sink allotments as well as reduce or eliminate the impact on the South Rochester and Copper Kettle Allotments.

It is estimated that the total loss of AUMs could exceed 10,992. If one were to round that number down to 10,000 and then assume that the grazing period is 10 months, which it tends to be less than that and then assume that the value of the animals is \$1,000 each for loss of AUMs that equal \$1M/Yr. of loss of animals produced in addition to the loss of ancillary business of selling/processing of those animals. Additionally, several allotment holders are being reduced to a point that the Ranch operation is no longer a viable operation. With this in mind, it would be reasonable that FRTC would work with Producers and the Counties to reduce/eliminate impacts whenever possible

The FRTC EIS is flawed in that the evaluation of the traffic on the B20 Pole Line Road was performed over only a Two-day period, which is nonsensical for a

remote roadway. BMCD feels that FRTC is being overly Restrictive on the Extremely low probability that a one of 8,000 Bomb battery failures would reach the B20 Pole Line Roadway. Since FRTC touts that they the "count craters" around the target area, it would seem more logical to Only Close the Roadway on the Rare occasion that there was a missing crater in the target area.

BMCD understands that the National Environmental Policy Act, (NEPA), under which the EIS is being developed, outlines a general policy of "Avoid, Minimize, and Mitigate." BMCD requests that the Navy work with the Conservation District and Pershing County to Identify and implement all economically and technically feasible options to avoid and minimize impacts to Pershing County Ranching operations and other economic impacts on a 1:1 Ratio (i.e., completely Balance negative impacts).

Thank you for your consideration of these Comments:

Carl F. Clinger
Big Meadow Conservation District
Chairman

F.3.2.2.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. The Navy has reviewed and considered all comments received and have updated the AUM and allotment information where appropriate. With respect to training needs at B-20, B-20's primary use is for advanced weapons training and large force exercises. It contains a variety of targets and target complexes and is capable of accommodating both live and inert ordnance. B-20 is not accessible by the public for safety reasons. Table 2-9 provides a complete list of training activities conducted at B-20. If the Navy moves the target area for B-20 to the southeast, the WDZ would change as a result and the border necessary for the B-20 range would extend into the Stillwater National Wildlife Refuge as well as over an established road, East County Road. For further details regarding alternatives to the proposed action that were considered but not carried forward for detailed analysis in the EIS, and the reason they were not carried forward, are described in Section 2.5 (Alternatives Considered but Not Carried Forward for Detailed Analysis).

As discussed in the Draft EIS in Section 3.13 (Socioeconomics), under Alternative 3, minimum and maximum AUMs lost and lost value of AUMs would be higher as compared to Alternative 1 and 2. Table 3.13-20 represents allotments for the minimum and maximum allotment loss in AUMs annually under Alternative 3. Table 3.13-21 represents the direct minimum and maximum values of lost AUMs and lost value of AUMs by impacted counties under Alternative 3. The total permanent economic impacts (both direct and secondary) associated with lost federal land grazing for example in Churchill County range from a minimum loss of \$490,126 (\$375,249 in direct impacts and \$114,877 in secondary impacts) to a maximum loss of \$682,758 (\$522,730 in direct impacts and \$160,028 in secondary impacts) under Alternative 3 (Table 3.13-22) (refer to Supporting Study: Economic Impact Analysis Report [available at <http://frtcmodernization.com>]). Table 3.13-23 represents employment impacts under Alternative 3 for affected counties; for instance, employment impacts for Churchill County would range from a loss of 6.2 (5.28 in direct impacts and 0.92 in secondary impacts) employees to a maximum loss of 8.61 (7.35 in direct impacts and 1.26 in secondary impacts) employees. Table 3.13-24 represents labor income losses. Lost grazing in Churchill County for example would consist of a minimum loss in labor income of \$137,771 (\$108,031 in direct impacts and \$29,740 in secondary impacts) to a maximum loss of \$183,854 (\$144,338 in direct impacts and \$39,516 in secondary impacts) under Alternative 3. Total economic impacts would be higher under Alternative 3 in comparison to Alternatives 1 and 2. By adding the overall economic impact from the decrease in AUMs (ranging from \$490,126 to \$682,758 [Table 3.13-22]) and the associated direct and secondary labor income loss (ranging from \$137,771 to \$183,854 [Table 3.13-24]) and comparing these figures to the total economic activity for the beef cattle ranching and farming sector in Churchill County (\$35 million), there would only be a reduction in economic output ranging from 0.016 percent to 0.024 percent. The reduction is significantly less when compared to the total economic activity for all sectors for Churchill County, which is 1.7 billion dollars (refer to Supporting Study: Economic Impact Analysis Report [available at <http://frtcmodernization.com>], Table B-1). Economic losses associated with reduced AUMs would be similar in scale for Lander, Mineral, Pershing, and Plumas counties based on the percentage of lost revenue compared to sector and total economic activity. While there would be significant impacts to individual ranching operations, there would be no significant impacts to overall economic activity within the affected counties due to lost AUMs.

As discussed in the transportation study that can be found online (see Supporting Study: Transportation Study [available at <http://frtcmodernization.com>]), morning and afternoon peak hour turning movement counts were conducted at 21 intersections that are expected to be affected by the Proposed Action. The data was collected between 6 December and 14 December 2016 by Navy contractors, with morning peak period counts conducted between 0630 and 0830 and afternoon peak period counts occurred between 1600 and 1800. The counts were scheduled on mid-week days (Tuesdays through Thursdays) to minimize possible atypical conditions that could arise from extended weekends, if any. Refer to Appendix A of the Supporting Study for intersection count summaries. Given that the counts took place in December, a month when outdoor recreational activities (e.g., off highway vehicle [OHV] use) are expected to be lower than other months of the year, seasonal adjustment factors were applied to the existing counts. These seasonal adjustment factors were obtained from NDOT's Traffic Information Access (TRINA) database, and can be reviewed on-line at the NDOT web site (see <https://www.nevadadot.com/doing-business/about-ndot/ndot-divisions/planning/traffic-information>). NDOT maintains a network of traffic count stations along the state highway system (i.e., Interstate Highways, U.S. Highways, and State Routes). The majority of the count stations provide annual traffic volumes only, but several count stations in each district, referred to Automatic Traffic Recorder (ATR) stations, also provide the relative concentration of traffic by month and by day of week.

Regarding mitigation, the Navy has developed and proposed specific mitigation for each alternative that can be implemented and would avoid or minimize impacts. As such, alternatives include actions specifically designed to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities. Cooperating agencies, Indian Tribes, and other stakeholders were solicited for potential mitigation or management actions through the public scoping process and the public comment process on the Draft EIS, and the Navy evaluated the suggestions against compatibility with military training and testing activities and range safety. The Navy conducted several mitigation working group meetings with Cooperating Agencies and Indian Tribes to discuss their concerns as well as the feasibility of their suggested management practices or mitigations. The Navy continued to work with cooperating agencies, Indian Tribes, and other public stakeholders between the Draft and Final EIS to refine or augment mitigation methods to reduce potential impacts. These suggestions for management practices, monitoring, and mitigation have been added to the Final EIS in Tables 5-1 through 5-16. General mitigation suggestions are shown in Table 5-1 along with the Navy's response if it was adopted or not; including reasoning for considering but eliminating the suggestion if applicable. Suggestions that were specific to different resource categories are discussed under their respective resource headers in Table 5-2 through Table 5-13, located in Section 5.2 through 5.16.

F.3.2.3 Mergell, R. (Administrator for Nevada State Parks)

First	Last	Comment	Response
Robert	Mergell	Please see attached letter.	Thank you for participating in the NEPA process. Please see the Navy's responses to your comments that were attached.

BRADLEY CROWELL
Director

Department of Conservation and
Natural Resources

ROBERT MERGELL
Administrator

STEVE SISOLAK
Governor

STATE OF NEVADA



901 S. Stewart Street,
Suite 5005
Carson City, NV
89701-5248

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stparks@parks.nv.gov
http://parks.nv.gov

**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF STATE PARKS**

01/14/2019

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

Dear Sir / Ma'am,

I am writing in response to the EIS for the proposed base expansion for the Fallon Naval Base. I am the Administrator for Nevada State Parks and the base expansion (as proposed) would have a significant impact on one of our State Parks.

Berlin Ichthyosaur State Park is located just east of Gabbs, NV. The main entrance into the park is off of Highway 361, which according to the proposal would be permanently closed. Highway 361 is currently the only paved access to get visitors close to the park. This road closure would cripple park operations as there would be no easy access from a paved road off of highway 50. This would impact both park visitors, as well as park staff who are required to make weekly bank deposits in Fallon. Visitors and staff alike would be forced to travel roughly 50 miles on dirt road to hit Highway 50 near Austin.

Berlin Ichthyosaur gets roughly 7000 visitors a year due to the remoteness of the park. If the park loses the one paved access point, it may impact visitation to the point that it would become difficult to justify the operating costs required to keep the park open.

I urge you to consider this issue when looking at the impacts of the proposed base expansion. Thank you for taking the time to read my comments and if you need any clarification or have any questions please feel free to contact me.

Respectfully,

Robert Mergell
Administrator
Department of Conservation and Natural Resources
Nevada Division of State Parks
901 S. Stewart St., Suite 5005
Carson City, NV 89701
rmergell@parks.nv.gov
(O) 775- 684-2771 | (F) 775-684-2777

F.3.2.3.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. As discussed in Section 3.5 (Transportation), under Alternative 3, the WDZ would extend over a portion of SR 361, and that segment would need to be closed and re-routed outside of the WDZ due to mission and public safety requirements.

The potential closure and rerouting of SR 361 associated with the expansion of B-17 would only occur if Congress chose Alternative 3. However, the affected segment of SR 361 would not be closed unless and until a suitable replacement route is established. Relocation of SR 361 would not cut off access to Gabbs or Berlin Ichthyosaur State Park. The notional relocation corridor for the potential re-routing of SR 361 can be found in Section 3.5.3 (Environmental Consequences).

Any proposed rerouting is still conceptual in nature and would be evaluated prior to closure of the route. Follow-on NEPA efforts would need to be conducted for the potential relocation of SR 361 if Alternative 3 were to be selected. See Chapter 2, specifically Section 2.3.4.2.4 (Road and Infrastructure Improvements to Support Alternative 3) for further details. If Alternative 3 were chosen, the Navy would transfer any funds appropriated for relocating the road to the Federal Highway Administration, who in turn would make these funds available to NDOT for planning, design and construction of the replacement road to State standards.

F.3.2.4 Perry, R. (Division of Minerals and Nevada Governor's Office of Energy)

First	Last	Comment	Response
Richard	Perry	Comments are provided on behalf of the Division of Minerals and the Nevada Governor's Office of Energy in the attached cover letter and accompanying comment matrix. Hard copies are being mailed. Please contact me if you want an Excel version of the matrix.	Thank you for participating in the NEPA process. Please see the Navy's responses to your comments that were attached.



STEVE SISOLAK
Governor

STATE OF NEVADA
COMMISSION ON MINERAL RESOURCES
DIVISION OF MINERALS

400 W. King Street, Suite 106
Carson City, Nevada 89703
(775) 684-7040 • Fax (775) 684-7052
<http://minerals.nv.gov/>



RICHARD PERRY
Administrator

Las Vegas Office: 2030 E. Flamingo Rd. #220, Las Vegas, NV 89119
Phone: (702) 486-4343; Fax: (702) 486-4345

February 12, 2019

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

To Whom it May Concern:

This letter represents the Division of Minerals' comments on the Fallon Range Training Complex modernization draft environmental impact statement (EIS). For the past two years the Division was an active cooperating agency and appreciates the time and effort Navy personnel devoted to the process. The attached comment matrix contains page-by-page comments on the draft EIS from the Division and Governor's Office of Energy. The Division has several broad comments about the process over the past two years, and resulting draft EIS:

1. The Nevada Alternative, which was presented by the Governor to the Secretary of the Navy on August 17, 2017, was not analyzed in the EIS. This was a very detailed alternative prepared by Nevada State agencies that largely excluded DVTA in Dixie Valley. Dixie Valley is significant to Nevada's economy due to the substantial growth potential for the production of minerals, geothermal and solar energy. Navy personnel articulated the need for expansion of bombing ranges, however, the need for the withdrawal of DVTA in Dixie Valley north of highway 50 is lacking any substantive detailed justification.
2. The draft EIS did not quantify the socioeconomic impacts resulting from the reasonably foreseeable geothermal and mining development analysis performed by the Navy's contractor, Golder and Associates. The economic impacts of the FRTC expansion are real and significant. Geothermal and mineral development are likely the largest economic impacts, and there is no economic analysis of this in the draft EIS.
3. There is no clear process outlined for compensation to claimants due to the "taking" of unpatented mining claims and geothermal or oil leases.
4. The cost and impacts of incorporating the required design features for geothermal development west of SR 121 were not evaluated and shown to be economically viable as part of the portrayed mitigation under Alternative 3.

Thank you for the opportunity to comment,

Richard Perry, Administrator

Dennis Bryan; Small-Scale Mining and Prospecting
Mary Koipf, Public at Large
Arthur Henderson; Oil and Gas

Commission on Mineral Resources
Richard DeLong, Chairman; Large-Scale Mining

Nigel Bain; Large-Scale Mining
Robert Felder; Exploration and Development
John H. Snow; Geothermal Resources

F.3.2.4.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. Your specific line by line comments are addressed individually in the sub-matrix that follows this comment. Chapter 2 of the Final EIS summarized and presents and summarizes the Nevada Alternative. However, some components of the Nevada Alternative, as suggested, could not be accommodated because they would be incompatible with the need to provide sufficient land for military training and associated range safety requirements (see Section 1.4 [Purpose of and Need for the Proposed Action]). A detailed discussion is provided in Chapter 2, specifically Section 2.5.7 (Governor's Alternative ["Nevada Alternative"]).

The proposed de-designation of portions of Wilderness Study Areas and the need to withdraw areas for the DVTA in Dixie Valley, north of highway 50 is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces (along with other non-hazardous training activities, such as night vision goggle training and low-altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTA, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed. Clarification for why the Navy needs to withdraw additional land in the Dixie Valley has been added to the Final EIS.

Regarding the socioeconomic impacts resulting to the mining industry as a result of the Proposed Action, the Navy's analysis states that, Alternative 3 would have similar potential impacts as described under Alternative 2. Repositioning the B-17 and DVTA withdrawal area would potentially allow greater access to areas located west of the B-17 expansion area under Alternative 2 for mining and geothermal opportunities; however, the socioeconomic impacts would likely be very similar to impacts under Alternative 1. In addition, State Route 839 would not potentially need to be rerouted, which would maintain access to locations off of the existing route (e.g., the Denton-Rawhide mine) as they are currently.

Potential losses associated with currently unknown mining and geothermal opportunities as defined under Alternative 1 would be less under Alternative 3 because geothermal opportunities would be allowed in DVTA. However, significant impacts could still occur under Alternative 3 due to such potential lost mining and geothermal opportunities in the expanded B-16, B-17, and B-20.

With regards to mining and mining claims, the Final EIS has been updated to further describe the process by which the Navy would compensate valid mining claims. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources). For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. For existing patented mining claims, the federal government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal

process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam demonstrating a valuable mineral deposit a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

The Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary in order for the Navy to meet necessary training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy is committed to working with the developer on a case-by-case basis and acknowledges that complying with required design features could add cost to a potential geothermal development. This is addressed in Section 3.3 (Mining and Mineral Resources).

Please see the Navy's responses to specific comments provided via table in Table F-3.

F.4 County

This section contains comments from county agencies received during the public comment period and the Navy's response to those comments. Letters, written comments, and emails are presented as received by the Navy in picture form with responses immediately following in text after that presentation. Comments submitted on the website are shown in tables and organized alphabetically by commenters names, followed by their comment, with pictures of attachments if applicable, and the Navy's response in the final right-hand column of the table or after the attachment is presented. Enclosures to comments or other background information included along with the public's comments are not pictured in this appendix. Responses to these comments were prepared and reviewed for scientific and technical accuracy and completeness.

F.4.1 Letters, Written Comments, and Emails

F.4.1.1 Barbee, J. R. (Churchill County)



Office of the Churchill County Manager

November 19, 2018

Naval Facilities Engineering Command Southwest
C/O: Ms. Sara Goodwin
NRSW/NAVFAC SW Regional NEPA Coordinator
Via E-mail: sara.goodwin@navy.mil

RE: REQUEST FOR EXTENSION OF TIME FOR PUBLIC COMMENT PERIOD OF THE
FALLON RANGE TRAINING COMPLEX MODERNIZATION DRAFT ENVIRONMENTAL
IMPACT STATEMENT (EIS)

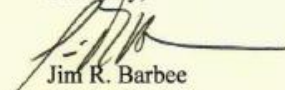
Dear Ms. Goodwin and FRTC Modernization EIS Project Team,

As of November 15, 2018, Churchill County is in receipt of the Draft Environmental Impact Statement (EIS) to assess the potential environmental impacts of the proposed modernization of the Fallon Range Training Complex. County representatives are reviewing the Draft EIS and will be engaged in the December 12, 2018 public meeting.

However, we are concerned that due to the holidays, previously scheduled meetings, the need to review the EIS, coordinate meetings with the Board of County Commissioners and engage the public, the comment deadline of January 15, 2019 may be too aggressive for us to meet.

Therefore, we respectfully request a 30-day extension of the comment period to allow adequate time for the County to perform due diligence.

Sincerely,



Jim R. Barbee
County Manager

cc: Rob Rule, Community Plans and Liaison Officer, NAS Fallon
Ed Rybold, NAS Fallon Installation Plans & Programs Integration, NAS Fallon

Churchill County is an equal opportunity provider and employer

Churchill County Administrative Complex • 155 N. Taylor St., Suite 153 • Fallon, NV 89406 • PHONE (775) 423-5136 FAX (775) 423-0717

Email:county.manager@churchillcounty.org

F.4.1.1.1 Response

Thank you for your participation in the NEPA process. The Draft EIS was released for public review Nov. 16, 2018, for a 60-day public comment period, 15 days more than the required 45-day public review period under NEPA. The Navy extended the public comment period additional 30 days, to close Feb. 14, 2019, for a total of 90 days for public review of the Draft EIS. Public notices of the comment period extension were published in local newspapers and the *Federal Register*, and the Navy distributed postcards to the project mailing list (including attendees of the Draft EIS public meetings), letters to Indian Tribes, news releases to media, and emails to subscribers on the project website.

F.4.1.2 Bendure, T. (Pershing County)



**Fallon Range Training Complex Modernization
Environmental Impact Statement (EIS)**

Comment Form

Date: December 13, 2018

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by **Jan. 15, 2019**, for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at **www.FRTCMmodernization.com**, or by U.S. Postal Service mail to the address below.

Please Print

Under "Contributions to the Local Economy"
Pershing County was not listed, the
preferred Alternative "takes" FC land, therefore
there is an impact!

"I would like a hard copy of the DEIS
~~sent to~~ Cumulative Impacts Analysis sent to
me at the address below.
Thank you

F.4.1.2.1 Response

Thank you for your participation in the NEPA process. You have been added to the mailing list for the Final EIS. Pershing County is included in the analysis of the Draft and Final EIS in Section 3.13 (Socioeconomics).

F.4.1.3 Goicoechea, J. J. (Eureka County Board of Commissioners) Email



EUREKA COUNTY BOARD OF COMMISSIONERS

J.J. Goicoechea, Chairman + Mike Sharkozy, Vice Chair + Fred Etchegaray, Member

PO Box 694, 10 South Main Street, Eureka, Nevada 89316

Phone: (775) 237-7211 + Fax: (775) 237-6015 + www.co.eureka.nv.us

December 20, 2018

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

RE: Request for 30-day extension of comment period for the Fallon Range Training Complex
Modernization Draft Environmental Impact Statement

To Whom It May Concern:

The Eureka County Board of Commissioners respectfully requests a 30 day extension of time to provide comments on the Fallon Range Training Complex (FRTC) Modernization Draft Environmental Impact Statement (DEIS). We believe this request is justified based on the points below.

- The DEIS was released by the Navy just before Thanksgiving with the comment period extending through the holiday season. Many Eureka County leaders, staff, and residents travel during this period and are spending much of this time on leave.
- The Eureka County Code and Master Plan both require us to consult with various advisory boards on important matters (e.g., Natural Resources Advisory Commission and Planning Commission). This is in addition to the normal public consultation process. The Board of Commissioners meets just twice a month and many of these advisory boards meet just once a month. Further, there is some turnover in our County Commission and other advisory boards with new board members taking their seats in January. Given the busy holiday season, staff leave and board member travel, new board members, and our desire to properly vet the FRTC Modernization to our citizens and advisory boards, there is simply not enough time to do this by January 15.
- In addition to other day-to-day duties, there are multiple other NEPA documents and deadlines running concurrently with the FRTC DEIS including the US Forest Service Proposed Land Management Plan Amendment for sage grouse, the BLM Final EIS and Proposed Resource Management Plan Amendment for sage grouse, the BLM March 2019 Competitive Oil and Gas Lease Sale and associated EA, the BLM Deep South Expansion Project DEIS, the BLM Programmatic EIS for Fuel Breaks, and others.

Page 1 of 2

A 30 day extension will allow the process to be more transparent and provide greater opportunity for public involvement. An extension will enhance the process by ensuring that the Navy considers all pertinent information for analysis at this stage of the DEIS.

Thank you for your consideration of our request.

Sincerely,



J.J. Goicoechea, DVM, Chairman
Eureka County Board of Commissioners

cc: Nevada Congressional Delegation and Delegation-elect
Pam Robinson, Policy Director for Governor Brian Sandoval
Rob Rule, NAS Fallon Community Plans and Liaison Officer

F.4.1.3.1 Response

Thank you for your participation in the NEPA process. The Draft EIS was released for public review Nov. 16, 2018, for a 60-day public comment period, 15 days more than the required 45-day public review period under NEPA. The Navy extended the public comment period additional 30 days, to close Feb. 14, 2019, for a total of 90 days for public review of the Draft EIS. Public notices of the comment period extension were published in local newspapers and the *Federal Register*, and the Navy distributed postcards to the project mailing list (including attendees of the Draft EIS public meetings), letters to Indian Tribes, news releases to media, and emails to subscribers on the project website.

F.4.1.4 Goicoechea, J. J. (Eureka County Board of County Commissioners) Letter 1



EUREKA COUNTY BOARD OF COMMISSIONERS

J.J. Goicoechea, Chairman + Mike Sharkozy, Vice Chair + Fred Etchegaray, Member

PO Box 694, 10 South Main Street, Eureka, Nevada 89316

Phone: (775) 237-7211 + Fax: (775) 237-6015 + www.co.eureka.nv.us

December 20, 2018

Naval Facilities Engineering Command Southwest
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1220 Pacific Highway
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RE: Request for 30-day extension of comment period for the Fallon Range Training Complex
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- The DEIS was released by the Navy just before Thanksgiving with the comment period extending through the holiday season. Many Eureka County leaders, staff, and residents travel during this period and are spending much of this time on leave.
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- In addition to other day-to-day duties, there are multiple other NEPA documents and deadlines running concurrently with the FRTC DEIS including the US Forest Service Proposed Land Management Plan Amendment for sage grouse, the BLM Final EIS and Proposed Resource Management Plan Amendment for sage grouse, the BLM March 2019 Competitive Oil and Gas Lease Sale and associated EA, the BLM Deep South Expansion Project DEIS, the BLM Programmatic EIS for Fuel Breaks, and others.

Page 1 of 2

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Thank you for your consideration of our request.

Sincerely,



J.J. Goicoechea, DVM, Chairman
Eureka County Board of Commissioners

cc: Nevada Congressional Delegation and Delegation-elect
Pam Robinson, Policy Director for Governor Brian Sandoval
Rob Rule, NAS Fallon Community Plans and Liaison Officer

F.4.1.4.1 Response

Thank you for your participation in the NEPA process. The Draft EIS was released for public review Nov. 16, 2018, for a 60-day public comment period, 15 days more than the required 45-day public review period under NEPA. The Navy extended the public comment period additional 30 days, to close Feb. 14, 2019, for a total of 90 days for public review of the Draft EIS. Public notices of the comment period extension were published in local newspapers and the *Federal Register*, and the Navy distributed postcards to the project mailing list (including attendees of the Draft EIS public meetings), letters to Indian Tribes, news releases to media, and emails to subscribers on the project website.

F.4.1.5 Goicoechea, J. J. (Eureka County Board of County Commissioners) Letter 2



EUREKA COUNTY BOARD OF COMMISSIONERS

J.J. Goicoechea, Chairman * Mike Sharkozy, Vice Chair * Rich McKay, Member

PO Box 694, 10 South Main Street, Eureka, Nevada 89316

*Phone: (775) 237-7211 * Fax: (775) 237-5614 * www.co.eureka.nv.us*

February 14, 2019

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

Also submitted via online portal at www.FRTCModernization.com

RE: Eureka County Comments to the Fallon Range Training Complex (FRTC) Modernization Project
Draft Environmental Impact Statement (DEIS)

FRTC Modernization Project Team:

The Eureka County Board of County Commissioners submits the following comments on the above-referenced Fallon Range Training Complex (FRTC) Modernization Draft Environmental Impact Statement (DEIS), as announced in Federal Register Vol. 83, No. 221/Thursday November 15, 2018 pages 57445-57446. We appreciate the comment deadline extension to February 14, 2019.

Eureka County has been a very active cooperating agency on the development of this Draft EIS, and raised key issues and concerns during our participation including through review of the Preliminary DEIS. Our comments consist of this cover letter which highlights our major concerns and specific comments in the table below. Our previous scoping comments dated December 6, 2016, are hereby incorporated by reference as are our comments on the Preliminary DEIS. As the Cooperating Agency process is conducted under a non-disclosure agreement, this is the first time since the scoping period closed that the Board of County Commissioners has been able to review and discuss the Project in a public forum with input from County residents.

We have reviewed all aspects of the DEIS but summarized below focus on primary issues and impacts that most directly affect Eureka County and its residents,

Noise Avoidance Buffers

We appreciate the inclusion of 5 mile noise avoidance buffers for the towns of Eureka and Crescent Valley and the Eureka Airport. We are requesting that those noise avoidance buffers be set from the outer perimeter of the Town of Crescent Valley and Town of Eureka rather than the center of the towns. We also request a 5 mile avoidance buffer around the perimeter of the General Improvement Districts in southwestern Diamond Valley. As we have indicated previously and in our specific comments below, the GIDs have a concentration of population similar to Crescent Valley, and are not protected by the Town of Eureka buffer. We look forward to providing the mapping file and other information to assist the Navy in adding the GIDs buffer to the EIS.

Page 1 of 53

Duckwater MOA floor is too low

We again request that the Duckwater MOA be adjusted to match the Diamond MOA floor of 1200 feet AGL. If not, the Duckwater MOA (and all other low-level flight MOAs) floor should be no lower than the stated need of 500 feet AGL consistent with the requirements stated in “90 Days to Combat.” The impacts from 200 feet AGL are severe for people, wildlife, and land use including agriculture and the proposed vanadium mine.

Improve radio communications for civilian aircraft and provide better coordination on GPS jamming

Please commit to improve radio communications (including necessary infrastructure such as new radio towers, etc.) for civilian aircraft (including crop dusters) within the VFR Corridor and the eastern SUA. Discussion with local pilots has highlighted that connection with Desert Control is non-existent in some areas and “dead zones” exist throughout the VFR corridor and eastern areas near Eureka proposed as SUA/MOA. Clarify in the EIS what additional infrastructure will be needed for Desert Control to de-conflict crop dusters and other civilian aircraft in Diamond Valley and the eastern part of the FRTC. Also, there needs to be better systems in place for Navy to transparently provide information and notice to affected interests about locations and timeframes that GPS jamming would take place to allow folks to avoid crucial or safety-sensitive actions requiring GPS use during these jamming times and at these places.

Mitigate impacts to Eureka County ranchers on La Beau Flat allotment and continue long-standing water access to well on existing B-17

The Eureka County ranchers are losing part of their allotment due to FRTC expansion. They are losing access to all the water that sustains their ability to use their grazing rights. Fully mitigate (avoid and minimize first, then compensatory mitigation as final option) impacts to Eureka County ranchers that operate on the La Beau Flat allotment and continue with long-standing access to well on existing B-17.

The Navy response to our previous comments included a promise to “collaborate” on grazing mitigation actions following the Congressional decision on the FRTC modernization. The mitigation measures must be in the EIS, not postponed into the future. Because the EIS will be a reference guide for future decision makers on how to address the loss of grazing allotments, the document must contain appropriate examples and commitments for mitigation measures.

It is disingenuous for the Navy to not outline reasonable management practices or mitigation measure related to grazing losses. Generally, there are a host of things the Navy could do to lessen the impacts. On an allotment-by-allotment basis, there are very specific things that could be done for mitigation. We again ask the Navy to, before imposing grazing restrictions, and in coordination with grazing permittees, identify and implement all economically and technically feasible livestock distribution, forage production enhancement, weed control programs, prescribed grazing systems, off-site water development by the water rights holder, shrub and pinyon/juniper control, and livestock salting/supplementing plans. These examples and commitments should be in the EIS.

At a minimum, Navy should (1) allow continuation of the decades-long access to fill a water truck at the well adjacent to SR 839 on the existing B-17 that is used by La Beau Flat ranchers (they hold a water right on this well); and (2) provide adequate compensation for AUM loss.

In summary, ranchers, specifically public land grazing permittees, must be fully compensated for the loss of Animal Unit Months (AUMs), range improvements and water rights associated with grazing permits. Funding should be provided to assist with development of new, or alteration of existing: grazing permits, grazing plans, range improvements and water rights.

Mitigation in the EIS

Given the length of Chapter 3, Affected Environment and Environmental Consequences, Chapter 5 Management Practices, Monitoring and Mitigation Measures is brief. The County was also concerned to see that many of the impacts were not adequately described, quantified or reported in the DEIS despite extensive comments provided by County staff. As such, the County has included below another round of extensive, document-specific comments, with the hopes that these deficiencies will be addressed by the Final EIS. The County appreciates the Navy's acknowledgement that impact analysis will be further refined, and management practices, monitoring and mitigation measures will continue to be developed. The County's concern is that the Final EIS will only allow for a 30-day review and comment period to address any outstanding issues. This is difficult to accomplish with a document of this magnitude given the volume of issues left to be resolved.

Cumulative Impacts

Finally, we wish to reiterate the comments we made at Scoping concerning cumulative impacts which were not adequately addressed in the DEIS: "Cumulative impacts: Please disclose the cumulative impacts to the central Nevada region of the FRTC expansion in combination with existing and proposed activities at the Air Force NTTR – Nellis AFB, activities from Mountain Home AFB and Hill AFB, including providing a comprehensive map of present proposed and projected land and airspace expansions for the expected length of the FRTC land withdrawal (20 years.) Address the impacts based on the cumulative analysis to commercial and private aviation, economic development, communications, and energy development. With simultaneous expansions of the FRTC and Nellis AFB NTTR, combined with Mountain Home AFB, Hill AFB and other regional defense facilities that rely on public lands and airspace, the defense agencies must work together to develop a document that seamlessly incorporates the cumulative and combined impacts from all of these efforts."

The County appreciates the information and changes made to the EIS in response to some of Eureka County's previous comments. We look forward to additional changes and information in the Final EIS to address our outstanding concerns and comments. We welcome close coordination with the Navy to clarify or address these outstanding comments and issues.

Sincerely,



J.J. Goicoechea, Chairman
Eureka County Board of Commissioners

cc: Nevada Congressional Delegation
Captain David Halloran, Commanding Officer, NAS Fallon (via email)
Churchill County Board of Commissioners (via email to Jim Barbee)
Rob Rule, NAS Fallon (via email)
Other Navy EIS team members (via email)

F.4.1.5.1 Response

Thank you for participating in the NEPA process. Your comment has been included in the official project record. The Navy appreciates your time and work as a Cooperating Agency in the development of the Final EIS.

The comment mentions noise sensitive areas proposed for the incorporated areas of Crescent Valley and Eureka. The Navy acknowledges that people may live on the edges of town and in adjacent areas. However, the Navy cannot define Noise Sensitive Areas using a town's perimeter because doing so would significantly constrain proposed training activities. Tracking irregular areas underneath aerial training areas would require pilots to pay more attention to where they are flying rather than concentrating on the mission that they are training for.

The Navy cannot accommodate the request to establish a 5-mile avoidance buffer around the perimeter of the General Improvements Districts in southwestern Diamond Valley for these same reasons. The establishment of Noise Sensitive Areas must be compatible with military training activities.

Regarding the height of the Duckwater MOA, while the floors of the proposed new MOAs are either 200 feet AGL (Duckwater and Smoke) or 1,200 feet AGL (Ruby, Zircon, and Diamond), general aviation pilots may still fly through a MOA under Visual Flight Rules. FRTC SUA, outside of active restricted areas, follows FAA guidance on MOA usage by civil aviation. NAWDC and Desert Control ATC would make provisions to sustain aerial access to private and public use land beneath the FRTC, and for terminal VFR and IFR flight operations where available. MOAs are always joint use in that VFR aircraft are not denied access, and IFR aircraft may be routed through the airspace. As such, civil traffic would continue to be authorized in all FRTC MOAs. The majority of the literature suggests that wildlife species may exhibit adaptation, acclimation, or habituation after repeated exposure to jet aircraft overflights and associated noise, including sonic booms, and that there are no adverse impacts to wildlife species from aircraft overflights; (see Section 3.10.3.1.1, Noise of the Final EIS). However, the Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Regarding radio communications and dead zones, 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 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.

Regarding GPS jamming, the Navy will not interfere with civilian use of the electromagnetic spectrum, including GPS. Operations on the FRTC purposely avoid broad conflict with civilian systems. NAWDC and NAS Fallon coordinate and will continue to coordinate with infrastructure providers and spectrum users to avoid conflicts.

In regard to Eureka County ranchers on La Beau Flat and the water access to the well on the existing B-17, the Navy would continue to allow access to this well off of State Route 839.

Regarding further mitigation for impacted federal grazing permittees, the following specific grazing mitigations would be implemented under all action alternatives. Policies and procedures in the NAS Fallon INRMP would continue to be implemented to avoid conflicts with livestock grazing. The Navy would expand their fence line monitoring and maintenance procedures to include fences that are on withdrawn lands. The Navy proposes to establish two Conservation Law Enforcement Officers at NAS Fallon. Part of the duties of these officers would include monitoring of the added fence line. The Navy would also engage in one-to-one discussions with affected ranchers to seek to identify further opportunities for impact minimization, including but not limited to potential payments under 43 U.S.C. Sec. 315q. Such discussions would be on a case-by-case basis and thus would need to occur only after any ultimate implementation of the action.

The Final EIS discusses the process that the Navy is proposing to use to determine payment amounts to each specific grazing permit holder for losses resulting from the implementation of the Proposed Action and would make payments to federal grazing permit holders for losses suffered by the permit holders as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes under 43 United States Code section 315q of the Taylor Grazing Act of 1934, as amended. This authority has been incorporated into the Proposed Action.

The total permanent economic impacts (both direct and secondary) associated with lost federal land grazing for example in Churchill County range from a minimum loss of \$490,126 (\$375,249 in direct impacts and \$114,877 in secondary impacts) to a maximum loss of \$682,758 (\$522,730 in direct impacts and \$160,028 in secondary impacts) under Alternative 3 (Table 3.13-22) (refer to Supporting Study: Economic Impact Analysis Report [available at <http://frtcmodernization.com>]). Table 3.13-23 represents employment impacts under Alternative 3 for affected counties; for instance, employment impacts for Churchill County would range from a loss of 6.2 (5.28 in direct impacts and 0.92 in secondary impacts) employees to a maximum loss of 8.61 (7.35 in direct impacts and 1.26 in secondary impacts) employees.

Table 3.13-24 represents labor income losses. Lost grazing in Churchill County for example would consist of a minimum loss in labor income of \$137,771 (\$108,031 in direct impacts and \$29,740 in secondary impacts) to a maximum loss of \$183,854 (\$144,338 in direct impacts and \$39,516 in secondary impacts) under Alternative 3.

Total economic impacts would be higher under Alternative 3 in comparison to Alternatives 1 and 2. By adding the overall economic impact from the decrease in AUMs (ranging from \$490,126 to \$682,758 [Table 3.13-22]) and the associated direct and secondary labor income loss (ranging from \$137,771 to \$183,854 [Table 3.13-24]) and comparing these figures to the total economic activity for the beef cattle ranching and farming sector in Churchill County (\$35 million), there would only be a reduction in economic output ranging from 0.016 percent to 0.024 percent. The reduction is significantly less when compared to the total economic activity for all sectors for Churchill County, which is 1.7 billion dollars (refer to Supporting Study: Economic Impact Analysis Report [available at <http://frtcmodernization.com>], Table B-1). Economic losses associated with reduced AUMs would be similar in scale for Lander, Mineral, Pershing, and Plumas counties based on the percentage of lost revenue compared to sector and total economic activity. While there would be significant impacts to individual ranching operations, there would be no significant impacts to overall economic activity within the affected counties due to lost AUMs.

In regard to the mitigation in the EIS and the length of the Chapter overall (Chapter 5 [Management Practices, Monitoring, and Mitigation]), the Navy has updated this chapter to reflect suggestions received during the development of the Draft and Final EIS and has given the Navy's response to these suggestions; whether that response was that the suggestion was adopted as part of the Proposed Action, adopted as a management practice, monitoring, or mitigation measure, or if the suggestion was not adopted.

The Cumulative impacts discussion in Chapter 4 (Cumulative Impacts), covers the projects requested in this comment. The Navy has analyzed cumulative impacts to the resources analyzed in this document.

Thank you for your continued support in the development of the Final EIS. Please see the Navy's responses to specific comments provided via table in Table F-5.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses

Page	Section / Paragraph	Draft EIS Text	Comment	Response
General	General	General	Eureka County agrees with, supports, and adopts the comments made by Churchill County on the DEIS.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
General	General	General	We do not make any specific comments on the Executive Summary understanding that our specific and substantive comments made on other sections of the DEIS will require conforming changes to the Executive Summary.	Thank you for submitting comments per section.
General	General	General	Many of the comments we make, if addressed by Navy, will require conforming and cascading changes throughout the EIS. For instance, we often make a comment specific to a section on the Proposed Action Alternative 1 or Preferred Alternative 3 but this same comment often applies to all of the alternatives as well and other sections such as Cumulative Effects.	Thank you for this specification. Any changes that were applied to the EIS were applied globally where applicable.
General	General	General	Eureka County has extensively, actively, and formally participated as a cooperating agency in this process, and submitted information throughout the process. We provided substantive comments on the cooperating agency Preliminary DEIS. We acknowledge that some changes occurred between the PDEIS and DEIS due to our comments on the PDEIS. We are appreciative of these changes. There are, however, many comments that we made on the PDEIS that were not incorporated or did not effect change. All of our previous partially addressed, unaddressed, or discounted comments on the PDEIS still apply and should be addressed by Navy when finalizing the EIS.	The Navy appreciates the participation of all cooperating agencies. It is important to note that many of the suggestions provided by cooperating agencies are not compatible with the Navy's purpose and need, nor the screening criteria used for developing alternatives or mitigations. Where appropriate and compatible with military training activities, suggestions have been incorporated into the Final EIS.
General	General	General	Throughout the DEIS, there are phrases such as "BLM owned land," "BLM land," etc. BLM does not own any of the land described. BLM manages or administers the land on behalf of US citizens. Please revise in all cases to "BLM administered land" or "BLM managed land."	The recommended change has been incorporated into the Final EIS.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		"90 Days to Combat" document	The DEIS often cites to and uses the "90 Days to Combat" document to justify the purpose and need for the proposed FRTC Modernization. Eureka County has formal policy in our Master Plan stating "Analysis and interpretation of facts is an important part of the process; so important that the U.S. Office of Management and Budget (OMB) has issued an instruction (OMB December 16, 2004, M-05-03; Final Information Quality Bulletin for Peer Review) to all federal agencies specifying the minimum standards for acceptable peer review of data or publications. Eureka County expects every federal employee to adhere to the OMB standards for Peer Review" (p. 6-5). We argue that the OMB standard was not followed for peer review of "90 Days to Combat." This cast doubt on the appropriateness of Navy's heavy reliance on this document.	The 90-Days to Combat document is an internal Navy assessment document, not a scientific document that would fall under the peer-review requested by M-05-03. The 90-Days to Combat identifies the required warfighting capabilities for naval aviation and Naval Special Warfare and describes the current capability of NAWDC and the FRTC to support those requirements. It compares the current range capabilities against what would be needed to be able to fully train to Navy Doctrine Tactics, Techniques, and Procedures (TTP). These TTP are informed by current policies, available resources, current strategy and campaign concepts, threats, lessons learned, fielded or emerging technologies, and threat tactics and procedures. Finally, it identifies FRTC land and airspace capability gaps that inhibit the ability to train aircrew and Special Forces to a tactically acceptable level of combat capability prior to deployment.
1-1	1.1; Bullets 1 & 2 and paragraph 3	Timeframe of withdrawals	The EIS must clearly disclose the Navy requested duration for the two proposed withdrawal actions (renewal of 1999 withdrawal and additional withdrawal). "Ninety Days to Combat" places the timeframe out 20 years (states 2015 – 2035). Paragraph 3 states that the Modernization is needed to meet Navy's needs "into the foreseeable future." Later in the DEIS, the Navy states they cannot meet the full TTP requirements given today's weapons and technology and further states that it already utilizes weapons and systems with larger ranges. Does the Navy anticipate the need for further withdrawal proposals in future years? The Navy must be transparent about the need for potential future expansion which was not the case when Navy completed the recent JLUS or 2015 EIS process. We are concerned that the amount of land needed will continue to grow with no end in sight.	The Navy plans to request the acquisition and withdrawal for a period of 25 years. This time-period clarification has been incorporated into Section 1.1 the Final EIS.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-8	2nd bullet describing VFR corridor	VFR "to Austin"	Describes the current VFR corridor as "follows U.S. Highway 50 from Sand Mountain to Austin, Nevada..." (emphasis added). Yet, the figures show the VFR extending to the eastern boundary of the MOA (just east of the Lander-Eureka county line on US 50 about 40 miles from Austin).	The VFR corridor information has been verified and updated throughout the Final EIS where necessary.
1-11	1.5	Balancing TTP with "real- world constraints"	Eureka County shares in the frustration with Churchill County whereby the Navy identified "real-world constraints" in order to develop modified TTP requirements without any principled coordination with us. During scoping, we did not have access to "Ninety Days to Combat." Yet the alternatives provided were already filtered through the document to meet some so called "acceptable level of training capabilities." We acknowledge that we were a Cooperating Agency. But due to our required "non-disclosure" we were not able to ensure the affected permittees and public we represent were able to weigh in at the right time. We are not convinced that the Proposed Action or Preferred Alternative 3 are in reality the bare minimum "acceptable levels of training capabilities" that were set prior to our involvement in the process. It appears our only option at this point is to again suggest mitigation that Navy has been intransigent on thus far.	The Draft EIS document indicated that regional roadways, commercial airspace, and population centers were some examples of constraints that the Navy used to initially (before proposing ANY withdrawal) screen the potential for a full modernization of the FRTC range. Because of the size that would be required to fully meet the requirements, the Navy determined that requesting over 1.6 million acres of land would be far more impactful and complicated than modifying the TTP to be able to achieve realistic, but somewhat limited, training. The 90-Days to Combat document fully details the limitations of the existing FRTC as well as the requirements that would be required in order to fully meet the Navy's mission. This document has been made available on the FRTC Modernization website at: https://frtcmodernization.com/Public-Involvement/Public-Information/Public-Informational-Materials .
1-17	1.5.2; 2nd bullet	Meeting TTP in MOA	The DEIS states here that "to fully meet training to advanced combat TTP...Ninety Days to Combat states that SUA would require...Vertical Range - from 500 feet above ground level to 50,000 feet mean sea level" (emphasis added). Yet, certain MOAs such as the Duckwater MOA (where we have concerns) are proposed to have floors at 200 AGL which is 300 feet lower than what is stated as "required" to "fully meeting" TTP. We again request that the Duckwater MOA be adjusted to match the Diamond MOA floor of 1200 AGL. If not, the Duckwater MOA (and all other low-level flight MOAs) floor should be no lower than the stated need of 500 feet AGL.	The Final EIS has been reviewed throughout for any mention of the Duckwater MOA and updated with the correct floor altitude.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-21	1.6	Alternatives which are "reasonable and that meet the purpose and need"	See comment to Page 1-11. Further, we are concerned with "Only those alternatives determined by the Navy to be reasonable and that meet the purpose and need of the proposal require detailed analysis." The March 1981 CEQ "Memorandum For Federal NEPA Liaisons, Federal, State, and Local Officials and Other Persons Involved in the NEPA Process" explicitly clarifies that "Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant."	The Navy stresses that this proposal is not a desire, it is an absolute need, as presented in the 90-Days to Combat document. The prime driver for this effort is to meet the mission of the U.S. Navy. A large number of alternatives were analyzed, but many were eliminated (see chapter 2) because they would not enable the Navy to train to its mandated TTP.
1-25	1.6.1; #2 in list	regulations and standards	A review of local "regulations and standards" is also required. The NEPA regulations, specifically 40 CFR 1506.2(d) and 1502.16(c), require NEPA documents to "include discussions of...possible conflicts between the proposed action and the objectives of...local land use plans, policies and controls for the area concerned" and "laws." Documentation of consistency is required. The DEIS itself must include this discussion required under 40 CFR 1502.16(c) and 1506.2(d) and the March 16, 1981 Memorandum for Federal NEPA Liaisons, Federal, State, and Local Official and Other Persons Involved in the NEPA Process, Questions 23b and 23c. NEPA documents are to "include discussions of...possible conflicts between the proposed action and the objectives of...local land use plans, policies and controls for the area concerned" and "discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law." These NEPA requirements cannot be met if Navy fails to coordinate with us and complete principled consistency analysis.	Per CFR 1506.D Conflicts with local plans are identified in the Final EIS. The Navy acknowledges that inconsistencies would need to be reconciled by revising management plans.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-29	1.8	relevant laws, regulations, and policies	We appreciate that the DEIS now mentions Nevada state water law (NRS 533 and NRS 534), laws regarding closure of public and accessory roads (NRS 405), and grazing (NRS 568). There are still other highly relevant and currently omitted Nevada laws and policies that have bearing on the DEIS and must be listed and considered. Any fencing required is required to be constructed according to Nevada law in NRS 569.431. The Nevada Greater Sage-grouse Conservation Plan also applies including the recent related Governor Executive Order 2018-32 requiring compensatory mitigation for all sage grouse impacts (direct and indirect) on state and federal managed land through the Nevada Plan and Credit System. Further, there is no inclusion of EO 12630, "Governmental actions and interference with constitutionally protected property rights" or EO 13406, "Protecting the Property Rights of the American People. Given the multitude of takings issues associated with the FRTC modernization, inclusion of these executive orders is imperative, if not required.	NRS 569.431, EO 12630, and EO 13406 have been added to the list
1-33	Paragraph 3	Just compensation	States that "Private land owners would receive just compensation for any loss of privately-owned land acquired by the United States, to be determined by calculating the fair market value of parcels in accordance with federal appraisal rules codified in the Uniform Appraisal Standards for Federal Land Acquisitions. Privately-owned land acquired by the United States, to be determined by calculating the fair market value of parcels in accordance with federal appraisal rules codified in the Uniform Appraisal Standards for Federal Land Acquisitions." However, just compensation is required not just for "private land" but other private rights on BLM administered lands. This would include water rights, mineral claims, rights-of-way (ditches, dams, pipelines) etc. We are very concerned that based on our discussions with impacted private rights and lands holders that Navy has put forward very limited effort in contacting them to discuss and coordinate on this process. It is imperative to contact and have principles communication with affected private interests well before to issuing a Final EIS and explaining the process for acquiring or compensating for these lands and rights so they can provide well- educated input to the Final EIS.	Outreach efforts to date have included postcards, meetings, newspaper articles, website, and information available at regional libraries. The Navy welcomes all to submit their information so that they can be included in future mailings and notified of updates. The final number of lands to be acquired will not be known until after any ultimate Congressional decision in 2021. The Navy will continue to perform outreach, and encourages citizens to become involved in the NEPA process.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-33	Paragraph 5	Grazing loss compensation	Previously made comment that was unaddressed. This miscasts what 43 USC 8A Section 315q says. This statute mandates payment for grazing losses "out of the funds appropriated or allocated for such project." Again, the Navy is not just "authorized" but mandated. If Congress appropriates funding for the FRTC modernization, the Navy is mandated to pay for grazing losses. The EIS should be clear about this mandate and the Navy simply do the right thing and quit skirting the intent of 43 USC 8A Section 315q.	The Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.
1-34	Paragraph 1	Funding processes	Previously made comment that was unaddressed. While we understand that mitigation funding (including for private land and rights) is contingent on appropriations by Congress, it is up to this EIS to frame the funding needed so that the appropriate figures are available for Congress to consider. The way the language reads now leaves too many open ended "escapes" for Navy to skirt mitigation of impacts that cannot be avoided or minimized to less than significant.	The Final EIS has been updated with the methodology that the Navy is planning to use to mitigate potential impacts.
2-1	2.1 Paragraph 3	Navy will strive to minimize the actual withdrawal/acquisition acreage	Previously made comment that was unaddressed. Please remove "strive" to read "Navy will." This must be a firm commitment without an open-ended qualifier. Only the land directly underneath the exact boundary of the WDZ, etc. is justified for withdrawal. The DEIS says "specific properties and exact acreage of withdrawal areas and property to be acquired will depend on the alternative chosen." But how can the public verify and weigh in on this once the alternative is chosen? ...	The Navy has reduced the area being requested for withdrawal or acquisition under Alternative 3 of the EIS. A new figure has been developed for B-17 and B-20 presenting the changes between the Draft EIS and the Final EIS.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) Where is the accountability? Navy says Final EIS will contain more detail, but nothing until then. Many months ago at a previous Cooperating Agency meeting and well before even the Preliminary Draft EIS (which we made a similar comment), the Navy stated that they were working to shrink the land proposed for withdrawal to the smallest land-division possible. It is frustrating to us that this is still not done and kicked down the road to the Final EIS.	
2-1	2.2 Bullet 1	"realistic training" and "tactically acceptable parameters"	See comment to Page 1-11 regarding the lack of Navy coordination with us to have any real input on the "realistic training" and "tactically acceptable parameters" especially related to the airspace changes affecting Eureka County.	The Navy conducted an internal evaluation of training capabilities and the requirements that would need to be met to achieve realistic training for entire carrier air wings and ground-based training. To completely identify gaps in training capabilities, this was a Navy-only study, which was then taken into consideration when developing potential alternatives. To fully meet the requirements would require a prohibitively large area, approximately double the amount of land as proposed in this EIS (see Section 1.5.2, Airspace Training Need versus Current Range Capability). This evaluation resulted in the development of modified range tactical requirements that would support TTP training requirements to approach full TTP specifications. Even though not all requirements are met, TTP could still achieve an acceptable level of training capabilities.
2-2	2.2 paragraph 1	Screening factors	Previously made comment that was unaddressed. Navy did not consider water rights, access, mineral claims, grazing impacts, etc. in the screening. This is obvious given the cavalier treatment in the DEIS regarding these issues.	The screening factors were developed against the Ninety Days to Combat evaluation. The EIS is the document in which these resources and potential impacts thereof are discussed.
2-2	2.2.1 2nd main bullet	"adequate airspace availability"	See our comment to page 1-17. On p. 1-17, the DEIS states that "to fully meet training to advanced combat TTP...Ninety Days to Combat states that SUA would require...Vertical Range - from 500 feet above ground level to 50,000 feet mean sea level." Yet, somehow the Navy ended up with some proposed MOAs having floors at 200 AGL which is 300 feet lower than what is stated as "required" to "fully meeting" TTP.	Airspace floors have been evaluated and updated throughout the Final EIS. It is important to note that the Ninety Days to Combat evaluation is not a requirements document, rather an evaluation document that is meant to serve as a starting point for developing a fully capably and realistic training environment.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-2	2.2.1 4th main bullet	"non-weapons requirements"	These requirements could be met with a special land management overlay instead of a full withdrawal.	While a management overlay could help meet these requirements, the General Mining Law of 1872 would not give the Navy the full assurances needed in order to meet safety requirements for low level, night flying, or night vision goggle training. The Navy needs to be able to conduct training safely, both for Navy personnel and for the general public. Withdrawal of the land provides the assurances the Navy needs to safe training.
2-3	2.3	Alternatives Carried Forward for Analysis	Previously made comment that was unaddressed. On the PDEIS we commented that all alternatives have the same action regarding expansion or designation of Special Use Airspace (SUA) and reconfiguration of existing airspace on the eastern side of FRTC. We requested inclusion of alternatives for the Special Use Airspace. The DEIS does not include alternatives for special use airspace as we requested in our comment. For example, given that the five mile buffers are proposed for Crescent Valley and Eureka, please analyze a 20 mile buffer. Also, analyze our request in raising the Duckwater MOA and other low-level flight MOAs to 1200 AGL and 500 AGL (to match the "90 Days to Combat" requirement).	The Final EIS has been updated to reflect the appropriate floor and ceiling (200 feet AGL to 17,999 Feet MSL) of the Duckwater MOA. There are slight differences in the airspace proposal based on the configurations of the ranges.
2-3	2.3	Access roads for all alternatives	Each of the respective figures under each alternative needs to show all known roads. We argue that the DEIS does not fully disclose the impacts to access due to Navy's proposal. Further, Nevada has laws regarding closure of public and accessory roads (see NRS 405). In order for Navy to meet the mandates of the NEPA CEQ regs (40 CFR 1506.2(d), 1502.16(c), 1502.16(c) and 1506.2(d)) the full extent of impacts to all known roads needs to be analyzed. Data sources to easily complete this analysis are readily available. This would include county road maps and TIGER/Line GIS data (readily available through the US Dept. of Commerce at https://catalog.data.gov/dataset/tiger-line-shapefile-2014-series-information-for-the-all-roads-county-based-shapefile).	The Navy prepared a Transportation Study that analyzed on-road and off-road vehicle use within affected areas as part of this EIS effort (see Supporting Study: Transportation Study [available at http://frtcmodernization.com]). The EIS has been modified to present loss of access to non-traditional roads (those routes that underlie areas proposed for acquisition or withdrawal). However, the Navy is not anticipating relocating any of the non-traditional roads in the area.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-6	2.3.2 bulleted list	Navy actions	Previously made comment that was unaddressed. On the PDEIS, we commented that Alternative 1 (and the other alternatives) should include the ancillary requirements needed to fully implement including requesting of Congress the appropriations for just compensation (whether under eminent domain or not) for water rights, mining claims, grazing loss (43 USC 8A Section 315q), connected action activities planned for acquired private lands, etc. It should be right up front so anybody reading the EIS can see the implications and full costs of the modernization and Congress can adequately consider appropriations to meet Navy's obligations to do things right. Navy responded to our comment with "language regarding requesting appropriations for compensation will be added to the bulleted text." This language not added as Navy committed to. Please add.	The Final EIS has been updated with the methodology that the Navy is planning to use to mitigate potential impacts. Actual costs are speculative at this point; therefore, the Navy is providing the process the anticipate following for compensation.
2-8	Table 2-1	withdrawal and acquisition acreages; B-16 = 32,201, B-17 = 178,997, B-20 = 180,329	The "requested" acreages in Table 2-1 are much higher than those shown in the FRTC Land GAP Analysis (Table 4-3) in "90-Days to Combat" - B-16 = 25,480, B-17 = 155,790 B-20 = 163,170. Why is there this discrepancy? We assume that this may be because of the issue we previously commented on where if a withdrawal boundary even touches a section of ground, the entire section is included. This needs to be reconciled and clarified.	The 90-Days to Combat document preceded the Draft EIS and ongoing revisions to the withdrawal footprint resulted in differences from the original study. This has been clarified in the Final EIS. Additionally, the Navy has reduced the footprint to the maximum extent possible and as such, acreages in the Final EIS are slightly different from the Draft EIS.
2-9	Table 2-2 footnotes	Management Footnote	It needs to be clarified that local government agencies will be able to be granted management access if needed.	The recommended clarification has been incorporated into the Final EIS.
2-10	2.3.2.1.2 paragraph 1	regulatory or management activities	Local government should be included under "regulatory and management" activities	The recommended addition has been incorporated into the Final EIS.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-13	2.3.2.2.3	Fence construction	Previously made comment that was not addressed. Nevada law dictates what constitutes a legal fence for purposes of keeping livestock in or out and have special provisions for fences bordering public roads. Please cross reference and ensure fences meet NV law - NRS 569.431 through NRS 569.471. If not, describe this inconsistency with state law as required in 40 CFR 1506.2(d), 1502.16(c), 1502.16(c) and 1506.2(d).	Fence design will include any provisions that are typical for Nevada fences, while retaining their wildlife-appropriate design.
2-23	2.3.2.5	Duckwater MOA SUA	Previously made comment that was not addressed. We are certain that at one of the cooperating agency meetings that Navy stated that the floor for Duckwater MOA would match the Diamond MOA floor of 1200 ft AGL. Navy responded simply that "The Duckwater MOA is proposed to be 200 feet AGL. However, the Navy is developing areas where low level flights should be avoided, such as Eureka, or Crescent Valley. These details will be inserted into the DEIS." However, "avoidance" buffers are regarding sound impacts and aren't what we were asking. We have not been provided and the DEIS does not state the reasoning why the Duckwater MOA floor needs go down to 200 ft AGL. Also, as previously commented on, The DEIS states that "to fully meet training to advanced combat TTP...Ninety Days to Combat states that SUA would require...Vertical Range - from 500 feet above ground level to 50,000 feet mean sea level" (emphasis added). The Duckwater MOA (and Smokie MOA) are proposed to have floors at 200 AGL which is 300 feet lower than what is stated as "required" to "fully meet" TTP. We again request that the Duckwater MOA be adjusted to match the Diamond MOA floor of 1200 AGL. If not, the Duckwater MOA (and all other low-level flight MOAs) floor should be no lower than the stated need of 500 feet AGL.	The Duckwater MOA floor information has been verified in the Final EIS. Since the development of the 90-Days to Combat document, further evaluation of the airspace has been conducted. It is important to have the Duckwater MOA extend to its proposed floor in order to give "adversarial" aircraft ample rooms at low levels in order to avoid detection by "friendly forces", which typical operate at higher elevations during training events.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-35	2.3.4	Alternative 3	While Eureka County views Alternative 3 as an improvement over the other Alternatives, we cannot support this alternative without further modifications and mitigations as noted in our comments.	Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.
2-35	2.3.4	More challenging and complex for the Navy requiring more effort and money concerning the management	Land MANAGEMENT is always more challenging than simple prohibition. Restriction and prohibition is always the easiest management because it is really non-management. The challenges and efforts for the Navy are important and worth it to the people and communities affected.	Thank you for your comment, the Navy has worked with the public and its cooperating agencies and tribal participants to create managed access to the bombing ranges when safe for the public and compatible with training.
2-43	2.3.4.3.1	Expansion of B-20 into the Wildlife Refuge and closure	Eureka County does not support any expansion into the Wildlife Refuge. We have citizens that visit and recreate there. Also, the language is not clear in that only the withdrawal area would be closed to the public. It reads as if the entire refuge would be closed to the public - "the Navy and the USFWS would close the refuge lands to the public."	Clarification has been incorporated into the Final EIS to state that the Navy is not proposing to develop targets in the refuge. Due to the safety concerns associated with being within a WDZ, the Navy proposes to enter into an agreement (MOU) with the USFWS to allow the portion of the Fallon National Wildlife Refuge within B-20 to be closed to all public access, but to continue to be managed as a wildlife refuge.
2-43	2.3.4.3.2	B-20 public access	Eureka County does not support closure of Pole Line Road especially since it provides access to the West Humboldt Range where our citizens recreate. Please develop an alternative to ensure this access remains.	As described in Chapter 2 of the Final EIS, the Navy looked at alternate configurations of individual ranges. Due to training requirements and screening requirements, the suggestion of leaving Pole Line Road open to the public is not compatible with the purpose and need of the Navy's Proposed Action. If administrative an access is required, the Navy will work on a case-by-case basis to coordinate management access.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-43	2.3.4.4.1	DVTA Special Land Management Overlay (SLMO)	Eureka County supports SLMO in every case possible rather than full land withdrawal. Please expand use of SLMO in other areas in lieu of proposed withdrawal.	The Navy has utilized the Special Land Management Overlay in all cases that were possible in the FRTC. Withdrawn or acquired lands in the DVTA must be retained and expanded to preserve a viable location to train the Navy's air and ground forces in these critical non-ordnance training activities. These training activities would not occur in the Special Land Management Overlay.
2-45	2.3.4.4.1 paragraph 2	Expanding DVTA south of US 50	The purpose of Alternative 3 is to shift B-17 and make other adjustments to remove lands, resources and access from being impacted, not add more impacted acreage. Eureka County does not support expanding DVTA as stated and requests this be removed. This action has direct effect on a Eureka County ranching family that grazes cattle on La Beau Flat allotment.	Under Alternative 3, the area south of the U.S. 50 is not proposed to be withdrawn. Rather the Navy is requesting the land be categorized as a Special Land Management Overlay. Grazing would be allowed in these Special Land Management Overlay
2-49	2.5	Alternatives Considered but Not Carried Forward for Detailed Analysis	It should be noted that "90-Days to Combat" was not available during scoping making it very difficult to suggest alternative that would or could meet the Navy's purpose and need and screening criteria.	Thank you for your comment. Since scoping, the 90-Days to Combat document has been made available to Cooperating Agencies and the public.
2-61	2.5.6.1	Livestock grazing on live- fire ranges	Navy should consider working with adjacent grazing permittees to allow scheduled and controlled targeted grazing in and adjacent to Bravo ranges to reduce fuels and fire risk.	The Navy considered, but ultimately decided against allowing grazing on the live-fire ranges due to safety and UXO concerns.
2-64	2.5.7	Governor's/Nevada Alternative	We supports much of what was proposed by Governor Sandoval. For full transparency and public efficacy, the details of this request, including mapping provided by the Governor's Office, should be provided in an appendix or other appropriate location rather than attempting to convey their specific requests in simple writing.	The Final EIS includes a discussion of the Governor's Alternative in Section 2.5.7 (Governor's Alternative ["Nevada Alternative"]).

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-66	2.5.7	Governor's/Nevada Alternative regarding mining in DVTa	This section states that "the Navy is unable to accommodate exploitation of locatable minerals (e.g., gold) because the laws governing these mining activities would not afford the Navy an ability to impose requirements on how any such exploitation activities would be conducted." However, the entirety of this EIS relies on an Act of Congress to approve the proposal and withdrawal. Congress could easily grant Navy the necessary requirements to ensure any mining is conducive to Navy's mission. Navy should not shut the door on this option and should describe the fact that Congress could assist in making certain mining activities allowable in the DVTa with the proper safeguards of Navy's mission.	The General Mining Law of 1872, which regulates locatable mining, would not give the Navy the full assurances needed in order to meet safety requirements for low level, night flying, or night vision goggle training. The Navy needs to be able to conduct training safely, both for Navy personnel and for the general public. Withdrawal of the land provides the assurances the Navy needs to safe training. The Navy is not proposing to change the General Mining Law of 1872 as this action would be separate from the Navy's purpose and need, and would not fall under the authority of the Navy to change, or propose to change as a part of its mission. The Navy is only requesting Congressional approval according to acquisition and withdrawal law.
3.2-4	3.2.1.2 2nd paragraph	State and local ordinances and regulations governing land uses on federal land	The language that "State and local ordinances and zoning regulations govern land uses on non- federal lands. Federal land is not governed by state or local zoning" is not completely accurate. State and local ordinances and zoning can (and do) govern non-federal land uses on federal land. Counties can and do impose special use permitting on federal lands (see the Redrock and Serpa cases).	Clarification has been incorporated into the Final EIS.
3.2-4	3.2.1.2 bulleted list	List of federal laws, regulations, and policies	Please consider adding "including but not limited to" and add a sentence that there are many regulations, handbooks, instructional memoranda, and other formal policies not in the list that influence land uses. The list does not include National Forest Management Act. The list does not include the primary federal regulations including 43 CFR.	The requested text change has been inserted into the Final EIS

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-15	3.2.2.3.5	Entire section - existing roads	See previous comment related to roads impact that we made for Section 2.3. In Section 3.2.2.3.5, each of the Bravo ranges, DVTA, and SUA are described. There are tables listing various rights of way. Navy needs to depict and list each known road, especially in the Bravo ranges and DVTA, regardless of the road having a FLPMA right of way. Pre-FLPMA roads are "valid existing rights" that were not repealed through FLPMA (i.e., roads under Federal Revised Statute (RS) 2477). NRS 405 also has mandates and policies against impacts to and closures of these roads. Further, it is these roads that provide primary access to public lands. Failure to include them results in failure of complete analysis of impacts to land use in the EIS. In order for Navy to meet the mandates of the NEPA CEQ regs (40 CFR 1506.2(d), 1502.16(c), 1502.16(c) and 1506.2(d)) the full extent of impacts to all known roads needs to be analyzed. Data sources to easily complete this analysis are readily available. This would include county road maps and TIGER/Line GIS data (readily available through the US Dept. of Commerce at https://catalog.data.gov/dataset/tiger-line-shapefile-2014-series-information-for-the-all-roads-county-based-shapefile).	Potential impacts to non-traditional roads are presented in Section 3.5 (Transportation). The Navy analyzed many routes for loss of acres, and the majority of routes would lead into lands that are closed as a result of the Proposed withdrawal or acquisition.
3.2-38	3.2.3.2.5	communities where overflights would occur	Previous comment that was not addressed. Portions of Diamond Valley under the airspace includes areas more densely populated than Crescent Valley. This would include the two Diamond Valley General Improvement Districts. While we appreciate the 5 mile buffer around Eureka and Crescent Valley, roughly one-third of Eureka County's population resides in the urbanized General Improvement Districts (GID) in southwestern Diamond Valley, which is 6 to 10 miles from Eureka and would not be in the exclusion zones. A 5 mile buffer around the GIDs must be implemented. We again request close- up maps for Crescent Valley and Eureka Exclusionary Boundaries (5-mile buffer)...	Noise Sensitive Areas would be avoided by military aircraft unless safety considerations or training requirements preclude avoidance. The airspace exclusion zones are to be avoided at all times. Figure 3.6-2 of the Final EIS depicts regional and local airports located either underneath the FRTC SUA or regionally adjacent to the current FRTC ranges and airspace. The airspace exclusion zone around the Eureka Airport, combined with the noise sensitive area around the town of Eureka, would contain much of the GIDs mentioned by the comment. Therefore, additional noise buffer areas are not necessary. Additional regional airfields are included for analysis in the Supporting Study:

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				Airspace/Air Traffic Study (available at: https://frtcmodernization.com).

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) We request that the EIS include close-up maps for both boundaries to clearly define the exclusion zones and indicate the centroid for each buffer circle. We request that the buffer be placed on the actual boundary of the towns and GIDs, not based on a point somewhere in the center of the towns. Please provide the explanation for why the boundaries are proposed for each town, and the rationale for choosing a five mile buffer rather than a larger one. This comment also applies to Section 3.7 (Noise) and Section 5 (Mitigation Measures).	
3.2-38	3.2.3.2.5	No significant impacts to land use in SUA	Previous comment that was unaddressed. This comment applies to all the alternatives (and associated sections) where Navy determined there would be no "significant impacts on land use or land use patterns underneath the SUA." We believe that there will be land use impacts due to the SUA designation. While the SUA designation does not allow Navy to directly control land uses in the SUA, the Navy states that "Following the NEPA process, the Navy would prepare a formal RAICUZ update. A RAICUZ does not drive compatibility, but rather provides suggestions to the Navy about development and formalizes any recommendations for new and existing safety and noise zones within RAICUZ areas. The Navy would continue to work with the local counties and municipalities as well as federal property land managers (e.g., the BLM, USFWS, Bureau of Reclamation, and Churchill, Elko, Eureka, Lander, Lyon, Mineral, Nye, Pershing, and Washoe Counties) to provide suggestions for compatible land use....." Navy will likely be a cooperating agency on future BLM RMP amendments and will be advocating for limiting certain land uses in the SUA. There are, no doubt, land uses in the SUA that Navy would like to control development of (solar and wind energy facilities, transmission towers, etc.). Navy will have heavy influence on land use policies and regulations imposed by federal, state, and local agencies in the SUA. This indirect land use influence needs to be fully transparent in the EIS as a "reasonably foreseeable future action."	The Proposed Action does not include changing land use or land use management beyond the expanded Bravo and DVTA ranges.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-38	3.2.3.2.5	number of aircraft activities in SUA would fluctuate; a specific number of overflights cannot be estimated	Instead of a "specific number" please provide an estimate of the number of "aircraft activities" as a range, for example, from zero to 25 per day.	Text in EIS revised to state that the number of activities would not increase from what was proposed in 2015.
3.2-51	3.2.3.5.3	Mitigation - 5 mile buffers	See our comment to Section 32.3.2.5 (p. 3.2-38) that applies here regarding placing a buffer on the GIDs in Diamond Valley and having the buffers extend 5 miles from the edge or the towns and GID, not a point in the center.	The Navy has decided not to implement noise sensitive buffers over GIDs.
3.3-49	Table 3.3-7	Percentage of mining districts per alternative	Alternative 3 is obviously the best alternative to reduce impacts to mining districts.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
3.3-59	3.3.4.2.4	Mining prohibited	Navy disregarded requests to analyze an alternative that would allow continued mining and states in the DEIS that "the Navy is unable to accommodate exploitation of locatable minerals (e.g., gold) because the laws governing these mining activities would not afford the Navy an ability to impose requirements on how any such exploitation activities would be conducted" (p. 2- 66). However, the entirety of this EIS relies on an Act of Congress to approve the proposal and withdrawal. Navy is already relying on changes to the law to implement the entire FRTC Modernization. Congress could easily grant Navy the necessary requirements to ensure any mining is conducive to Navy's mission. Navy should not shut the door on this option and should describe the fact that Congress could assist in making certain mining activities allowable in the DVTA with the proper safeguards of Navy's mission.	The Navy is pursuing the requests that Federal regulations allow the Navy to make to Congress. The Navy considered the alternative to allow mining on live-fire (Bravo) ranges in Section 2.5.6.2 of the Final EIS, however, Navy policy does not allow mining or utilities to occur within active WDZs (OPNAVINST 3550.1A) for public safety reasons.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-60	3.3.4.2.5	"would not impact mining" in the SUA	Mining could be impacted should mine related facilities, building, infrastructure, etc. be found by the Navy to be incompatible in any given area under airspace. This paragraph says that the Navy will work with the counties for zoning of compatible land use development. This alludes that there would be areas the Navy would like to be "zoned out" of being allowed for mining. The referenced "Range Air Installations Compatible Use Zones" must be completed now, not pushed off for some other time, so we all know the "new safety zones" that the Navy will impose land use requirements under through the guise of "working with counties." While the SUA designation does not allow Navy to directly control land uses in the SUA, the Navy states that "Following the NEPA process, the Navy would prepare a formal RAICUZ update. A RAICUZ does not drive compatibility, but rather provides suggestions to the Navy about development and formalizes any recommendations for new and existing safety and noise zones within RAICUZ areas. The Navy would continue to work with the local counties and municipalities as well as federal property land managers (e.g., the BLM, USFWS, Bureau of Reclamation, and Churchill, Elko, Eureka, Lander, Lyon, Mineral, Nye, Pershing, and Washoe Counties) to provide suggestions for compatible land use....." Navy will likely be a cooperating agency on projects requiring NEPA and will be advocating for limiting certain mining infrastructure in the SUA. Navy will have heavy influence on land use policies and regulations imposed by federal, state, and local agencies in the SUA.	None of the proposed MOA changes would impact mining activities. Proposed weapons danger zones, or "safety zones" as provided in your comment, are already defined in the Final EIS. If the Proposed Action is implemented, the Navy would update the Range Air Installations Compatible Use Zones document, which would provide recommendations for land use. The ultimate decision maker on SUA changes and facilities developed within or beneath it would be the Federal Aviation Administration (FAA).
3.4-1	3.4	Entire Livestock Grazing Section	Previous comment that was not addressed. We focus on impacts to La Beau Flat because the rancher (Etchegaray) is a Eureka County resident and their headquarters is in Eureka County. It still appears that the point we made in our previous comments and many times through cooperating agency meetings was not convincing to Navy. Base to address this issue during the public comment process. property is a requirement of the Taylor Grazing Act and since 1934, when the TGA was passed, many ranches have changes substantially and in many cases has nothing to do with ...	As requested, the Navy has acknowledged that while the base property for La Beau Flat is located in Lander County, the ranching operation is headquartered in Eureka County. This change is in the Final EIS in Section 3.13 (Socioeconomics). While the methodology used for determining economic impacts of reduced grazing (or AUMs) was based on the location of the base property, ...

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) where a ranch's headquarters are. The base property under the TGA requirements are not always the same as the "headquarters" for a ranch. Base property does not equate to the locale receiving impacts in all cases as in this one. We do not wish to haggle about base property or ownership because in the end, it really shouldn't matter. Impacts are impacts. Applying impacts to the wrong place or people, especially when it is irrefutable to whom and where the impacts will occur, seems arbitrary. BLM has confirmed to you that Etchegaray is the permit holder as a member of the LLC. Etchegaray has noticed you that they are the permit holder through their scoping comments. Etchegaray was the only member of the LLC that has attended the couple meetings put together by Navy to discuss grazing issues.</p> <p>The primary economic impacts of the grazing at La Beau accrue to Etchegaray's ranch in Eureka County. Etchegaray's brand proving ownership of livestock grazed at La Beau is registered at their ranch in Eureka County. Etchegaray pays their livestock head tax from Eureka County.</p> <p>Etchegaray spends proceeds from grazing La Beau to improve their property in Eureka County.</p> <p>Etchegaray buys their primary supplies to ranch from businesses in Eureka. And on and on. It is hard to understand the intransigent position of Navy (and BLM) on this issue. With that being said, it appears that Navy is set on placing the quantified impact on a piece of property (and people) that in reality will not really be affected. We will never agree to, with eyes wide open, apply the quantified impacts to where they will actually not occur because it is factually incorrect. Real impacts should be the focus, not impacts on paper. It is unfortunate that we now have to try</p>	<p>(continued) the Navy acknowledges that the actual user for the La Beau Flat is headquartered in Eureka County. Therefore, the EIS has been updated to include Eureka County in the analysis.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-3	3.4.1.3.1	Analysis estimating potential loss of AUMs (based on Tech Memo)	<p>Previous comment that was not addressed. Eureka County had the Eureka County ranchers running on La Beau Flat (Etchegaray) walk us through a map of how and where their cattle use the allotment. We then compared their description to the AUM loss analysis. The analysis is incorrect. Some of the most productive areas are shown in the AUM analysis to be low forage production or inaccessible to livestock. The ranchers pointed out a couple of BLM-approved water haul sites where they haul water where the analysis shows being over 4 miles from water. It is imperative that the water hauling locations be included as this opens up tremendous areas for grazing that the analysis currently shows are not used much at all.</p> <p>Wouldn't it be useful for Navy, BLM AND the permittees to sit down and look over maps of each of their allotments to make sure the analysis is valid about areas livestock access and where water haul locations are? It seems like there is a lot of missing information that the permittees could help fill in. On-the-ground knowledge is always better than modeling.</p>	<p>The Navy is planning these meetings post NEPA document to discuss specific case-by-case allotment details. The process for valuation of losses as a result of the Proposed Action has been added to the Final EIS.</p> <p>The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.</p>

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-3	3.4.1.3.1	livestock impacts	Previous comment that was not addressed. This section only focuses on AUM loss. "Grazing losses" are much more than just AUM loss. Again, for the La Beau Flat allotment, the only water source currently providing stockwater will be removed from use. The ranchers haul water from this well every single day to BLM approved sites many miles from the well. Also, roads providing access to water haul locations, gathering spots, fence maintenance access, etc. will be closed that ALL have an economic burden on the rancher. Economic impacts are much more than just AUM loss. Please include.	<p>The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.</p> <p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p> <p>AUMs were used to assess the overall socioeconomic impacts to the agricultural industry in each county, they will not be used to assess the value of allotments on a case-by-case basis.</p> <p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states: ...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) (d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>
3.4-10	3.4.2.2	B-17 description	<p>Previous comment that was not addressed. Please note that the only water source available for the entire La Beau Flat allotment is the well on the existing B-17 Range (in the laydown area adjacent to SR 839) that is accessed daily by the rancher to fill a water truck to haul to locations across the allotment.</p>	<p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p> <p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).
3.4-21	3.4.3.2 2nd paragraph	"permittees could potentially go out of business"	Please add language that identifies the very possible impact of a rancher having to sell livestock, regardless of whether or not they "go out of business" which could create a heavy tax burden on the livestock sales receipts that was not part of the ranches business plan.	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states: ...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) (c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-21	3.4.3.2 3rd paragraph	loss of grazing as a management tool	Please consider adding the possibility of working with adjacent grazing permittees to allow scheduled and controlled targeted grazing in and adjacent to Bravo ranges to reduce fuels and fire risk. Scheduled for times that would not conflict with training tempo.	The Navy has looked into the possibility of working with grazing permittees to schedule grazing on ranges extensively during the EIS drafting process. The Navy is unable to allow grazing on bombing ranges due to the needs of the permittees for scheduling and access, as well as public health and safety risks.
3.4-21	3.4.3.2 paragraph 4	AUM loss as a percentage	It is disingenuous to cast AUM loss as a percentage of the total AUMs in BLM districts and all of Nevada. Please revise to at least reduce the scale to the BLM field office level and county levels instead.	Land acreages have been revised as a result of reducing acres requested for withdrawal. AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis. The Navy has added the percentage loss of total AUMs in BLM districts and all of Nevada to the Socioeconomic section (Section 3.13) of the Final EIS.
3.4-21	3.4.3.2 paragraph 5	acquisition of stockwater rights	Previously made comment that was not addressed. We disagree with the need to acquire the stockwater rights for the well on the existing B-17 that provides the only water supply for the La Beau Flat allotment. The arrangement between Navy and the ranchers has worked for decades. This well is in one or two acre laydown area immediately adjacent to SR 839. In this case, we request that Navy simply continue with the arrangement and allow access to this well and water right for the La Beau Flat ranchers.	The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right. The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states: ...

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued)</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>
3.4-25	3.4.3.2.2	Grazing impacts on B-17	<p>Previously made comment that was not addressed. For La Beau and every other allotment, there is no discussion about how stockwater sources (including water hauling areas) and stockwater rights would be affected. There is also no discussion how other access roads falling in the withdrawal areas would be closed. Many of these access roads are needed for water hauling and accessing salting areas, checking fences, etc. This needs to be clearly analyzed. The only water source for livestock in La Beau Flat is the well on the current B-17. The rancher has the water right on the well. The Navy allows controlled access to the well to fill a truck for water hauling each day. The rancher then trucks the water to multiple locations including south down SR 839 over the pass near Rawhide to the BLM approved water hauling sites...</p>	<p>The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) This controlled access must be continued for this water right and water hauling. It should be clarified here. Regardless, access to this water right must be clarified. If not, what is the proposed alternative to ensure water for livestock in this allotment? How will impacted stockwater rights be addressed for takings, eminent domain, etc.? The arrangement between Navy and the ranchers for access to the well has worked for decades. This well is in a one or two acre laydown area immediately adjacent to SR 839. In this case, we request that Navy simply continue with the arrangement and allow access to this well and water right for the La Beau Flat ranchers. How will access to current water hauling sites for livestock be impacted? How will access to livestock gathering points, allotment fences (for maintenance), and other allotment infrastructure be impacted?	
3.4-27	3.4.3.2.6	AUM loss as a percentage	It is disingenuous to cast AUM loss as a percentage of the total AUMs in BLM districts and all of Nevada. Please revise to at least reduce the scale to the BLM field office level and county levels instead.	Land acreages have been revised as a result reducing acres requested for withdrawal. AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis. The Navy has added the percentage loss of total AUMs in BLM districts and all of Nevada to the Final EIS.
3.4-32	3.4.3.4	Alternative 3	The exact same comments we made regarding grazing impacts under Alternative 1 applies to Alternative 3 (and Alternative 2 for that matter). Please made the cascading changes accordingly.	Thank you for your comments, the Navy has carried over changes to all Alternatives as applicable.
3.4-32	3.4.3.4	Alternative 3	Alternative 3 is obviously the best alternative to reduce impacts to grazing at La Beau Flat allotment.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
3.4-33	Table 3.4-6	La Beau Flat	We are confused how over 18,000 less acres closed under Alternative 3 equate to the same range of AUM loss for La Beau Flat as Alternative 1. Is this correct?	Land acreages have been revised as a result of reducing acres requested for withdrawal. AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-34	3.4.3.4	acquisition of stockwater rights	<p>We disagree with the need to acquire the stockwater rights for the well on the existing B-17 that provides the only water supply for the La Beau Flat allotment. This is especially true under Alternative 3 where SR 839 will now not fall within B-17. The arrangement between Navy and the ranchers has worked for decades. This well is in one or two acre laydown area immediately adjacent to SR 839. In this case, we request that Navy simply continue with the arrangement and allow access to this well and water right for the La Beau Flat ranchers. It makes complete common-sense to do so, especially under Alternative 3.</p>	<p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further discusses the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p> <p>The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.</p> <p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action. The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-42	3.4.3.5.3	Proposed mitigation for grazing losses	<p>Previous comment that was not addressed. Navy responded to our previous comment with a promise to "collaborate" on grazing management actions following Congressional decision on the FRTC modernization. Mitigation measures must be in the EIS, not pushed off to some future time. It is disingenuous for the Navy to not outline reasonable management practices or mitigation measure related to grazing losses. Generally, there are a host of things the Navy could do to lessen the impacts. On an allotment-by- allotment basis, there are very specific things that could be done for mitigation. We again ask the Navy to, before imposing grazing restrictions, and in coordination with grazing permittees, identify and implement all economically and technically feasible livestock distribution, forage production enhancement, weed control programs, prescribed grazing systems, off-site water development by the water rights holder, shrub and pinyon/juniper control, and livestock salting/supplementing plans. There are a host of things the Navy could do that were just simply not entertained. At a minimum, Navy should allow continuation of the decades-long access to fill a water truck at the well adjacent to SR 839 on the existing B-17 that is used by La Beau Flat ranchers (they hold a water right on this well).</p>	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or ...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p> <p>The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p> <p>The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), ...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.
3.4-42	3.4.3.5.3	"authority...to make payments"	Previous comment that was not addressed. This miscasts what 43 USC 8A Section 315q says. This statute mandates payment for grazing losses "out of the funds appropriated or allocated for such project." Again, the Navy is not just "authorized" but mandated. If Congress appropriates funding for the FRTC modernization, the Navy is mandated to pay for grazing losses. Further, how is this not a specific mitigation measure when it is a mandate by Congress? Sections like this in the EIS disenfranchise rural counties and ranchers and create unnecessary conflict with the Navy. The EIS should be clear about this mandate and the Navy simply do the right thing and quit skirting the intent of 3 USC 8A Section 315q. While the Navy may have never followed the law under 43 USC 8A Section 315q, previously we provided specific examples in scoping how the Air Force has followed this mandate in Nevada and Idaho for both NTTR and Mountain Home.	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action. The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-4	3.5.2.1	Rights of Way	<p>Previous comment that was not addressed. The entire transportation section does not discuss or disclose impacts to prescriptive rights of way, specifically RS 2477 rights of way (chapter 262, section 8, 14 Statutes 253 (former 43 U.S.C)).</p> <p>Navy responded to our previous comment with " R.S. 2477 was repealed by the Federal Land Policy and Management Act of 1976." RS 2477 was repealed by FLPMA but the rights established under RS 2477 before FLPMA were not appealed. FLPMA explicitly states that it does not supersede valid existing rights. Further, See NRS 405 about the State's policy against closure or impact on these roads. Federal law precludes impairing these valid existing rights without a condemnation and just compensation process.</p> <p>RS 2477 rights are not ripe for adjudication until a "case or controversy" over the road places it into federal court (see the plethora of legal cases related to this, primarily in Utah and the 10 Circuit). Navy should avoid creating such "cases or controversy" in their FRTC Modernization.</p> <p>Regardless of the status of a "right", the analysis needs to include all known roads (including minor and two-track roads), not just roads or routes with official BLM issued rights of way, because the purpose of NEPA is to disclose impacts, which FRTC will do regardless of the underlying legal status of any particular road. See our previous comment related to roads impact that we made for Section 2.3 and Section 3.2.2.3.5. Navy needs to depict and list each known road, especially in the Bravo ranges and DVTA, regardless of the road having a FLPMA right of way. Pre-FLPMA roads are "valid existing rights" that were not repealed through FLPMA (i.e., roads under Federal Revised Statute (RS) 2477)...</p>	<p>Revised Statute 2477 (R.S. 2477) was enacted in 1866 to promote settlement of the West and minimized the administrative burden on the federal government during construction of state and county highways. R.S. 2477 was repealed by the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA and impacts to rights-of-way (ROWs) is discussed in the Land Use (Section 3.2) section of the EIS. Although the repealing of R.S. 2477 did not terminate ROWs that were protected under R.S. 2477, FLPMA specifies that the ROW, 1) must have existed before the passage of FLPMA (October 21, 1976), and 2) the ROW must have existed before any reservation for a public purpose or transfer to non-federal ownership. Also, under consideration by the BLM for the terms in R.S. 2477 are construction, highways, and public lands not reserved for public uses. The transportation analysis focusses on the changes to existing traffic conditions and the capacity of area roadways from proposed road closures, rerouting, and restricted use roads. The roads discussed in transportation do not include off-road areas (which are discussed in the Recreation Section [Section 3.12]).</p> <p>The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) NRS 405 also has mandates and policies against impacts to and closures of these roads. Further, it is these roads that provide primary access to public lands. Failure to include them results in failure of complete analysis of impacts to land use in the EIS. In order for Navy to meet the mandates of the NEPA CEQ regs (40 CFR 1506.2(d), 1502.16(c), 1502.16(c) and 1506.2(d)) the full extent of impacts to all known roads needs to be analyzed. Data sources to easily complete this analysis are readily available. This would include county road maps and TIGER/Line GIS data (readily available through the US Dept. of Commerce at https://catalog.data.gov/dataset/tiger-line-shapefile-2014-series-information-for-the-all-roads-county-based-shapefile).	
3.5-36	3.5.3.4.2	Access on B-17 to stock well under Alternative 3	Previously commented and requested and not addressed. This is especially true under Alternative 3 where SR 839 will now not fall within B-17. The arrangement between Navy and the ranchers has worked for decades to provide access to the stock well. This well is in one or two acre laydown area immediately adjacent to SR 839. In this case, we request that Navy simply continue with the arrangement and allow access to this well and water right for the La Beau Flat ranchers. It makes complete common-sense to do so, especially under Alternative 3.	The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-40	3.5.3.5.3	Mitigation for access	<p>Mitigation, through condemnation and just compensation, is required for pre-FLPMA rights of way. This must be committed to and requested for appropriations. Further, please outline a mitigation measure to continue with the arrangement between Navy and the ranchers for the stock well on existing B-17 that has worked for decades to provide access to the stock well.</p> <p>This well is in one or two acre laydown area immediately adjacent to SR 839. In this case, we request that Navy simply continue with the arrangement and allow access to this well and water right for the La Beau Flat ranchers. It makes complete common-sense to do so, especially under Alternative 3.</p>	<p>The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.</p> <p>The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.6-10	3.6.2.2.3 paragraph 1	VFR "to Austin"	Describes the current VFR corridor as "follows U.S. Highway 50 from Sand Mountain to Austin, Nevada..." (emphasis added). Yet, the figures show the VFR extending to the eastern boundary of the existing MOA (just east of the Lander- Eureka county line on US 50 about 40 miles from Austin).	Will change to read "Sand Mountain to Eureka, Nevada"
3.6-10	3.6.2.2.3 paragraph 2	"close coordination between military and civilian aircraft"	Close coordination between military and civilian aircraft requires reliable radio communication connection. We previously asked for a firm commitment by Navy to improve radio communications (including necessary infrastructure such as new radio towers, etc.) for civilian aircraft (including crop dusters) within the VFR Corridor and the eastern SUA. Discussion with local pilots has highlighted that connection with Desert Control is non-existent in some areas and there are "dead zones" throughout the VFR corridor and eastern areas near Eureka proposed as SUA/MOA.	Improving communication infrastructure is outside the scope of this process. The Navy utilizes range budgeting processes to address infrastructure planning. For safety, all aircraft flying in the FRTC should follow FAA guidance regarding communication capabilities, as well as lost communication procedures.
3.6-15 (and 3.6-22)	3.6.3.2 (and Table 3.6-3)	Duckwater MOA SUA	We are certain that at one of the cooperating agency meetings that Navy stated that the floor for Duckwater MOA would match the Diamond MOA floor of 1200 ft AGL. Navy responded simply that "The Duckwater MOA is proposed to be 200 feet AGL. However, the Navy is developing areas where low level flights should be avoided, such as Eureka, or Crescent Valley. These details will be inserted into the DEIS." However, "avoidance" buffers are regarding sound impacts and aren't what we were asking. We have not been provided and the DEIS does not state the reasoning why the Duckwater MOA floor needs go down to 200 ft AGL. Also, as previously commented on, The DEIS states that "to fully meet training to advanced combat TTP...Ninety Days to Combat states that SUA would require...Vertical Range - from 500 feet above ground level to 50,000 feet mean sea level" (emphasis added). The Duckwater MOA (and Smokie MOA) are proposed to have floors at 200 AGL which is 300 feet lower than what is stated as "required" to "fully meet" TTP. We again request that the Duckwater MOA be adjusted to match the Diamond MOA floor of 1200 AGL. If not, the Duckwater MOA (and all other low-level flight MOAs) floor should be no lower than the stated need of 500 feet AGL.	Please see page B-7 for specific needs in the Diamond, Duckwater, and Smokie MOAs. The 200 feet AGL is listed on this page for these specific MOAs as a necessary aspect for realistic training.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.6-23	3.6.3.2	Coordinate with Desert Control	DEIS states that "Non-military aviators must coordinate any flight activities that require entrance into the Restricted Area with Desert Control." Yet, communication connection to Desert Control is virtually non-existent on the east end of the proposed SUA (Diamond and Duckwater MOAs). We previously asked for a firm commitment by Navy to improve radio communications (including necessary infrastructure such as new radio towers, etc.) for civilian aircraft (including crop dusters) within the VFR Corridor and the eastern SUA. Discussion with local pilots has highlighted that connection with Desert Control is non-existent in some areas and there are "dead zones" throughout the VFR corridor and eastern areas near Eureka proposed as SUA/MOA.	The Navy is not proposing to develop additional radio facilities underneath the eastern portion of the FRTC SUA.
3.6-23	3.6.3.2	Impacts to civilian aircraft	Previously we highlighted and requested the need to identify impacts to use of crop dusters currently used for agriculture and pest control applications. We do not see this analyzed whatsoever. These type of airplanes are used quite frequently within Eureka County and substantially in Diamond Valley, almost on a weekly basis during the growing season. This is one of the reasons we need 1200 ft AGL airspace in the Duckwater MOA. Crop-dusters can't be expected to remain below 200 ft AGL. Also, these aircraft use GPS for precision application. How would this be affected by GPS jamming? This needs to be discussed.	MOAs are joint use airspace. Crop dusters, as well as all other commercial or civil aircraft operating in the MOA follow the same procedures currently used in FRTC airspace. Those procedures are unchanged in the modernization. GPS-Jamming events/time periods will be announced via NOTAM to allow for civil GPS use planning.
3.6-24	3.6.3.2 last paragraph of section	No significant impacts to airspace	We disagree that there would be no significant impacts to airspace. Impacts are likely to be less- than-significant if the communications network as described in the DEIS actually existed. Connection with Desert Control is non-existent in some areas and there are "dead zones" throughout the VFR corridor and eastern areas near Eureka proposed as SUA/MOA. There are major implications on crop dusting activities due to the Navy's proposal and the very low floor in the Duckwater MOA of 200 ft AGL.	The Navy is not proposing to develop additional radio facilities underneath the eastern portion of the FRTC SUA.
3.6-27	3.6.3.5.3	Mitigation	Please add mitigation measures: a firm commitment by Navy to improve radio communications (including necessary infrastructure such as new radio towers, etc.) for civilian aircraft (including crop dusters) within the VFR Corridor and the eastern SUA. Discussion with local pilots has highlighted that connection with Desert Control is non-existent in some areas and there are "dead zones" throughout the VFR corridor and eastern areas near Eureka proposed as SUA/MOA.	The Navy is not proposing to develop additional radio facilities underneath the eastern portion of the FRTC SUA.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.7-11	3.7.2.1	"instructed to maintain"	<p>Navy should mandate that pilots maintain these altitudes, not just instruct. What are the ramifications for pilots that don't do as they are instructed? Currently, we often hear sonic booms and see low flying Navy aircraft already in areas where that is not supposed to occur.</p> <p>Apparently, Navy's instruction is not working or enforcement is not occurring. This needs to be committed and followed through in this process. We do appreciate the avoidance buffers and want to make sure they are effective which is why we ask for a buffer around the GIDs in Diamond Valley in addition to the Eureka, Eureka Airport, and Crescent Valley buffers. This will protect lives and property and reduce noise complaints to the Navy.</p>	Navy doctrine at NAS Fallon and the FRTC is to avoid noise sensitive areas. Outside of the scope of this EIS, the Navy is updating their on-boarding and welcoming briefs to include and reinforce noise sensitive areas, parameters, and inclusion of such in preflight planning.
3.7-26	Figure 3.7-26 (and others)	Figures depicting Noise Sensitive Areas	<p>The maps must all be revised to include the 5 mile buffer around the Eureka Airport as well as described on page 3.6-14. Currently, there is only a buffer around the Town of Eureka depicted.</p> <p>Further, we previously requested and to this point, Navy has not incorporated, a 5 mile avoidance buffers around the outer perimeter of the Town of Crescent Valley and Town of Eureka and addition of a 5 mile avoidance buffer around the perimeter of the GIDs in southwestern Diamond Valley. The GIDs are as or more densely populated than Crescent Valley. Roughly one- third of Eureka County's population resides in the urbanized General Improvement Districts (GID) in southwestern Diamond Valley, which is 6 to 10 miles from Eureka and would not be in the exclusion zones. A 5 mile buffer around the GIDs must be implemented. Also, we again request close-up maps for Crescent Valley and Eureka Exclusionary Boundaries (5-mile buffer). We request that the EIS include close-up maps for both boundaries to clearly define the exclusion zones and indicate the centroid for each buffer circle. We request that the buffer be placed on the actual boundary of the towns and GIDs, not based on a point somewhere in the center of the towns. Please provide the explanation for why the boundaries are proposed for each town, and the rationale for choosing a five mile buffer rather than a larger one.</p>	The airspace exclusion zone around the Eureka Airport, combined with the noise sensitive area around the town of Eureka, would contain much of the GIDs mentioned by the comment. Therefore, additional noise buffer areas are not necessary. Additional regional airfields are included for analysis in the Supporting Study: Airspace/Air Traffic Study (available at: https://frtcmodernization.com).

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.7-73	3.7.3.5.3	Mitigation measures	See previous comments about buffers. Please also add a description about the 5 mile buffer committed to around the Eureka Airport (on p. 3.6-14) and depict this buffer on the maps as well. Buffers should extend from the boundaries/perimeters of the towns, not some centroid. We also need a better map showing "who's in and who's out" of these buffers. We would like a larger buffer analyzed and include the two General Improvement Districts in Diamond Valley in these buffers since about one- third of Eureka County residents live in Diamond Valley. Also, these GID areas have more residents and density as Crescent Valley.	The airspace exclusion zone around the Eureka Airport, combined with the noise sensitive area around the town of Eureka, would contain much of the GIDs mentioned by the comment. Therefore, additional noise buffer areas are not necessary.
3.9-1	3.9.1.2	laws and regulations	We appreciate that the DEIS now includes discussion of State Water Law. But, as we previously commented, EO 12630, "Governmental actions and interference with constitutionally protected property right" and EO 13406, "Protecting the Property Rights of the American People" need to be added, reviewed, and discussed with regards to water rights takings implications.	EO 12630 and EO 13406 have been added to the list of applicable laws and regulations
3.9-5	3.9.1.3	water rights inventory and assessment	There must be a description that there are likely some uses for which claims of vested rights have not yet been filed. Vested claims are not required to be filed until a call for proofs under an adjudication proceeding or by 2027 based on legislation passed last session. Vested rights are protected and not to be impaired or affected (NRS 533.085).	The Navy has acknowledged this possibility as requested by the comment.
3.9-5	3.9.1.3 last paragraph in section	water rights inventory and assessment	The DEIS discusses "ongoing collaboration with the NDWR" and future performance of "an independent water rights inventory." While we appreciate this ongoing and future effort, this should have been done for this DEIS so that the full extent of impacts was properly disclosed and mitigation developed, especially for the affected water rights holders.	The Navy continued to work with the NDWR to collect water rights inventory from before the Draft EIS to the Final EIS. The Navy would not identify individual affected water rights holders until after the ROD and any ultimate Congressional decision on the Proposed Action. Therefore, mitigation development and affected water rights holders would not be notified until after that time and could not be addressed at the Draft EIS time period.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-5	3.9.1.4	Public concerns	On the PDEIS Eureka County commented that "there is no mention of Eureka County's comments related to water rights. Also, there should be a statement about the many water rights holders themselves (primarily individual ranchers) that commented on protection of their rights. Lumping these individuals into "general public" is misplaced because they have a higher status as the rights holders being impacted." Navy responded to our comments with "The Navy will add Eureka County's comment to the public concerns section." This was not done but should be as committed.	This statement has been corrected in the Final EIS.
3.9-31 and 3.9-35 and 3.9-46	3.9.3.2 and 3.9.3.2.2 and 3.9.3.4.2	Disposition of well on B- 17	<p>There is no need to dispose or remove access to the well on existing B-17. Please add a statement that Navy would look, on a case-by-case basis to allow controlled access to wells for purposes of loading water trucks that haul water to livestock off the Range. Please explicitly allow continued access to the well on B-17. The only water source for livestock in La Beau Flat is the well on the current B-17. The rancher has the water right on the well. The Navy allows controlled access to the well to fill a truck for water hauling each day. The rancher then trucks the water to multiple "locations including south down SR 839 over the pass near Rawhide to the BLM approved water hauling sites. This controlled access must be continued for this water right and water hauling. It should be clarified here.</p> <p>Regardless, access to" this water right must be clarified. If not, what is the proposed alternative to ensure water for livestock in this allotment? How will impacted stockwater rights be addressed for takings, eminent domain, etc.? The arrangement between Navy and the ranchers for access to the well has worked for decades. This well is in a one or two acre laydown area immediately adjacent to SR 839. In this case, we request that Navy simply continue with the arrangement and allow access to this well and water right for the La Beau Flat ranchers.</p>	<p>The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.</p> <p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-63	3.9.3.5.3	Mitigation	<p>Please add language that would allow Navy to allow controlled access to certain wells on a case- by-case basis to allow controlled access to wells for purposes of loading water trucks that haul water to livestock off the Range. Please explicitly allow continued access to the well on B-17. The only water source for livestock in La Beau Flat is the well on the current B-17. The rancher has the water right on the well. The Navy allows controlled access to the well to fill a truck for water hauling each day. The rancher then trucks the water to multiple locations including south down SR 839 over the pass near Rawhide to the BLM approved water hauling sites. This controlled access must be continued for this water right and water hauling. It should be clarified here. Regardless, access to this water right must be clarified. If not, what is the proposed alternative to ensure water for livestock in this allotment? How will impacted stockwater rights be addressed for takings, eminent domain, etc.? The arrangement between Navy and the ranchers for access to the well has worked for decades. This well is in a one or two acre laydown area immediately adjacent to SR 839. In this case, we request that Navy simply continue with the arrangement and allow access to this well and water right for the La Beau Flat ranchers.</p>	<p>The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.</p> <p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-63	3.9.3.5.3	Mitigation measures	Previous comment that was not addressed. There must be framing of mitigation for takings and impacts of water rights. Simply acquiring a water rights is not mitigation as Navy suggests. Further, there is nothing outlined to mitigate the complete loss of the only water source available for livestock grazing on the entire La Beau Flat allotment. This in effect shuts down the entire grazing permit which has cascading effects to the grazing section. The primary issue is that Navy did not analyze impacts under the water resources section in relation to water rights and water needs for permitted uses such as grazing and mining. This needs to be done so that the analysis is valid and Navy can properly determine what mitigation measures are needed when these water rights are impacted, taken, or removed. There must be a framing of the cost associated with acquisition of water rights where takings occurs so that Congress knows the full implications and costs needed for appropriation.	<p>The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right.</p> <p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p>
3.9-63	3.9.3.6	Summary of effects and conclusions	We continue to strongly disagree that there would be no significant impact to water resources under the alternatives. We can live with the conclusion that there would be no significant impact to the water itself. We cannot support and do not believe the analysis in the DEIS supports the conclusion of no significant impact to water rights. Any takings of water rights, even if through willing party sale, is a substantial impact to those that were using the water rights. This is a Constitutional issue. How does a direct evoking of the 5th Amendment (takings) result in a finding of non-significance? Further, 40 CFR 1508.27(b)(10) defines significance being met if "the action threatens a violation of Federal, ...	<p>The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy intends to allow continued access to the well by the owner of the water right...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) State, or local law...." Navy's action will impair vested rights and other water rights in violation of State law. Loss of the water right and well on B-17 associated with the La Beau Flat allotment would completely shut grazing down there as this is the only water source and water right currently keeping this allotment intact for use. To call this "no significant impact" is disingenuous.	(continued) The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.
3.10-160	3.10.3.6	Mitigation measures	Previously we commented that Navy can and should outline mitigation measures for wildlife on lands not directly under Navy control. Navy responded "the Navy cannot commit to funding wildlife habitat improvement projects outside the land that Navy controls." Why not? Let's say a herd of bighorn sheep are threatened by Navy expansion. Funding NDOW to move them to a new area and ensure their survival would be appropriate mitigation. NEPA (and related policies) also explicitly mention off-site mitigation. Noise is very likely to affect sage grouse and could result in abandonment of leks, especially in the SUA and the areas like the Duckwater MOA where there are some critical core sage grouse populations and the airspace will reach to 200 ft AGL. Navy should commit to funding and implementing habitat improvement projects to benefit sage grouse and other wildlife. Further, Navy should commit to funding wildfire rehab efforts due to any fires caused by Navy activities (such as the fire at Eastgate that was caused by Navy activities).	The Navy amends its previous response, and notes that it has the authority under the Sikes Act to fund conservation projects off of Navy controlled lands; however, based on the Navy's impact analysis the Navy has not identified impacts requiring mitigation. The Navy utilizes adaptive management techniques through an annually reviewed INRMP. In regard to noise and sage grouse impacts, based on an analysis of available literature contained in the EIS, potential impacts on Sage Grouse are expected to be minimal. However, NDOW has expressed concerns with increased low-level overflights and has asked the Navy to undertake a study to further assess potential impacts. The Navy is proposing to fund a study by NDOW to monitor the potential effects to sage grouse lek behavior from aircraft overflights. Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-70	3.10.2.4.3	Sage grouse	As we previously commented and requested, the DEIS still does not include language in the sage grouse section regarding the current efforts by BLM to amend their 2015 ARMPA nor the State of Nevada Sage Grouse Conservation Plan. There is a need and we request discussions about consistency with the Nevada Greater Sage-grouse Plan and the BLM proposed RMPA for Greater- Sage Grouse that will very likely be approved before the FRTC FEIS. The habitat mapping under the State Plan is arguably better than the BLM LUPA as it was accomplished by USGS using more contemporary and hence, the best available science. While the DEIS does include discussion regarding the 2015 ARMPA, there is still no discussion about consistency with the State Sage- Grouse Plan as amended. This again is a requirement under the NEPA regulations as noted in our comment above. Further, Governor Sandoval recently executed an Executive Order (2018-32) that has not been rescinded by Governor Sisolak requiring mitigation of impact to sage grouse on federal lands in Nevada through the CCS. Further, the updated BLM Land Use Plan Amendment that is currently underway with the FEIS, protest period, and Governor's Consistency Review complete is almost wholly intended to align sage grouse management with the State Plan. Analysis and discussion about consistency with the State Plan must be included in this EA to meet the mandates of 40 CFR 1502.16(c) and 1506.2(d) where it is required to "include discussions of...possible conflicts between the proposed action and the objectives of...state land use plans, policies and controls for the area concerned" and "discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law." ...	There is no lek habitat in the areas proposed for withdrawal or requested for acquisition. Federal agencies are not required to follow state mitigation plans. Currently, all state management plans concentrate on habitat availability, wildfire, and land-based chronic noise sources. Regarding overflights, the State Conservation Plan contains mandates for ground activities and habitat of sage grouse, and does not address aircraft overflights. As the plan addresses terrestrial stressors on and associated habitat for sage grouse, it is not relevant to the Navy, whose proposed overflight activities would not impact terrestrial habitat. Navy activities therefore, would not conflict with the State Conservation Plan. The 2018 Draft Resource Management Plan Amendment/EIS has not been finalized. However, the BLM stated in the 2015 RMP/EIS that aircraft overflights were outside the scope of the Proposed Plan/Final EIS as it does not have the authority to regulate aircraft activities that are under the jurisdiction of the Federal Aviation Administration and the Department of Defense. For the same reason's aircraft overflights were dismissed in the 2018 Draft RMPA/EIS, and were not carried forward for detailed analysis. All available lek location data notes that usage areas by greater sage grouse is east of the land areas proposed for withdrawal or acquisition. Sage grouse in these areas would be exposed to noise from aircraft overflights. Available science indicates that short-term noise intrusion does not play a significant role in lek success; however, the Navy is developing an MOU with NDOW to assist with future research and population studies assessing aviation impacts to sage grouse...

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) How can consistency with the State Plan for sage grouse conservation be considered if there is no discussion or analysis of the State Plan? This must be included.	(continued) The Navy will work closely with BLM to manage the sage grouse and other species on lands under the Navy's control. As noted previously, the Navy is proposing to fund a study by NDOW to further assess potential impacts of low-level aircraft operations on the sage grouse.
3.10-122	3.10.3.3.1	wildlife responses to noise	We appreciate that the DEIS now includes discussion about noise impacts on sage grouse. But, we disagree with some of the analysis. Sage grouse have been documented to abandon leks due to noise effects. Given the priority habitat and dozens of leks under the FRTC airspace and the increase noise in many of these prime sage grouse areas due to MOA/SUA designation and lower-level flights, there will likely be impacts to sage grouse. Especially in areas like Duckwater MOA where the floor is proposed to be 200 ft AGL. The conclusion that there would be no significant effects is arbitrary, at least regarding sage grouse and specific leks, in many of these areas where flights will now be much lower and louder.	State management plans use L _{xx} (e.g., L ₁₀ and L ₉₀) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L _{max}), sound exposure level (SEL), the Day-Night-Level (DNL), and equivalent sound level (Leq) metrics to determine potential impacts. The L _{max} is the highest noise level reached during a noise event and this is the metric to which people generally respond when an aircraft flyover occurs. The SEL metric considers the maximum noise level of the event and the duration of the noise event. Where L _{max} and SEL reference a single event, the DNL is an average of the overall noise experienced during an entire (24-hour) day, and is therefore generally used for land use compatibility comparisons. DNL calculations account for the SEL of aircraft, the number of aircraft operations and a penalty for nighttime operations. Background, or ambient noise, levels (those without aircraft noise) are often presented using Percent Noise Levels (Ln). Percent Noise Level characterizes intermittent or fluctuating noise by showing the noise level that is exceeded during a significant percent of time during the noise measurement period. Ln is most often used to characterize background noise where, for example, L ₉₀ is the noise level exceeded 90 percent of the time, L ₅₀ is the level exceeded 50 percent of the time, and L ₁₀ is the level exceeded 10 percent of the time. Other noise sources that are part of the background noise environment include roadway, wind in the trees, and chronic noise activities. It should be noted that L ₉₀ and L ₅₀ type metrics are a better indicator of chronic noise, particularly land-based continuous noise sources, and are not reliable indicators for transient noise sources (Harris 1979). These terrestrial-based noise sources are very different noise sources both in terms of duration, proximity, and frequency. It is not appropriate to use noise studies addressing land-based chronic noise sources to determine potential impacts of short-term noise impacts from jet overflights on sage grouse. Jet overflights are infrequent, last only seconds, and do not occur over the same location multiple times...

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Overflights typically last only seconds and their contribution to a long-term noise level would be minimal. A large number of overflights would be required to register a change in the L90 value. Please see Section 3.10 (Biological Resources) for a discussion on the impacts to the greater sage grouse from noise associated with the Proposed Action. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. The Navy has determined that the analysis presented in the Final EIS is adequate for assessing potential population impacts. The Navy is developing an MOU with NDOW to assist with future research assessing potential impacts of aviation activities (e.g., overflights and noise) on sage grouse. Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.
3.12-3	3.12.2	one of the smallest populations	Nevada is 33/50 in population rank, not close to being "one of" the smallest. This statement appears to seek to downplay effects because of "low population."	The Navy has revised this sentence to better reflect the population of Nevada.
3.12-34 and 3.12-50	3.12.3.2.5 and 3.12.3.5.3	avoid "noise-sensitive areas by 3,000 feet AGL" and mitigation	Please ensure that Wilderness and Wilderness Study areas under the SUA (especially Roberts Mountain WSA and Simpson Park WSA) are identified as "noise-sensitive areas" that will be avoided. This should be a specific mitigation measure.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-1	3.13	"focuses specifically on economic conditions"	We disagree with not analyzing social impacts with economics for complete socioeconomic analysis. This failure results in downplaying the important social stability and custom and culture related to independent rural Nevada and ranching that will be severely impacted by Navy's actions.	The Navy has added a discussion of customs, culture and economy to the socioeconomic Section. This Section discusses social impacts in the Region of Influence generally, but not with respect to each action alternative individually. A discussion of social impacts is not carried forward throughout each alternative discussion because potential social impacts would not be significantly different among the various alternatives, and because discussion of such impacts is captured in the analysis of impacts to other resource areas such as land use in Section 3.2 (Land Use), mining in Section 3.3 (Mining and Mineral Resources), ranching in Section 3.4 (Livestock Grazing), and recreation in Section 3.12 (Recreation).
3.13-1	3.13.1.1	Eureka County not included in region of influence	We continue to strongly disagree with the omission of Eureka County because "impacts would be negligible." Mostly, this disagreement is related to the impacts to La Beau Flat because the rancher (Etchegaray) is a Eureka County resident and their headquarters is in Eureka County. It still appears that the point we made in our previous comments and many times through cooperating agency meetings was not convincing to Navy. Base property is a requirement of the Taylor Grazing Act and since 1934, when the TGA was passed, many ranches have changes substantially and in many cases has nothing to do with where a ranch's headquarters are. The base property under the TGA requirements are not always the same as the "headquarters" for a ranch. Base property does not equate to the locale receiving impacts in all cases as in this one. We do not wish to haggle about base property or ownership because in the end, it really shouldn't matter. Impacts are impacts. Applying impacts to the wrong place or people, especially when it is irrefutable to whom and where the impacts will occur, seems arbitrary. BLM has confirmed to you that Etchegaray is the permit holder as a member of the LLC. ...	As requested, the Navy has acknowledged that while the base property for La Beau Flat is located in Lander County, the ranching operation is headquartered in Eureka County; as shown in changes made to tables in Section 3.13 (Socioeconomics). While the methodology used for determining economic impacts of reduced grazing (or AUMs) was based on the location of the base property, the Navy acknowledges that the actual user for the La Beau Flat is headquartered in Eureka County. Therefore, the EIS has been updated to include Eureka County in the analysis.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) Etchegaray has noticed you that they are the permit holder through their scoping comments. Etchegaray was the only member of the LLC that has attended the couple meetings put together by Navy to discuss grazing issues.</p> <p>The primary economic impacts of the grazing at La Beau accrue to Etchegaray's ranch in Eureka County. Etchegaray's brand proving ownership of livestock grazed at La Beau is registered at their ranch in Eureka County. Etchegaray pays their livestock head tax from Eureka County.</p> <p>Etchegaray spends proceeds from grazing La Beau to improve their property in Eureka County.</p> <p>Etchegaray buys their primary supplies to ranch from businesses in Eureka. And on and on. It is hard to understand the intransigent position of Navy (and BLM) on this issue. With that being said, it appears that Navy is set on placing the quantified impact on a piece of property (and people) that in reality will not really be affected. We will never agree to, with eyes wide open, apply the quantified impacts to where they will actually not occur because it is factually incorrect.</p> <p>Real impacts should be the focus, not impacts on paper. It is unfortunate that we now have to try to address this issue during the public comment process.</p>	
3.13-1	All	All	<p>The impacts to Highway 50 tourism are not addressed. Property values under airspace as the flights become more frequent and intolerable are not addressed</p>	<p>The Navy does not foresee any impacts to Highway 50 since there is no proposal that would include closure or restrictions to Highway 50.</p> <p>No additional aircraft sorties (or flights) are proposed under any alternative scenario. The proposed changes in airspace provides for a larger footprint for aircraft to fly which ultimately could reduce continuous aircraft overflights in any one area.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-4	3.13.2	"Eureka County...not anticipated to experience impacts from land withdrawal (grazing...).	<p>Again, we continue to strongly disagree with the omission of Eureka County. Mostly, this disagreement is related to the impacts to La Beau Flat because the rancher (Etchegaray) is a Eureka County resident and their headquarters is in Eureka County. It still appears that the point we made in our previous comments and many times through cooperating agency meetings was not convincing to Navy. Base property is a requirement of the Taylor Grazing Act and since 1934, when the TGA was passed, many ranches have changes substantially and in many cases has nothing to do with where a ranch's headquarters are. The base property under the TGA requirements are not always the same as the "headquarters" for a ranch. Base property does not equate to the locale receiving impacts in all cases as in this one. We do not wish to haggle about base property or ownership because in the end, it really shouldn't matter. Impacts are impacts. Applying impacts to the wrong place or people, especially when it is irrefutable to whom and where the impacts will occur, seems arbitrary. BLM has confirmed to you that Etchegaray is the permit holder as a member of the LLC. Etchegaray has noticed you that they are the permit holder through their scoping comments. Etchegaray was the only member of the LLC that has attended the couple meetings put together by Navy to discuss grazing issues.</p> <p>The primary economic impacts of the grazing at La Beau accrue to Etchegaray's ranch in Eureka County. Etchegaray's brand proving ownership of livestock grazed at La Beau is registered at their ranch in Eureka County. Etchegaray pays their livestock head tax from Eureka County.</p> <p>Etchegaray spends proceeds from grazing La Beau to improve their property in Eureka County.</p> <p>Etchegaray buys their primary supplies to ranch from businesses in Eureka. And on and on. It is hard to understand the intransigent position of Navy (and BLM) on this issue. With that being said, it appears that Navy is set on placing the quantified impact on a piece of property (and people) that in reality will not really be affected. We will never agree to, with eyes wide open, apply the quantified impacts to where they will actually not occur because it is factually incorrect. Real impacts should be the focus, not impacts on paper. It is unfortunate that we now have to try to address this issue during the public comment process. Further, the low floor in the proposed Duckwater MOA of 200 ft AGL could affect the proposed vanadium mine in that area that has previously proposed powering their facility with solar and wind energy.</p>	<p>As requested, the Navy has acknowledged that while the base property for La Beau Flat is located in Lander County, the ranching operation is headquartered in Eureka County; as shown in changes made to tables in Section 3.13 (Socioeconomics).</p> <p>While the methodology used for determining economic impacts of reduced grazing (or AUMs) was based on the location of the base property, the Navy acknowledges that the actual user for the La Beau Flat is headquartered in Eureka County. Therefore, the EIS has been updated to include Eureka County in the analysis.</p> <p>The altitude profile for the Duckwater MOA is 1200 AGL and not 200 AGL. This error has been revised in the EIS.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-4	3.13.2	Inclusion of Lander County for La Beau Flat impacts but not Eureka County	<p>Again, we continue to strongly disagree with the omission of Eureka County. Mostly, this disagreement is related to the impacts to La Beau Flat because the rancher (Etchegaray) is a Eureka County resident and their headquarters is in Eureka County. Please at least acknowledge here that while the BLM recognized base property is in Lander County, the current ranching operation is headquartered in Eureka County. It still appears that the point we made in our previous comments and many times through cooperating agency meetings was not convincing to Navy. Base property is a requirement of the Taylor Grazing Act and since 1934, when the TGA was passed, many ranches have changes substantially and in many cases has nothing to do with where a ranch's headquarters are. The base property under the TGA requirements are not always the same as the "headquarters" for a ranch. Base property does not equate to the locale receiving impacts in all cases as in this one. We do not wish to haggle about base property or ownership because in the end, it really shouldn't matter. Impacts are impacts. Applying impacts to the wrong place or people, especially when it is irrefutable to whom and where the impacts will occur, seems arbitrary. BLM has confirmed to you that Etchegaray is the permit holder as a member of the LLC. Etchegaray has noticed you that they are the permit holder through their scoping comments. Etchegaray was the only member of the LLC that has attended the couple meetings put together by Navy to discuss grazing issues.</p> <p>The primary economic impacts of the grazing at La Beau accrue to Etchegaray's ranch in Eureka County. Etchegaray's brand proving ownership of livestock grazed at La Beau is registered at their ranch in Eureka County. Etchegaray pays their livestock head tax from Eureka County.</p> <p>Etchegaray spends proceeds from grazing La Beau to improve their property in Eureka County.</p> <p>Etchegaray buys their primary supplies to ranch from businesses in Eureka. And on and on. It is hard to understand the intransigent position of Navy (and BLM) on this issue. With that being said, it appears that Navy is set on placing the quantified impact on a piece of property (and people) that in reality will not really be affected. We will never agree to, with eyes wide open, apply the quantified impacts to where they will actually not occur because it is factually incorrect. Real impacts should be the focus, not impacts on paper. It is unfortunate that we now have to try to address this issue during the public comment process.</p>	<p>As requested, the Navy has acknowledged that while the base property for La Beau Flat is located in Lander County, the ranching operation is headquartered in Eureka County; as shown in changes made to tables in Section 3.13 (Socioeconomics).</p> <p>While the methodology used for determining economic impacts of reduced grazing (or AUMs) was based on the location of the base property, the Navy acknowledges that the actual user for the La Beau Flat is headquartered in Eureka County. Therefore, the EIS has been updated to include Eureka County in the analysis.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-18	3.13.2.3.5	Mining	There are many mines in the proposed SUA/MOA that could be affected if it is found that their infrastructure is incompatible with the airspace and Navy influences BLM or counties to impose land use restrictions (based on something like the future RAICUZ or JLUS studies.) So, while Navy may not at this time be proposing any specific land use restrictions in the MOAs, designation of MOA airspace under the FRTC Modernization will allow Navy (or other DoD agencies) to control land uses at any time through a streamlined process. This must be disclosed and then analysis should flow through the entire socioeconomic section about what current or future land uses would be considered incompatible. For instance, what about the proposed vanadium mine in southern Eureka County within the Duckwater MOA with a floor of 200 ft AGL? This mine has proposed putting in solar power and wind power with the mine. This is not discussed and is actually omitted because the airspace analysis in this entire section says that none of the counties would be affected as far as socioeconomics.	<p>It is not the Navy's intent to impose any specific land use restrictions or control land uses underlying the MOAs with the exception of B-16, B-17, B-20, and portions of DVTA.</p> <p>The airspace changes outside of the withdrawal area would not restrict land uses and the Navy would not impose land use restrictions. The altitude profile for the Duckwater MOA is 1200 AGL and not 200 AGL. This error has been revised in the EIS.</p> <p>Therefore, no further economic analysis would be necessary.</p>
3.13-25	3.13.3.2.3	livestock impacts	<p>Previous comment that was not addressed. This section only focuses on AUM loss. What about loss of water sources or access? Loss of water could shut down huge swaths of land not under the direct withdrawal. Also, roads providing access to water haul locations, gathering spots, fence maintenance access, etc. will be closed that ALL have an economic burden on the rancher.</p> <p>Economic impacts are much more than just AUM loss. These must all be analyzed.</p>	<p>Impacts to water resources and associated water rights are addressed in Section 3.9 (Water Resources).</p> <p>In regards to the water source located in the B-17 range, the Navy would allow for access so that the allotment user(s) could continue to access this water resource. Fencing would be constructed so that access to the water source in B-17 is not restricted.</p> <p>For other water sources, the Navy would compensate for the movement of the guzzler/water tank/water source, or pay for the water right/claim as real property. Therefore, no additional economic impact analysis is required.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-25 through 26	3.13.3.2.3	AUM value	<p>It needs to be clarified that the \$38/AUM based on Curtis et al. is to the producer alone, not the counties as a whole given the indirect and induced impacts. And, this value is per year not a one-time value. We strongly disagree with the value of AUMs established here. First, we provided very specific information in our scoping comments and comments on the PDEIS regarding the quantification of AUMs that was based on peer reviewed studies that was disregarded. Our scoping put the value of one AUM annually, to the rancher alone, in 2016 was closer to \$50. Second, the PDEIS value is based on a survey of ranchers, not rigorous quantification. Third, winter grazing allotments, which are the bulk of allotments impacted by FRTC, are few and far between in Nevada and are typically valued higher per AUM because they are so needed and coveted (keeps livestock "out of the haystack," which is very expensive). Curtis, et al. was a survey of primarily AUMs other than winter AUMs. Fourth, the study was over 18 years ago and the PDEIS does nothing to factor in the fact that AUMs have increased substantially in value over recent years and just due to inflation alone (and indexed against high hay prices). Also, for the language on p. 3.13-26 referencing Bartlett, Rimbey, and Torell, these studies quantified the value of AUMs for purchase to continue as a ranching operation, not for determination of loss of future income. These figures would be what a rancher could expect to pay for AUMs for continued use to make a living.</p>	<p>The economic analysis analyzed four methodologies for determining the socioeconomic impacts of potentially reduced AUMs on Federal grazing permits. The Navy concluded that the production function to valuation method, where the value per AUM was determined to be \$56.83 (a historical figure for Nevada), was the most appropriate methodology for valuing AUMs. This methodology is used for purposes of estimating potential socioeconomic impacts. If the Proposed Action is implemented, the economic impacts to individual permit holders would likely vary on a case-by-case basis in light of the particular economic factors pertaining to each ranch operation, including alternative forage availability and the economic position of each rancher or ranching family.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-27	3.13.3.2.3 and all associated tables	Navy conclusion of AUM value at \$56.83	Navy's conclusion at \$56.83/AUM appears to allude that this is a one-time value. Based on the various studies Navy used to get to this figure, they all are establishing a per year value of AUMs. So Navy must clarify that this AUM value is "annually" or "per year" to make it clear that this loss is each year in perpetuity. It isn't a one-time loss. Also, clarify that this is historic dollars and has not been adjusted for current value or projected for future value. Also, project out for certain time intervals such as 10, 20, 30, 40 and 50 years or at least the 20 year period of the withdrawal. The current analysis diminishes the true impact of AUM loss because it makes it look like it's a one-time impact and does not occur in perpetuity. Revise the title to all of the associated tables to add "annually" or "per year."	The economic analysis analyzed four methodologies for determining the socioeconomic impacts of potentially reduced AUMs on Federal grazing permits. The Navy concluded that the production function to valuation method, where the value per AUM was determined to be \$56.83 (a historical figure for Nevada), was the most appropriate methodology for valuing AUMs. This methodology is used for purposes of estimating potential socioeconomic impacts. If the Proposed Action is implemented, the economic impacts to individual permit holders would likely vary on a case-by-case basis in light of the particular economic factors pertaining to each ranch operation, including alternative forage availability and the economic position of each rancher or ranching family. Relevant text has been updated to reflect annual impact.
3.13-30	3.13.3.2.3	Mining impacts	Again, there are many mines in the proposed SUA/MOA that could be affected if it is found that their infrastructure is incompatible with the airspace and Navy influences BLM or counties to impose land use restrictions (based on something like the future RAICUZ or JLUS studies.) So, while Navy may not at this time be proposing any specific land use restrictions in the MOAs, designation of MOA airspace under the FRTC Modernization will allow Navy (or other DoD agencies) to control land uses at any time through a streamlined process. This must be disclosed and then analysis flow through the entire socioeconomic section about what current or future land uses would be considered incompatible. For instance, what about the proposed vanadium mine in southern Eureka County within the Duckwater MOA with a floor of 200 ft AGL? This mine has proposed putting in solar power and wind power with the mine...	It is not the Navy's intent to impose any specific land use restrictions or control land uses underlying the MOAs with the exception of B-16, B-17, B-20, and portions of DVTA. The airspace changes outside of the withdrawal area would not restrict land uses and the Navy would not impose land use restrictions. The altitude profile for the Duckwater MOA is 1200 AGL and not 200 AGL. This error has been revised in the EIS. Therefore, no further economic analysis would be necessary.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) This is not discussed and is actually omitted because the airspace analysis in this entire section says that none of the counties would be affected as far as socioeconomics.	
3.13-31	3.13.3.2.4	Mining impacts in DVTa	The DEIS states that "the Navy is unable to accommodate exploitation of locatable minerals (e.g., gold) because the laws governing these mining activities would not afford the Navy an ability to impose requirements on how any such exploitation activities would be conducted." However, the entirety of this EIS relies on an Act of Congress to approve the proposal and withdrawal. Congress could easily grant Navy the necessary requirements to ensure any mining is conducive to Navy's mission. Navy should not shut the door on this option and should describe the fact that Congress could assist in making certain mining activities allowable in the DVTa with the proper safeguards of Navy's mission.	The Navy agrees that this would be a congressional action; however, it is outside the Navy's authority to make decisions in regards to allowing mining activities within DVTa.
3.13-44	Table 3.13-26	alternatives would not result in significant impacts to agriculture	We disagree with the finding that the alternatives would not have significant impacts. To some ranchers, loss of income and diminished operations or complete loss depending on crossing a threshold of loss (AUMs and water) makes it unfeasible to run livestock. It is not accurate to characterize that as no significant impact. And to say tens of thousands of dollars taken away from ranchers and local economies each and every year for the foreseeable future is not significant shows the Navy's disconnect with the fragility of these rural economies and how every dollar of revenue and economic impact matters.	The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states: Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes...

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-44	3.13.3.5.3	mitigation	<p>Previous comment that was not addressed. This miscasts what 43 USC 8A Section 315q says. This statute mandates payment for grazing losses "out of the funds appropriated or allocated for such project." Again, the Navy is not just "authorized" but mandated. If Congress appropriates funding for the FRTC modernization, the Navy is mandated to pay for grazing losses. Further, how is this not a specific mitigation measure when it is a mandate by Congress? Sections like this in the EIS disenfranchise rural counties and ranchers and create unnecessary conflict with the Navy.</p> <p>The EIS should be clear about this mandate and the Navy simply do the right thing and quit skirting the intent of 3 USC 8A Section 315q.</p> <p>While the Navy may have never followed the law under 43 USC 8A Section 315q, previously we provided specific examples in scoping how the Air Force has followed this mandate in Nevada and Idaho for both NTTR and Mountain Home.</p>	<p>Working with BLM and the permittee, the Navy will determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs include, but are not limited to, preparing new allotment applications and complying with BLM environmental requirements and water rights studies; procurement of private market replacement forage; shipment or transportation of forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transfer of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime while restoring and/or relocating operations; and any other costs identified which would be properly payable under 43 U.S.C. Section 315q.</p> <p>Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy will make a good faith estimate of the financial impact the loss of that individual's permit would be expected to have on his or her ranching operation. the Navy will ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information will be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the information shared is incomplete, the Navy will make an estimate of the value of the losses based on existing information from other sources.</p> <p>It is possible that a payment amount will be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity will first be determined and the remaining payment amount will be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-11	3.14.2.1.6	Interference with cell phone signals and GPS can occasionally occur during operations	<p>Previous comment that was not addressed. The new language in the DEIS does not address, disclose or address the actual impacts to first responders, agricultural producers and civilian pilots among others. This is a weak disclosure which does not enumerate the ways in which cell phone signals and GPS interference can be experienced, and hence real impacts - by first responders, agricultural producers and crop dusters, wildlife trackers and animal research, and even pilots based on information disclosed by Navy. Please provide additional information and define "occasional occurrence". This comment cascades throughout the document. The DEIS does not address this concern other than to say there will be occasional times when communications won't work. As we have stated before, jamming of cell phones and GPS by the Navy could affect our ability to respond to emergencies, could impair civil aviation, and can disrupt modern farming practices. The DEIS says, "The systems train aircraft crews in defensive maneuvers and tactics by simulating and disabling the electronic jamming capabilities of attacking aircraft. The various fixed and mobile systems offer tailored configurations and levels of complexity to meet many mission scenarios..." The document does not provide more specifics nor does it address our stated concerns about jamming of cell phones and GPS. There needs to be better systems in place to transparently provide information to affected interests about locations and timeframes that GPS jamming would take place to allow folks to avoid crucial or safety-sensitive actions during these times and at these places.</p>	<p>The Navy does not purposefully interfere with cell phone signals or GPS. The Navy has standard practices in place to avoid interference with the public's use of the electromagnetic spectrum and will continue to use a separate military bandwidth from the public.</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
4-1	4	cumulative effects	<p>Previous comment. What are the cumulative impacts of the FRTC expansion in combination with Mountain Home, Hill, and Nellis? The public needs the big picture for military land and airspace use now and into the future, as we stated in our scoping comments. Also, impacts to communications infrastructure and functionality are not adequately addressed. Of special note is that the EIS does not consider communications infrastructure in the reasonably foreseeable future.</p>	<p>In general, long-term rather than short-term impacts and widespread rather than localized impacts were considered more likely to contribute to cumulative impacts. For example, for biological resources, population-level impacts were considered more likely to contribute to cumulative impacts than were individual-level impacts. Negligible impacts were not considered further in the cumulative impact's analysis. Chapter 4 (Cumulative Impacts lists past, present, and reasonably foreseeable future actions that have had or are expected to have impacts either within, or within distances of up to 30 miles from, the FRTC. This includes the counties of Churchill, Elko, Eureka, Lander, Lyon, Mineral, Nye, Pershing, and Washoe. In determining which projects to include in the cumulative impact's analysis, a preliminary determination was made regarding each past, present, or reasonably foreseeable action. Specifically, using the first fundamental question included in Section 4.2 (Approach to Analysis), it was determined whether a relationship exists such that the affected resource areas of the Proposed Action (included in this EIS) might interact with the affected resource area of a past, present, or reasonably foreseeable action. If no such potential relationship existed, the project was not carried forward into the cumulative impact's analysis. In accordance with CEQ guidance (Council on Environmental Quality, 2005), those actions considered but excluded from further cumulative effects analysis are not catalogued here because the intent is to focus the analysis on the meaningful actions relevant to inform decision making.</p> <p>The Navy is not authorized to intentionally jam civil communications bands, and continually acts to responsibly use the DoD authorized spectrum for testing and training while avoiding significant impact to other spectrum users. Operations on the FRTC purposely avoid broad conflict with civilian systems. NAWDC and NAS Fallon coordinate and will continue to coordinate with infrastructure providers and spectrum users to avoid conflicts.</p> <p>Standard operating procedures to avoid excessive exposures of electromagnetic energy from military aircraft establish minimum separation distances between electromagnetic energy emitters and people, munitions, and fuels (U.S. Department of Defense, 2009). Practices are in place to protect the public from electromagnetic radiation hazards. The U.S. Navy Hazards of Electromagnetic Radiation to Personnel Ship Survey and Certification Process and Basic Hazards of Electromagnetic Radiation to Ordnance are two of the programs that personnel must complete to participate in training and testing involving electromagnetic devices. These practices include procedures to protect the public such as setting the heights and angles of electromagnetic energy ...</p>

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) transmissions to avoid direct exposure of humans, munitions, or fuel; posting warning signs; and establishing safe operating levels when radar systems are operational. Interference with cell phone signals and Global Positioning System (GPS) devices can occasionally occur during operations (e.g., during Ground Maneuver Tactics, Tactical Ground Mobility, and Convoy Operations). All sources of electromagnetic energy used in expanded lands would follow the same procedures and protocols that are currently implemented and outlined in Section 3.14.2.1.6 (Electromagnetic Energy Safety) to avoid or minimize impacts on public health and safety.</p> <p>Strong electromagnetic radiation can cause fire if an electromagnetic wave were to create a spark near explosives or ordnance. Strong electromagnetic waves can also induce an electric current capable of overloading or destroying electrical equipment, while less strong radiation waves can interfere with electromagnetic signals, such as radio, television, and telephone. Any transmitter sites or areas where electronic training activities occur would be located on property owned and controlled by the Navy, to which the general public would not have access (i.e., sites or areas would be fenced off). Standard operating procedures to protect the general public to the maximum extent practicable would be followed as described in Section 3.14.2.1.6 (Electromagnetic Energy Safety) in all areas where this training would occur. NAWDC and NAS Fallon have, and will continue to coordinate with infrastructure providers and spectrum users to avoid conflicts with broad civilian systems.</p>
4-14	Table 4-3	Present and Reasonably Foreseeable in Eureka County	Table 4-3 still is missing many projects including those we specifically provided in our comments on the PDEIS, and a couple others. Barrick Cortez Mining Deep South, Tonkin Spring Mine, Ruby Hill Mine, Barrick mercury repository in Crescent Valley, GRP Gold Rock Project, and various wildfire rehab projects. This information cascades through the document in Section 4 such as Table 4-11.	Barrick Cortez Mining: Deep South and the Tonkin Spring Mine were included in Table 4-2 and Table 4-3 respectively in the Draft EIS, as well as in the resource analyses as applicable. The Navy has researched these other projects and added them to the tables if relevant to the region of influence, and to the resources impacted by the Proposed Action as applicable. The GRP Gold Rock Project is outside of the SUA and region of influence in Chapter 4, and therefore is not part of the Cumulative Impact Analysis.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
4-26	4.4.5.2	NTTR impacts to transportation	Previous comment. For this section it is appropriate to disclose the possible cumulative impact from this project even if a significance determination has not yet been made.	A significance determination has been added with regard to cumulative impacts to transportation as a result of the implementation of both the Nevada Test and Training Range EIS Proposed Action and the Proposed Action in the FRTC Modernization EIS.
4-38	4.4.13	Socioeconomics region of influence	As we have mentioned many times, Eureka County is directly affected due to the current headquarter ranch for the La Beau Flat allotment being in Diamond Valley. Also indirectly affected due to land use implications under the airspace. Cumulative impacts are to weigh the Proposed Action with all RFFA which includes the ability to control future land uses within the SUA that are found incompatible with MOA. Disclosing of what Navy considers incompatible land uses within the various MOA airspace is necessary to include in this EIS, not some future time, to be transparent in what types of future actions could be impacted or disallowed.	As requested, the Navy has acknowledged that while the base property for La Beau Flat is located in Lander County, the ranching operation is headquartered in Eureka County; as shown in changes made to tables in Section 3.13 (Socioeconomics). While the methodology used for determining economic impacts of reduced grazing (or AUMs) was based on the location of the base property, the Navy acknowledges that the actual user for the La Beau Flat is headquartered in Eureka County. Therefore, the EIS has been updated to include Eureka County in the analysis. The Navy is not proposing any land use controls over land that is not withdrawn, acquired, or part of the Special Land Management Overlay.
4-38	4.4.13.2	Socioeconomics - just compensation	Previous comment that was not addressed. Include Navy's approach to compensation for water rights, access rights, and mineral rights loss of use here and in the mitigation section. All rights, regardless of being on private land, have to be justly compensated including water rights, rights of way, mineral rights, etc.	The Navy has added the methodology with which it will evaluate the water rights and mineral rights that would be acquired as a result of the Proposed Action to the EIS. The Navy will mitigate for loss of access to the lands requested for withdrawal or proposed for acquisition using all authorities that are available to it. The Proposed Action includes Congressional legislation to remove the WSA designation of withdrawn portions of the Clan Alpine Mountains, Job Peak, and Stillwater Range WSAs, potentially opening these areas to new types of recreation activities. The Proposed Action would allow access for racing events on B-16, B-17, and B-20, as well as hunting on B-17. Certain types of water development, mining, and geothermal development would be allowable on the DVTA and in the Special Land Management Overlay. Grazing would also continue to be available in the DVTA and in the Special Land Management Overlay.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-1	5	Management practices, monitoring, and mitigation	We made many comments throughout the document regarding monitoring, management, and mitigation. Especially related to grazing impacts on the La Beau Flat allotment where the current operator is a Eureka County citizen and has their headquarters in Eureka County. These comments apply to Section 5 and should effect changes accordingly. We will not repeat those comments here.	Thank you for your inputs. Comments made in other sections were applied to this chapter as well in the Final EIS.
5-1	5	Management practices, monitoring, and mitigation	Given the length of Chapter 3, Affected Environment and Environmental Consequences, Chapter 5 Management Practices, Monitoring and Mitigation Measures is brief. The County was also concerned to see that many of the impacts were not adequately described, quantified or reported in the DEIS despite extensive comments provided by County staff. As such, the County has included below another round of extensive, document-specific comments, with the hopes that these deficiencies will be addressed by the Final EIS. The County appreciates the Navy's acknowledgement that impact analysis will be further refined, and management practices, monitoring and mitigation measures will continue to be developed. The County's concern is that the Final EIS will only allow for a 30-day review and comment period to address any outstanding issues. This is difficult to accomplish with a document of this magnitude given the volume of issues left to be resolved.	Thank you for your comments. Cooperating agencies were giving several opportunities to review approaches and replies to their concerns between the Draft EIS and release of the Final EIS. To keep the EIS on the schedule in order to submit to Congress, a 30-day wait period following the release of the EIS is needed.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-8	5.8.2.3	Proposed Mitigation Measures	Noise exclusion zones as voluntary and discretionary does not provide the public with the level of protection needed. We appreciate the designation of the avoidance zones, when mapped appropriately to protect areas of population (which we do not yet know), but if they are voluntary and discretionary what is the protection for residents? We need and request close-up maps for Crescent Valley and Eureka Exclusionary Boundaries: We note the five mile flight exclusion boundary around the towns of Crescent Valley and Eureka. We request that the EIS include close-up maps for both boundaries to clearly define the exclusion zones and indicate the centroid for each buffer circle. We request that the buffer be placed on the actual boundary of the towns, not based on a point somewhere in the center of the towns. Please provide the explanation for why the boundaries are proposed for each town, and the rationale for choosing a five mile buffer rather than a larger one. Please note that about half the population in southern Eureka County lives in Diamond Valley which is also directly affected by this proposal. The Devil's Gate General Improvement Districts and subdivisions are under the SUA but are outside the 5 mile buffer. They should be included in a buffer as well.	In order to minimize any aviation impacts under each of the proposed alternatives, the Navy is requesting that the FAA create airspace exclusion zones (3 nautical-mile radius, surface to 1,500 feet AGL) for the Gabbs and Eureka airports. Current range procedures identify the town of Crescent Valley and the Gabbs Airfield as noise sensitive areas that shall be avoided by 3,000 feet AGL or 5 nautical miles. This would ensure those airports could operate regardless of the alternative ultimately chosen. The airspace exclusion zones would be avoided, unless the airport is specifically being utilized for take-offs and landings associated with military training activities. This is discussed in Section 3.6.2.2.4 (Local and Regional Airports). Noise Sensitive Areas would be avoided by military aircraft unless safety considerations or training requirements preclude avoidance. The airspace exclusion zones are to be avoided at all times. Figure 3.6-2 of the Final EIS depicts regional and local airports located either underneath the FRTC SUA or regionally adjacent to the current FRTC ranges and airspace. The airspace exclusion zone around the Eureka Airport, combined with the noise sensitive area around the town of Eureka, would contain much of the General Improvement Districts mentioned by the comment. Therefore, additional noise buffer areas are not necessary. Additional regional airfields are included for analysis in the Supporting Study: Airspace/Air Traffic Study (available at: https://frtcmodernization.com). Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.

Table F-5: Eureka County Board of Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
6-1	6.1 and Table 6-1	Conflict with local plans, policies, and controls	<p>We find each alternative, without addressing our comments and framing adequate mitigation and just compensation, is inconsistent with our Master Plan and County Code. There is no specific discussion about these inconsistencies as required. The EIS must include discussions of these specific impacts. The conflicts include but not limited to unmitigated loss of AUMs, water rights, and access rights to Eureka County citizens; potential and unmitigated impairment of land uses within MOA airspace. 40 CFR 1502.16 mandates that the environmental consequences section of an EIS "shall include discussions of:</p> <p>(c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See §1506.2(d))."</p> <p>And 40 CFR 1506.2(d) states that "To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law." This required discussion is not in the DEIS. Further, there is no discussion about consistency with NRS 405 regarding impacts to public and accessory roads nor NRS 533 and 534 regarding impacts to water rights. Consistency is not met simply because Navy will "acquire" or "compensate" for losses. Table 6-1 also miscast EO 12630 and EO 13406. These Orders speak about avoiding takings and protecting property rights, not simply compensating. The alternatives conflict with the intent and plain language of these Executive Orders. There is also no discussion about inconsistency with the Nevada Sage Grouse Plan (which the current proposed BLM RMPA is proposing to "align" with).</p>	<p>The Navy reviewed the Master Plans of all of the Counties listed in the comment, however, the only one that was applicable to military activities was the Churchill County Master Plan. The Navy coordinates directly with Churchill County presently as the currently withdrawn land is located in Churchill County. The Navy is not required to comply with County Master Plans, but did take them into account when assessing impacts to various resources in the FRTC Study Area.</p>

F.4.1.6 Jardine, R. D. (Truckee-Carson Irrigation District)



Truckee-Carson Irrigation District

Newlands Project

February 13, 2019

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General Counsel

Re: Fallon Range Training Complex (FRTC) Modernization Draft Environmental Impact Statement (DEIS)

Dear Sir or Madam:

With pleasure, on behalf of the Truckee-Carson Irrigation District (District), its board of directors and management, I here provide comments relating to the Draft Environmental Impact Statement (DEIS) for modernization of the Fallon Range Training Complex (FRTC). Preliminarily, I echo what the DEIS makes clear: The FRTC is the United States Navy's premier aviation training range! All of us at the District are proud of our Navy's deeply rooted connection with our community; and, we benefit from that connection. We honor the men and women that serve in the United States Navy.

Introduction

The District is organized pursuant to Nevada state law, and is a political subdivision of the State of Nevada. First created in 1918, and ever since the year 1925, the District has been responsible by contract with the United States Bureau of Reclamation for the operation and maintenance of the Newlands Federal Reclamation Project.^[1] Our mission derives from the promise of land and water extended to those intrepid souls, at the beginning of the 20th Century that would tame Nevada's Lahontan Valley and make the desert teem with life. The District operates and maintains approximately 700 miles of canals, laterals, drains, and related facilities through which surface waters flow for the benefit of water right holders in our valley—including the United States Navy.^[2] (*See* Comment 8 below). Certainly, our mark upon the land, consisting of lines made darker by the presence of water in those same canals, laterals, and drains, are best viewed from above by Navy

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benefit of the Navy. The District is responsible for delivery of all surface water in the Project in accordance with existing federal decrees and federal regulation.^[3]

Agriculture is an important part of the life and economy of Churchill County. County policies identified in its Master Plan include protection of agricultural lands, minimization of the loss of productive and prime farmlands, the maintenance and protection of water recharge areas, and minimization of impacts from growth and development on Newlands Project delivery irrigation efficiency.^[4] The preservation of lands in agricultural production, through measures such as the establishment of conservation easements, has served to protect the mission of the Navy, in the Lahontan Valley, against developmental encroachments of all kinds. Accordingly, the support for agriculture in all modernization efforts undertaken by the Navy touching NAS-Fallon, is, and will continue to be, a weighty matter!

Under most circumstances, District activity does not intersect with that of the FRTC. However, in 2017, with the greatest historical level of run-off had in the Carson River watershed, an extraordinary impact was imposed upon the B-16 Range complex. Massive volumes of water were released from Lahontan Dam in an effort to balance reservoir levels with in-flow and spare the Fallon area of catastrophic flood related damage. Emergency Declarations were issued for Nevada –at both the federal and state levels. Part of the flood water management in 2017 consisted in that of directing flows upon the B-16 Range and the filling of the Carson Lake located to the south of NAS Fallon. Portions of the Range became inundated with water. Extensive construction activity was undertaken by the Navy to protect training access routes. In 2018, owing to the amount of water remaining in storage in Lahontan Reservoir, flood operations were again conducted in the Newlands Project. However, year 2018 flood operations did not result, in so far as I am aware, in any impact to unit-level ground and air training during the year. With a view forward, driven largely by our emergency-flood experience of 2017, future land uses must account for hydrologic conditions that may result in impacts to the FRTC –in particular the B-16 complex.

Comments

Comment 1: Environmental Consequence to Livestock Grazing

Analysis of Alternative 3, the Preferred Alternative, reveals that a significant impact on livestock grazing would result through the closure of 356,400 acres of BLM allotments and 4,187 acres of Bureau of Reclamation.^[5] The Navy further estimates that Alternative 3 would result in the loss of between 7,920 and 10,992 animal units (AUM).^[6] The impact equates to a loss of up to approximately 6.93 percent of AUMs in the BLM Carson City District, 0.04 percent of AUMs within the BLM Winnemucca District, and 0.53 percent of all AUMs in Nevada.^[7] These impacts are significant! And, while I understand the need for expansion, made necessary by the call for more realistic training conditions, with a corresponding enlargement of the training “footprint”^[8], of great concern to the District is the impact upon agriculture. The smallest loss of revenue to the District is

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deeply felt! With a small base of water users (some 2,500), we can ill-afford any lessening to that base. Our annual budget is very small: No more than Seven Million Dollars (\$7,000,000.00) in the best of years. In comparative terms, our annual budget would not sustain the amount of money needed to support the break room in a municipal water supply district such as that in Los Angeles.

Comment 2: Payments to Federal Grazing Permit Holders

We appreciate the fact that the Navy may be able to provide payments to federal grazing permit holders for losses due to land withdrawals. This issue touches our District as well. For the reasons described in Comment 1 above, compensation should also be made, as necessary, to the District for future economic losses when ascertained.^[9]

Comment 3: Federally Owned Lands

32,201 acres of land fall within the control of the Bureau of Land Management. Lands within the expansion include Reclamation facilities involving canals, laterals, and drains –all relating to Project operation and maintenance.^[10]

Comment 4: Preservation of Project Facilities within the Expanded B-16 Boundary

Important facilities are shown within the B-16 expanded boundary: Scheckler Spill and the G-3 lateral ditch. These facilities are important, as we discussed above relating to past flood operations, for conveying water to the Carson Lake and Carson Lake Pasture. In an event, such as that of 2017, it is absolutely critical that the ability to move water away from the City of Fallon be preserved. Placement of fences should be made in such a way as to facilitate transportation of flood waters.^[11]

Comment 5: Off-Road Vehicle Use

Important limitations do exist relating to Reclamation lands. The same are closed to off-road vehicle use, except for an area or trail specifically opened to such pursuant to 43 CFR Part 420.2.^[12]

Comment 6: Fire Management Plan

The District supports all efforts to provide a Fire Management Plan with the goal in mind of reducing wildfire and any impact upon Project facilities.^[13]

The tragic events of 2018 relating to wildfires in the western United States further underscore the importance of a meaningful fire management plan in our area.

Comment 7: 2014 Newlands Project Final Resource Management Plan

We believe that Reclamation's 2014 Newlands Project Final Resource Management Plan must be a part of all cited resource materials in the DEIS.^[14]

Comment 8: Newlands Project Description

The DEIS should characterize the Project as providing irrigation water to approximately 57,000 acres of land in and around the cities of Fallon and Fernley. Moreover, water is provided to wetlands in the Lahontan Valley near Fallon including the Stillwater NWR, Stillwater WMA, Fallon NWR, Carson Lake and Pasture and Fallon Paiute-Shoshone Tribal wetlands). The Project consists of approximately 68.5 miles of main canals, 300 or more miles of laterals, and an additional 350 miles of drains. The District operates all of these facilities pursuant to Contract No. 7-07-20-X0348 with the United States. We are guided by federal regulation (1997) Adjusted Operating Criteria and Procedures (OCAP) in our operation and maintenance.^[15]

Comment 9: District Duties Vis-à-vis Grazing on Reclamation Lands

The District is not responsible for grazing management on Reclamation managed lands.^[16]

Comment 10: Waters of the United States

The Diagonal Drains encircling the Naval Base are not waters of the United States.^[17]

Comment 11: Storage of Carson River Water

Water from the Carson River is not stored in Stillwater, Scheckler Reservoir, or Carson Lake. Scheckler is a water delivery feature of the Project. Carson Lake collects drain water and has water rights associated with it for grazing and wildlife purposes.^[18]

Comment 12: Surface Water

A water conveyance facility is located within the expanded boundary of B-16. Important for Project operations, such as those incurred in 2017, is a discussion of those water flows through the facility will not be changed by virtue of expansion to the boundary.^[19]

Comment 13: Canals within B-16

Three canals do not exist within Bravo 16. The existing facility is what is known as the "Scheckler Spill – nominated GT 17."^[20]

Comment 14: Future Flood Operations

The responsibility for directing surface flows and any future flood operations in the Project should remain exclusively within the control of Reclamation.^[21]

Comment 15: Sand Canyon

In the event that Sand Canyon is closed, maintenance duties by the Navy vis a' vis should be clearly stated so as to allow water flow between Sheckler Reservoir and Carson Lake and Pasture.^[22]

Comment 16: Lands Surrounding Lahontan Reservoir

Management of the park at Lahontan Reservoir is provided by the State of Nevada.^[23] It is the operation of Lahontan Dam is provided by the District. It is the operation of the Lahontan Dam that determines all critical flows downstream –including water transported through Scheckler to the Carson Lake and Pasture.

Comment 17: Management Access

Management access by Reclamation must be provided for B-16 and B-20. Important to the District is Reclamation management of lands for flooding, overflow and seepage purposes for some 14,750 acres.^[24]

Comment 18: Joinder to Comments by the United States Bureau of Reclamation

The United States Bureau of Reclamation will be providing comments to the DEIS through the Department of the Interior. The District here joins in those comments. Important to the District is a clear statement made throughout the DEIS as to those lands remaining under management by Reclamation. This distinction is most important during the events we described occurring in 2017.

CONCLUSION

We express, anew, our appreciation for participating in this comment process. We understand the importance associated with the proposed complex modernization. We trust, however, that recognition be given role of agriculture in preserving naval operation against competing land use trends. To the extend possible, we urge the Navy to effect range expansion with as little impact as possible to the agricultural community.

Please let us know if further information is necessary.

Respectfully,

TRUCKEE-CARSON IRRIGATION DISTRICT

By: 

Rusty D. Jardine, Esq.
General Manager

cc: Board of Directors

^[1] See Contract No. 7-07-20-X0348 (1995).

^[2] The District is responsible to the Office of the Nevada State Engineer for the certification, collection, and retention of all water rights records within the Newlands Federal Reclamation Project. Our records reflect ownership of 1059 acres of water rights by the United States Navy.

^[3] See Alpine Decree, Orr Ditch Decree, and Operational Criteria and Operating Procedures for Newlands Federal Reclamation Project, Nevada (OCAP), 43 C.F.R. Part 418.

^[4] See Churchill County Master Plan (2010), as revised, § 3-1.

^[5] See, e.g., Fallon Range Training Complex Modernization Draft Environmental Impact Statement (November, 2018), Executive Summary, p. 15.

^[6] *Id.*

^[7] *Id.*

^[8] *Id.* at p. 1.

^[9] See DEIS, Chapter 1.9, Pg. 1-33.

^[10] See DEIS Chapter 2.3.2.1.1, Pg. 2-10.

^[11] See DEIS, Chapter 3.2.3.4, Pg. 3.1-35.

^[12] See DEIS, Chapter 3.12.2.1, Pg. 3.12-3.

^[13] See DEIS, Chapter 3.14.3.5.1, Pg. 3.14-52.

^[14] See DEIS, Chapter 3.2.1, Pg. 3.2-1.

^[15] See DEIS, Chapter 3.2.2.3.3, Pg. 3.2-15.

^[16] See DEIS, Chapter 3.4.2.1, Pg. 3.4-8.

^[17] See DEIS, Chapter 3.9.2.1, Pg. 3.9-7.

^[18] See DEIS, Chapter 3.9.2.1, Pg. 3.9-7.

^[19] See DEIS, Chapter 3.9.2.2, Pg. 3.9-12.

^[20] See DEIS, Chapter 3.9.2.2, Pg. 3.9-12.

^[21] See DEIS, Chapter 3.9.3.2, Pg. 3.9-32.

^[22] See DEIS, Executive Summary, Pg. 3.9-32.

^[23] See Figure 3.2-4, Pg. 3.2-17.

^[24] See Table, Pg. 2-9.

F.4.1.6.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. The Navy recognizes the lands as currently managed by the Truckee-Carson Irrigation District in the B-16 area where flood operations were conducted in the Newlands Project. The Navy would continue to allow access to the Truckee-Carson Irrigation District when compatible with training and upon approval of the Navy for flood management.

The Navy has analyzed impacts to the agriculture industry in Section 3.13 (Socioeconomics). See Section 3.13.3.2.3 (Potential Impacts on Regional and Local Economy), Section 3.13.3.3.3 (Potential Impacts on Regional and Local Economy), Section 3.13.3.4.3 (Potential Impacts on Regional and Local Economy) for the full analyses under Alternative 1, 2, and 3 respectively. The analysis concludes that there would be no significant impacts to overall economic activity would occur due to lost AUMs under Alternative 1, 2, and 3.

In regards to the comments on “Environmental Consequence to Livestock Grazing,” and “Payments to Federal Grazing Permit Holders,” the Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

The following information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

Payment for Losses

The Navy would first consider costs associated with obtaining replacement forage and otherwise restoring/maintaining a permittee’s existing operational capacity. Working with BLM and the permittee, the Navy would determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs could include, but would not be limited to, preparing new allotment applications; complying with BLM environmental requirements and water rights studies; procuring private market replacement forage; shipping or transporting forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transferring of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime while restoring and/or relocating operations; and any other costs identified, which would be properly payable under 43 U.S.C. section 315q.

Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy would make a good faith estimate of the financial impact the loss of that individual’s permit would be expected to have on his or her

ranching operation. The Navy would ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information would be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the information shared is incomplete, the Navy would make an estimate of the value of the losses based on existing information from other sources.

It is possible that a payment amount would be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment would be based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity would first be determined, and the remaining payment amount would then be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.

Payment for Allotment Improvements

Improvements such as corrals, fencing, wells, and other appurtenances that cannot be relocated are considered real property, similar to a building. the Navy would appraise the value of all real property owned by a permit holder and would offer fair market value for the purchase of any such real property. Equipment, such as relocatable water tanks, is not considered real property, and the permit holder would be afforded an opportunity to remove their equipment prior to cancellation of a permit.

Timing of Permit Cancellation

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that the Bureau of Land Management (BLM) cancel any permit would be October 1, 2020.

If the Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.

Regarding the comments on “Federally Owned Lands,” and “Preservation of Project Facilities within the Expanded B-16 Boundary,” the Navy recognizes the lands as currently withdrawn by the Bureau of Reclamation for military and other purposes by Public Law 99-606, one purpose of which was for

Reclamation to utilize lands for flooding, overflow, and seepage purposes in B-20. The Navy also understands the facilities that are within the B-16 expansion area that are currently managed by the Bureau of Reclamation for flooding. The Navy would allow access to the Bureau of Reclamation to continue coordinating access to the ranges when compatible with training and upon approval of the Navy for flood management where necessary. Regarding “Off-Road Vehicle Use,” thank you for the clarification on the policies of Bureau of Reclamation Lands.

Regarding the “Fire Management Plan,” the Navy has and would continue to implement operational and administrative controls to reduce wildfires. The Navy is developing a Wildland Fire Management Plan and, where possible, proposed plan elements and goals are included in the Final EIS. A Draft Outline of the Plan is included in Appendix D (Memoranda, Agreements, and Plans). For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

In response to the “2014 Newlands Project Final Resource Management Plan,” the Navy refers to the Newlands Project where appropriate in the Final EIS, and has added the reference for the 2014 Newlands Project Final Resource Management Plan where applicable. Characterization of the project as requested is not necessary to the analysis but has been updated in the Cumulative Impacts section in Chapter 4 of the Final EIS.

Regarding the “District Duties Vis-à-vis Grazing on Reclamation Lands,” thank you for the information.

Regarding “Waters of the United States,” “Storage of Carson River Water,” “Surface Water,” “Canals within B-16,” “Future Flood Operations,” “Sand Canyon,” “Lands Surrounding Lahontan Reservoir,” and “Management Access,” thank you for the information. Water right information and water facilities have been updated in the Final EIS. For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at <https://frtcmodernization.com>. As stated earlier in the response, the Navy would allow land managers to continue coordinating access to the ranges for flood management purposes following prior approval and coordination with Naval Air Station Fallon.

Thank you for referencing the “Joinder to Comments by the United States Bureau of Reclamation,” the Navy’s responses to these comments can be found after the comments provided by the Bureau of Reclamation.

F.4.1.7 Koenig, J. (Nye County, Chairman)

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Nye County, Nevada

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December 18, 2018

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Sara Goodwin
Naval Facilities Engineering Command Southwest
Code EV21.AK
1220 Pacific Highway
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San Diego, CA 92132

**Subject: Federal Register/Vol. 83, No. 22/ Friday, Nov. 16, 2018, Notice of
Availability for the Environmental Impact Statement (EIS) for the
Fallon Range Training Complex (FRTC) Request for 30-day
Extension of Review Period for the FRTC EIS**

Dear: Ms. Goodwin,

This letter is in response to the subject Federal Register Notice of Availability for the FRTC Draft EIS, which provides a 60-day comment period currently scheduled to close January 15, 2019. Nye County formally requests a 30-day extension for the public review period due to the upcoming holidays that fall during the review period. Nye County would like more time to review the EIS and the new supporting technical documents and their data in an effort to provide the most accurate feedback.

Thank you for your consideration of this extension request. Nye County appreciates the opportunity to participate in the National Environmental Policy Act process with the Department of the Navy as it finalizes its draft EIS for the FRTC Modernization and Land Withdrawal Expansion in Nevada and looks forward to continuing cooperative efforts during its last phases.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Koenig".

John Koenig,
Chairman

JK/MG

18-0426JK

Nye County is an Equal Opportunity Employer and Provider

F.4.1.7.1 Response

Thank you for your participation in the NEPA process. The Draft EIS was released for public review Nov. 16, 2018, for a 60-day public comment period, 15 days more than the required 45-day public review period under NEPA. The Navy extended the public comment period additional 30 days, to close Feb. 14, 2019, for a total of 90 days for public review of the Draft EIS. Public notices of the comment period extension were published in local newspapers and the *Federal Register*, and the Navy distributed postcards to the project mailing list (including attendees of the Draft EIS public meetings), letters to Indian Tribes, news releases to media, and emails to subscribers on the project website.

F.4.1.8 Kuznicki, K. (Friends of Nevada Wilderness)

Save the Stillwaters

My name is Kurt Kuznicki and I want to talk about the importance of the entire Stillwater Range for the protection of cultural resources, wildlife habitat and recreation.

The Stillwater Range is very significant culturally because it formed the eastern shore of ancient Lake Lahontan. Native people have used this area extensively for well over 10,000 years as evidenced by the well know Grimes Point Archaeological Area, Hidden Cave and Spirit Cave which has the burial location of the oldest mummy found in North America. Additionally most of the Stillwater Range was recommended as the Fox Peak Area of Critical Environmental Concern to protect the significant cultural resources found here. This was a formal proposal to the Carson City BLM as part of their on-going planning effort.

Additionally there was a proposal asking the BLM to protect important habitat in the Stillwater Range for Greater Sage-Grouse. The southern end of the Stillwater's in particular have value for Greater Sage-Grouse.

Both the Stillwater and Jobs Peak WSAs are extremely popular hiking areas and can be accessible much of the year. The Sierra Club routinely leads hiking trips in the area and the rainbow colored rocks of the Stillwater Range WSA are popular designations for hikers.

In addition to the ACEC proposals for this area, several areas were identified as Lands with Wilderness Characteristics. These are the Stillwater Additions and the South Job Peak areas. The BLM recognized these two areas in the draft Carson City BLM RMP. The military did not mention these Lands with Wilderness Characteristics in any of their maps or in the EIS – in fact they state there are no areas that have Lands with Wilderness Characteristics.

The entire Stillwater Range is a beautiful place. The range hosts the wild Stillwater Range and Job Peak Wilderness Study Areas, the ACEC proposals for cultural resources and Greater Sage-Grouse and the proposed Lands with Wilderness Characteristics. Collectively it seems that this is an important range that should be protected for the future.

Protecting the whole range as Wilderness would provide long-term protection for the military as well and provide a great development buffer for their operations. We understand the Navy's need to modernize their facilities but feel that rather than trying to eliminate wilderness study areas, Wilderness designation could better serve the Navy's needs by preventing encroachment and incompatible development near installations and training ranges. Wilderness status protects an area from human structures being built on it, such as wind farms, solar towers, mines and other facilities that would interfere with the military training efforts, especially light pollution which could affect night operations in the Dixie Valley Training Area.



Save the Stillwaters

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F.4.1.8.1 Response

Thank you for participating in the NEPA process. Regarding cultural resources, the Navy abides by stipulations found within the current Programmatic Agreement between Nevada State Historic Preservation Office (SHPO), BLM, and the Advisory Council on Historic Preservation (ACHP) with respect to withdrawn lands.

The Navy has completed cultural resources surveys in B-16, 17, and B-20 where there is a reasonable expectation of direct impact from the placement of targets and in construction areas. Additionally, the Navy conducted cultural resource inventories in potential target areas on B-16 and B-17 to provide some latitude for the placement of targets should there be a conflict between targets and eligible cultural properties. The Navy is consulting with Indian Tribes on the identification of any additional known cultural resources and associated potential direct and indirect impacts from the Proposed Action.

Under the withdrawal and acquisition, the Navy acknowledges that it would be restricting access to cultural resources to a considerable extent. Consistent with Executive Order 13007, *Indian Sacred Sites*, the Navy will continue to work with Indian Tribes to develop protocols for access to cultural resources through the creation of an MOU.

The Final EIS was updated with information in Section 3.11 (Cultural Resources) regarding Navy Section 106 consultation with the Nevada SHPO, ACHP, and Indian Tribes, including a discussion of the proposed amendment to the current 2011 Programmatic Agreement to establish protocols for the future management of historic properties and any MOUs with Indian Tribes in association with the Proposed Action.

The Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range “buffer” areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.

Regarding impacts to the greater sage grouse, state management plans use L_{xx} (e.g., L_{10} and L_{90}) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L_{max}), sound exposure level (SEL), the DNL, and equivalent sound level (L_{eq}) metrics to determine potential impacts. The Navy has determined that the analysis presented in the Final EIS is comprehensive and based on the best available science for assessing potential population impacts. The Navy recognizes the importance of the state management plan metrics, and therefore the Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Regarding impacts to recreation, the Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would likely result in the public shifting their recreational activities to other areas.

While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the bombing ranges, these activities could continue to occur in the DVTA and surrounding areas.

Regarding Wilderness Study Areas (WSAs), the proposed de-designation of portions of Wilderness Study Areas is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces (along with other non-hazardous training activities, such as night vision goggle training and low-altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTA, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed.

F.4.1.9 Mathias, R. (Mineral County Planning Commission)



**Fallon Range Training Complex Modernization
Environmental Impact Statement (EIS)**

Comment Form

Date: 12/16/2018

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by **Jan. 15, 2019**, for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at **www.FRTCMmodernization.com**, or by U.S. Postal Service mail to the address below.

Please Print

I do like the Alternative 3 proposal and believe we have to compromise and be able to train our military. There are significant impacts that will effect Mineral County Recreation and Economically. 50% of the land in Mineral County is owned by the Federal Government so there is not much room left for Public and Private Expansion. I would like to see the government help Mineral County in some economic areas that would help sustain Mineral County. One area would be put a Rail line in the existing bed heading south to Las Vegas

F.4.1.9.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. The analysis found that there would be no significant impact to the economy of Mineral County, but that there would be significant impacts to recreation in the Study Area. The Navy plans to adopt various measures to reduce impacts as part of the Proposed Action via items such as a Memorandum of Agreement with the Nevada Department of Wildlife for a Bighorn Sheep Hunting Program on B-17, which is currently under development. The Navy does not have the authority to fund rail lines as requested. Over the past several decades Joint Land Use Studies have assisted in preserving and protecting the lethality and readiness of our nation's military. During that time, the Navy has identified that the compatibility challenges that our military and communities face go beyond the use of land. Joint Land Use Studies can also address encroachment challenges such as spectrum interference, unmanned aerial systems, and cyber vulnerabilities. In recognition of the broader challenges faced by our military and communities the Joint Land Use Study is being rebranded as the Compatible Use Plan. State and community driven Compatible Use Plans will continue to be the primary tool to promote compatible use in order to sustain the military missions. The Navy is not authorized currently to fund emergency services in Gabbs. Following any ultimate Congressional decision, it is anticipated that the U.S. Department of Defense's Office of Economic Adjustment Program will provide technical and financial assistance to state and local governments to undertake Compatible Use and Joint Land Use Studies in response to Military Department compatibility concerns. Joint land use studies represent a planning process that promotes open, continuous dialogue among the Military, surrounding jurisdictions, and states to support long-term sustainability and operability of military missions. The last Joint Land Use Study was completed for NAS Fallon in May of 2015, and serves as a comprehensive strategic plan with specific implementation actions to address and prevent incompatible civilian development that could impair the operational utility of military missions or impact available resources (i.e., air, land, electromagnetic spectrum). Building off of the successful Office of Economic Adjustment (OEA) Federal Funding Opportunity (FFO) focused on placement of energy projects, OEA is launching a new FFO in an effort to further the Compatible Use Program. In addition to assistance with energy placement, the new FFO is expanded to allow state and local governments to request funding to assist states and communities to work with their local military installations to promote and guide civilian development and activities which are compatible and support the long-term readiness and operability of military installations, ranges, special use air space, military operation areas and military training routes. This FFO allows states and communities to nominate their installation(s) and region for compatible use efforts. OEA will maintain a concurrent annual process for the military services to nominate installations for Compatible Use Plans (see <http://oea.gov/office-economic-adjustment-announcement-federal-funding-opportunity-ffo>).

F.4.1.10 Nixon, M. (Mineral County)

February 19, 2019

MINERAL COUNTY, NEVADA

Comments on the Fallon Range Training Complex Modernization Draft Environmental Impact Statement

B-17

Mining

The areas identified in all of the alternatives will have a negative impact on Mineral County. Currently the Denton Rawhide mine is a significant source of revenue in Mineral County for net proceeds, a critical revenue source for our schools and County Government. The old mining camp of Sheelite and the Eagleville Mine area along with the Broken Hills Mine Site have significant money invested to support and develop the area. There are a number of patented mining claims in the area. We did not note in the Draft EIS how they would be mitigated monetarily, nor was there mention of the loss of revenue to Mineral County from central assessment taxes or property taxes. Mineral County is committed to protecting private property rights and private property interests including investment backed expectations. We do not agree that there would not be any significant impacts in the mining in the described areas.

All alternatives mention the relocation of State Route 839 as part of the process. It was noted that there would need to be a specific EIS for the road. We don't agree and believe that there should be a concurrent EIS dealing with the location of the road attached to and included as part of this Draft EIS. State Route 839 is a vital link to the existing mine sites and the Geothermal assets in the area. Any alternatives for a new route need to be addressed for the impact to the current activities, specifically terrain barriers and design that could limit access for heavy equipment. Failure to address the concerns could effectively close the Denton-Rawhide Mine site. Also the disruptions in the export of products from the mine that are time sensitive due to road construction etc. We do agree with the statement in the Draft EIS that there may be impacts that have yet to be defined. Any changes to the operations that result in a negative impact could significantly impact the employment rate and tax base for Mineral County.

There was no mention of the accessibility to current monitoring wells in the area both with the existing mine sites and the geothermal activities in the withdrawal areas. Restricted access could have a negative impact on the current activities and could effectively close the operations.

Water

Mineral County recognizes that water is critical for the survival of communities and the habitat for wildlife. Water rights in Nevada are a valuable resource and there are various water rights in the area that support mining and wildlife. The Draft EIS mentions water right acquisition and changes in points of diversion as solutions.

Water Law is rapidly changing in Nevada. In the past Legislative sessions there have been many bills introduced changing the way water is allocated and points of diversion are permitted. We believe that this is a significant area that needs to be addressed. The Nevada Department of Water Resources has significantly changed the way beneficial uses and extensions are filed.

There are different Ground Water Basins in the area designated for withdrawal. Are the points of diversion allowed from one basin to another? What are the impacts to the activities in the area if the water rights are lost? The trends of the Legislature and the Division of Water Resources need to be studied to insure that the loss of water rights does not happen. We believe that there is incomplete information relevant to reasonably foreseeable significant adverse impacts. The monetary value of the water rights needs to be addressed.

Grazing

We find no mention of mitigation for Federal Grazing Permit holders. What would be the specific impact to the economy of Mineral County and the permit holders as a result of loss of the permit?

Cumulative effect

Mineral County is a small County, any negative impact would influence the fund balances in the County Government. The EIS mentions only small impacts on a regional scale. Decreases in net proceeds of mines, central assessments, and personal and property taxes could be life changing in small Counties like Mineral. Mineral County would like to see a detailed cost benefit monetary analysis associated with the identified impacts specific to Mineral County. Mineral County has concerns that if the monetary component is not attached to the EIS that is submitted to congress it will not be considered in the process.

F.4.1.10.1 Response

Thank you for participating in the NEPA process. The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources). For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

With regard to existing patented mining claims, the Federal Government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary. Holders of unpatented mining claim on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

Rawhide mine would not be part of the area for withdrawal or acquisition under any of the Alternatives. A small portion of the Rawhide mineral potential area would be included in the withdrawal area under Alternative 1 and 2, however, none of it would be included under Alternative 3 (Preferred Alternative). Sheelite and Eagleville mine, if impacted by the Proposed Action, would be valued as described in the process above for mining claims, and valid and existing property rights and interests would be compensated as described.

Regarding State Route 839, while any proposed rerouting is still conceptual in nature and would be evaluated in follow-on NEPA documentation, preliminary discussions with the Nevada Department of Transportation (NDOT) indicate that NDOT would need to submit an application to BLM, or other land managers, for the rights of way (ROWs) for any proposed new road section. The BLM or other land manager would conduct follow-on, site-specific National Environmental Policy Act (NEPA) analysis of any proposed routes for such ROWs, prior to making any decision with respect to any final route. The Navy would support, fund, and participate in any such NEPA analysis. The NDOT would ensure that construction of any new route is complete before any closure of any portion of the existing State Route 839, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing State Route 839 unless and until any such new route has been completed and made available to the public. Therefore, mine operations and access to any existing mine sites and geothermal assets of Mineral County should not be interrupted by the follow-on process. Furthermore, access to monitoring wells in the area should not be impacted by this follow-on action.

As discussed in the Final EIS, the Navy recognizes the potential impact of the loss of water rights on the community. The Navy would purchase private water rights as real property. Additionally, acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority to assist water rights holders with other water rights actions (i.e. change applications).

Federal grazing is discussed in Section 3.4 (Livestock Grazing). The Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives. That information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

F.4.1.11 Olsen, P. (Churchill County)



Office of the

CHURCHILL COUNTY COMMISSIONERS

Carl Erquiaga
Pete Olsen
Bus Scharmann

February 14, 2019

Naval Facilities Engineering Command Southwest
Care of: Sara Goodwin, Project Manager
Code EV21.SG
1220 Pacific Highway
Building 1, 5th Floor
San Diego, California 92132

Via Email: sara.goodwin@navy.mil

And,

Captain David Halloran, Commanding Officer
Care of: Rob Rule and Ed Rybold
Naval Air Station Fallon
44755 Pasture Road, Building 350
Fallon, Nevada 89496

Via Email: robert.rule@navy.mil

Via Email: edmund.rybold@navy.mil

RE: Churchill County Comments to the Fallon Range Training Complex (FRTC) Modernization
Project Draft Environmental Impact Statement (DEIS)

FRTC Modernization Project Team and Captain Halloran,

Churchill County, Nevada (County) appreciates the opportunity to provide comments to this important Project and would like to thank the Navy for a 30-day extension of the DEIS comment period. The County offers this comment packet to the FRTC Modernization DEIS, in addition to its previous scoping comments dated December 1, 2016 (herby incorporated by reference). As a Cooperating Agency, County staff and representatives have been actively engaged and offered extensive input and suggestions as allowed throughout that process. As the Cooperating Agency process is conducted under a non-disclosure agreement, this is the first time since the scoping period closed that the Board of County Commissioners has been able to review and discuss the Project in a public forum with input from constituents and County residents.

The County has a long, proud history of supporting the United States Navy and its mission, as well as Naval Air Station Fallon. During the Project Scoping phase, the County indicated that it did NOT support the No Action Alternative as it may result in significant reduction of base operations. At the same time the County did NOT support the Proposed Action (now defined as Alternative 1) due to the significant negative impact on the County's custom, culture, economy, and its citizens' way of life. These positions

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Naval Facilities Engineering Command Southwest; and,
Captain David Halloran
February 14, 2019

Page 2

have NOT changed, and the County would like to strongly reiterate that it still does NOT support Alternative 1, 2 or the No Action Alternative.

During Project Scoping, the County suggested a "Limited Impact Alternative" for analysis in the DEIS, to seek a win-win whereby the Navy could operate and train in a more realistic environment with greatly reduced impacts to the County and its citizens. The County was discouraged to learn that such an Alternative was deemed to be inconsistent with the Navy's "purpose and need", and not further analyzed. This is particularly frustrating as the County had no input into development of the "purpose and need", which may have alleviated some of the below concerns much earlier in the process.

The County was pleased to see that Alternative 3 does incorporate some of the suggestions offered during scoping. Key aspects of Alternative 3 that are greatly appreciated and supported by the County, include:

- Avoidance of Simpson Road by the proposed B-16 withdrawal;
- Avoidance of the Sand Springs Range, State Highway 839, Earthquake Fault Road, Fairview Peak and Bell Mountain (partial) by the proposed B-17 withdrawal; and,
- Avoidance of East County Road by the proposed B-20 withdrawal.

During the Project Scoping Phase, it was unclear as to what would be allowed in terms of future development in the Dixie Valley Training Area (DVTA). It is now clear that many important economic development activities (geothermal exploration and development, development of the Dixie Valley Water Import Project, mineral exploration and development, renewable energy development, etc.) may be eliminated all together or significantly restricted. With this clarification, the County greatly appreciates and supports the proposal in Alternative 3 to eliminate that portion of the DVTA south of Highway 50 in lieu of a much less restrictive Special Land Management Overlay (SLMO). However, the County has significant concerns with the remaining portion of the DVTA north of Highway 50.

Also, in its scoping comments, the County suggested that any impacts that could not be avoided, should be minimized or mitigated (rectify, reduce or compensate the impact). Despite offering a host of ideas and concepts to minimize and/or mitigate impacts in its scoping comments and throughout the Cooperating Agency process, the County was disappointed in the lack of adoption and assurance of many key concepts. It was a bit concerning to see that Chapter 5 of the document specific to Management Practices, Monitoring and Mitigation Measures was only 17 pages in length given the extensive documentation of the Affected Environment and Environmental Consequences contained in Chapter 3 which is 779 pages in length. The County was also concerned to see that many of the impacts were not adequately described, quantified or reported in the DEIS despite extensive comments provided by County staff and representatives. As such, the County has attached another round of extensive, Document Specific Comments, with the hopes that these deficiencies will be addressed by the Final Environmental Impact Statement (Final EIS). The County appreciates the Navy's acknowledgement that impact analysis will be further refined, and management practices, monitoring and mitigation measures will continue to be developed. The County's concern is that the Final EIS will only allow for a 30-day review and comment period to address any outstanding issues. This is difficult to accomplish with a document of this magnitude given the volume of issues left to be resolved.

Naval Facilities Engineering Command Southwest; and,
Captain David Halloran
February 14, 2019

Page 3

While Alternative 3, the Navy Preferred Alternative, represents an improvement over the initial Proposed Action (Alternative 1) and Alternative 2, the County cannot support the Navy's Preferred Alternative at this time. Support of any Alternative will be contingent upon the following:

1. Adequate representation in the Final EIS of the impacts of the Proposed Action on County customs, culture and economy (see attached Document Specific Comments); and,
2. Adequate minimization and mitigation (rectify, reduce or compensate the impact), captured and ensured in writing, of the identified impacts.

Below are the most critical items, arranged by geographic project area, that must be addressed for the County to consider future support of the Navy's Preferred Alternative:

Items pertinent to all proposed withdrawal areas: The following items are pertinent to all proposed withdrawal areas, including both renewal and expansion areas:

- Public lands proposed for closure should be minimized to the greatest possible extent. Withdrawal areas should be reduced to match the proposed Weapons Danger Zones as close as possible, utilizing the smallest practical sectional breakdown (B-16, B-17 and B-20).
- The Navy must fairly compensate private land owners (including water rights and mineral claims) within the withdrawal areas.
 - The County is concerned by feedback received that affected private property owners may not have been contacted by the Navy to this point. The County believes it is important to contact affected private property owners prior to issuing a Final EIS and explaining the process for acquiring their Property so they can provide well-educated input to the Final EIS.
- Ranchers, specifically public land grazing permittees, must be fully compensated for the loss of Animal Unit Months (AUMs), range improvements and water rights associated with grazing permits. Funding should be provided to assist with development of new, or alteration of existing: grazing permits, grazing plans, range improvements, base property and water rights (B-16, B-17, and B-20).
- Congressional release of Wilderness Study Areas (Job Peak, Stillwater Range, and Clan Alpine Mountains) is a viable mitigation measure, supported by the County, in order to increase public lands available for multiple use, as well as providing connectivity between special designations (i.e. Wilderness Study Areas, National Wildlife Refuges) and proposed Navy withdrawals.
- Every effort should be made to maintain a similar level of access to public lands surrounding withdrawal areas for both administrative / emergency access and public use. The County strongly believes access issues should be resolved and committed to as part of this EIS process and associated legislative action rather than future NEPA processes and/or through legal action.
 - The County reserves its right to exercise RS 2477 authority via federal adjudication as necessary, to maintain access via roads established prior to enactment of the National Environmental Policy Act within proposed withdrawal areas that are proposed for closure.
- Given past and recent history with both the FRTC and Nellis Training Ranges, the County remains very concerned about the potential for increased fire starts and wildfire spreading from training areas and bombing ranges onto adjacent private and public lands. Every effort needs to be made to

Naval Facilities Engineering Command Southwest; and,
Captain David Halloran
February 14, 2019

Page 4

strengthen wildfire pre-suppression (i.e. fuel breaks, suppression plans and available apparatus), suppression (initial attack, coordination with local, state and federal teams) and post-fire rehabilitation (use of wildfire resistant plant species, including desirable non-native species, and methods to minimize flammable invasive plant species).

- The County has a similar concern with the potential for wild horses becoming established on Navy withdrawal lands. A contingency plan needs to be developed to address any trespass horses before herds spiral out of control as has been experienced in other areas of the State.

Dixie Valley Training Area: Now that the County fully understands the Navy's proposed action in terms of "limited multiple use" within the DVTa, there are a host of concerns regarding the elimination or limitation on: future rights-of-way, renewable energy projects, mining, and future connectivity (access, utility, economic development corridors) across the County. For the County to support renewal of the existing DVTa and proposed expansion proposed under Alternative 3, the following minimum items (including those items pertinent to all proposed withdrawal areas listed above) would need to be committed to by the Navy in the Final EIS and included in authorizing legislation:

1. Continued public access to the DVTa for the duration of the withdrawal must be irrevocable. The County will not support any limitation on public access to lands within the DVTa through the withdrawal legislation, through future administrative (Navy) action allowed by the withdrawal legislation, or through subsequent NEPA processes.
2. The County must be allowed to work collaboratively with the Navy to develop the Dixie Valley Water Importation Project in order to develop and maintain its water right applications and critical future community water source. A designated utility corridor along NV 121 with a written guarantee that a portion of the corridor is available for infrastructure association with the Project is extremely important to the County.

If the Navy cannot commit to the two above items, the County cannot support renewal and expansion of the DVTa. Additional items requested by the County included:

3. Permanent rights-of-way (minimum 1-mile wide), or withdrawal setbacks, should be established for future infrastructure, transportation and/or economic development along the US 50 corridor (east-west) and NV 121 (north-south). The current 90-foot wide corridor immediately west of the existing powerline is not adequate to allow for the Dixie Valley Water Importation Project and other potential projects.
4. Congressional release of the Stillwater Range, Job Peak and Clan Alpine Mountains Wilderness Study Areas (WSA), including those WSA areas located outside of the proposed DVTa withdrawal, which would provide some offset to the loss of multiple uses within the DVTa and provide for alternate corridors for future utility and economic development projects.
5. Geothermal exploration and development must be allowed within the DVTa in a manner that is economically viable, see document specific comments regarding proposed Required Design Features for future geothermal projects.
6. The withdrawal should avoid private property and public lands surrounding the Bench Creek Ranch. Other private lands within the DVTa should be provided the option to stay in private ownership under a conservation easement that is consistent with the Navy's mission rather than requiring sale to the Navy.

Naval Facilities Engineering Command Southwest; and,
Captain David Halloran
February 14, 2019

Page 5

If the Navy cannot support the above three items, then the County would not support the current DVTA withdrawal area. In this case, the County would advocate for a smaller DVTA along the lines of that proposed by Governor Sandoval as part of the Nevada Alternative. Specifically, eliminating the northwest and southeast portion of the DVTA withdrawal where the majority of the current and potential future land uses exist.

Bravo 20: The County supports exclusion of East County Road from Alternative 3 yet remains concerned about eliminating public access to the southeastern slope of the West Humboldt Range, as well as a portion of the Fallon National Wildlife Refuge. See attached mapping for suggested revisions to proposed withdrawal. In order for the County to support the proposed B-20 expansion proposed under Alternative 3, the following minimum items (including those items pertinent to all proposed withdrawal areas listed above) would need to be committed to by the Navy in the Final EIS and included in authorizing legislation:

1. Pole Line Road should be relocated along the northern boundary of B-20 near the toe of the West Humboldt Range and left open for public access from US 95 to Wild Horse Pass at the Pershing County Line. The County believes this could be accomplished in combination with target consolidation and a smaller withdrawal area that more closely matches a reduced and/or shifted weapons danger zone.
2. The withdrawal area should not include any portion of the Fallon National Wildlife Refuge.
3. Release of the Stillwater and Job Peak WSAs would provide some offset to the loss of multiple uses within B-20 and provide for alternate corridors for future utility and economic development projects.

Bravo 17: The County supports exclusion of the Sand Springs Range, SR 839, east Fairview Peak, Earthquake Fault Road and Bell Mountain (partially) from Alternative 3 yet remains concerned about eliminating public access and multiple use in areas within the B-17 withdrawal area. In order for the County to support the proposed B-17 expansion proposed under Alternative 3, the following minimum items (including those items pertinent to all proposed withdrawal areas listed above) would need to be committed to by the Navy in the Final EIS and included in authorizing legislation:

1. Controlled access should be expanded to the greatest practical extent to allow for additional dispersed recreation (other big game hunts, upland game hunting, hiking, etc.) in designated safety zones when ranges are closed (Sundays, Holiday's, etc.) under terms similar to those proposed for the 'controlled' bighorn sheep hunt.

Bravo 16: The County supports exclusion of Simpson Road from Alternative 3 yet remains concerned about eliminating public access to popular recreation areas between Fallon and Lahontan State Recreation Area. The County is concerned with proposed weapons danger zones being located immediately adjacent to private property (northwest corner) and use of Lone Tree Road for Navy access through a rural residential neighborhood. The County is also concerned with the potential effect on flood alleviation as well as limiting options for the future Interstate-11, Corridor B-2. See attached mapping for suggested revisions to proposed withdrawal. In order for the County to support the proposed B-16 expansion proposed under Alternative 3, the following minimum items (including those items pertinent to all proposed withdrawal areas listed above) would need to be committed to by the Navy in the Final EIS and included in authorizing legislation:

Naval Facilities Engineering Command Southwest; and,
Captain David Halloran
February 14, 2019

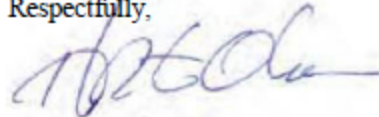
Page 6

1. The withdrawal area should be shrunk to better match the proposed weapons danger zone, and Sand Canyon / Red Mountain Road should be relocated (utilizing existing roads where present) along the northern and western boundary of the withdrawal; OR,
 - a. Further reduce the withdrawal area to leave existing roads open in order to provide continued connectivity on public lands around the northern and western boundary.
2. Avoid utilizing Lone Tree Road for access to the B-16 training area; OR,
 - a. Reconstruct to ensure proper design for safety and loading of Navy equipment.
3. Ensure that the current and proposed withdrawal will have no limitation on use of the area for emergency flood control.
4. In coordination with the Nevada Department of Transportation, ensure an adequate corridor between private property and the northeast corner of the B-16 withdrawal exists to accommodate the future Interstate 11, B-2 Corridor.

Even if all the above items were implemented, the County will still experience significant impacts to its customs, culture and economy. The County views these impacts as permanent and irreversible, given that the Navy cannot commit to reopening most withdrawn lands after the term of the withdrawal has expired due to impacts from its operations. The County believes it has provided a list of reasonable considerations to further minimize impacts to the County and its citizens that still allow the Navy to train in a more realistic environment. Additional suggestions for management, monitoring and mitigation are included in the Document Specific Comments attached under Comments to Chapter 5 (see pages 106-123).

The County remains committed to continuing to work with the Navy, State of Nevada, and the Nevada Congressional Delegation to ensure that this project results in a win-win for Churchill County, Nevada and the Navy. Once again, the County appreciates the improved level of information provided in the DEIS and the analysis of Alternative 3, but the County firmly believes that more work is warranted before the Navy and Congress can make a final decision that is in the best interest of all parties.

Respectfully,

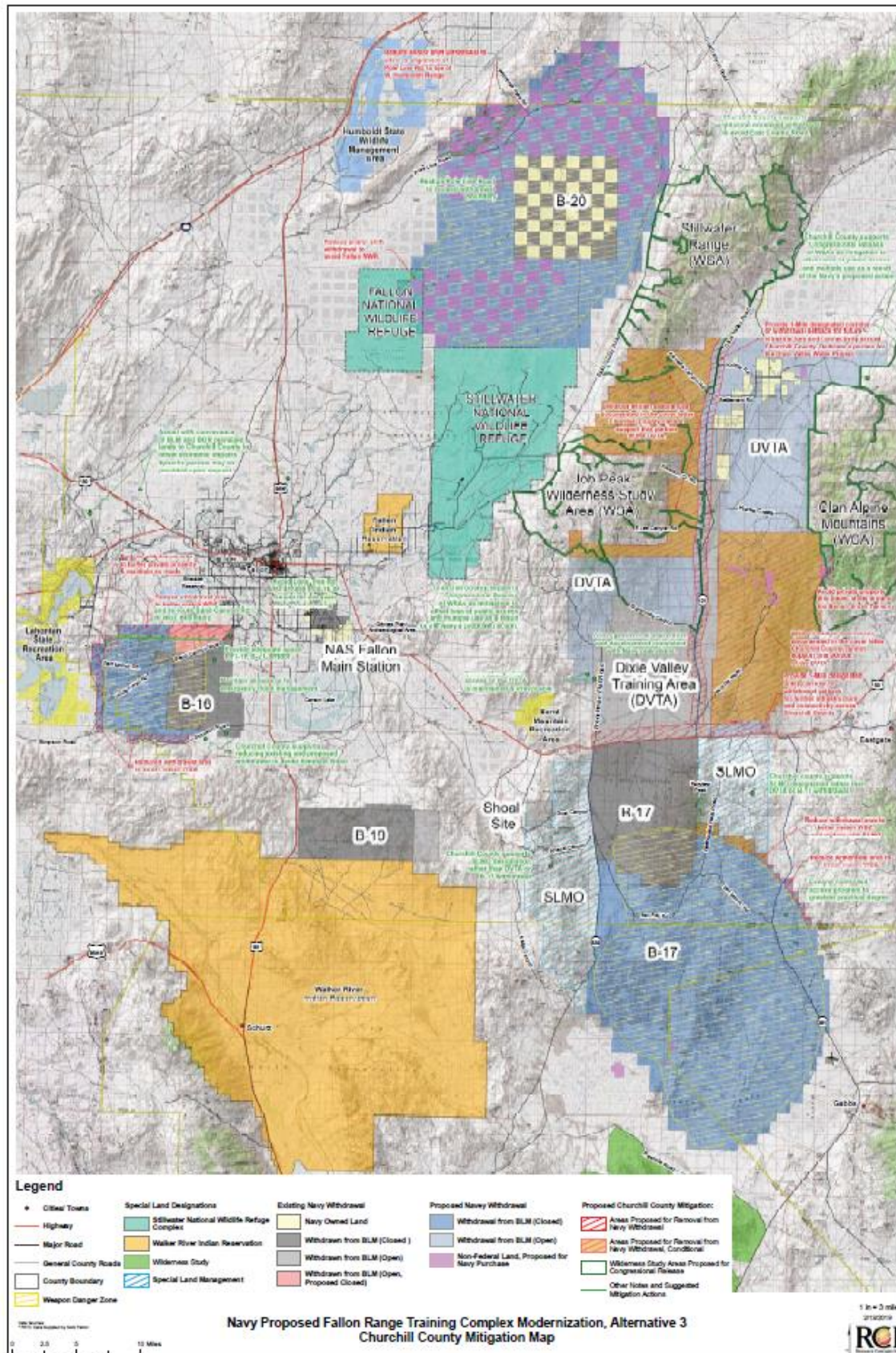


Pete Olsen, Chair
Churchill County Board of Commissioners

PO/jb/jld

Attachments: Navy Proposed FRTC Modernization, Alternative 3, Churchill County Mitigation Map
Document Specific Comments

cc: Governor Steve Sisolak
Nevada Congressional Delegation
Nevada Association of Counties



F.4.1.11.1 Response

Thank you for your comments and participation in the NEPA process. The Navy appreciates your input as a Cooperating Agency and understands the positions taken on the No Action Alternative, Alternative 1 and Alternative 2 from this comment. The Navy would refer the County to the responses provided previously to scoping comments referenced in this comment.

The Navy acknowledged the suggestion of the “Limited Impact Alternative,” and incorporated components (as described in the bullet points of this comment) of it that were consistent with the Navy’s purpose and need for the Proposed Action into Alternative 3 (Preferred Alternative). The Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary for the Navy to meet training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy acknowledges that complying with required design features could add cost to a potential geothermal development; however, the Navy is committed to working with the developer on a case-by-case basis. This is addressed in Section 3.3 (Mining and Mineral Resources). Solar energy could potentially be developed in these areas in the future as well, depending on the ability of the solar facilities to reduce the glint and glare of the structures to acceptable standards for training to occur concurrently with the renewable energy. Wind would not be a possibility in the DVTA due to constraints of structure height for training requirements; however, in the Special Land Management Overlay, wind energy development may be possible pending a review of the Proposed Project. Water development in the DVTA would be subject to required design features as negotiated with the Navy prior to initiation of development. The Navy, however, would handle requests for development on a case by case basis.

The Navy is allowing salable and some leasable mining activities to occur in the Dixie Valley Training Area under Alternative 2 and 3 if they follow required design features; however, the Navy cannot accommodate locatable mining activities in the DVTA due to restrictions in authorities set forth in the Mining Law of 1872.

In regard to the mitigation in the EIS and the length of the Chapter overall (Chapter 5 [Management Practices, Monitoring, and Mitigation]), the Navy has updated this chapter to reflect suggestions received during the development of the Draft and Final EIS and has given the Navy’s response to these suggestions; whether that response was that the suggestion was adopted as part of the Proposed Action, adopted as a management practice, monitoring, or mitigation measure, or if the suggestion was not adopted.

With respect to the request for adequate representation of the impacts of the Proposed Action on County customs, culture, and the economy, the Navy has revised the Socioeconomics section to include discussion of this topic (see Section 3.13 [Socioeconomic Resources]).

Regarding the items pertinent to all proposed withdrawal areas, please see the Navy’s responses to these items below.

The Navy acknowledges the significance of the potential impacts and instead revised its proposal to only include the minimum 180-degree requirement for realistic training events; and reduced the size of the overall area requested and proposed for withdrawal, to the extent consistent with mission requirements. The Navy added a figure in Chapter 2 of the Final EIS that illustrates the proposed

withdrawal and requested acquisition lands included in the Draft EIS and highlights additional reductions that have been made to the proposed withdrawal and requested acquisition lands between the Draft and Final EIS under Alternative 3 (see Table 2-6 of the Final EIS).

The Navy is not proposing to contact private property owners until after any ultimate Congressional decision. The process for negotiating the acquisition of particular private property interests is separate from the environmental impacts analysis conducted under NEPA. Affected private landowners would receive just compensation for loss of any privately-owned land and all compensable rights associated with that land acquired by the United States. Claim holders for mining and water would be compensated as described in Section 3.3 (Mining and Mineral Resources) and Section 3.9 (Water Resources).

The Navy would make payments to federal grazing permit holders for losses as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes (43 U.S. Code section 315q of the Taylor Grazing Act of 1934, as amended). The Final EIS, specifically Section 3.4.3.2.6 (Process for Determining Payment Amounts for Losses Resulting from Permit Cancellation), describes the Navy's proposed valuation process to determine payment amounts to each affected grazing permit holder for losses resulting from cancellation of their permits.

The proposed de-designation of portions of Wilderness Study Areas is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces (along with other non-hazardous training activities, such as night vision goggle training and low-altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTA, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed. This de-designation would not alter the availability of the land for use by recreationalists.

The Navy is not proposing to impact public lands surrounding the withdrawal areas, or the access to them for both administrative / emergency access or public use.

The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.

The Navy has and would continue to implement operational and administrative controls to reduce wildfires. The Navy is developing a Wildland Fire Management Plan (which would include post-fire management) and, where possible, proposed plan elements and goals are included in the Final EIS. A Draft Outline of the Wildland Fire Management Plan can be found in Appendix D (Memoranda, Agreements, and Plans). For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

Regarding wild horse management, a portion of the northern B-20 overlaps the Humboldt BLM herd area. The BLM would continue to manage the majority of the Humboldt herd area and the Navy's withdrawal of that portion of the area would not result in significant impacts to that population. The other overlapping areas occur in the Dixie Valley Training Area, which would continue to be managed by the BLM. Therefore, the Navy is not proposing to create a contingency plan as described in the comment as the herds would continue to be appropriately managed.

Regarding the County's comments on the DVTa, access to the DVTa for management actions would be allowed under Alternative 3. Public access to the DVTa is proposed under all Alternatives. Water development in the DVTa would be subject to required design features as negotiated with the Navy prior to initiation of development. The Navy, however, would handle requests for development on a case by case basis. Therefore, the Navy would work with the County on the Dixie Valley Water Importation Project.

Additional items requested by the County are addressed in Chapter 5 (Management Practices, Monitoring, and Mitigation). To summarize, the Navy cannot provide permanent rights of way as requested in this comment, as they would not be compatible with training needs. The Navy is not proposing to release WSA areas outside of the proposed withdrawal. Required design features are necessary for geothermal exploration and development in the DVTa in order to maintain the training environment and safety of all participants. The Navy is proposing to acquire private lands in the DVTa.

Regarding B-20 comments, the Navy is not proposing to re-locate Pole Line Road. The public would be able to access areas east of B-20 and north of B-20 via the East County Road. The Navy reduced the withdrawal under Alternative 3 from 3,200 acres to 2,720 acres, however the Navy cannot reduce it further due to public health and safety concerns.

The Navy does not have the authority to designate or release WSAs. The Navy would request the sections of the WSAs that overlap with the withdrawal areas be removed from designation by Congress. The Navy is not proposing to remove the entire designated WSA areas.

Regarding the County's comments on B-17, currently, the Navy is only proposing a hunting program for bighorn sheep on the B-17 range. The Navy would work with NDOW on an annual basis to assess whether or not other hunts could be added to the area in the future.

Regarding the County's comment on B-16, The Navy is not proposing to re-route Sand Canyon Rd. around the northern perimeter of B-16. Such a re-routing is problematic in that it must cross the overflow discharge path of Sheckler Reservoir which experiences recurring major washouts (some as deep as 10 feet). Constructing a road compliant with local county standards is quite costly and would require significant engineering resources to properly design and construct. It is the Navy's opinion that existing roads and trails can provide alternate access along the northern and eastern side of the proposed B-16 withdrawal area for incidental traffic. The Navy is not proposing to reduce the withdrawal area for that side of B-16.

Due to the Navy's usage of Lone Tree Road, the Navy is proposing, for public safety purposes, to reconstruct and maintain Lone Tree Road. The Navy would seek funding from Congress to pay for reconstruction of the road through the military construction program. The Navy will submit a Needs Report to the Surface Deployment and Distribution Command requesting authority to utilize funding

through the Defense Access Roads program. If approved, the Navy would coordinate construction execution through the Federal Highway Administration. Funds received would be used by the Federal Highway Administration, in cooperation with the Nevada Department of Transportation, to plan, design, and construct the road segment. The Navy would coordinate with NDOT during each of these phases. Such proposed rerouting would be subject to follow-on NEPA analysis. NEPA documentation would be completed by the Federal Highway Administration prior to any road construction. The Navy would support, fund, and participate in any such NEPA analysis

The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes on B-16. The Navy would work with the Nevada Department of Transportation as necessary in regard to any proposed I-11 corridor.

Your specific line by line comments are addressed individually in the sub-matrix that follows this comment in Table F-6. Additionally, the mitigation chapter of the Final EIS has been amended from the Draft EIS to include all suggestions for "mitigation" by resource section and indicates whether a suggestion was incorporated into the proposed action (this would not be considered a "mitigation"), included as a mitigation or management practice, or not included. If the suggested was not included, the reasoning and criteria used for elimination is presented.

Table F-6: Churchill County Sub-Matrix Comments and Responses

Page	Section / Paragraph	Draft EIS Text	Comment	Response
General	Executive Summary		Due to the evolving nature of this DEIS, and volume of information presented, Churchill County reserves the right to amend, supplement or otherwise revise its comments.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
General	Executive Summary		Churchill County has requested a clarification on several occasions as to how the proposed withdrawal will affect or interplay with the Carson City District BLM's Draft Resource Management Plan. It is unclear where this information should be presented, but it is of critical importance to the County and other stakeholders who have invested much time and effort into development of the RMP that will ultimately dictate management of remaining BLM-managed lands in the County.	The BLM's RMP will need to be revised following the completion of the Navy's EIS process. The Navy is proposing to assist the BLM in this revision.
3.8-8	3.8.2.1 Existing Air Pollutant Emissions from Fallon Range Training Complex Activities	Training exercises could induce burning from explosions. Although target areas would be constructed to not burn, there is potential for areas around target areas to burn. Any fires started by training activities would be managed by the Navy.	What about training exercises that include chaff and/or flares? The Navy should include a table and/or map that show fire history in the FRTC over the duration of the most recent withdrawal.	The Navy has inserted the use of chaff and flares as potential fire inducers. The Navy does not have a record of fires that have occurred on the ranges, but in the Public Health and Safety section of this EIS (Section 3.14) there is a map (see Figure 3.14-1) that displays fire potentials across the Study Area.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-43	2.3.4.3.2 Bravo 20: Public Accessibility	However, the B-20 Navy Access Road (known locally as Pole Line Road) would be closed to public access.	<p>The County does not support closure of Pole Line Road. The County suggests modifying the withdrawal area and relocating Pole Line Road north to the boundary of the withdrawal area at the toe of the West Humboldt Range, ultimately connecting to Wild Horse Pass Road at the Pershing County line.</p> <p>The County believes this road is important for administrative and emergency access, but also for public access to the West Humboldt Range which is popular for dispersed recreation and steeped in cultural importance.</p>	As described in Chapter 2 of the Final EIS, the Navy looked at alternate configurations of individual ranges. Due to training requirements and screening requirements, the suggestion of leaving Pole Line Road open to the public is not compatible with the purpose and need of the Navy's Proposed Action. If administrative an access is required, the Navy will work on a case-by-case basis to coordinate management access.
1-1	1.1 Introduction / Bullets 1 & 2	<p>To configure the FRTC bombing ranges to meet modern training requirements, the Navy proposes the following actions:</p> <ul style="list-style-type: none"> • Congressional renewal of the 1999 Public Land Withdrawal of 202,864 acres, which is scheduled to expire in November 2021; • withdrawal and reservation by Congress for military use of approximately 618,727 acres of additional public land; 	The Navy needs to clarify what term (duration) the two proposed withdrawal actions will be for. The "Ninety Days to Combat" document states 2015 – 2035, but there is little information in the DEIS in terms of what the Navy is going to recommend for a term on the proposed withdrawal of public lands. This needs to be made clear and disclosed.	The Navy plans to request the acquisition and withdrawal for a period of 25 years. This time-period clarification has been incorporated into Section 1.1 the Final EIS.
1-1	1.1 / 3	With the implementation of the proposed modernization, the FRTC would be capable of supporting the aviation and ground training and readiness requirements for the training missions assigned to the FRTC, into the foreseeable future.	What is the foreseeable future? Later in the document, the Navy states that the proposed action cannot meet the full TTP requirements given today's weapons and technology and further states that it already utilizes weapons and systems with larger ranges. Does the Navy anticipate the need for further withdrawal proposals in the next 5, 10, 15, 20 years? ...	The Navy plans to request the acquisition and withdrawal for a period of 25 years. This time-period clarification has been incorporated into Section 1.1 of the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) The Navy must be more transparent about the need for potential future expansion than it was in the 2015 EIS process.	
1-3	Table 1-1; footnote	As a result of numerous land surveys by the BLM since 1999, this number does not match the acreage values as described in PL 106-65.	Could the Navy please clarify what this difference is in terms of acres. This may explain some of the inconsistency in mapping, and a map that shows these differences may help alleviate some of the confusion. For instance, is the Navy proposing to renew the acreage in PL 106-65, or the actual on the ground area?	Public Law 106-65 signed, which withdrew approximately 201,933 acres of land for military use for a 20-year term. Land was withdrawn for B 16 (27,253 acres), B-17 (52,830 acres), B-19 (29,276 acres), B-20 (21,577 acres), the DVTA (68,437 acres), and the Shoal Site (2,560 acres). This number does not match the acreage values as described in the BLM segregation package (and land acreage tables within this EIS) as a result of numerous map revisions and land surveys by the BLM since 1999. This information is presented in a callout box two pages following Table 1-1. The information in Table 1-1 is the most recent information based on updated surveys, maps, and mapping capabilities.
1-5	Shadow Box: History of the FRTC	1986 Public Law 99-606 enacted, withdrew 21,576 acres for use of B-20 for training	Please state the term (duration) of this withdrawal.	The recommended clarification has been incorporated into the detail history box in Chapter 1 of the Final EIS. The term of this particular Public Law was 15 years.
1-7	1.3 Background / Bullets 2,4 and 5	<p>Small portions of B-19 are accessible to the public under the terms of the 1999 Military Lands Withdrawal Act.</p> <p>The majority of the DVTA is accessible to the public under the terms of the 1999 Military Lands Withdrawal Act.</p> <p>The Shoal Site is accessible to the public under the terms of the 1999 Military Lands Withdrawal Act.</p>	Are any of these terms dictating public access proposed for change? The Navy should clearly indicate if they will be seeking changes to these terms here.	B-19 and the Shoal site are not part of the Navy's Proposed Action. This is now explicitly stated in the Executive Summary and Chapter 2, where the Proposed Action is described in full.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-9	1.4 Purpose of and Need for the Proposed Action	<p>The overarching purpose of any military force is to be able to successfully conduct combat operations in support of national policy and security objectives. To accomplish this purpose, the military force must train regularly and with sufficient realism. The purpose of the Proposed Action, therefore, is to provide sustainable and modernized airspace, range, maneuver areas, training facilities, and range infrastructure and resources. This will support acceptably realistic air warfare training activities as well as special operations ground training activities in order to meet emergent and future threats. These activities are prescribed by NAWDC, and other Naval Warfare authorities, such as the Naval Special Warfare Command.</p> <p>Current range configurations do not support realistic training as identified in Ninety Days to Combat.</p>	<p>The terms “sufficient” and “acceptably” reasonable training are nebulous and confusing. The Navy has indicated that land constraints are such that it cannot meet full tactics, techniques, and procedures but the proposed action meets the bar of providing “acceptable” realism, so at what point in time will the acceptable level of “realism” change requiring further FRTC modifications?</p>	<p>While the Navy's Proposed Action and request for withdrawal and acquisition is for a term of 25 years, the Navy constantly evaluates its warfighting tactics, techniques, and procedures for their effectiveness against changing threats worldwide. As new weapons systems are developed and introduced to the Fleet and tactics updated to successfully employ these weapons systems, training requirements also change. Changes to training requirements can, in turn, drive the need to expand or modify training ranges.</p>
1-11	1.5 Training Needs and the Capabilities Evaluation Process	<p>The Navy evaluated the identified training capability gaps against the real-world constraints (e.g., regional roadways, commercial airspace, population centers) of meeting all TTP requirements. To fully meet the requirements would require a prohibitively large area, approximately double the amount of land as proposed in this EIS (see Section 1.5.2, Airspace Training Need versus Current Range Capability). This evaluation resulted in the development of modified range tactical requirements that would support TTP training requirements to approach full TTP specifications. Even though not all requirements are met, TTP could still achieve an acceptable level of training capabilities. Concurrently, NAWDC worked with Naval Special Warfare to identify ...</p>	<p>As a close partner with the Navy for many years, the County has been frustrated by this process; whereby the Navy identified “real-world constraints” in order to develop modified tactical requirements without any consultation with its partners.</p> <p>When asked to develop scoping comments and “proposed alternatives” the County, and the public, did not have access to the Ninety Days to Combat document. Yet the alternatives provided were ...</p>	<p>The 90-Days to Combat identifies the required warfighting capabilities for naval aviation and Naval Special Warfare and describes the current capability of NAWDC and the FRTC to support those requirements. It compares the current range capabilities against what would be needed to be able to fully train to Navy Doctrine Tactics, Techniques, and Procedures (TTP). These TTP are informed by current policies, available resources, current strategy and campaign concepts, threats, lessons learned, fielded or emerging technologies, ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		<p>(continued) similar gaps and actions that would support ground mobility training requirements that acceptably approach the full TTP, as TTPs for Naval Special Warfare activities also cannot fully be met at FRTC in its current configuration (see Section 1.5.3, Ground Mobility Training Need versus Current Range Capability).</p> <p>In summary, current FRTC training capabilities do not, and will not, meet future and emergent needs of the Fleet and Unified Combatant Commands with the FRTC's current configuration. The current capabilities are so constrained that they limit the overall quality of the training provided. The Navy's Proposed Action to modernize the FRTC would close training capability gaps to tactically acceptable levels but would still not achieve full TTP compliance because that would require land and airspace approximately double what is being requested. The sections below present the comparisons of training needs against the current capabilities of the FRTC.</p>	<p>(continued) "screened" through the lens of needing to meet the tactical requirements or some nebulous portion of that which meets an "acceptable level of training capabilities".</p> <p>While the County has had the benefit of the Cooperating Agency process to better understand this, the public has not. The County still has remaining questions in terms of which modifications meet "acceptable levels of training capabilities" that were set prior to its involvement in the process.</p> <p>In the end, the County is left with attempting to identify the critical "real world constraints" that were either not identified or not deemed important enough to consider in the Navy's initial internal process in hopes of achieving modifications that meet a standard that remains unclear. The only other recourse the County has at this point is to suggest mitigation options that the Navy has been reluctant to include thus far.</p> <p>Once again, this process has been extremely frustrating and cumbersome to an entity that considers itself to be a partner with the Navy.</p>	<p>(continued) and threat tactics and procedures. Finally, it identifies FRTC land and airspace capability gaps that inhibit the ability to train aircrew and Special Forces to a tactically acceptable level of combat capability prior to deployment.</p> <p>The Draft EIS document indicated that regional roadways, commercial airspace, and population centers were some examples of constraints that the Navy used to initially (before proposing ANY withdrawal) screen the potential for a full modernization of the FRTC range. Because of the size that would be required to fully meet the requirements, the Navy determined that requesting over 1.6 million acres of land would be far more impactful and complicated than modifying the TTP to be able to achieve realistic, but somewhat limited, training. The 90-Days to Combat document fully details the limitations of the existing FRTC as well as the requirements that would be required in order to fully meet the Navy's mission. This document has been made available on the FRTC Modernization website at: https://frtcmmodernization.com/Public-Involvement/Public-Information/Public-Informational-Materials.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-17	1.5.2 Airspace Training Needs versus Current Range Capability	Achieving this size of SUA at the FRTC is unlikely due to heavily used commercial routes that surround the FRTC airspace and general civilian aviation using the National Airspace System in the western United States. Regional airspace surrounding the FRTC, and including the FRTC when the SUA is not active, is administered and controlled by Air Route Traffic Control Centers in Oakland, CA for the western FRTC airspace and Salt Lake City, UT for the eastern airspace. Accordingly, NAWDC, in developing the FRTC airspace component of the Proposed Action during meetings with FAA in 2016, 2017, and 2018, configured airspace training scenarios to conform to the National Airspace System limitations, reduced weapons release parameters by modifying Navy requirements for restricted airspace associated with the bombing ranges, and modified the supersonic capability requirement. While not a perfect solution, the Navy deemed this configuration tactically acceptable because the Navy would still be able to train to scenarios of advanced combat TTP.	This raises the question as to how long the “imperfect solution” will be acceptable in the face of rapidly evolving technology.	While the Navy's Proposed Action and request for withdrawal and acquisition is for a term of 25 years, the Navy constantly evaluates its warfighting tactics, techniques, and procedures for their effectiveness against changing threats worldwide. As new weapons systems are developed and introduced to the Fleet and tactics updated to successfully employ these weapons systems, training requirements also change. Changes to training requirements can, in turn, drive the need to expand or modify training ranges.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-21	1.6 Scope of Environmental Analysis / 1	Only those alternatives determined by the Navy to be reasonable and that meet the purpose and need of the proposal require detailed analysis (See 40 CFR section 1502.14.). Reasonable alternatives are those that meet the purpose and need, meet screening factors, and are practical or feasible from a technical and economic standpoint.	See comment to Page 1-11.	The Draft EIS document indicated that regional roadways, commercial airspace, and population centers were some examples of constraints that the Navy used to initially (before proposing ANY withdrawal) screen the potential for a full modernization of the FRTC range. Because of the size that would be required to fully meet the requirements, the Navy determined that requesting over 1.6 million acres of land would be far more impactful and complicated than modifying the TTP to be able to achieve realistic, but somewhat limited, training. The 90-Days to Combat document fully details the limitations of the existing FRTC as well as the requirements that would be required in order to fully meet the Navy's mission. This document has been made available on the FRTC Modernization website at: https://frtcmodernization.com/Public-Involvement/Public-Information/Public-Informational-Materials .
1-22	1.6 Scope of Environmental Analysis / 3	Because some topics may affect multiple resources, several sections may address the same resources. For example, infrastructure (defined in this EIS as physical and organizational structures and facilities, such as buildings, roads, and power supplies), as it relates to removing or relocating utilities, is discussed in the transportation, air quality, socioeconomics, and environmental justice sections.	Infrastructure needs to also be addressed in the "land use" section given the requirement for rights-of-way.	The Land use section primarily describes land management, rather than the use of the land. Those uses of the resource are described in component sections throughout Chapter 3. Rights of Way as they relate to water infrastructure, transportation, and geothermal development are addressed in Sections 3.8 (Water Resources), 3.5 (Transportation, and 3.3 (Mining and Mineral Resources)

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-23 and 24	1.6 / Table 1-4	N/A	<p>There are two important items to Churchill County that do not appear in the table: water rights and geothermal exploration and development.</p> <p>Water and mining resources do not function as blanket terms for those two activities. The County requests adding those two items in the appropriate sections as (including water rights) and (including geothermal exploration and development). This way, it is clear to stakeholders and the public where those two activities and existing rights are being analyzed.</p>	The table has been revised with a footnote indicating that water rights and geothermal development are being analyzed in water resources and mining and minerals resources, respectively.
1-29	1.6.1 Methodology / #2	Review existing federal and state regulations and standards relevant to resource-specific management or protection.	"Local" should be added to the list of federal and state laws, regulations, policies, etc.	This has been noted in the Final EIS
1-33	1.8 Relevant Laws, Regulations and Policies / 3	The Final EIS will include a complete set of all substantive comments received on the Draft EIS and the Navy's responses to such comments. Response to public comments may also take other forms, including correction of data, clarifications of and modifications to analytical approaches, and inclusion of additional data or analysis. A 30-day waiting period will follow the issuance of the Final EIS. The Navy will sign a ROD after consideration of the Final EIS and public comments.	Given the magnitude of this proposed project, amount of information contained in the Draft EIS and potential for significant changes between the Draft EIS and the Final EIS, a 30-day window is too short. Particularly for the interested public who don't have the benefit of the Cooperating Agency process.	Per NEPA regulations and OPNAV 5090.1D, 10-3.26f, Action proponents shall not take any action that would cause or result in significant harm to the environment or limit choice among reasonable alternatives until a decision document is signed for the Final EIS. No decision may be made until the later of 90-calendar days after the Draft EIS has been made available and notice thereof published in the Federal Register, or a 30-calendar day wait period after the Final EIS has been made available and notice thereof published in the Federal Register.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-33	1.8 Relevant Laws, Regulations and Policies / 5	Private land owners would receive just compensation for any loss of privately-owned land acquired by the United States, to be determined by calculating the fair market value of parcels in accordance with federal appraisal rules codified in the Uniform Appraisal Standards for Federal Land Acquisitions.	The Navy must fairly compensate private land owners (including water rights and mineral claims) within the withdrawal areas. The County is concerned by feedback received that affected private property owners may not have been contacted by the Navy to this point. The County believes it is important to contact affected private property owners prior to issuing a Final EIS and explaining the process for acquiring their Property so they can provide well-educated input to the Final EIS.	<p>The Navy has added the procedures and process for the appraisal and evaluation of water rights in the lands proposed for acquisition or requested for withdrawal. The Navy will handle appraisals on a case-by-case basis in the process, and certain options would be available to water rights holders. The Navy will purchase water rights at fair market value.</p> <p>Also, outreach efforts have included postcards, meetings, newspaper articles, website, and information available at regional libraries. The Navy welcomes all to submit their information so that they can be included in future mailings and notified of updates.</p>
1-33	1.8 Relevant Laws, Regulations and Policies / 5	Further, the Navy has authority under 43 U.S.C. section 315q of the Taylor Grazing Act of 1934, as amended, to make payments to federal grazing permit holders for losses suffered by the permit holders as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes.	Ranchers, specifically public land grazing permittees, must be fully compensated for the loss of Animal Unit Months (AUMs), range improvements and water rights associated with grazing permits. Funding should be provided to assist with development of new, or alteration of existing: grazing permits, grazing plans, range improvements and water rights (B-16, B-17, and B-20).	The Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-34	1.8 Relevant Laws, Regulations and Policies / 1	<p>The EIS acknowledges these projected costs and/or analyzes the environmental impacts associated with them; however, the actual funding for these costs would be provided outside the EIS and the Navy's NEPA process, as part of any legislative authorization of the proposed action subsequent to issuance of a Navy ROD.</p> <p>The NDAA, MCON and DoDAA are annual legislative actions. The overall proposed land withdrawal is projected to be included as part of the NDAA for Fiscal Year (FY) 2021. Funding for the proposed acquisition of non-federal property (to include compensable water rights) and for any payments under 43 U.S.C. section 315q is projected for MCON FY 2021. Funding for range and environmental management is projected for DoDAA FY 2021 and subsequent years.</p>	<p>This process is concerning to the County and speaks to the need to avoid and minimize project impacts to the greatest possible degree, since it appears that funding for most mitigation (compensation, rectify, management, etc.) isn't assured from year to year.</p>	<p>The processes that are listed here are the processes that the Navy must follow in order to adequately plan and fund projects. Not just at the FRTC, but across the entire military.</p>
General	General		<p>General Comment: More information and mapping are needed for current and proposed training activities in the Dixie Valley Training Area. Later chapters and sections discuss expansion of training activity location and there is no information to compare current training types and locations versus expanded training types and locations. Please provide two figures that clearly show the current and proposed training areas for all major activities in the DVTA.</p>	<p>Chapter 2 of the Final EIS presents a table which describes both training activities and the locations that the activities are located in. The training activities that are listed for existing ranges will remain the same, but are proposed to use the additional areas that have been requested for withdrawal or proposed for acquisition.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-1	2.1 Proposed Action / 3	However, once an alternative is chosen for implementation, the Navy will strive to minimize the actual withdrawal/acquisition acreage with a goal to track the actual boundary of the WDZ/SDZ and non-live fire training area while considering terrain features and individual parcel characteristics. The Final EIS will contain more refined boundary locations and acreage figures.	The County supports reducing the overall withdrawal area to better match WDZ, and suggests that this adjustment does need to be included in the Final EIS.	The Navy has reduced the area being requested for withdrawal or acquisition under Alternative 3 of the EIS. A new figure has been developed for B-17 and B-20 presenting the changes between the Draft EIS and the Final EIS.
2-1	2.2 Screening Factors / Bullet 1	Provide a realistic training environment that meets tactically acceptable parameters.	See comments to Chapter 1 regarding the County's frustration with the process, and confusion regarding the difference between "realistic training" and "tactically acceptable parameters".	The 90-Days to Combat identifies the required warfighting capabilities for naval aviation and Naval Special Warfare and describes the current capability of NAWDC and the FRTC to support those requirements. It compares the current range capabilities against what would be needed to be able to fully train to Navy Doctrine Tactics, Techniques, and Procedures (TTP). These TTP are informed by current policies, available resources, current strategy and campaign concepts, threats, lessons learned, fielded or emerging technologies, and threat tactics and procedures. Finally, it identifies FRTC land and airspace capability gaps that inhibit the ability to train aircrew and Special Forces to a tactically acceptable level of combat capability prior to deployment...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-1	2.2 Screening Factors / Bullet 1			(continued) The Draft EIS document indicated that regional roadways, commercial airspace, and population centers were some examples of constraints that the Navy used to initially (before proposing ANY withdrawal) screen the potential for a full modernization of the FRTC range. Because of the size that would be required to fully meet the requirements, the Navy determined that requesting over 1.6 million acres of land would be far more impactful and complicated than modifying the TTP to be able to achieve realistic, but somewhat limited, training. The 90-Days to Combat document fully details the limitations of the existing FRTC as well as the requirements that would be required in order to fully meet the Navy's mission. This document has been made available on the FRTC Modernization website at: https://frtcmodernization.com/Public-Involvement/Public-Information/Public-Informational-Materials .
2-2	2.2 Screening Factors / 1	The Navy also considered terrain features (e.g., mountains), existing civilian infrastructure (e.g., highways), known environmental concerns, and the concerns of local and regional populations in developing potential alternatives.	The County believes that by not reaching out to cooperators early in the process (development of the purpose and need), the Navy may have missed important screening factors such as: private property (water rights), important access points and roads, recreational areas and public land uses critical to the customs, culture and economy of the County. As such, the initial Proposed Action created unacceptable impacts to the County. While Alternative 3 is an improvement, due to extensive Cooperating Agency input, there are still a host of impacts that don't meet the screening parameters that were met prior to cooperator involvement.	The approach that the Navy took was exactly for that reason. The Navy requested input (following the initial NOI and public scoping period) from Cooperating Agencies and the public for their input on potential alternatives to the NOI's Proposed Actions (that would still meet the Navy's purpose and need, as well as screening criteria). By issuing the NOI with only a single Proposed Action, the Navy planned for public and cooperating agency concerns and suggestions to assist in forming the alternatives that were ultimately analyzed in the DEIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-2	2.2 Realistic Training Environment / Bullet 1, sub-bullet 5	Allow a 180° attack azimuth for all other munitions classes.	The County understood that the 180-degree attack azimuth was specific to the JDAM, and not “all other munition classes” such as the DMLGB. Please clarify.	Clarification has been incorporated into the Final EIS. Where smaller weapons class WDZs can fit within the JDAM footprint, it has been noted. IN these instances, only the LGW weapons class 360-degree WDZ can fit within the proposed JDAM WDZ.
2-2	2.2 Realistic Training Environment / Bullet 4	<p>Meet non-weapons requirements.</p> <ul style="list-style-type: none"> o Provide a dedicated training area for non-live-fire training activities critical to warfighting tactics and skills development, such as Combat Search and Rescue, Convoy Escort training, and dynamic targeting events. o Accommodate installation of Electronic Warfare transmitters in mountainous terrain to replicate real-world threats. o Able to conduct Electronic Warfare training without interference from or to civilian electronic systems. o Able to support precision range tracking, systems scoring instrumentation systems, and robust communications infrastructure to relay information back to a base or airfield. 	It seems that these requirements could be met with a special land management overlay versus a full withdrawal.	While a Special Land Management Overlay could help meet these requirements, the General Mining Law of 1872 would not give the Navy the full assurances needed in order to meet safety requirements for low level, night flying, or night vision goggle training. The Navy needs to be able to conduct training safely, both for Navy personnel and for the general public. Withdrawal of the land provides the assurances the Navy needs to safe training.
2-3	2.2.2 Safety / Bullet 3	Ensure Navy-controlled land is free of safety hazards for aircraft, including cables, wires, towers, as well as cultural lighting (from cities, streets, and infrastructure), incompatible with the use of Night Vision Devices.	<p>From a training and safety requirement, what is the required offset for effects of cultural lighting, given that the DVTA extends all the way to Highway 50 which is a heavily traveled road?</p> <p>Same question in regard to powerlines.</p>	The northern boundary extension of the DVTA was designed in order to distance training activities using NVG farther from the U.S. 50.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-4	2.3.1 No Action Alternative / 6	The Navy would retain administrative control of the land withdrawn under Public Law 106-65 until any required environmental remediation was completed and health and safety concerns were completed to allow the return of the land to the Bureau of Land Management (BLM) for reincorporation into the public domain.	How long would it take to return such "released" lands back into the public domain? This is an important aspect for considering future impacts of this alternative. Without a timeline, it's impossible to look at all of the options according to their pros and cons.	Without performing a full assessment of the lands, it is difficult to approximate the amount of time that particular lands would require before releasing. If Congress decides to select the No Action Alternative, the Navy would begin the evaluation process of those lands at that time.
2-6	2.3.2 Alternative 1	General Comment	The County does not support Alternative 1 for a variety of reasons previously documented in scoping comments, cooperating agency comments, and this cover letter.	Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.
2-7	Figure 2-1	General Comment	Why is the proposed Fox Peak ACEC the only BLM -proposed special land use designation depicted on this figure? State wildlife management areas (Humboldt and Carson Lake) and recreation areas (Lahontan) should also be shown.	The BLM-proposed Fox Peak ACEC is the only land management unit that overlaps with the Navy's Proposed Action. However, the Navy has updated the map to show the two areas mentioned in the comment
2-8	Table 2-1 / Requested Additional Withdrawal and Proposed Acquisition Column	Requested Additional Withdrawal and Proposed Acquisition (acres) B-16 = 32,201 B-17 = 178,997 B-20 = 180,329	The Navy should clarify why the acreages in the DEIS are larger than those shown in the FRTC Land GAP Analysis (Table 4-3) in the 90-Days to Combat Document: B-16 = 25,480 B-17 = 155,790 B-20 = 163,170	The 90-Days to Combat document preceded the Draft EIS and ongoing revisions to the withdrawal footprint resulted in differences from the original study. This has been clarified in the Final EIS. Additionally, the Navy has reduced the footprint to the maximum extent possible and as such, acreages in the Final EIS are slightly different from the Draft EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-9	Table 2-2: Alternative 1 Allowable Activities within Range Boundaries	<p>Proposed Restricted Uses.</p> <p>Management Footnote</p>	<p>The restrictions on mining (including geothermal development), solar/wind and utilities/ROWs were not completely clear during scoping when it was reported that the DVTA would be "open". Given the proposal to disallow these activities, or severely restrict these activities, Churchill County's concerns on the proposed DVTA withdrawal under Alternative 1 are greatly heightened as these activities are important the County's future economic development.</p> <p>Would Churchill County, or other local governments, be granted "management" access if / when requested, similar to State agencies? Churchill County suggests adding local government to the list for MGMT: for instance, the County may require management access to B-16 for flood alleviation activities. The County believes that failure to allow local governments management rights would limit their ability to respond as necessary to administrative and emergency situations that warrant County involvement.</p>	Chapter 2 has been revised to more clearly indicate what activities would be allowed on the open lands proposed for the DVTA. Under Alternative 1 ground training would continue to occur on existing roads and trails, and the lands would remain open for land management activities and certain public uses. Allowable public uses of the lands would not change from current conditions, including hunting, camping, hiking, fishing, OHV use, site visits, and grazing. However, under Alternative 1, the Navy would not allow mining, geothermal development, new or expanded utility corridors or new utilities, or other renewable energy (solar or wind) projects.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-10	2.3.2.1.2 Public Accessibility / 1	Currently, all activities listed in Table 2-2 are allowed on non-private lands requested for withdrawal. Under Alternative 1, the B-16 range would be closed to public use (grazing, hunting, mining, solar/wind, utilities/ROWS, off-highway vehicle (OHV) use, camping/hiking, and special race events would not be allowed), except for Navy-authorized activities such as ceremonial or cultural site visits, research/academic pursuits, or regulatory or management activities (e.g., BLM, U.S. Fish and Wildlife Service (USFWS), or Nevada Department of Wildlife [NDOW] activities).	Local government should be included under "regulatory and management" activities.	The recommended addition has been incorporated into the Final EIS.
2-11	Figure 2-2: Fallon Range Training Complex B-16 Range Expansion Under Alternative 1 Note: This comment applies to all similar figures in this Chapter.	NA	The County believes this figure should show other existing roads as showing in figures in the Ninety Days to Combat Document, as well as state-managed and private lands. This would clarify for the public the number and location of road closures being proposed as well as the proximity to state-managed and private lands.	Non-traditional roads are shown on maps in the Final EIS as grey lines noted as "Roads", and in finer detail in the Transportation section of the Final EIS
2-16	2.3.2.3.3 Bravo-20: Construction	NA	There is no description of the new proposed targets or target areas, please provide a description similar to the one for B-17.	The recommended addition has been incorporated into the Final EIS. The following has been inserted into the Final EIS: "Under Alternative 1, expanding B-20 would allow for an additional 1,450 acres for target areas for Naval Aviation Advanced Strike Warfare and Large Force Exercise training (Figure 2-4)"

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-16	2.3.2.3.2 Bravo-20 Public Accessibility	In addition, the B-20 Navy Access Road (known locally as Pole Line Road) would be closed to public access.	The County understands that keeping Pole Line Road open in its current alignment is difficult in order to maintain the Navy's proposed WDZ without imposing further on East County Road or the Fallon / Stillwater Refuges. However, the County would request that the Navy explore the option of adjusting or shrinking its proposed target areas in order to move the withdrawal area off the ridge of the W Humboldt Range. This would allow for a possible realignment of Pole Line Road along the toe of the West Humboldts and maintain a similar level of access to public lands surrounding the B-20 Range.	As presented in chapter 2 of the Final EIS, reducing the shape and size of these WDZs would also require that firing ranges or firing azimuths drop to levels below tactically acceptable weapons release parameters (please see Section 1.5.1, Weapons Release Training and Need for Expanded Range Area). For example, the alternative would not meet the requirement for a 180° attack azimuth for Joint Direct Attack Munitions because the WDZ in the suggested configuration would be significantly less than 180°. Additionally, reducing the width of the WDZ would also decrease the range that the Navy could employ Joint Direct Attack Munitions, further reducing training realism. The Navy considered an alternative with a reduced WDZ size but is not carrying it forward for detailed analysis in this EIS as it would not meet the purpose of or need for the Proposed Action. This alternative would not meet the realistic training environment or safety screening factor.
2-25	Figure 2-7: FRTC Updated Airspace Under Alternative 1	NA	The previous table describes "low" and "high" areas from some of the MOAs, yet these areas aren't displayed on the map. Please show as appropriate on this or more applicable figure.	When the MOAs are split into "High" and "Low", "High" MOAs are stacked directly on top of "Low" MOAs. The shape of the MOA does not change. By denoting a different floor/ceiling for a particular MOA, you increase the usability of that airspace in the vertical domain.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-29	2.3.3 Alternative 2	General Comment	The County does not support Alternative 2 for a variety of reasons previously documented in scoping comments, cooperating agency comments, and this cover letter.	Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.
2-35	2.3.4 Alternative 3	General Comment	While the County views Alternative 3 as an improvement over the others, it cannot support this alternative without further modifications and mitigations as documented in this comment packet.	Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.
2-35	2.3.4 Alternative 3 / 1	Alternative 3 would move B-17 farther to the southeast and rotate it slightly counter-clockwise; it would not withdraw the land south of Simpson Road as B-16, and it would not withdraw the land east of East County Road as B-20 (Figure 2-14).	The County appreciates and supports these revisions. Please clarify that renewal of the existing withdrawal and proposed expansion would NOT include either Simpson or East County Road.	Detail has been added to Alternative 3 for B-16 which states "Unlike Alternative 1 and Alternative 2, the lands south of Simpson Road (and Simpson Road itself) would not be withdrawn. Additionally, currently withdrawn lands south of Simpson Road would be relinquished by the Navy back to the BLM."
2-35	2.3.4 Alternative 3 / 2	Allowing certain uses would make the Navy mission more challenging and complex. For example, the Navy would need to spend more effort and money concerning the management of access and coordination with the public to ensure their safety. However, Alternative 3 would still meet the purpose of and need for the Proposed Action to ensure that the FRTC possesses the present and future capabilities necessary to train and assess deploying forces for combat readiness (Table 2-6).	The County can understand and appreciate this statement; however, these provisions are extremely important to the Communities that support the Navy's training mission, such as Churchill County.	Thank you for your comment. The Navy is committed to land management and working with the Cooperating Agencies to determine potential management methods. All management proposals need to be evaluated against the screening criteria as well as their compatibility with military training operations.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-38	2.3.4 Alternative 3 / 1	As a result of Alternative 3, bombing ranges would accommodate the larger safety zones needed to accommodate standoff weapons training, the safety of aviators during low-altitude and nighttime non-weapons training events would be enhanced, and a more realistic non-weapons environment for Electronic Warfare, convoy training, and search and rescue training would be realized.	Could the Navy better articulate these points in more depth specifically regarding how this alternative better accommodates and enhances training?	This text has been removed from the Final EIS.
2-38	Table 2-7: Alt 3 Allowable Activities within Range Boundaries	General Comment	For clarity, the SLMO should be added as a row to the table. Also, the cover letter and later specific comments better articulate the County's specific concerns and suggestions in regard to closed or limited uses.	Special Land Management Overview description has been added to the introductory text of Alternative 3, but not the table of proposed withdrawal or acquisition acreage.
2-39	2.3.4.1 Bravo 16 Land Acquisition and Withdrawal	Unlike Alternative 1 and Alternative 2, the lands south of Simpson Road would not be withdrawn. Additionally, currently withdrawn lands south of Simpson Road would be relinquished by the Navy back to the BLM.	The County supports this aspect of Alt. 3. Please clarify that Simpson Road itself would not be within the withdrawal area.	Thank you for your participation in the NEPA process. The recommended clarification has been incorporated into the Final EIS.
2-39	2.3.4.1 Bravo 16 Public Accessibility	The Navy would close Sand Canyon Road to the public. However, Simpson Road along the southern boundary of B-16 and the relinquished withdrawn land south of Simpson Road would remain open to public use.	Leaving Simpson Road open is not an adequate mitigation measure for the closure of Sand Canyon and Red Mountain Roads. The County originally requested release of the proposed withdrawal north of Sand Canyon Road in order to maintain access to these areas and in order to ...	The Navy notes that there are existing routes along and adjacent to the northern of B-16. The closure of Sand Canyon Road would not preclude the usage of these routes. The Navy is not proposing to re-route Sand Canyon Rd. around the northern perimeter of B-16. Such a re-routing is problematic in that it must cross the ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) keep Sand Canyon Road open to the public. However, since that has been deemed as "inconsistent with the purpose and need", the County would request development of a new access road (with a similar service level) along the northern boundary of the existing and proposed B-16 to connect Lone Tree / Solias Roads with Red Mountain Road outside of the withdrawal area as well as adjustment to the western boundary to leave existing roads open for connecting the Red Mountain Road and Hooten Well Road.</p> <p>The County also supports regular (i.e. bi-annual) escorted tours of the Salt Cave, which is a popular land feature.</p>	<p>(continued) overflow discharge path of Sheckler Reservoir which experiences recurring major washouts (some as deep as 10 feet). Constructing a road compliant with local county standards is quite costly and would require significant engineering resources to properly design and construct. It is the Navy's opinion that existing roads and trails can provide alternate access along the northern and eastern side of the proposed B-16 withdrawal area for incidental traffic. By the Navy relinquishing the withdrawal which includes Simpson Road, the public will retain access along the southern border of B-16.</p> <p>The Navy is not proposing bi-annual tours to the Salt Cave as this would be in conflict with the training schedule at B-16.</p>
2-39	2.3.4.2.1 Bravo 17 Land Withdrawal and Acquisition	Approximately 4,000 acres would support convoy routes, military vehicle training routes, or ground target areas (Figure 2-14), but in different locations than those described for Alternatives 1 and 2.	Please clarify if B-17 is used solely as a bombing range, or if convoy routes, night flight and military training routes would be allowed as well.	The recommended clarification has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-39	2.3.4.2.1 Bravo 17 Public Accessibility	Alternative 3 would allow certain public uses within specified areas of B-17 at designated times when the ranges would not be operational (e.g., typically weekends, holidays, and when closed for scheduled maintenance), similar to Alternative 2. The entire B-17 range would be closed and restricted from the majority of public use. Only Navy-authorized activities such as ceremonial and cultural site visits, regulatory or management activities, such as BLM or NDOW activities, as well as big game hunting would be allowed (Table 2-7).	The County supports the limited accessibility offered by the Navy and strongly supports expanding this option to as many dispersed recreation activities as possible.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
2-40	Figure 2-13 FRTC B-16 Modernizati on Under Alt. 3	NA	<p>The following should be added to this Figure for better clarity, disclosure and visual demonstration of impacts:</p> <p>Display existing roads within the proposed withdrawal area, like those shown in the 90-Days to Combat Document;</p> <p>Display the Lahontan State Recreation Area;</p> <p>Display private lands; and,</p> <p>Map the Navy's primary access point(s) and routes into B-16.</p> <p>Additionally, better clarification of which roads are being locked off by mapped gates would be appreciated.</p>	Figure has been updated to include requested information.
2-41	Figure 2-14 FRTC B-17 Modernizati on Under Alt. 3	NA	<p>The following should be added to this Figure for better clarity, disclosure and visual demonstration of impacts:</p> <p>Display existing roads within the proposed withdrawal area, like those shown in the 90-Days to Combat Document.</p>	The recommended clarification has been incorporated into the Final EIS in the transportation section, where secondary or undeveloped roads are noted.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-42	2.3.4.2.4 B-17: Road and Infrastructure Improvements to Support Alt. 3 / 1 & 2	Ultimately, the Navy has responsibility for planning, design, permitting, funding, and constructing any realignment of State Route 361. NDOT would ensure that construction of any new route is complete before closing any portion of the existing State Route 361, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing State Route 361 unless and until any such new route has been completed and made available to the public.	The County appreciates this inclusion and supports this approach.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
2-43	2.3.4.3.1 Bravo 20: Land Withdrawal and Acquisition	East County Road and land parcels immediately east of East County Road would not be considered for withdrawal or closure.	The County appreciates this inclusion and supports this approach.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
2-43	2.3.4.3.1 Bravo 20: Land Withdrawal and Acquisition	The B-20 range would expand in all directions by approximately 179,969 acres (Figure 2-15). This expansion would include approximately 3,200 acres of land currently withdrawn by the USFWS for the Fallon National Wildlife Refuge. The Navy is not proposing to develop targets in the refuge. Due to the safety concerns associated with being within a WDZ, the Navy and the USFWS would close the refuge lands to the public.	The County does not support expansion into the Fallon National Wildlife Refuge. Please clarify that only withdrawn lands within the refuge would be closed rather than the entire refuge.	Clarification has been incorporated into the Final EIS to state that the Navy is not proposing to develop targets in the refuge. Due to the safety concerns associated with being within a WDZ, the Navy proposes to enter into an agreement (MOU) with the USFWS to allow the portion of the Fallon National Wildlife Refuge within B-20 to be closed to all public access, but to continue to be managed as a wildlife refuge.
2-44	Figure 2-15 FRTC B-20 Modernization Under Alt. 3	NA	Please add the Humboldt Wildlife Management Area and Wildhorse Pass Road to this figure.	The recommended addition has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-43 and 45	2.3.4.4.1 DVTA: Land Acquisition and Withdrawal	<p>Unlike Alternative 1, the Navy would not withdraw land south of U.S. Route 50 as DVTA. Rather, the Navy proposes designation of this area as a Special Land Management Overlay. This Special Land Management Overlay will define two areas (one east and one west of the B-17 range) as Military Electromagnetic Spectrum Special Use Zones. These two areas, which are public lands under the jurisdiction of BLM, will not be withdrawn by the Navy and would not directly be used for land-based military training or managed by the Navy. The area does include an existing right-of-way for a current Navy communication site. Otherwise, these two areas would remain open to public access and would be available for all appropriate uses, including mining for locatable and leasable mineral resources. However, prior to issuing any decisions on projects, permits, leases, studies, and other land uses within the two special use zones, BLM would be required to consult with NAS Fallon.</p> <p>This consultation would inform the Navy of proposed projects, permits, leases, studies, and other land uses and afford the Navy an opportunity to collaborate with BLM to preserve the training environment. Further, prior to issuing approval for installation or use of mobile or stationary equipment used to transmit and receive electromagnetic signals in the two special use zones as part of any federal action, BLM would be required to obtain permission from NAS Fallon for use of this equipment. This requirement to obtain Navy permission for the use of this equipment would afford the Navy an opportunity to ensure military and civilian use of the electromagnetic spectrum does not interfere with their respective activities. BLM and the Navy will also enter into a MOU to administer the details of the consultation and approval process.</p>	<p>The County supports this SLMO approach rather than withdrawal as part of an expanded DVTA. In fact, the County would support similar SLMO designations in other parts of the proposed DVTA if possible.</p> <p>A figure should be added to show this change.</p>	<p>The area of the DVTA north of the U.S. 50 cannot be categorized as a Special Land Management Overlay as it is required to be withdrawn to provide the Navy the assurances it needs to restrict development to allow for the continued and expanded use of non-live-fire activities, as well as low altitude flights and training with night vision goggles.</p> <p>A map has been added to the Final EIS that shows the differences between the draft and the final EIS.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-45	2.3.4.4.1 DVTa: Land Acquisition and Withdrawal / 2	With the shift of B-17, the Navy would expand the DVTa along the western side of State Route 839 south of U.S. Route 50 and around Earthquake Fault Road. The proposed expansion (requested withdrawal and proposed acquisition) would total approximately 256,440 acres (Figure 2-14) and would increase the total range size to 325,277 acres.	The County does not support this action and believes this should have been removed from the draft.	The Navy followed the Public Lands Survey System, which is based upon a grid layout. A description of the grids is used to define the area for withdrawal. The Weapons Danger Zones (WDZs) are modeled based on a curve. In order to fit the grid to the curve, the Navy refined the areas impacted along the WDZs into successively smaller grids in accordance with the rules of the Public Lands Survey System. The Navy has re-evaluated the land withdrawal since the initial NOI release and has reduced land parcels to the closest 1/4 aliquot. All acreages have been checked and descriptions of each alternative have been updated.
2-45	2.3.4.4.2 DVTa: Public Accessibility / 1	Ground training by the Navy would continue to take place on existing roads and trails, with lands remaining open for certain public uses. Allowable public uses would include hunting, camping, hiking, fishing, OHV use, site visits, and grazing. The Navy would allow the same uses under Alternative 3 as defined under Alternative 2, including limited geothermal development east of State Route 839 and utility corridors (Table 2-7).	<p>The County believes this should read “west of State Route 121”.</p> <p>In general, this section should be revised to clarify what is being said in terms of allowable uses and locations.</p> <p>In particular, the County is proposing a 1-mile wide corridor along SR 121 and north of US Highway 50 to allow for future development and infrastructure corridors due to the fact that the DVTa would eliminate a host of existing and planning corridors.</p> <p>This is also important to the County’s development of the Dixie Valley Water Importation Project, which is a critical future drinking water source for the County including NAS Fallon.</p>	Statements regarding the side of State Route 121 have been revised. Also, the Final EIS restates the uses for Alternative 3 rather than refer back to Alternative 2. Additionally, the Navy is committed to working with Churchill County to ensure compatibility of military training activities with the water importation project.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-47	Table 2-9: Annual Level of Training Activities at the Fallon Training Range Complex – Environmental Baseline / Bottom Row, Right Column	Electronic Warfare Range	This should be mapped on the appropriate figure since it is not shown as part of one of the existing ranges or proposed expansion areas.	The recommended addition has been incorporated into the Final EIS as a footnote.
2-49	2.5 Alternatives Considered but Not Carried Forward for Detailed Analysis	General Comment	It should be noted that the 90-Days to Combat document was not available during scoping; therefore, it was very difficult to develop proposed “Alternatives” that met the Navy’s purpose / need and screening criteria.	Thank you for your comment. Since scoping, the 90-Days to Combat document has been made available to Cooperating Agencies and the public.
2-57	2.5.4.6 Shift or Reduce Bravo-20 to Avoid the Fallon NWR	The Navy also considered reducing the dimensions of the proposed B-20 withdrawal to avoid overlapping the Fallon NWR. As a consequence, the area available to accommodate a WDZ would also be reduced. This area could not accommodate a WDZ that meets the screening factor for air-to-ground tactically acceptable weapons release parameters. Specifically, this alternative would not meet the requirement for the 180° attack azimuth for Joint Direct Attack Munitions, as the WDZ in the suggested configuration would be significantly less than 180°.	<p>Did the Navy consider reducing and/or reconfiguring the new targets in this analysis?</p> <p>How much of the 180-degree attack azimuth would need to be reduced (how many degrees)?</p> <p>How far (miles) would the JDAM release angle need to be reduced? Could this reduction be isolated to that portion of the attack angle rather than the entire WDZ?</p>	The alternative presented for B-20 represents the smallest arc that could be used for JDAM training. As described in this section, any further reduction in the WDZ would decrease the available firing azimuths below what is required for adequate and realistic training.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-57	2.5.4.7 Reconfigure Bravo-20 to Avoid Closing Navy's B-20 Access Road	The Navy was asked to develop an alternative to avoid closing the Navy's B-20 Access Road (known locally as Pole Line Road). This Navy road is accommodated by an ROW issued by the BLM to the Navy for the purpose of maintaining B-20 and is currently open to public access. This alternative would necessitate changing the proposed boundaries of B-20, which would also change the shape of the area available for a WDZ. The Navy considered reducing the shape of the WDZ means that the firing ranges and firing azimuths drop to levels below those listed in the screening factor for air-to-ground tactically acceptable weapons release parameters. Specifically, this alternative would not meet the requirement for the 180° attack azimuth for Joint Direct Attack Munitions, as the WDZ in the suggested configuration would be significantly less than 180°. The reduced width of the WDZ would also decrease the range at which the Navy could employ Joint Direct Attack Munitions, further reducing the training realism.	The questions in the comment above apply to this point as well. Did the Navy consider the option to relocate Pole Line Road rather than leaving it in its current alignment?	As the B-20 access road is used by the Navy to access the current range, the Navy did not consider relocation of the road, rather, the Navy looked at whether the range could be moved north or south, or rotated.
2-61	2.5.6.1 Livestock Grazing on Live-Fire (Bravo) Ranges	General Comment	The Navy should consider grazing leases around the perimeter of the WDZs as a means of managing fuels.	Grazing between the Navy fence line and the edge of the WDZ would not be allowed as those areas are still needed for military training activities (non-live-fire) as well as staging areas for personnel and equipment.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-63	2.5.6.6 Open Access to Northeast Portion of Bravo 16	The suggestions for reconfiguring B-16 would result in smaller areas of withdrawal. Reducing the proposed range size would result in a corresponding loss of SDZ size.	This statement does not appear to be supported by the Ninety Days to Combat document (see page A-2), nor Figure 2-31.	This alternative was considered but eliminated from further analysis as it did not allow for the SDZ for meeting the realistic training environment criterion, as the capacity for a 360° field of fire at multiple firing positions for small arms would be lost. Additionally, this action would compromise the area available for multiple training areas with multiple complex threats and targets to accommodate Immediate Action Drill training.
2-64	2.5.7 Governor's Alternative ("Nevada Alternative")	General Comment	The County supports much of what was proposed by Governor Sandoval. The details of this request, including mapping provided by the Governor's Office, should be provided in an appendix or other appropriate location rather than attempting to interpret and summarize their specific requests.	The Final EIS includes a discussion of the Governor's Alternative in Section 2.5.7 (Governor's Alternative ["Nevada Alternative"]).
2-66	2.5.7 Governor's Alternative: DVTA	Navy would be able to accommodate geothermal development in the DVTA because the laws governing this type of development would afford the Navy an opportunity to work with a developer (and with BLM) to ensure that any geothermal development would be conducted in a manner that would not adversely affect military training. However, the Navy is unable to accommodate exploitation of locatable minerals (e.g., gold) because the laws governing these mining activities would not afford the Navy an ability to impose requirements on how any such exploitation activities would be conducted..	Has the Navy approached the Nevada Congressional Delegation about options to rectify this concern in this instance? If not, the County would strongly support exploring this option versus not allowing limited locatable mineral development.	The Navy cannot allow locatable mineral on the DVTA north of the U.S. 50. However, as part of discussions and coordination with Cooperating agencies, the Navy is now proposing two Special Land Management Overlays south of the U.S. 50 rather than withdrawing the land as part of the DVTA. Locatable mineral development is proposed to be allowed within these two Special Land Management Overlays.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) Accordingly, Alternative 3 would accommodate development of geothermal and salable mineral resources within the withdrawn area comprising the DVTA.		
General	3.1 Land Use		General Comment: Inputs specific to Management Practices, Monitoring and Mitigation Measures are included in the County's cover letter and comments to Chapter 5.	Thank you for pointing that out. Comments on Chapter 5 and any associated changes were addressed in Chapter 5, and comments on land use are addressed in Section 3.2 (Land Use).
General	3.1 Land Use		General Comment: It is difficult to determine potential impacts in the Dixie Valley Training Area as areas where current training activities occur versus areas where expanded training activities occur haven't been mapped. This should be added to the Sections in Chapter 3 as appropriate, but also in Chapters 1 and 2 to clarify the proposed action and alternatives.	Comments on impacts on land use were addressed in Section 3.2 (Land Use). Activities proposed to occur in the expanded DVTA would be the same or similar to ongoing activities in the existing DVTA. Refer to Table 2-9 for information on the types of activities occurring in the DVTA.
General	3.1 Geology		General Comment: Very little information is disclosed in the various Sections in Chapter 3 regarding indirect impacts. This is problematic given how much work will be required to address and mitigate impacts beyond this process and EIS document. This deficiency needs to be addressed before the Final EIS is published.	The comment does not refer to specific indirect impacts or provide examples of indirect impacts that might affect geological resources in the region of influence. Without knowing which indirect impacts, the commenter is concerned about, it is not possible to analyze and potentially mitigation those impacts.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
General	3.1 Geology		General Comment: Many different Navy policies, procedures, manuals, etc. are referenced throughout the various sections in Chapter 3. However, very few of the management sections discuss the need to update these policies. Given the magnitude of the proposed expansion, it seems that all these items should include a proposed update.	The only reference to Navy policy in Section 3.1 (Geological Resources) is a general reference to the Navy's Range Sustainment Program. Specifically, that it is the Navy's policy to maintain target areas and the surrounding landscape by removing used ordnance in order to sustain long-term use of the target. The Navy periodically reviews its policies, standard operating procedures, and instructions and updates them as needed or when federal laws, regulations, or executive orders require a change in Navy policy.
General	3.1 Geology		General Comment: The extent of impacts for many resources [Geologic (soils), Air Quality (fugitive dust), Water Resources (surface water quality), and Biological Resources (vegetation and wildlife habitat)] will be dependent upon the Navy's ability to stabilize soils and re-establish desirable vegetation in order to maintain proper biological function following disturbance (construction, bombing, or wildfire). As such, the Navy should consider developing an Integrated Vegetation Management Plan and Program to ensure that this happens across all these important resource areas. Such a plan would describe procedures and protocols for utilizing appropriate seed mixes (native and adapted) to control flammable invasive annual species (cheatgrass) and establish more fire-resistant vegetation. In addition, establishment (i.e. use of temporary irrigation) and maintenance (mechanical or biological harvest of biomass, herbicide, etc.) of desirable vegetation is a must. Finally, a robust monitoring and adaptive management program is key to continued success.	The Navy maintains an Integrated Natural Resources Management Plan (INRMP) for NAS Fallon (most recently updated in 2014) that addresses natural resources, including soils, vegetation, water quality, and wildlife habitat located at NAS Fallon and on the ranges. The INRMP incorporates best management practices for protecting soils and sensitive habitat including when ground disturbing events, such as construction, occur on the ranges. Management strategies outlined in the INRMP also include dust control and soil erosion prevention practices. The Navy has re-seeded fallow agricultural lands in past with native species and makes efforts to control or remove invasive species on Navy managed lands. BLM integrates all Navy closed and open lands, except the Main Station, into its Fire Management Plan and assists the Navy in developing and implementing fire prevention measures, including the use of fire-resistant vegetation. The NAS Fallon Fire Department determines appropriate times and methods for prescribed burning of weeds and irrigation ditches to control flammable invasive species. Monthly and quarterly inspections are performed by fire inspectors to assess fire potential. Additional information on natural resources management at NAS Fallon can be found on the NAS Fallon EIS website < https://frtcmmodernization.com/ > under the Environmental Stewardship heading.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.1-14	3.1.2.1.3 Caves and Karst	There are no caves that provide recreational caving opportunities such as exploration or spelunking.	Salt Cave, located in B-16, does offer recreational opportunities, and should be acknowledged in this and other appropriate sections.	The recommended addition has been incorporated into the Final EIS.
3.10-12 to 3.10-15	3.10.2.2.1 Veg Mapping, Table 3.10-2 through Table 3.10-7	Comment pertinent to all plant alliance/formation classification	Please cite the handbook or protocol used to delineate IVC formations and alliances. Many plant formations listed in the tables vary from what is listed in the IVC Alliances and Associations Occurring in Nevada Manual (2008) published by the Nevada Natural Heritage Program.	Mapping was conducted at the alliance level. Alliance names correspond to those listed in Peterson (2008); however, plant common names have been used instead of scientific names in alliance names.
3.1-17 & 3.1-18	Figure 3.1-5 & 6		<p>The target areas shown in this figure extend outside of the Weapons Danger Zone shown in figures in Chapters 1 and 2. This inconsistency needs to be reconciled as target areas should not be located outside of WDZs.</p> <p>Salt Cave should be added to the map.</p> <p>Sections need to be better labeled on Figure 3.1-6 since later sections refer to a section containing a fossil site.</p>	The depiction of the target areas at B-16 in this section were revised to be consistent with the depiction of the target areas in Chapters 1 and 2. Salt Cave has been added to the maps (Figures 3.1-5 and 3.1-6) as recommended. The location of the fossil site referred to in the text as, "...in the Dead Camel Mountains (T18N, R27E, Section 32)" was added to the map (Figure 3.1-6).
3.1-19	3.1.2.2 Bravo 16	Significant cave and karst resources are not known to exist in the B-16 withdrawal area.	Salt Cave, located in B-16, does offer recreational opportunities, and should be acknowledged in this and other appropriate sections.	The recommended addition has been incorporated into the Final EIS.
3.10-20	3.10.2.2.1 Vegetation Mapping Figure 3.10-6	Comment pertinent to other similar figures	What does the dark brown area with light brown dots signify? It is not listed in the map key.	Clarification has been incorporated into the Final EIS.
3.1-23	3.1.2.4 Bravo 20	Suggested Addition	This section should state if cave and karst resources are located within B-20.	The recommended addition has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.1-31	3.1.3 Environmental Consequences	The BLM considers vertebrate fossils, as a group, to be scientifically significant. Meanwhile, invertebrate and plant fossils may be determined to be significant on a case-by-case basis. The destruction of such a resource or paleontological site would be considered a factor for significance for the Environmental Impact Statement (EIS).	A section should be added for cave and karst resources including impacts to Salt Cave in B-16. For the text to the left, how does this apply to the fossil area noted in B-16?	Section 3.1.2.1.3 (Caves and Karst) describes caves and karst in the region of influence and notes that, "No significant karst features have been identified in the planning area due to the lack of significant deposits of limestone that are required for the formation of karst-type caves or fissures (Bureau of Land Management, 2014)." Information briefly describing Salt Cave has been added to this section. Section 3.1.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), the EIS notes that significant caves are not known to exist in the B-16 or B-17 withdrawal areas. This section has been revised to note the location of Salt Cave and analyze potential impacts on the cave site due to the proposed range expansion. The location of Salt Cave has been added to maps (Figures 3.1-5 and 3.1-6) as requested in an earlier comment. The fossil site in the Dead Camel Mountains was identified on Figure 3.1-5 and an analysis of impacts was added to Section 3.1.3.2 and other sections where appropriate.
3.1-32	3.1.3.1 No Action Alternative	Depending on the future land uses allowed if the FRTC is not renewed, impacts on geologic resources could be significant.	This paragraph needs to acknowledge that any future uses would be subject to all applicable Federal, State and local laws, regulations and ordinances which may minimize said impacts.	The recommended text has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-37	3.10.2.4 Special Status Species Table 3.10-8	Comment pertinent to other similar tables	It doesn't appear that the table lists the entirety State-listed game (big, upland and furbearer) species likely to occur in the FRTC ROI. These species should be added as they are important to both the ecosystem and the local custom and culture.	This table is specific to Geological Resources, as this is the section that discusses them. Biological resources such as the ones that you are requesting, can be found in Section 3.10 (Biological Resources).
3.1-51	3.1.3.5.3 Proposed Mitigation	Suggested Addition.	The Salt Cave in B-16 should be avoided in terms of training activities. Also, escorted tours should be offered to the Salt Cave to allow some degree of controlled access to this recreational cave.	Salt Cave has been added to the maps (Figures 3.1-5 and 3.1-6) as recommended in a previous comment. However, the general public will not be given controlled access to Salt Cave. Tribal visits can be coordinated with the Navy to ensure compatibility with training and ensure safety.
3.1-52	Table 3.1-14 Summary of Effects for Geological Resources, No Action Alternative	Existing land uses at FRTC would be converted to rural and agricultural land following range closure activities,	This statement is incorrect. Most lands would be returned to accessible public lands managed by the BLM for multiple uses. The County would disagree with this resulting in significant impacts, given that all federal, state and local regulations would still apply.	The Final EIS was revised using the text provided in the comment. The conclusion statement is that significant impacts could occur not that they necessarily would occur. The likelihood of impacts is dependent on the type and level of activity that the land is ultimately used for. Agricultural activities, for example, could result in significant impacts on existing geological resources.
3.1-52	Table 3.1-14 Summary of Effects for Geological Resources, Alt. 3	New air-to-ground targets would be placed within an approximately 27,374-acre area at B-17 and B-20	Why is it that the target areas for Alternative 3 are ~6.5-times larger for this alternative than Alternative 1? This discrepancy needs to be emphasized better in Chapters 1 and 2. It is hard to believe that release of current withdrawal under the No Action Alternative would have a significant impact, while more than 27,000 acres of new targets and active training on said targets would not result in a significant impact.	Clarification on the difference between Alternative 3 and Alternatives 1 and 2 has been incorporated into Chapter 2 of the Final EIS. New targets would be placed within an approximately 27,374-acre area at B 17 and B-20, but the targets themselves would not encompass that entire area.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
General	3.2 Land Use		<p>General Comment: The County is very concerned about the Navy's proposed purchase of private property, particularly given the scale of some of the available mapping. The County suggests developing a list of parcels (County staff would be willing to help with this) to include in the Final EIS so that it is clear which private parcels are being considered for purchase by the Navy.</p> <p>The landowners should all be notified by certified mail, not simply a postcard, that the proposed action may result in the Navy purchasing their property so that they are aware of the ramification of this project prior to the publishing of the Final EIS.</p> <p>Finally, a better description of the purchase timelines, appraisal process, etc. should be developed and included in the Final EIS. This should include more detail about the process to be followed if a current property owner is unwilling to sell. In addition to being disclosed in the Final EIS, this process should be provided to the individual landowners as part of the certified mailer notifying them of this potential for purchase.</p>	The Final EIS has been updated to include the process that the Navy will follow for acquisition of and compensation for private lands. The Navy will not publish the private landowners' personal identification information in the Final EIS. The Navy will reach out to private landowners as applicable once any ultimate Congressional decision has been made.
General	3.2 Land Use		<p>General Comment: In addition, the County is concerned about the general net loss of private property in the County. The County wants to make clear that it does have an interest in acquiring certain isolated parcels of public lands managed by the BLM and BOR in areas with low resource value but high development potential (i.e. within the Churchill County economic opportunity zone, Highway 50 and 95 Corridors, etc). Given the economic impact of the FRTC Modernization to the County, the Navy should support a Legislative Conveyance and funding to help with such transfers as part of a mitigation package. The County is willing to provide additional information and details as necessary.</p>	The Navy supports development of the area surrounding the proposed expansion and any Legislative Conveyance developed and will work with counties to determine compatibilities.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-1	3.2 Land Use / 1	This discussion of land use includes current and planned uses and the regulations, policies, or zoning that may control the proposed land use. The term land use refers to real property classifications that indicate either natural conditions or the types of human activity occurring on a parcel. Two main objectives of land use planning are to ensure orderly growth and compatible uses among adjacent property parcels or areas. However, there is no nationally recognized convention or uniform terminology for describing land use categories. As a result, the meanings of various land use descriptions, labels, and definitions vary among jurisdictions. Natural conditions of property can be described or categorized as unimproved, undeveloped, conservation or preservation area, and natural or scenic area. There is a wide variety of land use categories resulting from human activity. Descriptive terms often used include residential, commercial, industrial, agricultural, institutional, and recreational.	<p>This comment pertains to both the Introduction Paragraph and the balance of the section.</p> <p>Consider developing three subsections specific to: Private Lands, Public Lands, and Lands Under Air Modifications. These three areas all have differences in terms of how they are administered, managed, and the potential for impacts.</p>	This section already is broken into a similar sub-section structure as requested in this comment. The section is split into "State of Nevada, Tribal Lands, Federal Land, and Special Use Airspace," which cover the topics requested in this comment.
3.2-1	3.2.1.1 Region of Influence	The region of influence for land use includes the lands on and within approximately 5 miles of Fallon Range Training Complex (FRTC) land and special use airspace (SUA).	The region of influence should be split into two: one specific to an analysis of proposed land withdrawals, and another specific to an analysis of proposed special use airspace as the impacts to land use are dramatically different.	Airspace changes outside of the areas proposed for withdrawal or requested for acquisition would not impact the land uses on the ground. Therefore, no changes to the section were made based on this comment.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-2	Figure 3.2-1 Land Use Region of Influence		The region of influence boundary should be included on the map.	The recommended addition has been incorporated into the Final EIS.
3.2-3	Figure 3.2-2 Land Use Region of Influence		The region of influence boundary should be included on the map.	No change to the figure. Text within the section has been updated to
3.2-5	3.2.1.3 Approach to Analysis	<p>For this section, land use impacts are evaluated for the potential for compatibility with onsite and adjacent land uses:</p> <ul style="list-style-type: none"> • inconsistency with the enforceable provisions of applicable land use plans, policies, and controls, including plans and policies for federally managed lands, state lands, and local jurisdictions • changes in land use patterns valued by the communities • restrictions on public access to land • changes or restrictions to rights-of-way associated with utilities and access to land use areas • land changes applicable to airspace 	The County supports the Navy's attempt to assess these items; however, later comments will discuss how some of these aspects were not adequately addressed and/or disclosed.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-7 through 10	3.2.2.1.1 Churchill County	Suggested additional excerpts from the Churchill County Master Plan (2015), rather than summary interpretation.	<p>It is somewhat disingenuous to only include that portion of the Master Plan dealing with Military Operations and Training in this section, given the focus on Land Use.</p> <p>The County supports keeping these excerpts in, but also requests adding the following sections pertinent to "Land Use" to provide better context and the County's challenge for balancing multiple land use needs.</p> <p>Please add the following Goals pertinent to "Land Use":</p> <p>From Chapter 10, Open Space: Goal OS 3</p> <p>From Chapter 11, Land Use: Goal LU 1, LU 2, LU 3 (not just policy 3.2), and LU 5; and,</p> <p>From Chapter 12, Policy Plan for Public Lands: GOAL: It is Churchill County's goal to provide for multiple recreation uses on Churchill County, federal and state administered lands located within its boundaries for residents and visitors to the County. Provide high quality recreational opportunities at developed and dispersed/undeveloped recreation sites by allowing historic uses and access while maintaining existing amenities and by providing new recreation sites for public enjoyment. Maintain public access opportunities in both motorized and non-motorized settings through the identification of rights-of-way or easements across government administered lands and private lands at the invitation of the property owner. Recognize that multiple recreation uses are mandated by the multiple use concepts and that adequate resources must be provided on the federal administered areas; keeping open all existing access roads and the ability to maintain those same roads or accesses.</p> <p>GOAL: Immediate Congressional designation action on all WSAs and special or restrictive land classifications based on Churchill County policy to release these areas for multiple use management and in the interim prevent, minimize or mitigate impairment or degradation of such areas to the extent that Congressional actions are not pre-empted. Provide the amenities promised by wilderness designation through multiple use management that includes dispersed recreation where appropriate and opportunities for solitude.</p>	The Navy acknowledges that the Proposed Action may not be compatible with the current master plans of the counties in which it would occur. However, the Navy is a federal agency and although it considers the goals of Master Plans and considers the policies with which counties use to address military activities, the Navy is not bound by the goals of a County's master plan. Therefore, the Master Plans would need to be revised in the future after the land withdrawal and acquisition occurred and an alternative was chosen by Congress.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-7 through 10	3.2.2.1.1 Churchill County	Suggested additional excerpts from the Churchill County Water Resource Plan (2007) that would require land use authorizations in the Dixie Valley.	<p>From the CCWRP 2007:</p> <p>Page 10-5 through 6: Describes the proposed infrastructure that would require a land use authorization in or around the proposed DVTA.</p> <p>Page 14-2 describes the implementation step of budgeting and pursuing the Dixie Valley water importation for "long-term" water resource needs; and,</p> <p>Map 13 shows the proposed infrastructure associated with the project.</p>	The Navy has revised the Proposed Action to include access for any management activities (i.e. flood management, ESA Species, etc.).
3.2-13	3.2.2.3.1 Bureau of Land Management	The region of influence is within BLM's Nevada Region.	This may make sense for the Special Use Airspace, but not for the land withdrawals that will have a significantly larger impact on land use and land management, particularly within the Carson City BLM District.	The Carson City BLM District is included in the EIS. See section 3.2.2.3.1 Bureau of Land Management.
3.2-27	3.2.2 Affected Environment	Required addition.	<p>This section does not discuss, describe or disclose RS 2477 rights-of-way pertaining to prescriptive county rights-of-way for roads that have been in place and in use prior to the Federal Land Policy and Management Act.</p> <p>Churchill County has provided a map of the roads it believes meets this criteria, and views this as a required addition to the Land Use section as part of the Affected Environment given how many of these rights-of-way are in the existing and proposed withdrawal areas.</p>	Revised Statute 2477 (R.S. 2477) was enacted in 1866 to promote settlement of the West and minimized the administrative burden on the federal government during construction of state and county highways. R.S. 2477 was repealed by the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA and impacts to rights-of-way (ROWs) is discussed in the Land Use (Section 3.2) section of the EIS. Although the repealing of R.S. 2477 did not terminate ROWs that were protected under R.S. 2477, FLPMA specifies that the ROW, 1) must have existed before the passage of FLPMA (October 21, 1976), and 2) the ROW must have existed before any reservation for a public purpose or transfer to non-federal ownership. Also, under consideration by the BLM for the terms in R.S. 2477 are construction, ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) highways, and public lands not reserved for public uses. The transpiration analysis focusses on the changes to existing traffic conditions and the capacity of area roadways from proposed road closures, rerouting, and restricted use roads. The roads discussed in transportation do not include off-road areas (which are discussed in the Recreation Section [Section 3.12]).</p> <p>The BLM has worked with the Navy as a cooperating agency on the EIS. The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.</p>
3.2-27	3.2.3 Environmental Consequences	Required addition.	<p>This section needs to clearly disclose that all of the Navy's proposed alternatives are inconsistent with most if not all of the Land Use Plans listed and described in the previous Sections.</p> <p>In particular, the County would like it plainly disclosed that all alternatives conflict with the Churchill County Master Plan (2015), Churchill County Water Resources Plan (2007), Carson City BLM District's Resource ...</p>	<p>The Navy acknowledges that the Proposed Action may not be compatible with the current master plans of the counties in which it would occur. However, the Navy is a federal agency and although it considers the goals of Master Plans and considers the policies with which counties use to address military activities, the Navy is not bound by the goals of a County's master plan. Therefore, the Master Plans would need to be revised in the future after the land withdrawal and acquisition occurred and an alternative was chosen by Congress.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) Management Plan and Proposed Resource Management Plan, and Stillwater NWR Comprehensive Conservation Plan.		
3.2-27	3.2.3 Environmental Consequences	<p>The location and extent of a proposed action needs to be evaluated for its potential effects on a project site and adjacent land uses. Factors affecting a proposed action in terms of land use include its compatibility with on-site and adjacent land uses; restrictions on public access to land; or change in an existing land use that is valued by the community and important to customs, culture, and economy as described in respective Master Plan and policy documents. While a discussion regarding consistency with state or local plans is required, an inconsistency by itself does not automatically result in a significant impact (Federal Aviation Administration, 2015).</p>	<p>The County appreciates this acknowledgement, and it speaks to the fact that the Navy needs to disclose that all of its proposed alternatives are inconsistent with the County's Master Plan (2015).</p> <p>Since this EIS is attempting to meet requirements from both the FAA and the BLM, it should cite the BLM's process for determining "significance" of planning inconsistencies as well as its process for reconciling such inconsistencies. To only cite FAA guidance is incomplete.</p> <p>Per 43 CFR 1610.3-3 the BLM is required to show inconsistencies with officially approved and adopted plans and if possible discuss how inconsistencies can be resolved.</p> <p>Furthermore per NEPA: 40 CFR 1506.2(d), an EIS ...shall discuss any consistency of a proposed action with any approved State or local plan and laws (whether or not federal sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.</p>	<p>The Navy acknowledges that the Proposed Action may not be compatible with the current master plans of the counties in which it would occur. However, the Navy is a federal agency and although it considers the goals of Master Plans and considers the policies with which counties use to address military activities, the Navy is not bound by the goals of a County's master plan. Therefore, the Master Plans would need to be revised in the future after the land withdrawal and acquisition occurred and an alternative was chosen by Congress.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-27 & 28	3.2.3 Environmental Consequences	However, once an alternative is chosen for implementation, the Navy would strive to minimize the actual withdrawal and acquisition acreage requirement by taking into consideration terrain features and individual parcel characteristics. The Final EIS will contain more refined boundary locations and acreage figures.	<p>The County appreciates that the Navy will “strive” to minimize the actual withdrawal, but supports stronger commitment to ensure this occurs.</p> <p>The County also supports this being clearly defined in the Final EIS as it will become the Navy’s recommendation to Congress.</p>	<p>The Navy has reduced the size of the overall area requested and proposed for withdrawal in the Final EIS under Alternative 3 (the Preferred Alternative), to the extent that it could do so consistent with meeting mission requirements. Further, the Navy will seek to acquire the minimum amount of non-federal lands needed to meet its mission requirements.</p> <p>The Navy has added a figure to the Final EIS that illustrates the area requested and proposed in the Draft EIS and the changes to the Final EIS request and proposal area under Alternative 3.</p>
3.2-28	3.2.3.1 No Action Alternative	Prior to transfer or disposal, bombing ranges would be identified for post-range planning and clean up. Those areas where live, high-explosive ammunitions were used may be contaminated to the point where certain land activities would not be possible (i.e., primarily at existing high explosive target areas), in which case such areas could be closed indefinitely from public use. Assuming other areas could be rendered safe, these areas could potentially be converted to similar uses as the surrounding areas, which	<p>The Navy should disclose what area or percent of lands in the current withdrawal are “contaminated to the point” that they would need to be indefinitely closed from public use.</p> <p>It is the County’s understanding that these lands would revert to public lands managed by the BLM for multiple use rather than converted to agricultural lands. Please clarify.</p>	<p>The Navy has implemented a strict Hazardous Material Control and Management Program and a Hazardous Waste Minimization Program for all activities. The Navy continuously monitors its operations to find ways to minimize the use of hazardous materials and to reduce the generation of hazardous wastes. Certified Hazardous Material/Hazardous Waste personnel handle all hazardous material and waste in accordance with applicable federal, state, and local regulations to ensure</p>

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		are predominantly rural and agricultural land.		<p>environmental health and safety. Hazardous materials and waste would not increase or change in type from those currently used or produced on the bombing ranges or at the DVTA. Based on these considerations, impacts on public health and safety and protection of children from hazardous waste would not be significant and a range-by-range analysis is not required. Therefore, there would be no significant impact on public health and safety and protection of children as a result of hazardous waste production under the Proposed Action.</p> <p>The DoD created the Installation Restoration Program to identify, evaluate, and clean up contamination from past operations on military bases. The program was designed to ensure DoD compliance with federal and state environmental laws and regulations. Active sites are those that require additional action to clean them up to the level(s) required by applicable federal and state laws and regulations, before they can be closed as “No Further Action.”</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-28	3.2.3.1 No Action Alternative	In addition, the BLM's proposed DoD Coordination Area, which proposes limits to mineral development around the DVTA, may be revised following implementation of this alternative.	The Navy should (here and in Chapter 1 or 2) better explain the BLM's proposed DOD Coordination Area and describe why it was inadequate to the point that the DVTA is being proposed as a full Navy withdrawal.	No change to Land Use section.
3.2-29	3.2.3.2.1 Bravo 16, Land Withdrawal and Acquisition	The withdrawal of federal land would not otherwise change land use patterns in the vicinity of B-16, because land outside of the proposed B-16 expansion area would continue to be managed in accordance with current applicable federal and non-federal management plans.	This isn't an accurate statement given the closure of existing access roads as well as the need to relocate existing rights-of-way, planning rights-of-way, and range improvements.	No change to EIS. Land management outside of the expanded B-16 would not change. Transportation and rights-of-way are discussed in Section 3.5 Transportation.
3.2-29	3.2.3.2.1 Bravo 16, Land Withdrawal and Acquisition Comment is pertinent to all ranges.	BLM has designated utility corridors within the proposed B-16 expansion areas. In addition, the West-wide Energy Corridor (17-48) overlaps the proposed western boundary of B-16. Alternative 1 would not allow utilities within B-16 (Table 2-2). The BLM would assess whether these corridors would need to be relocated around B-16 following implementation of this alternative. Relocating these corridors could restrict land uses on adjacent lands; however, this area is largely undeveloped federal land.	1. This approach to existing rights-of-way is problematic: The impact of relocating existing ROWs around the withdrawal is clearly a connected action that should require the disclosure of additional environmental impacts per NEPA (40 CFR 1508.25); The Navy should cover the expense (BLM and ROW holder) of moving said rights-of-way; and, There is no guarantee that a reasonable alternative location is available.	The Navy withdrawal will avoid the existing power transmission line and access road and the Final EIS has been updated to more clearly show the withdrawal in this area. Both would be outside of the surface danger zone (SDZ) and fencing. Regarding the west-wide energy corridor, the Navy agreed to re-validate the spatial requirements for the B-16 proposed expansion with Naval Special Warfare Command and NAWDC, in terms of impacts of a reduced withdrawal. Based on this review, avoiding 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. The Navy does not believe that the narrowing of the West-wide Energy Corridor would necessitate the relocation of the entire Rights of Way. As such, the Navy is not proposing funding for such a relocation.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-29	3.2.3.2.1 Bravo 16, Accessibilit y Comment is pertinent to all ranges.	Needed addition	Local Government should be included in any list of entities allowed to access Bravo Ranges for “administrative” purposes.	Management access can be coordinated with the Navy based on needs and training schedule.
3.2-30	3.2.3.2.1 Bravo 16, Constructio n Comment is pertinent to all ranges.	Needed addition	The discussion on construction should include construction of new targets.	NA to Land Use Section.
3.2-34	3.2.3.2.3 Bravo 20, Public Accessibilit y	Implementing Alternative 1 would prevent the public from accessing the northeast portion of the Fallon National Wildlife Refuge, which would be fenced off for purposes of public safety. The public would no longer be able to access approximately 3,200 acres of refuge land and 1,920 acres of adjacent Churchill County Conservation Easements.	The County’s doesn’t support this restriction. The County requires further clarification as to whether or not the conservation easement holder will be allowed access to the 1,920 acres of Churchill County Conservation Easements.	This expansion would include approximately 3,200 acres of land currently withdrawn by USFWS as a portion of the 17,848-acre Fallon National Wildlife Refuge. The Navy is not proposing to develop targets in the refuge. Due to the safety concerns associated with being within a WDZ, the Navy proposes to enter into an agreement (MOU) with the USFWS to allow the portion of the Fallon National Wildlife Refuge within B-20 to be closed to all public access, but to continue to be managed as a wildlife refuge (the rest of the refuge, 14,648 acres would remain open to the public and managed by the USFWS). County Easement land (1,920 acres) would be acquired and managed by the Navy in accordance with the Sikes Act.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-35	3.2.3.2.4 Dixie Valley Training Area, Land Withdrawal and Acquisition	As noted in Section 2.3.2.4.2 (Public Accessibility), allowable public uses of the lands would not change from current conditions, including hunting, camping, hiking, fishing, OHV use, site visits, and grazing.	The County supports this approach. Please clarify, could this use and accessibility ever change over the term (duration) of the withdrawal? Does this “open” accessibility also apply to fee-owned (private) land held by the Navy?	As consistent with Navy training and national security needs, the Navy would continue to allow accessibility in the DVTA for the term (duration) of the withdrawal. This accessibility applies to all property in the DVTA including the fee-owned (private) land acquired under the Proposed Action.
3.2-35	3.2.3.2.4 Dixie Valley Training Area, Land Withdrawal and Acquisition	Current utilities and associated ROWs would be allowed to remain; however, there would be limited public access (Table 2-2).	Please clarify what is meant by limited public access in regards to rights-of-way.	Clarification has been incorporated into the Final EIS. Details associated with public access are presented in Sections 3.5 (Transportation) and 3.9 (Water Resources).
3.2-35	3.2.3.2.4 Dixie Valley Training Area, Land Withdrawal and Acquisition	Geothermal development, mining, new or expanded utility corridors or new utilities, or other renewable energy (solar/wind projects) would not be allowed under Alternative 1.	This is extremely concerning and problematic for the County.	Thank you for your comment. Alternatives 2 and 3 would allow for managed access as described in Chapter 2 (Description of the Proposed Action and Alternatives).
3.2-36	Figure 3.2-8 Wilderness Study Areas Proposed for Congressional De-Designation	Needed additions	Please add the proposed Electronic Warfare Sites to this map along with the proposed Fox Peak ACEC for context.	The recommended addition has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-37	3.2.3.2.4 DVTA, Land Withdrawal and Acquisition Comment typical of all Alternatives	The proposed DVTA expansion would overlap 11,600 acres of the BLM's proposed Fox Peak ACEC (24 percent), resulting in the BLM changing the boundaries of the proposed Fox Peak ACEC to remove those areas within the DVTA.	The Navy needs to better disclose what training activities are proposed in this area, and how / why they are incompatible with the proposed ACEC.	The actual changes in management practices in the portions of expanded DVTA proposed for withdrawal are preliminarily assumed to consist of authorizing previously prohibited activities, including ground disturbance, vehicle use, and a few site-specific construction activities, to be better determined and analyzed after this land withdrawal process is completed. It is likely that a revised INRMP would be developed to consider new management objectives that would need to be established based on any ultimate Congressional decision, in cooperation with partner agencies (USFWS, BLM). The EIS does not state that these areas proposed for wilderness will be replaced but simply states that there are other lands in the area that provide the same wilderness qualities and are classified as either a study area or are defined as Wilderness. The Navy needs the land withdrawn for access and off-highway vehicle use along with other training activities. The Navy also requires the control of land uses in the withdrawn areas. Although the Navy is requesting lands that are currently WSAs, this should not diminish the Navy's commitment to support other areas that have been designated as Wilderness areas or WSAs throughout Nevada.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-37	3.2.3.2.4 DVTA, Land Withdrawal and Acquisition Comment typical of all Alternatives	There are transmission corridors as well BLM planning and utility corridors within the boundary of the DVTA. Alternative 1 would not affect the current configuration of utilities within the proposed DVTA boundary. However, it would limit the ability to improve existing and proposed transmission lines within the DVTA.	More specific detail needs to be provided in terms of the limitation on proposed transmission lines within the DVTA as well as rights of way for future utilities and/or economic development activities. This is a huge area of land with some specific projects (Dixie Valley Water Project) in the planning pipeline. It needs to be clear if the Navy is proposing to allow utility rights-of-way as well as ROWs for infrastructures such as wells, pump stations, treatment facilities etc., and if so, under what limitations.	The Navy plans to coordinate with Churchill County for development of access to the water right in the DVTA. The Final EIS includes additional information regarding water rights (Section 3.9, Water Resources). Water rights are real property and if necessary, would be purchased following the process identified in Section 3.9 (Water Resources). Changes have been made in the Final EIS (in the sections noted above) to provide a greater level of detail on this topic.
3.2-37	3.2.3.2.4 DVTA, Public Accessibility Comment typical of all Alternatives	The DVTA would be open to the public under this alternative.	Please clarify if this statement applies to Navy-owned parcels or just Navy-withdrawn public lands. Also, please clarify if there is any way in which public access could be restricted by the Navy either temporarily or permanently.	Clarification has been incorporated into the Final EIS.
3.2-37	3.2.3.2.4 DVTA, Construction Comment typical of all Alternatives	Under Alternative 1, construction at the DVTA would include constructing three electronic warfare sites and installing fiber optic cable to those sites.	How will the Navy be providing power to these sites? These sites should be mapped on Fig 3.2-8. Would the Navy have to obtain a right-of-way for the fiber optic cable from the BLM? Will this require additional NEPA analysis, and if not, more detail is needed to disclose impacts of this portion of the project.	This figure is dedicated to the de-designation of the WSAs. EW sites are discussed in Chapter 2 of the Final EIS. With regards to Rights of Way, the Navy would not need to acquire a ROW from BLM.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-38	3.2.3.2.4 Alt. 1, Summary of Effects and Conclusions Comment typical of all Alternatives	Implementing this alternative would change the management of land within the range expansion areas. Withdrawn land would be removed from BLM and USFWS management and would no longer be managed for the purpose of multiple uses by the public. The Navy would manage the withdrawn land to support military uses.	The County appreciates the Navy disclosing this impact, and it should better quantify the number (%) of acreage change.	Table 3.2-5 includes the current percentage and the proposed increase of percentage increase. The "new" total of federal land by county is not included because in most cases the increase is so small the number following the decimal would be very long.
3.2-38	3.2.3.2.4 Alt. 1, Summary of Effects and Conclusions Comment typical of all Alternatives	The withdrawal of federal land would not otherwise change land use patterns in the vicinity of B-16, B-17, B-20, and the DVTA, because land outside of the proposed expansion area would continue to be managed in accordance with current applicable federal and non-federal management plans.	This statement isn't accurate given the fact that right-of-way, utilities and access will be displaced around the Bravo withdrawal areas.	Future development of ROWs, utilities, and access have yet to be determined and specifics about projects in these regions is speculative
3.2-38	3.2.3.2.4 Alt. 1, Summary of Effects and Conclusions Comment typical of all Alternatives	Withdrawing or acquiring land under Alternative 1 would require the BLM, USFWS, Churchill, Mineral, Nye and Pershing Counties to revise and amend their respective land use planning documents (BLM Range Management Plan, USFWS Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and County Master Plans).	The Navy should clearly disclose that the reason these plans need to be revised / amended is because the Alternative is inconsistent with each of the plans. In addition, these planning processes are extremely expensive and time consuming. Will the Navy be providing funding to help facilitate these revisions?	The Final EIS has been updated in each subsection discussing the impacts by range to indicate that these plans will need to be updated and that the Navy is proposing funding to assist the plan revisions. Section 3.2.3.2.6, 3.2.3.3, and 3.2.3.4.6 already state "Withdrawing or acquiring land under Alternative 1 would require the BLM, USFWS, Churchill, Mineral, Nye and Pershing Counties to revise and amend their respective land use planning documents (BLM Range Management Plan, USFWS Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and County Master Plans)."

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-38	3.2.3.2.4 Alt. 1, Summary of Effects and Conclusions Comment typical of all Alternatives	The acquisition of private land in the B-20 range expansion area would significantly change the land use management in this immediate area, as the land would increase the total percentage of federal land in Churchill County.	The County appreciates the Navy disclosing this impact, and it should better quantify the number (%) of acreage change. Is the Navy willing to fund / facilitate purchases and or exchanges as a means of mitigating this impact?	Table 3.2-5, 3.2-6 and 3.2-7 include the current percentage and the proposed increase of percentage increase. The "new" total of federal land by county is not included because in most cases the increase is so small the number following the decimal would be very long.
2.3-39	3.2.3.2.4 Alt. 1, Summary of Effects and Conclusions Comment typical of all Alternatives	Alternative 1 would be compatible with applicable land use plans, policies, and controls, including plans and policies for federally managed land, following the withdrawal, revision of boundaries, and associated management plan revisions.	This is a very misleading statement. The Navy needs to clearly state that the Alternative is inconsistent with existing applicable land use plans, policies, etc... Then acknowledge that said land use plans, policies, etc... would need to be updated and revised.	The recommended change has been incorporated into the Final EIS.
3.2-39	3.2.3.2.4 Alt. 1, Summary of Effects and Conclusions Comment typical of all Alternatives	Table 3.2-5 Proposed Increase in Federal Land by County Under Alternative 1	For the sake of full disclosure, another column needs to be added that shows the number of acres and percentage (by County) of public lands going from multiple use management to Navy management.	Table 3.2-5, 3.2-6 and 3.2-7 include the current percentage and the proposed increase of percentage increase. The "new" total of federal land by county is not included because in most cases the increase is so small the number following the decimal would be very long.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-39	3.2.3.2.4 Alt. 1, Summary of Effects and Conclusions Comment typical of all Alternatives	Under Alternative 1, the BLM utility corridor and a portion of the West-wide Energy Corridor would be incompatible with Navy policy. However, the West-wide Energy Corridor would remain, and the portion of the corridor outside of the B-16 expansion area would be available for future utility development. BLM would need to assess the relocation of the utility corridor.	The County disagrees with this approach. Any existing ROWs or planning corridors should be re-aligned as part of this process and at the Navy's expense. Deferring these actions until a later time increases the cost to other land managers and reduces the disclosure of subsequent impacts of this project.	The Navy withdrawal will avoid the existing power transmission line and access road and the Final EIS has been updated to more clearly show the withdrawal in this area. Both would be outside of the surface danger zone (SDZ) and fencing. Regarding the west-wide energy corridor, the Navy agreed to re-validate the spatial requirements for the B-16 proposed expansion with Naval Special Warfare Command and NAWDC, in terms of impacts of a reduced withdrawal. Based on this review, avoiding 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. This action would not increase the cost to other land managers or reduce the disclosure of subsequent impacts of this project as there is still an option available for future energy development in the BLM utility corridor outside of the proposed B-16 range.
3.2-39	3.2.3.2.4 Alt. 1, Summary of Effects and Conclusions Comment typical of all Alternatives	Therefore, under Alternative 1, land use impacts within the region of influence would be considered less than significant	· The County adamantly disagrees with this finding, given the following impacts: The Alternative is inconsistent with all existing land use plans, policies, etc. and will require revision / amendment of all; Existing rights-of-way will be eliminated; Planning rights-of-way will not be re-aligned or assessed by the Navy; Significant acres of private lands are proposed for purchase ...	The Approach to Analysis can be found at the beginning of each resource section in Chapter 3. The approach to analysis varies by resource, but is developed based on standard practices implemented in conjunction with any applicable requirements for each resource area. Context, intensity, and relevant thresholds were considered in forming impact conclusions. Where appropriate, significance determinations have been updated in the Final EIS due to public comment, consultation, coordination, and research availability.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) resulting in a shift of the County's land base; and, Significant acres of public lands are being closed to multiple use management (including future land uses) in lieu of the sole purpose of Navy training.	
3.2-41	3.2.3.4 Alt 3: Bravo 16	However, Alternative 3 does not include the proposed withdrawal of land south of Simpson Road; thus, the land expansion would be approximately 31,836 acres (a decrease in approximately 365 acres when compared to Alternatives 1 and 2). Additionally, currently withdrawn lands south of Simpson Road would be relinquished by the Navy back to the BLM.	The County strongly supports this and wants to ensure that Simpson Road itself will also be excluded from the withdrawal.	Simpson road would be excluded from the withdrawal.
3.2-44	3.2.3.4.2 B-17: Land Withdrawal and Acquisition	The Navy would have responsibility for planning, designing, permitting, funding, and constructing any realignment of the pipeline.	The County supports this level of Navy accountability and responsibility to relocate the Paiute Pipeline. The same approach should apply to all existing rights-of-way.	The Navy is not proposing to relocate other rights-of-way as there are other options for rights-of-way users outside of the lands proposed for withdrawal or requested for acquisition.
3.2-44	3.2.3.4.2 B-17: Land Withdrawal and Acquisition	The BLM would assess the relocation of the utility corridor around B-17 following implementation of this alternative. Relocating these corridors could restrict land uses on adjacent lands; however, the surrounding area is largely vacant federal land.	See above statement. The phrase "...the surrounding area is largely vacant federal lands..." is offensive to local citizens. These are public lands, managed in trust by the federal government, managed for multiple ...	The Navy would not need to work with the BLM to re-route the BLM utility corridor, as there is already another BLM corridor that would remain outside of the B-17 withdrawal area and could be used for future energy development on the west side of the proposed B-17 boundary. This action would not increase the cost to other land managers or reduce the disclosure of subsequent impacts of this project as there is still an option available for ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) use and environmental sustainability. The implication that relocating corridors is a simple project is false, particularly given this assessment hasn't explored the potential impacts of such a relocation as it should under a connected action per 40 CFR 1508.25.	(continued) future energy development in the BLM utility corridor outside of the proposed B-17 range.
3.2-45	3.2.3.4.2 B-17: Public Accessibility	Unlike Alternative 1, Alternative 3 does not have the potential to close State Route 839. Recreationalists and the operators of the communication tower on Fairview Peak would be able to access Fairview Peak without asking for Navy permission or waiting until B-17 is not active under this alternative.	The County appreciates and supports both aspects of Alternative 3.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
3.2-46	3.2.3.4.3 B 20	However, Alternative 3 does not include the proposed withdrawal of land east of East County Road (Figure 3.2-11);	The County strongly supports this and wants to ensure that E County Road itself will also be excluded from the withdrawal.	East County road would also be excluded from the withdrawal.
3.2-46	3.2.3.4.4 DVTA	Unlike Alternative 1, the Navy would not withdraw land south of U.S. Route 50 as the DVTA. Rather, the Navy proposes that Congress categorizes this area as a Special Land Management Overlay. This Special Land Management Overlay will define two areas ...	The County appreciates and supports this approach. The County is more than willing to work with the Navy and BLM to ensure developers understand this process, and would be willing to implement appropriate regulations or ...	The Navy has utilized the Special Land Management Overlay in all cases that were possible in the FRTC. Withdrawn or acquired lands in the DVTA must be retained and expanded to preserve a viable location to train the Navy's air and ground forces in these critical non-ordnance training activities. These training activities would not occur in the Special Land Management Overlay.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		<p>(continued) (one east and one west of the B-17 range) as Military Electromagnetic Spectrum Special Use Zones. These two areas, which are public lands under the jurisdiction of BLM, would not be withdrawn by the Navy, and would not directly be used for land-based military training or managed by the Navy. The area does include an existing right-of-way for a current Navy communication site. Otherwise, these two areas would remain open to public access and would be available for all appropriative uses, including mining for locatable and leasable mineral resources. However, prior to issuing any decisions on projects, permits, leases, studies, and other land uses within the Special Land Management Overlay, BLM would be required to consult with NAS Fallon. This consultation would inform the Navy of proposed projects, permits, leases, studies, and other land uses and afford the Navy an opportunity to collaborate with BLM to preserve the training environment. Further, prior to issuing approval for installation or use of mobile or stationary equipment used to transmit and receive electromagnetic signals in the Special Land Management Overlay as part of any federal action, BLM would be required to obtain permission for NAS Fallon for use of this equipment. This requirement to obtain Navy permission for the use of this equipment would afford the Navy an opportunity to ensure military and civilian use of the electromagnetic spectrum does not interfere with their respective activities. The BLM and the Navy will also enter into a Memorandum of Understanding to administer the details of the consultation and approval process.</p>	<p>(continued) ordnances that may improve this SLMO approach. As such, the County would request being a signatory on the MOU.</p> <p>The County also supports a similar approach to other areas of the DVTA rather than a full withdrawal.</p>	

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-48	Figure 3.2-12: Land Use, Land Management and Energy Corridors	Addition	Add Electronic Warfare Sites on this map as well as proposed alignment for fiber optic cable and/or power lines.	The recommended addition has been incorporated into the Final EIS.
3.2-49	3.2.3.4.4 DVTA, Public Accessibility	Utilities and associated ROWs would be allowed to remain; however, there would be limited public access (Table 2-7). Limited geothermal development would be allowed east of State Route 839 and managed under the Geothermal Steam Act of 1970 where compatible. Following Congressional decision regarding the land withdrawal, the Navy would determine which ROWs presented in Table 3.2-4 would be compatible with the expanded range and the ROWs that would be acquired by the Navy.	<p>Please clarify this statement about limited public access.</p> <p>Per discussions with the Navy, this should be revised to "west of SR 121 / Dixie Valley Road".</p> <p>This determination needs to be made before and disclosed in the Final EIS.</p> <p>The County is also requesting a dedicated right-of-way, or withdrawal setback, along SR 121 / Dixie Valley Road to accommodate its Dixie Valley Water Project as well as future utility/infrastructure/ economic development.</p>	The Navy has clarified the limited public access to utilities and associated ROWs in the Final EIS. The Navy has revised the sentence to state "west" of the State Route 121 / Dixie Valley Road. Additionally, the Navy is committed to working with Churchill County to ensure compatibility of military training activities with the very importation project.
3.2-50	3.2.3.4.6 Summary of Effects and Conclusions	The Navy would continue to work with federal and state agencies, and local governments, between the Draft and Final EIS to further develop the approach to managed access.	The County supports this as well as expanding the managed access process to the greatest possible extent. However, this needs to be fully disclosed in the Final EIS.	The final decisions on managed access processes are reflected in the Final EIS.
3.2-50	3.2.3.4.6 Summary of Effects and Conclusions	The BLM and the Navy will also enter into a Memorandum of Understanding to administer the details of the consultation and approval process to support the managed access of the Special Land Management Overlay.	The County requests being a signatory on this MOU.	The MOU would be between the Navy and BLM. The County would work with BLM.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-50	3.2.3.4.6 Summary of Effects and Conclusions	Withdrawing or acquiring land under Alternative 3 would require the BLM, USFWS, and Churchill, Mineral, Nye, and Pershing Counties to revise and amend their respective land use planning documents (BLM Range Management Plan, USFWS Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan, and County Master Plans).	The inconsistency between Alternative 3 and the County Master Plan, as well as the BLM's Resource Management Plan(s), etc. is a significant issue, particularly given the cost of revising/amending said plans.	The Navy acknowledges that the Proposed Action may not be compatible with the current master plans of the counties in which it would occur. However, the Navy is a federal agency and although it considers the goals of Master Plans and considers the policies with which counties use to address military activities, the Navy is not bound by the goals of a County's master plan. Therefore, the Master Plans would need to be revised in the future after the land withdrawal and acquisition occurred and an alternative was chosen by Congress.
3.2-50	3.2.3.4.6 Summary of Effects and Conclusions	Withdrawing or acquiring land under Alternative 3 would require the BLM, USFWS, and Churchill, Mineral, Nye, and Pershing Counties to revise and amend their respective land use planning documents (BLM Range Management Plan, USFWS Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan, and County Master Plans).		Thank you for participating in the NEPA process.
3.2-50	3.2.3.4.6 Summary of Effects and Conclusions	The acquisition of private land in the B-20 range expansion area would significantly change the land use management in this immediate area, as the land would increase the total percentage of federal land in Churchill County (Table 3.2-7).	The County is concerned about the conversion of private lands to Navy lands, as well as the overall amount of public lands that are currently open for public access and available for multiple use that will be closed to both (this needs to be quantified and reported by the Navy).	Percentages are included in the document.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-51	3.2.3.4.6 Summary of Effects and Conclusions	Alternative 3 would also close public access to approximately 3,200 acres of the Fallon National Wildlife Refuge (approximately 18 percent) and 1,920 acres of adjacent Churchill County Conservation Easements.	<p>The County does not support this proposed action.</p> <p>The County requires further clarification as to whether the conservation easement holder will be allowed access to the 1,920 acres of Churchill County Conservation Easements.</p>	County Easement land (1,920 acres) would be acquired and managed by the Navy in accordance with the Sikes Act.
3.2-51	3.2.3.4.6 Summary of Effects and Conclusions	Therefore, under Alternative 3, land use impacts within the region of influence would be considered less than significant.	For the above-listed reasons, the County strongly disagrees with this conclusion. Impacts to land use in Churchill County is significant and should be reported as such.	The Approach to Analysis can be found at the beginning of each resource section in Chapter 3. The approach to analysis varies by resource but is developed based on standard practices implemented in conjunction with any applicable requirements for each resource area. Context, intensity, and relevant thresholds were considered in forming impact conclusions. Where appropriate, significance determinations have been updated in the Final EIS due to public comment, consultation, coordination, and research availability. Text has been added to Land Use section acknowledging the need to change land use management plans and related documents.
3.2-51	3.2.3.5 Proposed Management Practices, Monitoring and Mitigation	NA	<p>At present, the proposed actions are inadequate given the impacts.</p> <p>See County cover letter and Chapter 5 for more details in terms of suggested additions.</p>	Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-53 & 54	Table 3.2-8 Summary of Effects for Land Use		See above comments.	Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.
3.3-14	Figure 3.3-6 Geothermal – Mineral Potential	NA	A map should be added that shows: existing geothermal plants, geothermal leases and active geothermal fields in Churchill and surrounding counties. This will provide a sense of the number and distribution of existing geothermal production in proximity to the proposed withdrawal areas as the proposed project has the potential to affect operations near the withdrawal given changes to land use.	Geothermal plants and leases and active geothermal fields in Churchill and other counties are discussed as applicable to the region of influence in the Cumulative Impacts Chapter (Chapter 4) of this Final EIS.
3.3-46	3.3.3.1 Reasonably Foreseeable Development : Metallic Locatable Minerals	Depending on the market for gold, multiple exploration projects for gold deposits could be expected within the area over the next 20 years. Exploration activity could result in the discovery of one open-pit deposit, which could employ between 100 and 300 people.	The County views this as a reasonable assessment and appreciates its inclusion.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-46	3.3.3.2: Reasonably Foreseeable Development: Industrial Locatable Minerals	Based on historic mineral exploration activity and known occurrences in the planning area, a moderate amount of exploration for industrial minerals, mainly lithium, could occur during the life of this plan. Although no economically viable lithium deposits have been identified in the study area to date, it is possible that one lithium brine operation would be developed in the study area.	The County views this as a reasonable assessment and appreciates its inclusion.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
3.3-47	3.3.3.4 Reasonably Foreseeable Development: Leasable Minerals	The geothermal gradient in the Study Area is high relative to most other areas of the Great Basin.	This is consistent with the County's understanding of the geothermal resource in the County, and in particular in Dixie Valley, and highlights the County's concern with the proposed withdrawal.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
3.3-47	3.3.3.4 Reasonably Foreseeable Development: Leasable Minerals	...over the next 20 years, it is reasonably foreseeable that exploration drilling could occur on all existing geothermal leases, some of which might lead to more detailed exploration drilling and a few of which might lead to the discovery of geothermal resources capable of developing one 15-megawatt (MW) geothermal power plant. It is reasonably foreseeable over the next 20 years that additional leases could be sought within the study area, including in the proposed DVTA, and that exploration drilling could occur, some of which might lead to a more detailed exploration and a few of which might lead to discovery of geothermal resources capable of developing one 15 MW geothermal plant.	The County views this as a reasonable assessment and appreciates its inclusion. If anything, this is a conservative scenario given the amount of geothermal power exploration and production that has occurred in the past 20 years and given the increasing demand (and favorable policy) for renewable energy in the State of Nevada.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-48	3.3.3.5 Reasonably Foreseeable Development : Salable Minerals	Over the next 20 years, it is possible that one new sand and gravel deposit with good-quality material could be developed in easily accessible areas (such as within a few miles of major roads). It is also possible that one new rock aggregate deposit of good-quality material could be developed in easily accessible areas (such as within a few miles of major roads). It is possible that one new decorative stone-collecting site could be designated to meet the increase in demand.	The County views this as a reasonable assessment and appreciates its inclusion.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
3.3-55	Table 3.3-8 Summary of Leasable Mineral Potential	Clarification	What is the percentage reported in the table representative of? It appears to be the percent of the proposed withdrawal that falls within each classification (high, moderate, low, etc.). If so, it would be helpful for context and scale to provide the area of each proposed withdrawal area.	The Navy has added the acreages to the table as requested for context.
3.3-56	3.3.4.2 Alternative 1: Modernization of the Fallon Range Training Complex (Proposed Action) Comment pertinent to all Alternatives and Ranges	Federal land withdrawn from mineral entry would no longer be open to new mining claims. Withdrawing the land from mineral entry would also prohibit future mineral exploration and development within the proposed boundaries of the public land withdrawal. Ultimately, withdrawing an area from mining development would remove the possibility of those mineral resources being extracted during the period of the withdrawal. In addition, operators may choose to relocate outside the proposed boundaries of the public land withdrawal, potentially affecting other public and private lands. While a mineral withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. Existing mining claims on public lands may ...	The County is concerned with the potential of losing current and future mining claims, not only for the duration of the withdrawal, but forever based on activities on the Bravo Ranges. A validity exam is an extremely costly and long process, this shouldn't ...	The Final EIS has been updated to further describe the process by which the Navy would compensate valid mining claims. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources). For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		<p>(continued) have to undergo a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines which claims are valid. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation. Therefore, under this alternative, the Navy would acquire any valid existing claims within the proposed withdrawal. With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.</p>	<p>(continued) be the bar for compensating claim holders.</p> <p>At a minimum, claim holders should be compensated for their holding costs (annual fees paid to the BLM, County, etc.) for as long as they've held the claim.</p> <p>Also, please describe the process (and associated timelines) the Navy will follow in "...acquiring any such lands..." particularly from unwilling sellers.</p>	<p>(continued) Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.</p> <p>With regard to existing patented mining claims, the Federal Government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary. Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) The Secretary of the Interior determines the validity of a claim based on this validity examination. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.
3.3-57	3.3.4.2.1 B-16, Training Activities Comment pertinent to all Alternatives	Clarification	The training activities on the Bravo Ranges could result in mineral resources that are permanently excluded from development based on dangers associated with weapons used for training.	As stated in the Final EIS, Federal land withdrawn from mineral entry would no longer be open to new mining claims. Withdrawing the land from mineral entry would also prohibit future mineral exploration and development within the proposed boundaries of the public land withdrawal. Ultimately, withdrawing an area from mining development would remove the possibility of those mineral resources being extracted during the period of the withdrawal. It is unknown at this time whether resources would be permanently excluded from development as technologies in the future may change and allow for compatible mining operations in areas where training has occurred in the past. Therefore, the Navy does not state the claim that resources could be permanently excluded from development due to dangers associated with weapons used for training.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-62	3.3.4.4 Alt 3: B-17	Alternative 3 would allow exploration and development of a large area of high geothermal favorability also located on the west side of the existing B-17; and, allow public access to mining in portions of the Fairview, Bell Mountain, and Gold Basin Mining Districts. Further, the shifting of the B-17 proposed withdrawal area and the creation of the Special Land Management Overlay would not encumber State Route 839.	<p>It should be clear that the allowance of exploration and development of geothermal areas is in comparison to Alternative 1, not the baseline or current condition.</p> <p>Also, this section needs to describe what portion of the DVTA would be open to geothermal exploration and development (i.e. west of SR 121).</p>	The recommended change has been incorporated into the Final EIS. Bell Mountain Exploration Corporation (BMEC) is currently involved in permitting the mining operation and the completion of the BLM EA is expected in 2020. The Navy is working with the BMEC to identify ways in which the Navy's proposed action and BMEC's valid existing mining right and proposed mining operations can be de-conflicted, both for purposes of public safety and so as to leave BMEC's operations and interests unaffected by the proposed withdrawal to the maximum extent achievable consistent with training requirements.
3.3-65	3.3.4.4.4 Alt 3: Summary of Effects and Conclusions	This alternative would not allow the exploration and development of leasable geothermal resources within the proposed boundaries of the FRTC and would eliminate the potential expansion of this important resource in areas of known high favorability for viable energy production.	This is inconsistent with other areas in this Draft EIS that indicate geothermal exploration and development are allowable within the DVTA. This needs to be clarified.	Clarification has been incorporated into the Final EIS.
3.3-65	3.3.4.5 Proposed Management Practices, Monitoring	General	<p>See cover letter and Chapter 5 comments for suggested MMM actions.</p> <p>It is unacceptable to the County that existing claim owners are not being compensated for their losses.</p>	While a mineral withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. Holders of unpatented mining claims on public lands may conduct a validity

Page	Section / Paragraph	Draft EIS Text	Comment	Response
	and Mitigation			exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) validity of a claim based on this examination. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. However, holders of existing claims on public land are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, the value of the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.</p> <p>With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-65	3.3.4.5 Proposed Management Practices, Monitoring and Mitigation	<p>Alternative 2 and Alternative 3 incorporate mitigation by proposing that the Navy allow salable mining activities and, subject to conditions established in conjunction with BLM leasing procedures, would allow geothermal development west of State Route 121 in the DVTA. The Navy is currently proposing the following required design features for geothermal development:</p> <ul style="list-style-type: none"> • Expand Rights of Way only on west side of current transmission corridor (close to current line as possible) • Construct underground transmission line connection from facility to existing transmission line ROW along State Route 121 • Use compatible lighting with downward facing shades, lighting with frequency that doesn't "wash out" night-vision devices • Coordinate with Navy on frequency spectrum • Use cooling towers and other structures no higher than 40 feet • Avoid steam field piping blocking current access roads to/from State Route 121 and canyon areas • Avoid photovoltaic solar/geothermal hybrid design 	<p>The County supports allowable (and economical) geothermal development in the DVTA; however, it suggests the following changes to the proposed required design features:</p> <p>Exploration should be exempt from RDFs as it is temporary in nature. All RDFs should allow an exemption for technology that results in features that are compatible with Navy training. (For example, allowance for overhead power lines if visibility is enhanced or allowance for PV technology that doesn't interfere with training equipment). The 40' height requirement should only apply to permanent structures, not drill rigs, cranes, etc. that are used temporarily for exploration, construction, operations and maintenance.</p>	<p>The BLM would manage geothermal exploration activities in the DVTA. The Navy would work jointly with the BLM and the applicant during the development process.</p> <p>A procedural required design feature would be created through a MOU with the BLM to cover exploration activities or temporary structures such as drill rigs or cranes used for exploration, construction, operations, or maintenance. The Navy would review proposals, including potential future proposals involving emergent technologies, on a case-by-case basis.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
General	3.4 Livestock Grazing		General Comment: Nothing in this Section discusses potential impacts to “base properties” that may be associated with effected grazing allotments. This is a major concern to the County. For instance, an allotment in Dixie Valley that may not have a direct loss of AUMs could have a base (private) property or water right that the Navy is considering for purchase. If this occurs, a transfer of base property would need to be completed, and if the permittee doesn’t have additional property nearby this could have serious ramifications beyond the loss of AUMs. This is an issue that must be discussed, and any impacts fully disclosed.	Base properties and impacts to them from loss of allotments are discussed in Section 3.13 (Socioeconomics) in regard to Potential Impacts on Range Livestock under Potential Impacts on businesses and Industry.
3.4-1	3.4 Livestock Grazing Paragraph 1	Section 3.13 (Socioeconomics) analyzes the socioeconomic impacts of restricting or removing livestock grazing on public lands.	Consider adding to the end of this sentence: "... the ranching community, local customs, culture and economy."	The Navy has revised the sentence as follows, "Section 3.13 (Socioeconomics) analyzes the socioeconomic impacts of restricting or removing livestock grazing on public lands, the ranching community, local customs, culture and economy."
3.4-2	3.4.1.3 Approach to Analysis	Required Addition	<p>This section also needs to analyze the impacts to range improvements (fencing, corrals, water sources, etc.).</p> <p>Per 43 CFR 4120.3-6(C) reasonable compensation must be provided to the permittee for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee on subject public lands.</p> <p>The other major gap in the approach, is describing the total impact that the loss of grazing privileges (AUMs) has on overall ranching operations. For instance, some losses may be significant enough that a Ranch, including private lands and other allotments are no longer viable.</p>	The Navy will work with permittees to assess and compensate for losses due to loss of access to lands for grazing on a case-by-case basis. The Navy cannot create new grazing land and other mitigation procedures are limited. Procedures and processes for this valuation is in the Final EIS. The following specific grazing mitigations would be implemented under all action alternatives. Policies and procedures in the NAS Fallon INRMP would continue to be implemented to ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) avoid conflicts with livestock grazing. This includes routine monitoring of fence lines surrounding potentially hazardous areas to ensure that the fence is secure and cannot be crossed by people or animals; the monitoring area would be expanded to include fences that are on withdrawn lands. Two Conservation Law Enforcement Offices would be proposed for hire to accommodate monitoring the added fence line. The Standard Operating Procedures for handling cattle on the FRTC training ranges would be revised and implemented. Livestock friendly erosion controls would be used when performing construction activities on or adjacent to grazing land that is actively being used. Though not a NEPA mitigation measure, the Navy acknowledges that it has the authority under 43 United States Code section 315q of the Taylor Grazing Act of 1934, as amended, to make payments to federal grazing permit holders for losses suffered by the permit holders as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes.</p> <p>AUMs were used as a metric to assess the socioeconomic impacts of the Proposed Action under each alternative in Section 3.13 (Socioeconomics). The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states: ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) (c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-2	3.4.1.3 Approach to Analysis Paragraphs 3	The Navy obtained Geographical Information System (GIS) data for each affected allotment from the BLM in November 2017.	The BLM's shapefiles are not always completely up-to-date, particularly regarding range improvements (stock water infrastructure, fencing, corrals, etc.). Have permittees, BLM Range Cons, or others reviewed this information in order to verify completeness and accuracy? If not, the County suggests completing such an exercise in order to maximize accuracy of the analysis and quantification of the impacts.	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued)</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action. The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>
3.4-2	3.4.1.3 Approach to Analysis Paragraphs 4-5	The Navy supplemented this effort by working closely with rangeland management specialists at the BLM Stillwater and Humboldt Field Offices. BLM staff provided information from the internal Rangeland Administration System and the Rangeland Improvements Projects Systems upon request...	The County appreciates the Navy's efforts to coordinate with the BLM and especially with impacted permittees. However, it should be made clear who "most" of the affected permittees and allotments include. Any permittees not consulted or allotments not field-verified should be disclosed, as well as any permittees who ...	The Navy indicates that field-verification has not yet occurred and meetings with allotment holders are ongoing. The Navy has conducted meetings and will continue to work with allotment holders as part of the valuation process. Internal records of contacts are maintained by the Navy, but plan to keep this particular information outside of the public domain.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) The Navy also conducted a physical records search of the potentially affected BLM allotments and permittee files in the summer and fall of 2017 (Bureau of Land Management, 2017–2018).	(continued) were given the opportunity to provide supplemental information to fully inform this analysis.	
3.4-3	3.4.1.3.1 Determining Loss of Animal Unit Months Paragraph 4- 5	<p>These factors were chosen because they are consistent with BLM parameters and are critical factors in determining how livestock will utilize forage in an allotment. It is acknowledged that this is influenced by the type and class of cattle, and that cattle can graze on slopes greater than 30 percent slope or will travel over 4 miles to water, but are less likely to do so under satisfactory grazing conditions.</p> <p>The AUM restrictive analysis produced a range of AUMs that could be lost for each allotment for each action alternative (Tables 3.4-3, 3.4-4, and 3.4-6). It is anticipated that any potential loss in AUMs would be within the range and values identified in this EIS. The BLM would complete site-specific environmental analysis for each allotment prior to taking any action concerning such allotments based on any alternatives implemented.</p>	<p>For the sake of full disclosure and understanding, the information used to determine each of these criteria should be cited. For instance, was forage production based upon NRCS Ecological Site Descriptions or some other method? Have range improvements such as "water" been verified with the permittees or against water right files, etc.? The County appreciates the attempt to estimate the loss of AUMs with a robust approach; however, the County would also suggest working with the BLM to determine if the original forage allocation mapping and information can be found. This would be helpful in comparing this analysis to it and the original forage allocations when the allotments were first established and/or any subsequent amendments if such information is available.</p>	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p> <p>As discussed in the Draft EIS in Section 3.13 (Socioeconomics), under Alternative 3, minimum and maximum AUMs lost and lost value of AUMs would be higher as compared to Alternative 1 and 2. Table 3.13-20 represents allotments for the minimum and maximum allotment loss in AUMs annually under Alternative 3. Table 3.13-21 represents the direct minimum and maximum values of lost AUMs and lost value of AUMs by impacted counties under Alternative 3...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) The total permanent economic impacts (both direct and secondary) associated with lost federal land grazing for example in Churchill County range from a minimum loss of \$490,126 (\$375,249 in direct impacts and \$114,877 in secondary impacts) to a maximum loss of \$682,758 (\$522,730 in direct impacts and \$160,028 in secondary impacts) under Alternative 3 (Table 3.13-22) (refer to Supporting Study: Economic Impact Analysis Report [available at http://frtcmodernization.com]). Table 3.13-23 represents employment impacts under Alternative 3 for affected counties; for instance, employment impacts for Churchill County would range from a loss of 6.2 (5.28 in direct impacts and 0.92 in secondary impacts) employees to a maximum loss of 8.61 (7.35 in direct impacts and 1.26 in secondary impacts) employees.</p> <p>Table 3.13-24 represents labor income losses. Lost grazing in Churchill County for example would consist of a minimum loss in labor income of \$137,771 (\$108,031 in direct impacts and \$29,740 in secondary impacts) to a maximum loss of \$183,854 (\$144,338 in direct impacts and \$39,516 in secondary impacts) under Alternative 3.</p> <p>Total economic impacts would be higher under Alternative 3 in comparison to Alternatives 1 and 2. By adding the overall economic impact from the decrease in AUMs (ranging from \$490,126 to \$682,758 [Table 3.13-22]) and the associated direct and secondary labor income loss (ranging from \$137,771 to \$183,854 [Table 3.13-24]) and comparing these figures to the total economic activity for the beef cattle ranching and farming sector in Churchill County (\$35 million), there would only be a reduction in economic output ranging from 0.016 percent to 0.024 percent. The reduction is significantly less when compared to the total economic activity for all sectors for Churchill County, which is 1.7 billion dollars (refer to Supporting Study: Economic Impact Analysis Report [available at http://frtcmodernization.com], Table B-1). Economic losses associated with reduced AUMs would be similar in scale for Lander, Mineral, Pershing, and Plumas counties based on the percentage of lost revenue compared to sector and total economic activity. While there would be significant impacts to individual ranching operations, there would be no significant impacts to overall economic activity within the affected counties due to lost AUMs. Therefore, no significant impacts to overall economic activity would occur due to lost AUMs under Alternative 3.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-3	3.4.1.3.1 Determining Loss of Animal Unit Months Paragraph 5	The BLM would complete site-specific environmental analysis for each allotment prior to taking any action concerning such allotments based on any alternatives implemented.	For the sake of full disclosure, at whose expense will this analysis be completed: BLM, the permittee (via cost recovery account with the BLM as part of a permit renewal), etc.?	The Navy anticipates the costs of such environmental analysis would be paid by BLM. The Navy anticipates making payments directly to affected permittees to cover certain costs such permittees may incur in seeking to obtain replacement forage or otherwise restore/maintain their existing operational capacity, as discussed in Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex) of the FEIS.
3.4-4	3.4.1.4 Public Scoping Concerns Paragraph 4	The Navy met with several of the potentially affected BLM permit holders and interested individuals in October 2017 to discuss potential alternatives and impacts on individual allotments. The Navy will provide the opportunity to meet individually with permittees and the BLM between the Draft and Final EIS	It should be made clear which allotment permittees were present and if some were unable to attend, another opportunity should be afforded.	The Navy indicates that field-verification has not yet occurred and meetings with allotment holders are ongoing. The Navy has conducted meetings and will continue to work with allotment holders as part of the valuation process. Internal records of contacts are maintained by the Navy, but plan to keep this particular information outside of the public domain.
3.4-7	3.4.2 Affected Environment Paragraph 2	Some grazing land may lose available acreage as urban areas expand, which ensures a continual demand for areas that will remain open to livestock grazing in the foreseeable future (Bureau of Land Management, 2014).	Loss of grazing due to urban development isn't much of an issue in the region of influence for this project. Losses associated with regulatory changes, wildfire and subsequent conversion to invasive annual grasses are much more of an issue in this region. The County would appreciate more focus being placed on these issues rather than urban development.	This part of the document has been relocated to the Socioeconomics Section in Section 3.13 in the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-8	3.4.2 Affected Environment Paragraph 2	Historic overgrazing has contributed to the establishment of invasive plant species within the region of influence (Eiswerth & Shonkwiler, 2006). Current livestock management and regulations have diminished overgrazing throughout the region and reduced the spread of invasive species. Grazing may also be used as a habitat management tool (Bates & Davies, 2014) as well as an effective tool to reduce the potential for wildfires, which could potentially lessen the spread of invasive grasses.	It should be clarified that the establishment of invasive plant species is primarily driven by wildfire, not livestock. Finally, not only can grazing be used as a management tool, it is also a very inexpensive means of managing and controlling fuels and wildfire which contribute to the spread of invasive annual grasses.	These issues were in the Draft EIS in this same paragraph and is in the discussion in the Final EIS.
3.4-8	3.4.2 Affected Environment Paragraph 3	...rangeland improvement projects have been implemented within the region to aid in the control of...	For added clarity, list examples of "rangeland improvement projects" (i.e. fencing / cattleguards, stock water development, corrals, seedings, etc.)	The recommended clarification has been incorporated into the Final EIS.
3.4-9	Figure 3.4-1 Allotments and Pastures within the B- 16 Affected Environment for Alternatives 1 and 2 Comment typical to all figures	Required Addition	<p>These figures need to show affected range improvements. Please see comment on Section 3.4.13 regarding range improvement compensation.</p> <p>For the sake of full disclosure and complete impact assessment, the County also suggests including existing range improvements such as pipelines, water tanks/troughs, water haul/stock ponds, cattle guards, corrals, and fencing. These improvements have been developed by permittees in coordination with the BLM and represent a monetary investment. Changes to the allotments will also require changes, relocation or loss of such improvements.</p>	The Final EIS has been revised to indicate what allotments the Navy has identified as having improvements. However, since all improvements are not known at this time, and require further discussions with allotment holders as part of the valuation process, the Final EIS only presents allotments with improvements in tabular form. Improvements are part of the valuation process that the Navy will follow in order to provide compensation to potentially impacted allotment holders.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-9	Figure 3.4-1 Allotments and Pastures within the B-16 Affected Environment for Alternatives 1 and 2		Churchill County appreciates adding lands managed by the Bureau of Reclamation but further requests that the source be cited for locating Well Locations and include valid water rights through the Nevada Division of Water Resources.	The Navy has revised the Final EIS such that all water related information is described and presented in Section 3.9 (Water Resources). Citations and references have been included in that particular section.
3.4-10	3.4.2.1 Bravo-16 Paragraph 2	In addition, 39 wells are within the proposed boundary of B-16, five of which were identified as being used for stockwater and are shown in Figure 3.4-1. The remaining wells are used for a variety of purposes, including domestic uses, testing, and monitoring (Nevada Division of Water Resources, n.d.). According to BLM records, there are no additional range improvements on lands proposed for withdrawal on B-16.	This comment goes for similar sections or figures that describe or show 'wells': For the sake of clarity, please cite the source for identification of the 39 wells. Also, are there any surface water rights located in this area? If so, these should be listed. Finally, please reference where other "wells" with other "uses" are analyzed in the document.	The Navy has revised the Final EIS such that all water related information is described and presented in Section 3.9 (Water Resources). Citations and references have been included in that particular section.
3.4-10	3.4.2.1 Bravo-16 Paragraph 4	There is a small area within the southwest portion of the proposed B-16 expansion area that is estimated to produce more forage than the surrounding area (Natural Resources Conservation Service, 2017). This area falls within the Lahontan Allotment and is accessible by Sand Canyon Road from the east as well as several unnamed roads from the west.	According to Section 2, Description of Proposed Action and Alternatives, page 2-10, Figure 2-2 the Sand Canyon Road is displayed as being closed to the public. For the sake of clarity, it should be explained which roads will be available for permittees to access if the Navy is proposing that a small section of the allotment be utilized. If this is not the case, then this information about the "small area within the southwest portion" needs to be thoroughly explained as to why its accessibility is included.	The Proposed Action would close this area from grazing. The Final EIS has been updated to reflect this clarification.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-10	3.4.2.2 Bravo-17 Paragraph 5	Figure 3.4-2 shows allotments in the affected environment for B-17 and Figure 3.4-3 shows range improvements within the affected environment for B-17. Range improvements have not been field verified for accuracy.	The County maintains that without knowing all the range improvements on the proposed withdrawal, it's impossible to understand the full affect it will have. Field verification is essential for full disclosure.	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued)</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>
3.4-11 to 3.4-12	Figure 3.4-2 AND 3.4-3	Requested addition, comment pertinent to all similar figures.	Cite the source for "well locations" and include valid water rights through the Nevada Division of Water Resources.	The Navy has revised the Final EIS such that all water related information is described and presented in Section 3.9 (Water Resources). Citations and references have been included in that particular section

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-21	3.4.3.2 Alternative 1: Modernization of the Fallon Training Complex Paragraphs 4 to 6	<p>While the BLM would conduct further site-specific evaluations to make a final determination as to whether AUM allowances would need to be adjusted, the Navy estimates that Alternative 1 would result in the loss of between 6,394 and 8,557 AUMs. As depicted in Table 3.4-2, this would result in a loss of up to approximately 5.40 percent of AUMs within the BLM Carson City District, 0.05 percent of AUMs within the Winnemucca District, and 0.41 percent of all AUMs in Nevada. Table 3.4-3 identifies the allotments within the proposed FRTC boundaries, the number of acres that would be closed from livestock grazing, and the projected loss in AUMs that would result from Alternative 1. A loss of AUMs would occur where large blocks of land would be withdrawn, and livestock grazing would be precluded. Forage and rangeland improvement projects could be permanently lost as a result of the action, which could further affect AUM estimates. The Navy would acquire any surface water rights within B-16, B-17, and B-20 (see Section 3.9, Water Resources) and would evaluate whether individuals may transit the Bravo ranges to access rangeland improvements on a case-by-case basis. The Navy calculated the loss of AUMs using the method described in Section 3.4.1.3.1 (Determining Loss of Animal Unit Months) and described in detail in the Supporting Study: Livestock Grazing AUM Restrictive Analysis (available at https://frtcmernization.com). Any potential loss in AUMs would be within the range and values identified in Table 3.4-3. The BLM's follow-on site-specific analysis would determine the actual change in permitted AUMs for each allotment. (There still isn't a great discussion on the loss regarding socioeconomics.)</p>	<p>This impact analysis does not include any quantification as to the loss of range improvement or loss of stock water rights (considered private property in Nevada), nor does it identify if these losses would result in multi-generational family ranches going out of business, which would impact the local customs and culture. These impacts must be disclosed before an accurate analysis of the impact's "significance" can be conducted and conclusions reached based on the Navy's own stated criteria on page 3.4-16.</p>	<p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further discusses the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee. The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes. Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-22 to 3.4-23	3.4.3.2 Alternative 1: Modernization of the Fallon Training Complex Table 3.4-2 and 3.4-3		Do acreage losses ranging from 70 to 72 percent in the Bell Flat and Phillips Well Allotments represent viable allotments going into the future?	The viability of particular allotments is beyond the scope of this analysis and would need to be determined following the NEPA action. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives. This process is defined in detail in Section 3.4.3.2.6 (Process for Determining Payment for Losses Resulting from Permit Cancellation)

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-25	3.4.3.2.2 Paragraph 3	Relocating State Route 839 could fragment existing grazing land depending on any route ultimately proposed for its relocation. This could also result in further reductions of AUMs and/or the loss or need to replace or relocate rangeland improvements. The BLM or other land manager would conduct follow-on, site-specific National Environmental Policy Act (NEPA) analysis of any proposed routes for such ROWs, prior to making any decision with respect to any final route and would include analyzing potential impacts on livestock grazing. The Navy would support and participate in any such NEPA analysis. The NDOT would ensure that construction of any new route is complete before any closure of any portion of the existing State Route 839, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing State Route 839 unless and until any such new route has been completed and made available to the public. (Still no mention of water rights)	Could the Navy please disclose the estimated amount of AUMs, water rights, or range improvements lost (or number needed to be replaced or relocated) as a result of relocating State Route 839?	The Navy cannot assess the estimated amount of AUMs, water rights, or range improvements lost, relocated or replaced as a result of the relocation of State Route 839, because it is not a part of the Proposed Action in this EIS. It will need to be analyzed under specific follow-on NEPA processes after Congress decides on the Navy's Proposed Action.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-26	3.4.3.2.3 Bravo-20 Land Withdrawal and Acquisition Paragraph 1	Expanding B-20 under this alternative would result in a loss of between 868 and 2,125 permitted AUMs from five BLM allotments.	For the sake of full disclosure and context, could the Navy please report what % of the authorized AUMs this loss represents within the Carson City District of BLM? Also, this impact analysis does not include any quantification as to the loss of range improvement or loss of stock water rights (considered private property in Nevada), nor does it identify if these losses would result in multi-generational family ranches going out of business, which would impact the local customs and culture. These impacts must be disclosed before an accurate analysis of the impact's "significance" can be conducted and conclusions reached based on the Navy's own stated criteria on page 3.4-16.	<p>Land acreages have been revised as a result of reducing acres requested for withdrawal. AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis. The Navy has added the percentage loss of total AUMs in BLM districts and all of Nevada to the Final EIS.</p> <p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p> <p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancellation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) (c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action. The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-28	3.4.3.2.6 Summary of Effects and Conclusions Paragraph 1	Therefore, implementation of Alternative 1 would significantly impact livestock grazing.	Typical to all summaries of Alternatives: Churchill County agrees with the assessment of "significant impacts to livestock grazing" and would suggest expanding this sentence to say "...as well as subsequent impact to local customs and culture" since maximizing public land grazing is a component of the County's Master Plan. The County also believes that an assessment of lost grazing infrastructure should be incorporated into this conclusion. Finally, this conclusion does not match the summary offered at the beginning of the analysis section in the text box on page 3.4-16.	The Navy has revised the sentence as follows, "Section 3.13 (Socioeconomics) analyzes the socioeconomic impacts of restricting or removing livestock grazing on public lands, the ranching community, local customs, culture and economy."
3.4-39	3.4.3.4.4 DVTa, Training Activities	Training activities would expand within the proposed DVTa boundary into areas where they have not previously occurred. The public and livestock may see and hear aircraft and support vehicles during training activities within this area. As described in Section 3.4.3.2.4 (Dixie Valley Training Area), training noise could elicit a behavioral response from livestock.	Existing and proposed training activity areas need to be mapped in the DVTa.	Training activities on the ground may occur in all parts of the DVTa. The Navy does not have proposed areas specified in the DVTa that are not already identified to add to a figure.
3.4-41	3.4.3.5 Proposed Management Practices, Monitoring and Mitigation	General	At present, the proposed actions are inadequate given the impacts. See County cover letter and Chapter 5 for more details in terms of suggested additions.	Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-41	3.4.3.5 Proposed Management Practices, Monitoring, Mitigation Paragraph 5	Policies and procedures in the NAS Fallon Integrated Natural resources Management Plan (INRMP) would continue to be implemented to avoid conflicts with livestock grazing. One of these procedures included routine monitoring of the fence lines surrounding potentially hazardous areas to ensure that the fence is secure and cannot be crossed by people or animals.	Under "Proposed Management Practices" the County fully understands the Navy's inability / lack of technical expertise to implement a BLM-style grazing program on the Bravo Ranges. However, the Navy should leave the option open to implement outcome based grazing practices (as authorized under Navy rules, regulations and policies). This would allow for grazing along the perimeter of the WDZs for the purpose of fuels reduction and/or maintenance of fuel breaks. Such a program could allow for watering and supplement locations outside or at the perimeter of the WDZ with targeted grazing along the periphery of the area. This wouldn't conflict with surrounding BLM allotments or Navy operations and would still provide an opportunity for a local rancher to provide a service to the Navy and supplement their operation with available forage. This could also be a small way for the Navy to show support for local culture and multi-generational ranches.	The Navy has looked into the possibility of working with grazing permittees to schedule grazing on ranges extensively during the EIS drafting process. The Navy is unable to allow grazing on bombing ranges due to the needs of the permittees for scheduling and access, as well as public health and safety risks.
3.4-42	3.4.3.5.3 Proposed Mitigation Paragraph 3	No mitigation measures are proposed for livestock grazing based on the analysis presented in Section 3.4.3 (Environmental Consequences).	This is completely unacceptable to the County. Please see comment on section 3.4.13 regarding range improvement compensation.	Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-42 to 3.4-43	Table 3.4-7		<p>The County agrees with the finding of significant impacts to livestock grazing for Alternatives 1 - 3, and this finding further supports the claim above that mitigation must be implemented in order to reduce such impacts since measures to avoid or minimize impacts to grazing have been found infeasible. The losses being experienced cannot be summarized using AUMs alone. The County suggests adding a bullet to summarize the loss of range improvements and water rights to each alternative.</p>	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued)</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>
3.4-42 to 3.4-43	Table 3.4-7 Summary of Effects and Conclusions for Livestock Grazing, Alternative 3	<p>Needed addition</p> <p>General comment</p>	<p>This table needs to disclose impacts to range improvements.</p> <p>Please see comment on section 3.4.13 regarding range improvement compensation.</p> <p>The County agrees with the Conclusion in terms of significant impacts even without a complete impact analysis. Impacts need to be fully analyzed.</p>	<p>Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-1	3.5.1.2 Regulatory Framework	Required Addition	<p>Two items need to be added to this list, perhaps with a background explanation: Revised Statute 2477; and, Federal Land Policy and Management Act of 1976 (FLPMA).</p> <p>Suggested background: Revised Statute 2477 was enacted in 1866, during a period when the federal government promoted settlement of the West. It was a primary authority under which many state and county highways were constructed over federal lands in the West. By its general wording: "The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted," the Act minimized the administrative burden on the federal government to authorize the construction of each highway across the largely undeveloped lands in the West.</p> <p>Although FLPMA repealed Revised Statute 2477, it did not terminate rights-of-way conveyed under R.S. 2477. Section 701 of FLPMA states that nothing "...shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use authorization existing on the date of approval of this Act." For a route to be an R.S. 2477 right-of-way, it must have existed before the passage of FLPMA (October 21, 1976)...</p>	<p>Revised Statute 2477 (R.S. 2477) was enacted in 1866 to promote settlement of the West and minimized the administrative burden on the federal government during construction of state and county highways. R.S. 2477 was repealed by the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA and impacts to rights-of-way (ROWs) is discussed in the Land Use (Section 3.2) section of the EIS. Although the repealing of R.S. 2477 did not terminate ROWs that were protected under R.S. 2477, FLPMA specifies that the ROW, 1) must have existed before the passage of FLPMA (October 21, 1976), and 2) the ROW must have existed before any reservation for a public purpose or transfer to non-federal ownership. Also, under consideration by the BLM for the terms in R.S. 2477 are construction, highways, and public lands not reserved for public uses. The transportation analysis focusses on the changes to existing traffic conditions and the capacity of area roadways from proposed road closures, rerouting, and restricted use roads. The roads discussed in transportation do not include off-road areas (which are discussed in the Recreation Section [Section 3.12]) ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-1	3.5.1.2 Regulatory Framework		<p>(continued) Many routes that were claimed as R.S. 2477 rights-of-way came into existence with no documentation in public land records. In 1992, Congress directed the U. S. Department of the Interior to study the history, impacts, and status of R.S. 2477 rights-of-way and to make recommendations for processing R.S. 2477 claims (assertions). A May 1993, letter from the Secretary to Congress, which transmitted the Report to Congress on R.S. 2477 - The History and Management of R.S. 2477 Rights-of-Way Claims on Federal and Other Lands, concluded that: "Until final rules are effective, I have instructed the Bureau of Land Management to defer any processing of R.S. 2477 assertions except in cases where there is a demonstrated, compelling, and immediate need to make such determinations." An R.S. 2477 right-of-way is not affected by deferring the processing of assertions. It is also important to understand that holders of existing rights retain a right of access associated with those rights without an R.S. 2477 right-of-way. Counties (including Churchill) have spent extensive time and effort collecting data to support future assertions of RS 2477 rights-of-way. Many local roads within the Study Area and proposed land withdrawal may have valid R.S. 2477 rights-of-way associated with them that have yet to be asserted by the BLM or adjudicated by a federal court. This needs to be disclosed and discussed.</p>	<p>(continued) The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-1	3.5.1.3 Approach to Analysis	Required Addition	This document needs to disclose roads and access points to training ranges that are currently being used and proposed for use by the Navy for future training. Further, it needs to be made clear who has maintenance responsibility for those roads. The County has a particular concern for roads that aren't currently designed to accommodate Navy equipment such as Lone Tree Road south of Fallon between NAS Fallon and B-16.	The Navy uses roads in accordance with applicable rules and regulations to access the ranges. The Navy is not required to disclose primary access routes to and from withdrawal areas and disclosing such routes would be a national security concern. Due to the Navy's usage of Lone Tree Road, the Navy is proposing, for public safety purposes, to reconstruct and maintain Lone Tree Road. The Navy would seek funding from Congress to pay for reconstruction of the road through the military construction program. The Navy will submit a Needs Report to the Surface Deployment and Distribution Command requesting authority to utilize funding through the Defense Access Roads program. If approved, the Navy would coordinate construction execution through the Federal Highway Administration. Funds received would be used by the Federal Highway Administration, in cooperation with the Nevada Department of Transportation, to plan, design, and construct the road segment. The Navy would coordinate with NDOT during each of these phases. Such proposed rerouting would be subject to follow-on NEPA analysis. NEPA documentation would be completed by the Federal Highway Administration prior to any road construction. The Navy would support, fund, and participate in any such NEPA analysis.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-3	3.5.1.3 Approach to Analysis	Off-Highway Vehicle Count: The Navy conducted OHV counts on unpaved roads and trails near ranges B-16 and B-17. The counts collected OHV traffic data in 2017 across two seasons on roads and trails that are subject to closure as a result of the Proposed Action. The results are discussed in detail in Section 3.12 (Recreation). The study can be found in Supporting Study: Transportation Study (available at http://frtcmodernization.com).	<p>It should be noted that these counts aren't pertinent to just off-highway vehicles. Many of these unpaved roads are critical for administrative and emergency County functions and / or general access to public lands.</p> <p>Also, the dates for the counts should be disclosed here.</p>	<p>Public access changes under the action alternatives would result in a significant impact on transportation routes near the FRTC. Under Alternative 1 and 2, Sand Canyon Road and portions of the unpaved B-20 Access Road (open for Navy use only) that pass to the north of B-20 would be closed to the public, and there would be the potential need to re-route State Route 839. Preventing public travel on these roads would cause a loss of access via customary/familiar transit routes. Access to the planned Special Recreation Management Areas, discussed in detail in Section 3.12 (Recreation) and shown in Figure 3.12-4, in the withdrawal area would also be closed to OHV use and alternate routes would be utilized. Alternative 3 would impact the same roads with the exception of State route 839; Alternative 3 would instead cause the potential relocation of part of State Route 361. Closure of OHV use areas as a result of implementing any action alternative is discussed in Section 3.12 (Recreation). The Navy is not cutting off access of persons to places, so there does not need to be a new road created to replace a road that isn't a formally recognized road, and emergency services should not be impacted by this action. The Navy is not proposing to re-route Sand Canyon Rd. around the northern perimeter of B-16. Such a re-routing is problematic in that it must cross the overflow discharge path of Sheckler Reservoir which experiences recurring major washouts (some as deep as 10 feet). Constructing a road compliant with local county standards is quite costly and would require significant engineering resources to properly design and construct. It is the Navy's opinion that existing roads and trails can provide alternate access along the northern and eastern side of the proposed B-16 withdrawal area for incidental traffic.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-3	3.5.1.3 Approach to Analysis	The following factors determine whether impacts on transportation are deemed significant: <ul style="list-style-type: none"> • an increase in the need for safety-related traffic signals and signs • increased or decreased transit times for residents and emergency responders • loss of access via customary transit routes 	This list should include, “loss of access to public lands within proposed withdrawal areas (proposed closed to public access) and adjacent public lands”. This has been and remains a major concern for Churchill County.	Public access changes under the action alternatives would result in a significant impact on transportation routes near the FRTC. Under Alternative 1 and 2, Sand Canyon Road and portions of the unpaved B-20 Access Road (open for Navy use only) that pass to the north of B-20 would be closed to the public, and there would be the potential need to re-route State Route 839. Preventing public travel on these roads would cause a loss of access via customary/familiar transit routes. Access to the planned Special Recreation Management Areas, discussed in detail in Section 3.12 (Recreation) and shown in Figure 3.12-4, in the withdrawal area would also be closed to OHV use and alternate routes would be utilized. Alternative 3 would impact the same roads with the exception of State route 839; Alternative 3 would instead cause the potential relocation of part of State Route 361. Closure of OHV use areas as a result of implementing any action alternative is discussed in Section 3.12 (Recreation).
3.5-4	3.5.2 Affected Environment	Needed Addition	Since “local roads” are already mapped in this section, the affected environment section should disclose how many miles of these roads will be closed as a result of the various alternatives.	The Final EIS has not made this addition, as the Navy cannot be certain it has captured all local roads and therefore cannot make this calculation.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-4	3.5.2.1 Rights of Way	Needed Addition	An addition needs to be added for potential RS 2477 rights-of-way.	The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.
3.5-4 & 5	3.5.2.2 Road Network	The Navy is continuing to review potential impacted roads regarding county-designated access roads and other potential ROWs in the lands requested for withdrawal or proposed for acquisition. The Navy acknowledges that there are or may be claimed interests in these areas but does not have sufficient data to include them fully in the analysis; therefore, they are not described further.	Churchill County has provided mapping for roads that it has assessed for potential RS 2477 rights-of-way. Many of these roads are mapped in this section and show as "local roads". The County also provided a list of Roads that it was most concerned about being closed. Please advise what additional data / information is required.	The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-6	Table 3.5-2: Rights of Way Located within the Existing or Proposed B-16	Needed mapping. Same comments apply for similar tables for other ranges / DVTA.	These ROWs should be mapped for additional context.	The Navy has mapped all ROWs that data could be found for; other ROWs could not be mapped as there was no data available for them.
3.5-7	Figure 3.5-1: B-16 and Transportation Facilities for Alternatives 1 & 2	Needed mapping. Same comments apply for similar figures for other ranges / DVTA.	Please map roads proposed for Navy use and primary access routes to and from the withdrawal area.	The Navy uses roads in accordance with applicable rules and regulations to access the ranges. The Navy is not required to disclose primary access routes to and from withdrawal areas and disclosing such routes would be a national security concern.
3.5-20	Figure 3.5-7: DVTA and Transportation Facilities for Alternatives 1 and 2	Needed mapping.	Please map roads proposed for Navy use and primary access routes to and from the withdrawal area. This is particularly important in the DVTA given it will remain open for public access.	Routes used to access the DVTA would not change under the Proposed Action. The Navy uses roads in accordance with applicable rules and regulations to access the ranges. The Navy is not required to disclose primary access routes to and from withdrawal areas and disclosing such routes would be a national security concern.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-21	3.5.3.2 Alternative 1: Modernization of the Fallon Range Training Complex	Under Alternative 1, the most notable roadway closures would include: the unpaved Sand Canyon Road that traverses B-16; portions of the unpaved B-20 Access Road (open for Navy use only) that pass to the north of B-20;	<p>This is a misleading statement as this road is currently open to public access as well as administrative access by the County, State and Federal officials.</p> <p>Had the Navy proposed closure of this Road previously, the County would have protested and requested an adjudication under RS 2477.</p>	<p>Pole Line Rd. is not a BLM authorized County road. The only permitted authorized use of the road is as a Navy ROW. Therefore, the Navy is not proposing to relocate it, nor is a shift of the WDZ proposed.</p> <p>The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-35	3.5.3.4.1 Alt. 3: Bravo-16, Land Withdrawal and Acquisition	Unlike Alternatives 1 and 2, the lands south of Simpson Road would not be withdrawn, and since they are currently withdrawn lands, they would be relinquished by the Navy back to the BLM.	Please clarify that Simpson Road itself would not be included in the withdrawal.	The recommended clarification has been incorporated into the Final EIS.
3.5-35	3.5.3.4.1 Alt. 3: Bravo-16, Public Accessibility	Rights of Way: Implementation of Alternative 3 would close access to ROWs as described under Alternative 1. The Navy proposes to purchase the ROWs as applicable as real property.	The County supports this approach. Relocation may be a more viable and suitable approach to both the Navy and current ROW holders, and this option should be included here.	The Navy is proposing to purchase the ROWs as applicable as real property, and is not proposing to relocate the ROWs.
3.5-35	3.5.3.4.1 Alt. 3: Bravo-16, Public Accessibility Comment applicable to other 'local roads'	Closure of unpaved Sand Canyon Road would not result in a significant impact to transportation, because the road is used primarily for access to B-16 and closure of it would not impact LOS on surrounding roads or intersections as shown in Figure 3.5-2 and Table 3.5-10.	While this closure may not impact transportation, it does impact administrative access and access to public lands which is critically important in Churchill County. This point should be acknowledged here. The County continues to support a realignment (rather than closure) of Sand Canyon Road around the northern edge of the proposed withdrawal. This would facilitate County administrative and emergency access as well as public access to surrounding public lands. A road would also serve as a fire break to help prevent the spread of fire from the B-16 Range to surrounding private and public lands. Other 'local' access roads are also proposed for closure, and they should be quantified and disclosed.	Sand Canyon road is listed as a federal road and administrative access should not be held by the county. The Navy is listed as the holder of the road, serial number, Nev 059264, and facility type, 281008 - ROW-ROADS FEDERAL 44LD513. The Navy is not proposing to re-route Sand Canyon Rd. around the northern perimeter of B-16. Such a re-routing is problematic in that it must cross the overflow discharge path of Sheckler Reservoir which experiences recurring major washouts (some as deep as 10 feet). Constructing a road compliant with local county standards is quite costly and would require significant engineering resources to properly design and construct. It is the Navy's opinion that existing roads and trails can provide alternate access along the northern and eastern side of the proposed B-16 withdrawal area for incidental traffic. The Final EIS has added mileage of roads that would be closed that are shown on the figures to the section discussion as requested.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-37	3.5.3.4.2 Bravo-17, Road and Infrastructure Improvements to Support Alternative 3	The Nevada Department of Transportation would ensure that construction of any new route is complete before closing any portion of the existing State Route 361, and the Navy would not utilize any portion of the expanded B-17 range (if implemented) that would overlap the existing State Route 361 unless and until any such new route had been completed and made available to the public. The State Route 361 Notional Relocation Corridor would potentially re-route approximately 12 miles of the existing State Route 361 to skirt the eastern boundary of B-17 (see Figure 4-3). Ultimately, the Navy has responsibility for planning, designing, permitting, funding and constructing any realignment of highways. The Navy would coordinate with NDOT during each of these phases. The Navy has submitted a request to utilize the Defense Access Roads program. If approved, the Navy would coordinate construction execution through the Federal Highway Administration.	The County supports this approach and suggests a similar approach for critical local roads (including those with a valid RS 2477 claim) that would provide a similar level of access to public lands immediately surrounding the proposed withdrawal areas.	The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.
3.5-39	3.5.3.4.4 Dixie Valley Training Area, Training Activities	Training activities in the DVTA would be the same as described under Alternatives 1 and 2, and would therefore have no significant impact on transportation under Alternative 3.	Please map roads that will be used by the Navy for training activities and disclose who will be responsible for maintenance of these roads.	Routes used to access the DVTA would not change under the Proposed Action. The Navy uses roads in accordance with applicable rules and regulations to access the ranges. The Navy is not required to disclose primary access routes to and from withdrawal areas and disclosing such routes would be a national security concern.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-40	3.5.3.5 Proposed Mitigation, Minimization, or Avoidance	Additions	See County cover letter and comments to Chapter 5 pertinent to this section. Earlier in the Section the Navy indicated that access rights-of-way would be purchased, this should be included under the Mitigation section.	The Navy will mitigate for loss of access to the lands requested for withdrawal or proposed for acquisition using all authorities that are available to it. The Navy is proposing to purchase the ROWs as applicable as real property, and is not proposing to relocate the ROWs.
3.5-42	Table 3.5-11: Summary of Effects and Conclusions on Transportation (continued)	Required Addition & General Statement	Please disclose the mileage of 'local roads', already mapped in this section, will be closed. The County agrees that Alternative 3 will result in significant impacts.	The Final EIS has not made this addition, as the Navy cannot be certain it has captured all local roads and therefore cannot make this calculation.
General	3.6 Airspace		General Comment: Other sections have indicated that the Navy has a policy that establishes an operating floor of 3,000' AGL above the Stillwater and Fallon National Wildlife Refuges. The Navy needs to clarify in this section if it will adhere to that policy and if any exceptions would be made to that policy. The County would like to see written assurance that the 3,000' AGL floor would be maintained with no exceptions or exemptions.	The Navy would continue to implement this policy.
3.6-5	3.6.2.1 Special Use Airspace	The FRTC contains nine restricted areas, with six aligned over the four bombing ranges and three for dynamic events (Combat Search and Rescue [Terrain-masking]) not associated with air-to-ground munitions, primarily over the Dixie Valley Training Area.	Please clarify which three restricted areas are NOT associated with air-to-ground munitions, and specifically which airspace is designated for training in the DVTA.	See figure 3.6-2. DVTA associated restricted areas are R4816N and R4816S. R4812 is a legacy Restricted Area that connects the B-17 and B-19 ranges and remains unchanged. All of the Fallon North 2 MOA, Fallon North 2 ATCAA, Fallon South 1 MOA, and Fallon South 2 ATCAA are designated for training in the DVTA. R4816N/N Low and R4816S/S Low are also designated for training in the DVTA.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.6-5	3.6.2.1 Special Use Airspace	FRTC-restricted airspace complies with the FAA requirement that a restricted area floor may be established to the surface combined with Navy requirements that the Navy owns, leases, or by agreement, controls the underlying surface, as well as ensure that the restricted airspace contour contains all activities conducted therein.	<p>This FAA requirement should be disclosed and better explained in Chapter 1, Purpose and Need for the Proposed Action.</p> <p>In this Chapter, for the proposed action, please better clarify which special air space is being modified in order to qualify with this requirement.</p>	<p>FAA JO 7400. (series), Chapter 23. Restricted Areas, Section1, paragraph 23-1-4. Restricted Area Floor.</p> <p>Restricted Airspace over the three modernized (expanded) bombing ranges - B-16, B-17, & B-20.</p>
3.6-15	3.6.3.2 Alt 1: Modernization of the Fallon Range Training Complex	<p>Bullet list. For example:</p> <p>establishment of two new restricted areas: R-4816N (Low) and R-4816S (Low) would be established to allow better use of current associated proposed land range changes in the Dixie Valley Training Area</p>	<p>For each bullet, more information should be provided for the reader to understand the purpose and need for the recommended changes. Specific mapping for each update should be developed for further understanding of how air-space changes match proposed land withdrawals. It is difficult to correlate each change on the maps that show the entire airspace.</p> <p>For example, why are two new restricted areas required in the DVTa? What training will these changes help facilitate, and how do these areas relate to the overall withdrawal footprint.</p>	<p>Table 3.6-3 provides the changes summary. Figures 3.6-3, 4, 5, & 6 provide the visuals. The two new restricted areas under the existing restricted areas in the DVTa are specific extensions down to the surface to ensure safety and to allow better use of current associated proposed land range changes in the Dixie Valley Training Area and allow usage of Smokey Sams (surface to air missile simulators).</p>
3.6-16	Figure 3.6-3 Comment pertinent to all figures	Suggested addition	<p>Please show proposed land withdrawals on figures for better context. Alternatively, specific figures for each land withdrawal area (B-16, 17, and 20 and the DVTa) could be shown with associated air space changes.</p> <p>The current figures make it difficult to associate changes in land use with changes in airspace.</p>	<p>See Chapter 2 for specifics on land withdrawals. Airspace changes driven by the land withdrawals are limited to the restricted areas that match the changes to B-16, B-17, and B-20, and the lower restricted areas under the existing restricted areas in the DVTa.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.6-20	Table 3.6-3	R-4816S (Low) and R-4816N (Low)	The County has concern with the proposed "floor" of these new SUAs extending to ground surface, particularly given some of the critical biological resources (i.e. bighorn, sage-grouse, etc.) on Chalk Mountain and the Louderback Mountains.	The FAA requirement for Restricted Airspace (FAA JO 7400. (series), Chapter 23. Restricted Areas, Section1, paragraph 23-1-4. Restricted Area Floor) over a bombing range is that it is contiguous from the surface to the defined ceiling. When active, it prevents unauthorized aircraft from flying below the Restricted Airspace and through the weapons danger zones. The two new restricted areas under the existing restricted areas in the DVTA are specific extensions down to the surface to ensure safety and to allow usage of Smokey Sams (surface to air missile simulators).
3.6-23 & 24	3.6.3.2 Alt 1: Modernization of the Fallon Range Training Complex	The restricted areas would increase in size for the B-16, B-17, and B-20 ranges, but would still be within the current overall FRTC footprint, and the procedures for general aviation access remains unchanged. However, for Gabbs westerly general aviation traffic, rather than proceed direct to Fallon Municipal Airport, the larger B-17 associated restricted airspace would require pilots to turn within 5.5 miles after departure and either fly due north 20 miles to pick up the VFR corridor west, or fly 20 miles southwest before turning north, in order to avoid the proposed R-4805. The two small airports under the proposed Smokie MOA, Hadley and Barker Creek (NV31), have a total of three aircraft based at the fields. Daily operations are not expected to change from current use under the Proposed Action. The Proposed Action would not impact general aviation outside the FRTC airspace, which includes the Eureka airport and the privately owned Red Rock Ranch (NV22) airport just outside the eastern border of the proposed Zircon and Ruby MOA/ATCAA respectively. Eureka airport access, flight patterns, and availability would be unchanged under the Proposed Action.	Please disclose the impact, or lack thereof, on the Fallon Municipal Airport.	The Final Airspace and Airfield Study, section 1.2.3.2 states "For the twelve civil/private airfields (including Fallon Municipal) identified as being placed under or immediately adjacent to the FRTC SUA, all will remain outside of the reconfigured restricted airspaces identified in the Modernization EIS alternatives." Section 1.2.3.3.1 indicates that pending final FAA resolution of FRTC airspace under the modernization, Fallon Municipal published instrument approach instructions may require revision by the FAA.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.6-24	3.6.3.2 Alt 1: Modernization of the Fallon Range Training Complex	The Navy is not considering an increase in the number and type of air activities in any of the action alternatives for this proposal. Restricted airspace would be expanded solely to accommodate weapons release ranges and profiles to ensure the safety of Navy personnel and the public. Aircraft flight paths and delivery profiles would not change from their current practices. Similarly, the non-firing flight profiles that are routine and integral components of Navy training at the FRTC would not change.	This seems inconsistent with the purpose and need in terms of adding additional attack angles, additional training flexibility in the DVTA, etc. Please clarify what would and what would not change.	The number of military aircraft utilizing the FRTC for training would not change from the current levels as determined in the 2015 EIS.
3.6-27	3.6.3.5 Proposed Management Practices, Monitoring and Mitigation	Question	Why are none of the recommendations included in the Airspace / Air Traffic Impacts Study included?	These recommendations were made to the Navy however, they are outside of the scope of this EIS.
3.7-6	3.7.1.3.3 Noise Effects	Requested Information	This section states that the typical hours of operations for airspace is 7 am to 10 pm, what are the typical hours of operations for training in B-16 and the DVTA? Would the Bravo Ranges be available for night flight training given the lack of current and future development and similar night sky lighting as the DVTA?	The typical hours for any of the ranges is typically 0700 to 2200, though the airspace can be open later to meet night training requirements. The proximity of B-16 to the city of Fallon does not make it a suitable range for NVG training. Further, bombing ranges are heavily scheduled every day, and is not readily available.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.7-10 & 11	3.7.2.1 Sensitive Receptors	Sensitive receptors on these lands include residential, educational, health, and religious structures and sites; parks; recreational areas (including areas with wilderness characteristics); tribal reservations; wildlife refuges; and cultural and historical sites. In the context of noise from explosives firing ranges, sensitive receptors may include areas in the immediate vicinity of operations. Users of designated recreational areas are considered sensitive receptors.	<p>The County is particularly concerned with the following areas as described as “sensitive receptors”:</p> <p>City of Fallon and surrounding residential and agricultural areas;</p> <p>Lahontan State Recreation Area and private property in the northeast and northwest corner of B-17;</p> <p>The Stillwater National Wildlife Refuge; and,</p> <p>Important biological areas (i.e. Sage-grouse leks, bighorn sheep lambing areas., etc.)</p>	Noise contours from military training activities do not change around the City of Fallon under the Action Alternatives. Although the noise modeling shows an increase above the Stillwater Wildlife refuge, it is important to note that Navy doctrine indicates that the Stillwater area is listed as a Noise-Sensitive Area, and as such it shall be avoided by a minimum of 3,000 ft. AGL and 5 nautical miles.
3.7-14 & 15	Figures 3.7-2 & 3	Requested Addition, applicable to similar figures.	These figures should show Lahontan State Recreation Area, Humboldt Wildlife Area (State) and private property near the B-16 Range.	The recommended addition has been incorporated into the Final EIS.
3.7-36	3.7.3.2.1 Bravo-16 Munitions Noise	Contours for small arms munitions were not created for Alternative 1, as new firing locations at B-16 are at greater distances from the proposed range boundaries than under the environmental baseline.	This is not true of Lahontan State Recreation Area and private property on the northeast corner of B-16. Given those key areas, the County would like to see noise contour mapping for munitions noise in B-16.	Small arms training did not extend past the range boundaries. Firing positions under the Action Alternatives are farther from range boundaries than under the Environmental Baseline. Because noise did not extend past boundaries under the Environmental Baseline, and types of weapons are not changing, it is highly unlikely that noise from firing under Alternative 1 would extend past the range boundary.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.7-46	Table 3.7-6 Modeled Day-Night Levels (dBA) at selected Points of Interest Under Alternative 1		The County is concerned about the modeled noise impacts at Red Mountain (B-16) in close proximity to private property as well as increases at Stillwater NWR given the amount of recreation and tourism that occurs in that area (in addition to nearby private holdings).	While noise increases in the Red Mountain area, it is still below 65dBA threshold that the Navy is using as recommendations for land use.
3-7.73	3.7.3.4.14 Summary of Effects and Conclusions	With the exception of B-16, all DNL contours from aircraft overflights are contained within the range boundaries. At B-16, the area that the elevated DNLs reach off range are similar to the environmental baseline, and do not overlap any sensitive receptors.	Does this statement hold true for private property adjacent to B-16 as well as the Lahontan State Recreation Area? Does this statement hold true for noise related for munitions?	That is correct. As the Draft EIS sated, at B-16 there is no change from the environmental baseline and does not overlap human sensitive receptors. This statement also holds true for munitions use.
3.7-73	3.7.3.5 Proposed Management Practices, Monitoring, and Mitigation		See comments in Chapter 5 for input on this section.	Comments noted for chapter 5 have been incorporated in the Final EIS where applicable and appropriate
3.7-74	Table 3.7-11: Summary of Effects for Noise, Alternative 3	Visual inspection of aerial maps of impacted areas (regions where the DNL contours are in excess of 65 dBA) reveals no sensitive receptors (e.g., residences, lodging, or medical facilities) or incompatibility with current land use. In these areas, during busy months of training activities at the FRTC, noise would not interfere with normal activities associated with its use.	Mapping should be provided specifically to areas that exceed the 65 dBA with an overlay of special land management areas (Wildlife Refuges, State Wildlife Management / Recreation Areas) as well as private property. While residences may not be visible from aerial maps, there is an impact to private property values in these regions along with impacts to popular recreational facilities.	Both aerial maps and uniform population (using U.S. Census data) have been used to determine the range of potentially impacted individuals under DSNL contours in excess of 65 dBA

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.8-6	3.8.1.3 Approach to Analysis	Requested addition.	Two of the County's primary concerns are: air pollution as a result of wildfire and subsequent dust, and dust from development of new infrastructure (including targets) particularly in highly erosive soils (which are described in Section 3.1). As such, an analysis should be completed in terms of the fire history on the FRTC during the timeframe of the existing withdrawal as well as mapping of new infrastructure in relation to erosive soils.	This EIS analyzes the fugitive dust that would be generated during construction activities. As for emissions due to wildfires, wildfires are not an aspect of military training activities and are therefore not within the scope of this EIS.
3.8-7	3.8.1.3 Approach to Analysis	Combat search and rescue activities and electronic warfare countermeasures generate emissions of chaff, a form of particulate not regulated under the federal Clean Air Act as a criteria air pollutant.	This presents a concern to the County in terms of potential for wildfire ignitions. This should be discussed in this section. Additionally, the areas where these activities currently occur and are planned to occur should be clearly mapped in Chapter 1 and 2 as appropriate.	Wildfires are not an aspect of military training activities and are therefore not within the scope of this EIS. The location of each range activity is listed in Table 2-9 in the EIS, but a detailed map is not provided.
3.8-9	3.8.2.1.2 Hazardous Air Pollutants	Hazardous air pollutants are emitted by processes associated with Navy training activities presented in the 2015 Military Readiness Activities at Fallon Range Training Complex, Nevada Final Environmental Impact Statement, including fuel combustion.	This should be disclosed and summarized in this document.	A brief summary of the hazardous air pollutant discussion has been added to this EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.8-10	3.8.2.1.3 Fugitive Dust	During combat search and rescue training, helicopters and ground-based military equipment create fugitive dust. Bombing activities would eject loose dust into the air from explosions. Finally, during dismounted fire and maneuver training, ground-based military equipment and dismounted personnel in B-17 generate fugitive dust. Fugitive dust emissions (PM _{2.5} and PM ₁₀) during training are localized and temporary (short term), only existing during the event itself.	These activities (combat search and rescue, primary military equipment routes, and dismounted fire and maneuver areas) should be mapped in this section along with prevailing winds in order to disclose area susceptible to dust impacts. Target areas also need to be mapped and disclosed in this Section.	Table 2-9 describes the general locations where each activity can occur. If an activity is said to occur on B-16, it can occur anywhere within the range. Maps of the target areas are also provided in Chapter 2.0 and will not be repeated here for the sake of brevity. Information on prevailing winds will be added to this discussion.
3.8-10	3.8.2.1.3 Fugitive Dust	Adhering to standard operating procedures contained in Navy doctrine and stated below helps minimize the dust: <ul style="list-style-type: none"> • Vehicles shall be operated only on established roads. • Vehicles shall adhere to posted speed limits and drive at safe speeds commensurate with conditions. <p>In addition, conditions are evaluated before starting a large-scale ground training event to determine if additional dust abatement measures, such as watering high-use areas or other measures in the NAS Fallon Dust Control Plan (U.S. Department of the Navy, 2004), are warranted.</p>	The County supports these actions, but would point out that many dirt 'local roads' are not posted with speed limits. Does the Navy have a default speed limit in this case? It would seem like the Dust Control Plan from 2004 would need to be updated given the scale of this project.	Standard operating procedures as listed in the NAS Fallon Dust Control Plan would be implemented on any new lands proposed for withdrawal or acquisition; which would reduce the potential for fugitive dust from construction. The primary strategy for dust control described in the NAS Fallon Dust Control Plans consists of a phased approach to acreage disturbances; Surface Area Disturbance activities (grading/leveling and shoulder-dragging) may be conducted in discrete phases rather than via disturbances of entire areas in one operation. Vehicles participating in construction activities that occur on unpaved surfaces would minimize fugitive dust generation implementing traffic control measures, including vehicle speed controls (not to exceed 15 miles per hour). Restrictions on non-project vehicles may also be imposed in affected areas during Surface Area Disturbance activities.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.8-11	3.8.3 Environmental Consequences	Required Addition	This section doesn't talk at all about new target areas. Proposed targets should be disclosed, mapped and discussed as they contribute to potential dust generation, particularly in erosive soils. Such soils have been identified in Section 3.1, and mapping of target areas should also show said soils.	There are no construction activities associated with the target areas that would lead to fugitive dust generation. Premade targets would simply be placed within the target areas as they already exist.
3.8-13	3.8.3.2.5 Fallon Range Training Complex Special Use Airspace	Although the lowering of certain SUA floors (see Section 3.6, Airspace) would increase the amount of area where flights could go below 3,000 feet, which would presumably increase the amount of emissions under 3,000 feet, the percentage of time that these flights would actually be under 3,000 feet would not appreciably change.	The increase of flights below 3,000' should be better quantified. If they are not proposed to "appreciably change", then why is this part of the proposed action?	There will not be changes to the number of flights or to the amount of time that flights go below 3,000 feet. The lowering of SUA floors simply allows flights to go below that threshold in a larger area rather than a more confined region. Therefore, it does not actually affect the amount of emissions released beneath this threshold.
3.8-16	3.8.3.2.8 Fugitive Dust, Bullet 1	Operations may be suspended when winds (or other meteorological conditions) make fugitive dust control difficult.	Is there a standard for when this occurs, and if so, is it included in the 2004 Dust Control Plan?	There is no set standard for when meteorological conditions would make fugitive dust control difficult. The need for additional dust abatement measures would be determined on a case-by-case basis during pre-construction planning with input from the NAS Fallon Environmental Division. Factors considered in determining the need for additional dust abatement include the locations and duration of the exercise; the number of vehicles involved in the exercise; soil moisture conditions prior to the exercise; and predicted precipitation, wind speed, and wind direction during the exercise.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.8-16	3.8.3.2.8 Fugitive Dust, Bullets 2 & 3	Any visible material tracked from Surface Area Disturbance locations onto adjoining paved roads shall be promptly removed. A designated on-base facility with wash racks and water hoses will be made available to clean equipment and machinery as needed.	Would it make sense to install such a wash facility at major access points (i.e. B-16 and DVTA) in order to avoid tracking onto state or federal highways, rather than washing equipment at the base?	Any visible material tracked from Surface Area Disturbance locations onto adjoining paved roads shall be promptly removed.
3.8-16	Table 3.8-5: Potential Fugitive Dust from Construction Activities	Required Addition, comment applies to all similar tables.	Targets need to be added to this table.	There are no construction activities associated with the target areas that would lead to fugitive dust generation. Premade targets would simply be placed within the target areas as they already exist. Language has been added to Section 3.8 (Air Quality) explaining this.
3.8-16	Table 3.8-5: Potential Fugitive Dust from Construction Activities	Following construction activities, fugitive dust emissions are anticipated to decrease back to original levels.	This assumption is a poor one until revegetation is successful, and can stabilize the soils. Page 3.1-47 of this Draft EIS properly describes this issue by saying, when combined with military activities, it is more likely that this alternative would have a greater impact on geological resources within B-17, particularly when the length of time necessary for desert soils to recover or stabilize is considered...	The Navy intends to use all feasible and effective management practices in reducing fugitive dust emissions. The estimates take these measures into account and the determination is made with these aspects in mind.
3.8-20	3.8.3.4.2 Bravo-17	Although the B-17 range would consist of an alternative withdrawal boundary in relation to Alternatives 1 and 2, the construction activities that would occur on B-17 under Alternative 3 would be the approximately the same as those analyzed in the other Alternatives.	This isn't the case when comparing the amount of soil disturbed for construction of targets, particularly in areas with erosive soils. This speaks to the need to map and quantify targets in this section.	There are no construction activities associated with the target areas that would lead to fugitive dust generation. Premade targets would simply be placed within the target areas as they already exist.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.8-21	3.8.3.5 Proposed Management Practices, Monitoring, and Mitigation		See comments in Chapter 5 for input on this section.	An integrated vegetation management plan is already implemented to maximize vegetation coverage, which would reduce potential erosion and dust. This management plan is reviewed every two years along with other management practices to determine which management practices are effective and should be carried forward and if there are other management practices that could be more effective in minimizing dust generation.
3.8-24	Table 3.8-7: Summary of Effects and Conclusions on Air Quality, Alt.s 1 - 3	Implementation of Alternative 3 would not result in significant impacts on air quality.	This is only true with active management and monitoring that prevents fugitive dust.	The Navy intends to use all feasible and effective management practices in reducing fugitive dust emissions. The estimates take these measures into account and the determination is made with these aspects in mind.
3.9-1	3.9 Water Resources	Required Addition	Please add a short paragraph here on water rights.	The recommended addition has been incorporated into the Final EIS.
3.9-1	3.9.1.1 Region of Influence	The region of influence for water resources is the project footprint of the Fallon Range Training Complex (FRTC) land assets (i.e., proposed acquisition and requested withdrawal) and any other area that could be directly or indirectly impacted due to any of the alternatives.	Churchill County suggest that the Region of Influence should include any Hydrographic Basins (as defined by the Nevada Division of Water Resources) within the proposed land withdrawal areas. The State of Nevada administers water rights, and this is the administrative unit that they utilize based on hydrology and interconnectedness between surface and ground water resources.	Hydrographic basins are discussed in Section 3.9. As stated in Section 3.9, "Hydrographic basins correspond to hydrographic regions and is the spatial unit used by Nevada Department of Water Resources to administer water rights and to make calculations by the State Water Engineer for water right allocations."

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-1	3.9.1.1 Region of Influence	Therefore, B-19 is not discussed further and would be maintained as discussed in the Fallon Range Training Complex Final Environmental Impact Statement (EIS), 2015 (U.S. Department of the Navy, 2015)	Is there any potential for existing contamination located in B-19 to contaminate groundwater? Does the Navy have any information showing current groundwater quality based on monitoring wells to serve as a baseline? These disclosures should be made for the sake of clarity and full disclosure.	There are no monitoring wells within B-19; however, groundwater quality is derived mass-balance estimates from direct soil sampling.
3.9-1	3.9.1.2 Regulatory Framework	Chapter 1 describes the following regulations that are relevant to the regulatory requirements concerning water resources:	As the State of Nevada manages water appropriation and reallocation of public waters and administers several EPA programs (i.e. CWA/SDWA) the appropriate Nevada Revised Statute should also be cited.	The recommended addition has been incorporated into the Final EIS.
3.9-1	3.9.1.2 Regulatory Framework	There are no designated Waters of the U.S. on the expansion areas, although	Does this statement apply to the Carson Sink in B-20?	From the wetlands report, there is a small (0.10 acre) site that may be a wetland. AS such, there's a TINY amount of waters of the US in the extreme north of B-20, and is on the very edge of the WdZ.
3.9-2	3.9.1.2 Regulatory Framework, State of Nevada Water Law	As established by Nevada Revised Statute 533.025, the water of all sources of water supply within the state of Nevada, whether surface water or groundwater, is property of the state and managed as a public resource.	Water is typically managed as a “public resource” rather than “property of the state”. See below mission statement for the Nevada Division of Resources to better explain this nuance: The mission of the Nevada Division of Water Resources (NDWR) is to conserve, protect, manage and enhance the State's water resources for Nevada's citizens through the appropriation and reallocation of the public waters.	This statement has been corrected in the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-3	3.9.1.2 Regulatory Framework, State of Nevada Water Law Text Box containing Definitions	<p>A Point of Diversion is the legal location where a right holder can divert water from its source. Legal descriptions that might be used are government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys, and other survey information.</p> <p>The Place of Use is the legal location where a right holder may use the water.</p> <p>If a water rights user does not provide proof of completion of work and proof of beneficial use by the deadlines outlined in the permit terms, the permit will be cancelled. Forfeiture of a groundwater right occurs if the water right is not exercised for five consecutive years. Surface water rights can only be lost by abandonment. A review of whether or not a surface water right has been abandoned is based on a review of all the surrounding circumstances; however, water law provides statutory reasons that prevent a declaration of abandonment.</p>	<p>A Point of Diversion must be mapped and tied to the Public Land Survey System. It should also be noted that this may be changed through an application process.</p> <p>It should be noted that the Place of Use may be changed through an application process.</p> <p>In terms of cancellation, both proof of completion and proof of beneficial use may be extended by filing for Extensions of Time.</p> <p>Also, it's not a matter of the "...water right..." not being exercised, it's a matter of whether or not "...beneficial use..." is exercised. Suggest replacing "water right" with "beneficial use".</p> <p>It would also be important to define claims of vested right as they may occur, or be filed, within the withdrawal area.</p> <p>Finally, it should be noted that in most instances wildlife water developments (guzzlers) do NOT require a formal water right.</p>	These statements have been updated in the Final EIS

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-3	3.9.1.2 Regulatory Framework, State of Nevada Water Law	Once a Water Right is granted, it has the standing of both real and personal property, meaning it is conveyed as an appurtenance to real property unless it is specifically excluded in the deed of conveyance. When water rights are purchased or sold as personal property or treated as a separate appurtenance in a real-estate transaction, they are conveyed specifically by a deed of conveyance.	The Navy should clarify that “water right” includes any application, permit, certificate or claim of vested right is considered personal property and subject to transaction.	The recommended clarification has been incorporated into the Final EIS.
3.9-4	Figure 3.9-1: Nevada Water Law: Obtaining Water Rights	Box 1 Box 2 Diamond 2 Last Box Citation	This should include “application” or “claim of vested right” This should simply read, “Applicant’s submittal and supporting map is checked”. This should read “Field Investigations (if necessary)” Replace “Applicant” with “Permittee” Cite NRS 533	The recommended change has been incorporated into the Final EIS.
3.9-5	Figure 3.9-1: Nevada Water Rights Inventory and Assessment	However, any development associated with water rights in the DVTA would need to be compatible with military training activities.	More clarification needs to be provided in this regard. What is acceptable for installing and powering wells (i.e. power lines and/or small solar arrays) or transporting water via pipeline or ditch?	The Navy would evaluate water rights development requests in the DVTA on a case by case basis. Required design features would be similar to the features required for geothermal development in the DVTA.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-5	Figure 3.9-1: Nevada Water Rights Inventory and Assessment	The Navy is also performing an independent water rights inventory.	Any inventory should be coordination with the Nevada Division of Water Resources.	The Navy coordinated with the NDWR during the inventory process to further identify relevant water rights and related information would continue through the development of the Final EIS.
3.9-5	3.9.1.3 Approach to Analysis	The analysis of water resources effects would consider possible changes in the quality of surface waters or groundwater that could result from the Proposed Action. Such changes could arise from use of military munitions, incidental spills, or soil disturbance or compaction from construction activities.	Analysis must also include effects to existing water rights (both surface and ground) as well as wildlife water developments (guzzlers). It should be noted that wildlife water developments (guzzlers) historically have NOT required a water right due to their benefit to wildlife and minimal impact to other water rights. Also, water rights, such as stock water, include provisions to maintain access and availability to wildlife. Any loss of stock water rights will also result in an impact to water available to wildlife. Because the Proposed Actions and Alternatives proposes to close access and/or restrict future development (DVTa), many water rights may become inaccessible or undevelopable and that is a taking of a private property right. For these reasons, the County again requests for inclusion in this Section (3.9) of impacts to water rights.	Impacts to water rights have been added to the analysis in the Final EIS.
3.9-5	3.9.1.3 Approach to Analysis	...and waters of the state	What are "waters of the State"? It should be clarified that water resources in the State of Nevada are a public trust resource and that the Nevada Division of Water Resources conserves, protects, manages and enhances the State's water resources for Nevada's citizens through the appropriation and reallocation of the public waters. This is NDWR's mission statement, and "appropriate and reallocation" relates directly to the issuance of water rights.	The Navy has updated the term to "waters as a public trust resource," for consistency with the State of Nevada.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-5	3.9.1.4 Public Concerns	The Mineral County Board of Commissioners, Nye County Commissioners, Lahontan Conservation District, Stillwater Conservation District, Theodore Roosevelt Conservation Partnership, Nevada Department of Wildlife, and the Nevada Board of Wildlife Commissioners raised concerns regarding game and non-game wildlife preservation, with specific concerns regarding long-term investments to date for water structures for wildlife.	Churchill County also expressed these concerns during scoping along with concerns regarding its municipal and quasi-municipal water rights. This should be clarified and added to this section.	Churchill County has been added to this list in the Final EIS. For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at https://frtcmodernization.com .
3.9-8	3.9.2.1	Nonpoint source water pollution in Carson River Basin is due mainly to agriculture, urban runoff, and hydrologic modifications.	The Navy should cite where this information came from. The primary source for contamination is actually historic mining and abandoned mill sites along the Carson River.	The Draft EIS and the Final EIS state, "Nonpoint source water pollution in Carson River Basin is due mainly to historic mining activities and mill sites, with continued non-point source pollution from agricultural operations, urban runoff, and hydrologic modifications." This statement agrees with this comment.
3.9-9	Figure 3.9-2	Requested Additions	The County suggests adding Hydrographic Basins to the map. In addition, the legend needs to be updated to reflect line work and shading that represents current and proposed withdrawal areas.	This map has been updated in the Final EIS.
3.9-12	3.9.2.2 Bravo 16, Surface Water	Truckee Carson Irrigation District maintains a spillway and constructed a new weir system to divert large flows from the town of Fallon.	The County appreciates this inclusion. Please clarify that this flood water (diverted to prevent flooding in and around Fallon) does flood a portion of B-16 before passing through to Carson Lake and ultimately the Stillwater NWR and Carson Sink.	This statement has been corrected in the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-12	3.9.2.2 Bravo 16, Surface Water	Clarification	Typically, springs are considered surface water, particularly for consideration for water rights.	This statement has been moved to the proper location in the Final EIS
3.9-14	3.9.2.2 Bravo 16, Water Rights and Water Wells	The Navy recognizes there may be differences between the Hydrographic Abstracts and detailed place of use/point of diversion information from NDWR and will coordinate with NDWR between the Draft and Final EIS to resolve differences between the online and detailed water right information.	The County appreciates this inclusion, and this is something that must be done for the Final EIS.	The Navy recognizes there may be differences between the Hydrographic Abstracts and detailed place of use/point of diversion information from NDWR and will coordinate with NDWR between the Draft and Final EIS to resolve differences between the online and detailed water right information.
3.9-14	3.9.2.2 Bravo 16, Water Rights and Water Wells	Four wells are permitted or have a certificate of appropriation, the remaining wells are not required to have a water right.	Please clarify. Typically, unused wells are required to be plugged and abandoned.	This statement has been corrected in the Final EIS.
3.9-14	3.9.2.3 Bravo 17	Requested Additions	The Navy should disclose if it has any groundwater monitoring wells in or around B-17, and if so this water quality data should be presented in order to establish a baseline of water quality data prior to expansion of the area.	No water quality data from monitoring wells is available
3.9-15	Figure 3.9-5: Water Rights within B-16 Under Alternatives 1 and 2	Required Additions. Comment applicable to all similar figures.	<p>This map should be updated to show, and distinguish between, both surface and groundwater rights, including: Applications (RFA and RFP); Permits; Certificates; and, Claims of Vested Right</p> <p>Even if some of these classifications are not located within the withdrawal, it should be made clear as such.</p>	Revised maps have been incorporated into the Final EIS. For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at https://frtcmodernization.com .

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-17	Figure 3.9-7: Hydrographic Landscape Regions within B-17 Under Alternatives 1 and 2	Requested Additions	Please add labels on the map of the respective Hydrographic Basins. Also, Sand Spring is not mapped, and it should be since it is an important water source for wildlife (in fact, NDOW holds a wildlife water right on it).	This map has been not been updated in the Final EIS. However, all wells, spring, and water rights have been revised and appropriate figures have been updated.
3.9-20	3.9.2.4 Bravo 17, Surface Water	Requested Additions	A discussion on Sand Spring should be added given its importance to wildlife in the area.	Sand Springs is identified on B-17 maps in section 3.9 (water Resources). However, it is not included in the affected environment or analysis as it is outside of any requested withdrawal or lands proposed for acquisition.
3.9-24	3.9.2.4 Bravo 20, Surface Water	Requested Additions	A discussion on Wild Horse Spring should be added given its importance to wildlife in the area.	Wild Horse Springs is located in the western portion of the proposed DVTA expansion. There are no proposed changes regarding access or use of this, or any spring, in the DVTA region under any alternative.
3.9-25	3.9.2.5 DVTA, Surface Water	Requested Additions	A discussion on the many springs, seeps, and creeks should be added given their importance to wildlife, livestock, etc. in the DVTA.	Impacts to wildlife as a result of the withdrawal and acquisition of lands with water resources on them can be found in Section 3.10 (Biological Resources. As discussed in Section 3.10 (Biological Resources), to minimize impacts on animals and animal movements (e.g., bighorn sheep, pronghorn), BLM-certified fencing would be installed in accordance with specifications ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) outlined in BLM Handbook H-1741-1 (Fencing). Therefore, wildlife would still have access to the water resources on Bravo ranges.</p> <p>The Navy acknowledges that the loss of water rights could be a factor in determining the amount of payments for losses associated with the cancellation of grazing permits. The valuation process for grazing impacts is discussed in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex). The Navy acknowledges that the loss of water rights could be a factor in determining the amount of payments for losses associated with the cancellation of grazing permits.</p> <p>The DVTA would continue to be open to wildlife and the public and fencing is not proposed for construction around it, therefore, wildlife and livestock would not be excluded from water resources in this area.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-29	3.9.2.5 DVTA, Water Rights and Water Wells	Requested Additions	<p>The Navy should add a paragraph describing any water rights it holds in the DVTA and how it intends to use those water rights in the future.</p> <p>The Navy should add a paragraph describing the Churchill County water applications in the DVTA and their role and importance in future water supply to the County. This description could be taken from the County's Water Resource Plan that has already been provided to the Navy.</p>	The Churchill County Water Resources Plan is discussed in Chapter 4 of the Draft EIS and the Final EIS. The Navy will continue to work with Churchill County between the draft and final versions of this EIS to determine appropriate design features for water development projects compatible with military training activities within the DVTA.
3.9-30	3.9.3.1 No Action Alternative, Surface Water	Depending on the future land uses allowed, impacts on surface water resources from parties other than the U.S. Navy could be considerable.	This is a difficult conclusion to reach when the Navy hasn't disclosed what proportion of its ranges would be made available to public access if the No Action Alternative were implemented. It is also very difficult to believe that dispersed recreation and OHV use could impact surface and ground water more than Navy training including detonation of ordnance. Particularly given that any future use and development would still be under federal, state and local regulations under the No Action Alternative.	The Navy's conclusion is as follows: The No Action Alternative could result in significant impacts on water resources through the continued development of water resources in lands requested for withdrawal. Sedimentation and ground disturbance through allowed activities (e.g., recreation and resource extraction) would likely continue, but not impede in a measurable way the normal flow and residency times of surface waters.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-30	3.9.3.1 No Action Alternative, Disposition of Water Rights and Water Wells	In summary, the No Action Alternative could result in significant impacts on water resources through the continued development of water resources in lands requested for withdrawal.	Given the size of the hydrographic basin, this could occur even under the proposed action. Regardless, any "...continued development of water resources..." would be regulated by the Nevada Division of Water Resources, so there should be no difference in the impact.	The Navy has revised impact conclusions for each alternative. In summary, the No Action Alternative has a conclusion pursuant with NEPA as having "significant impacts" primarily because the Navy will not have control over the withdrawal areas, and development pressures in the future could impact general water resources. For the action alternatives, the Navy has revised the conclusion to "significant impacts" primarily because of the acquisition of water rights within the proposed withdrawal areas, even though stress on subsurface and surface water resources would be anticipated to be less. In addition, off-road vehicle use is not considered a significant impact in the FEIS.
3.9-30	3.9.3.1 Alternative 1, Disposition of Water Rights and Water Wells	The Navy will continue to work with Churchill County between the draft and final versions of this EIS to determine appropriate design features for water development projects compatible with military training activities within the DVTa.	The County appreciates this and would indicate a need to see such written assurances for economically feasible development of its water rights in the Final EIS in order to support the overall project.	The Navy will continue to work with Churchill County between the draft and final versions of this EIS to determine appropriate design features for water development projects compatible with military training activities within the DVTa. At this time, any ultimate Congressional decision on the Proposed Action has not been made, and the Navy cannot therefore provide a written assurance for economically feasible development of water rights as requested.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-31	3.9.3.2 Alternative 1	Some wells may be kept active for wildlife other purposes (e.g., conservation and wildland fire response).	The County supports this approach, but the Navy must realize that this sort of action would require acquisition of new water rights or purchase / lease of existing water rights. Such a purchase or lease could even be considered a mitigation action for those parties who may lose access to their water rights based on the proposed action. Yet another reason to analyze water rights in this section.	The Navy has added water rights to the analysis in this section in the Final EIS. For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at https://frtcmodernization.com .
3.9-33	3.9.3.2.1 Bravo 16, Public Accessibility	Regarding Public Accessibility	Would Churchill County and others be allowed to access B-16 for administrative functions related to flood management given the new weir that has been constructed to prevent flooding of Fallon by directing water onto the playa in and around B-16?	The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes.
3.9-35	3.9.3.2.1	Regarding the Safe Drinking Water Act	Given its proximity to Fallon, as well as private property immediately to the north, is it safe to say SDWA provisions are "not applicable"? If the aquifer is contaminated it could result in impacts to drinking water based on groundwater flow patterns. It is also difficult to reach this conclusion without knowing who owns municipal or quasi-municipal water rights in the area coupled with a lack of disclosure on nearby residential wells.	Yes, munitions constituents are not considered recalcitrant to biodegradation like some other organic chemicals commonly known as groundwater and soil contaminants at hazardous waste sites. The Navy conducts Range Conditions Assessments as part of the Navy's Range Sustainment Environmental Program Assessment every five years. The most recent Range Conditions Assessment for FRTC was completed in 2015 (U.S. Department of the Navy, 2015b). A team of environmental and operational range experts evaluated the history of range use within FTRC ranges, the types and quantities of munitions or military expended materials ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) used and their chemical constituents, range location, spatial distribution of activities, available environmental data, environmental regulatory requirements, and compliance efforts. The Range Conditions Assessment information and data were derived from site visits, personnel interviews, archive search reports, and document reviews conducted in 2013 and 2014. The review team's findings, based on these data, concluded that the range and training operations follow environmental laws and policies, and there are no munitions constituents migrating off of the ranges.
3.9-37	3.9.3.2.2	Ending public access within the requested withdrawal area of B-17 would likely improve surface water quality by reducing factors that are known to diminish water quality (e.g., nutrient loading from cattle grazing, ground disturbance from off-road vehicle use)	Churchill County doesn't agree with this conclusion or its rationale. Could the Navy please cite its source of information for implying that cattle grazing and OHV use is currently resulting in degraded water quality in the area? It would also be interesting to see a quantitative assessment of the difference in surface water quality and potential contamination sources between current uses and the proposed use as a bombing range.	The Navy has revised impact conclusions for each alternative. In summary, the No Action Alternative has a conclusion pursuant with NEPA as having "significant impacts" primarily because the Navy will not have control over the withdrawal areas, and development pressures in the future could impact general water resources. For the action alternatives, the Navy has revised the conclusion to "significant impacts" primarily because of the acquisition of water rights within the proposed withdrawal areas, even though stress on subsurface and surface water resources would be anticipated to be less. In addition, off-road vehicle use is not considered a significant impact in the FEIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-40	3.9.3.2.3 Alt 3, Bravo 20, Training Activities, Surface Water.	Implementation of Alternative 1 would potentially lead to long-term elevated levels of constituents like lead in the immediate area of the target areas, but these impacts would be localized within the impact areas of B-20. Same comment applies to B-16	This analysis doesn't hold up when the B-20 (or 16) range is flooded as it was in 2017. This section should analyze if there is a potential for contaminant export when the range floods with flows going to the Carson Lake and Pasture and potentially to the Stillwater NWR.	The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes.
3.9-42	3.9.3.2.4 DVTA, Training Activities, Surface Water	Surface water. Implementation of Alternative 1 would expand Convoy Training and Combat Search and Rescue training within the DVTA.	These expanded training activity areas need to be mapped.	These activities could occur throughout the DVTA; additional mapping is not possible.
3.9-53	3.9.3.4.2 DVTA, Training Activities, Surface Water, Comment applies to Construction as well	Because of the proposed locations of these targets under Alternative 3, training activities would likely induce additional erosional processes relative to baseline conditions or Alternatives 1 and 2.	Please describe the increase in target areas between Alt. 1 and 3.	There is not an increase in target areas between Alternative 1 and 2, and 3, however the placement of the targets is different. The targets under Alternative 3 would be closer to washes than under Alternative 1 and 2. While impact areas have been identified, specific target placement has not yet been determined. However, it is the Navy's intention to locate targets away from washes.
3.9-62	3.9.3.4.6 Summary of Effects and Conclusions	Required Addition	Please add a paragraph specific to impacts on water rights.	This has been added to the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-62	3.9.3.5 Proposed Management Practices, Monitoring, and Mitigation	Required Addition	See County cover letter and comments to Chapter 5 for suggested additions.	Detailed suggestions or actions that the Navy may be able to take to minimize or avoid potential impacts have been addressed on a comment by comment basis. If the suggestion is compatible with the purpose and need of this EIS, as well as the selection criteria and military training activities, the Navy considered incorporating these suggestions. If the suggestion would reduce or further minimize training realism or reduce training efficacy, they were considered, but not incorporated.
3.9-63	3.9.3.5.3 Proposed Mitigation	No mitigation measures are warranted for water resources based on the analysis for potential impacts on water resources.	The County disagrees with this assessment, see Chapter 5 for suggested mitigation actions.	Although the Navy is not proposing any specific mitigations for impacts to water rights, the Navy is proposing, as part of the Proposed Action, to acquire existing and valid water rights within the proposed withdrawal areas if the water right can be maintained for beneficial use. If a condition of the water right can be modified (e.g., the point of use moved outside of the withdrawal areas), then the water right would not be acquired by the Navy. The Navy would reimburse the movement of the water right on a case-by-case basis. If wells are associated with the water right, then the Navy will evaluate on a case-by-case basis the disposition of the well (e.g., continued beneficial use or capping of the well). The Navy does not plan to use any water rights purchased for stock water but would instead request to modify the beneficial use as appropriate relative to mission requirements. In the DVT, the Navy would not seek to acquire existing water rights.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-63	3.9.3.5.3 Proposed Mitigation	The Navy, as part of the proposed action, would acquire water rights within the proposed withdrawal areas if the water right can be maintained for beneficial use. If a condition of the water right can be modified (e.g., the point of use moved outside of the withdrawal areas), then the water right would not be acquired by the Navy.	The County supports the Navy maintaining water rights for fire suppression, temporary irrigation associated with rehabilitation efforts and supply of water to wildlife in close coordination with NDOW. In the case where water rights need to be relocated, the County believes the Navy should cover the cost of such relocation as a mitigation to impacted real property.	The Navy would evaluate water rights on a case-by-case basis after any ultimate Congressional decision is made. If the water right can be relocated and the holder of the right would desire this, the Navy could reimburse the holder for the movement of this water right.
3.9-63	Table 3.9-2: Summary of Effects and Conclusions for Water Resources, No Action Alternative	The No Action Alternative could result in significant impacts on water resources.	The County doesn't agree with this conclusion given all local, state and federal laws would still apply in terms of minimizing impacts and contamination to surface waters as well as state regulations regarding water allocations.	Navy control and monitoring of the land would likely cease (after evaluation/cleanup/transfer) and thus would be exposed to other sources of potential contamination. Not that it's any more or any less than the potential impacts from the Proposed Action.
3.9-63 & 64	Table 3.9-2: Summary of Effects and Conclusions for Water Resources	Requested Additions	Each alternative should have a bullet added in regard to impacts on wildlife guzzlers once a full analysis is completed.	Impacts to wildlife as a result of the withdrawal and acquisition of lands with water resources on them can be found in Section 3.10 (Biological Resources). As discussed in Section 3.10 (Biological Resources), to minimize impacts on animals and animal movements (e.g., bighorn sheep, pronghorn), BLM-certified fencing would be installed in accordance with specifications outlined in BLM Handbook H-1741-1 (Fencing). Therefore, wildlife would still have access to the water resources on Bravo ranges. The Navy would continue to coordinate with NDOW for access to ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) maintain guzzlers on Bravo ranges and to implement wildlife management across the FRTC.
3.9-64	Table 3.9-2: Summary of Effects and Conclusions for Water Resources, Alts. 1 – 3	Alternative 1 would not result in no overall significant impacts to water resources but acknowledge that there may be impacts to individuals.	<p>Significant impacts will only be kept to a minimum if the Navy carries through with extensive management and monitoring, including restoration and maintenance of disturbed areas.</p> <p>In terms of impacts to individuals, the County assumes this applies to impacts regarding water rights. This should be clarified and expanded to include the potential impact to Churchill County if a reasonable mitigation package cannot be agreed to for the County's municipal and quasi-municipal applications in Dixie Valley.</p>	The Navy has added impact determinations for water rights. Impacts to water rights holders (individuals) would be significant. This has been clarified in the Final EIS section. The renewal is subject to all valid and existing rights to real property. Otherwise rights would need to be extinguished (purchased) or moved. If a water resource has not been put to beneficial use, it is no longer a valid right. The Final EIS, Section 3.9 (Water Resources), has been updated to reflect that the Navy is not proposing any changes to the existing access in this area nor any changes to the water rights and well. The Navy is exploring options, including relinquishing the well and access road so that BLM could incorporate the property back into the public domain, and; renewal of this existing withdrawal and fencing the well and access so that unimpeded access from NV Route 839 could continue. Regardless of method of accommodation, the Navy ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) intends to allow continued access to the well by the owner of the water right.</p> <p>The Navy is discussing water rights and values of allotments on a case-by-case basis with stakeholders. The Final EIS further describes the procedures and process by which the Navy will value the loss of access to grazing lands by permittees and the Navy's ability to purchase water rights as real property or pay for the eventual diversion of those water rights, pending coordination with the permittee.</p> <p>The Navy will continue to work with Churchill County between the draft and final versions of this EIS to determine appropriate design features for water development projects compatible with military training activities within the DVTA. At this time, any ultimate Congressional decision on the Proposed Action has not been made, and the Navy cannot therefore provide a written assurance for economically feasible development of water rights as requested.</p>
3.10-2	3.10.1 Methodology, Para 2	This analysis focuses on the potential for significant impacts on biological resources as a result of the Proposed Action discussed in this EIS.	How was significance determined?	Refer to Section 3.10.1.4 - Approach to Analysis

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -2	3.10.1.1 Region of Influence, Para 3	The region of influence for biological resources includes all proposed FRTC expansion areas and potential impacts on 11 lands underlying the area proposed for the FRTC SUA expansion.	Impacts from ground withdrawals and SUAs are significantly different; as such the ROI may need to be split or the analysis reported separately.	Discussion of Affected Env and Env Consequences sections are currently broken out by proposed withdrawal lands and lands underlying proposed SUA.
3.10 -4	3.10.1.3 Data Resource and Surveys, Table 3.10-1	Previous Surveys Column- Noxious/Non-native Weeds	What is the reasoning behind repeating every other survey except the Noxious/Non-native weeds survey? The change in noxious and invasive species should be documented and disclosed in order to show trends on the existing ranges.	As appropriate, the Navy's INRMP will address concerns for invasive species and spreading trends in the FRTC. The BLM will address this through their Resource Management Plan update as applicable to the DVTA. The Wildland Fire Plan will also address noxious and non-native weeds in the FRTC.
3.10 -5	3.10.1.4 Approach to Analysis, Indirect Impacts, Bullet 1	introduction of new or increased dispersal of existing non-native, invasive noxious species within the region of influence.	This is a major concern of Churchill County, compounded by the proposal to remove livestock grazing from bombing (Bravo) ranges, and potential increase in ignition sources from training and bombing activities, which is likely to result in more fires that accelerate the spread of invasive grasses and noxious species. Under the referenced bullet the County suggests adding another bullet to read along the lines of. "Potential to increase number of wildfires, rate of burn and overall burned area/habitat as a result of introducing new invasive species or increasing dispersal of existing non-native, invasive or noxious species."	Text revised accordingly.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -5	3.10.1.4 Approach to Analysis Indirect Impacts	General Comment	Are there best management practices that the Navy plans to employ that will minimize the spread of invasive weeds?	The Navy's INRMP and Integrated Pest Management Plan will address concerns for invasive species and spreading trends in the FRTC. The BLM will address this through their Resource Management Plan update as applicable to the DVTA. Best Management Practices as identified in these documents would be employed throughout the FRTC.
3.10 -6 to 3.10 -7	3.10.1.5 Public Scoping Concerns, Para 10 and 1	Comments included a general concern for potential vegetation effects on the Great Basin sagebrush ecosystem, with a particular concern on wildfire potential and impacts on USFWS National Wildlife Refuge (NWR) units and Nevada Wildlife Management Areas in the region (e.g., Stillwater NWR, Fallon NWR, Humboldt Wildlife Management Area).	Concern extends to public lands as well as lands within the Navy withdrawal area (both existing and proposed). All lands, given the low annual precipitation in the ROI, provide critical wildlife habitat and support fragile vegetative communities.	Comment noted.
3.10 -6 to 3.10 -7	3.10.1.5 Public Scoping Concerns, Para 10 and 1	Requested Added Language	Please add to this section, "Churchill County raised concerns over operating areas extending into major migratory bird migration corridors and the potential for collisions."	Text revised accordingly.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -9	3.10.2.2 Vegetation Types, Para 4	Comment pertinent to this section and additional pertinent sections	This section does a poor job of describing the perennial grass component of the vegetative communities. This component is important as it provides feed for livestock and wildlife, plus it must be maintained in order to control invasive grass species. A better description of this aspect needs to be added throughout the section, and the County would suggest using NRCS Ecological Site Descriptions as a source of information on this. Also, the importance of water and riparian areas cannot be stressed enough. Given the low annual precipitation in the ROI, riparian areas (even very small areas) serve as the life blood of diversity, wildlife, and ecological processes.	The Navy prepared a vegetation survey report for the proposed expansion area and utilized the associations/alliances as described in that report. The NRCS ESDs are not appropriate for the scale at which the analysis was conducted for this EIS. The vegetation mapping methodology was approved by the Navy and reviewed by NDOW and BLM.
3.10 -10	3.10.2.2.1 Vegetation Mapping, Para 1 Step 4	Protocol development (for field data acquisition, including helicopter survey and photo-documentation methods).	Please list agencies consulted with to develop helicopter survey and photo protocol. To what extent were ground surveys completed to verify findings from the helicopter survey? Ground truthing methods are unclear in both the DEIS and the plant community survey and mapping report. Please add detail to both.	BLM and NDOW were provided the survey work plan for review and comment. The vegetation mapping report is referenced in the text if the reader needs further details as to survey protocols.
3.10 -11	3.10.2.2.1 Vegetation Mapping, Para 2 and 3	The proposed DVTA Expansion Area is the only area that contains mapped riparian alliances, although small seeps were found in B-17 that fell below the 2-acre minimum mapping unit (U.S. Department of the Navy, 2018a). In support of this EIS, additional focused mapping of wetland and riparian areas will be conducted within the proposed expansion areas in spring-summer 2018 and the results will be incorporated accordingly.	The 2-acre cut-off for identifying riparian alliances may be acceptable; however, this area is much too large to identify all important water sources which are often in the form of isolated seeps, springs or even wells. Additional analysis should utilize USGS mapping and data sets for seeps, springs, wells and Nevada Division of Water Resource Data for water rights. Will additional wetland work be conducted in 2019? If so, update year, if not please revised language.	The 2-acre mapping unit was deemed appropriate for the level of analysis needed to support the EIS and is outlined in the vegetation mapping report. Additional datasets that would contain data regarding seeps, springs, wetlands, etc. were consulted during the wetland survey efforts. Those are summarized in the Wetland Survey Report and Plant Community ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Mapping Report. Additional information can be found in the Water Resources section of the EIS.
3.10-11	3.10.2.2.1 Veg Mapping within the Proposed FRTC Expansion Areas	Comment pertinent to this section and additional pertinent sections.	Authors should review NRCS Ecological Site Descriptions, and NRCS soils data produced by the National Cooperative Soil Survey to aid in describing vegetative communities.	See response to Comment 629.
3.10-52	3.10.2.4.2 Special-status Amphibians and Reptiles, Figure 3.10-18		For clarity, please list the water source names that each of the amphibians were observed.	All of the occurrences of amphibians were based on NNHP records which did not provide the name of the water source.
3.10-65 & 66	Figure 3.10-25 & 26: Occurrences of Special-status Bird Species Within and in the Vicinity of the Proposed B-17 and DVTA Expansion Areas under Alternatives 1 and 2 & 3		The County is concerned that a Camera Trap was not located at or near Sand Spring given its importance to local wildlife populations. This lack of analysis results in a low estimate of species diversity and number within the Study and proposed withdrawal area. For example, cameras not capturing the occurrence of bighorn sheep in this area is troubling given their current densities.	Comment noted. The lack of a camera trap at any one location within the very large FRTC ROI does not mean that an accurate assessment of species occurrence was not obtained with the deployed camera traps. It is known that bighorn sheep occur in the area of Sand Spring, and in many areas within the ROI. Camera trap surveys were not designed to capture locations of species readily known to occur within an area based on other data.
3.10-71	3.10.2.4.3 Special Status Birds, Figure 3.10-27	Comments pertinent to other similar figures	Why does the legend show two different layers for "other" Sage-grouse habitat?	Other Habitat is that sage grouse habitat identified by BLM within the ROI that does not fall within the defined BLM Management Areas.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-86 & 87	Figure 3.10-35 & 36: Occurrences of Special-status Mammal Species Within and in the Vicinity of the Proposed B-20 Expansion Area Under Alternatives 1 and 2 & 3		The County is concerned that a Camera Trap was not located at or near Wildhorse Spring given its importance to local wildlife populations. This lack of analysis results in a low estimate of species diversity and number within the Study and proposed withdrawal area.	See response to Comment 637.
3.10-93	3.10.2.5 Ungulates, Figure 3.10-37	Comments pertinent to other similar figures	All wildlife water developments (guzzlers) and water sources constructed for livestock should be added to these maps along with existing water rights, wells, springs and seeps. All of these water sources are critical to population distribution, survival and subsequent wildlife-centric recreation. As such, it is important to map these areas. NDOW and NDWR are the best resources for data in terms of important sources of wildlife water and existing water rights.	Water sources, including water rights, wells, etc. are addressed in Section 3.9, Water Resources.
3.10-111	3.10.3.1.1 Noise, Overview of Wildlife Response to Noise	General Comment	Has any of this information been reviewed and edited by the: Nevada Department of Wildlife, Nevada Sagebrush Ecosystem Technical Team and the US Geological Survey given their extensive knowledge of local wildlife populations?	The Prelim Draft EIS and Draft EIS were provided to NDOW and USGS for review.
3.10-111	3.10.3.1.1 Noise, Overview of Wildlife Response to Noise	Various studies have indicated that some animals respond to repeated loud noises by temporarily or permanently abandoning habitat. However, the majority of studies have reported short-term or negligible impacts on wildlife.	Please cite these studies.	The Final EIS text will be revised to refer the reader to the earlier summary of noise effects on wildlife.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -111	3.10.3.1.1 Noise, Overview of Wildlife Response to Noise	An overflight with just a sound component does not elicit a strong response, but if an animal hears and then sees the aircraft, it will more likely flush and move away (Manci et al. 1988; U.S. Forest Service 1992; Krausman et al. 1993; Bowles 1995).	This is a concern for the County, particularly with wildlife on the east side of the DVTA (Chalk Mtn, Louderback Mountains and Clan Alpine Mountains) where helicopter flights are proposed to ground level.	The Navy is not proposing to change the paths of helicopter flights in the DVTA. The Navy has analyzed impacts to wildlife in the DVTA from low level overflights below 200 AGL and found that there would be no significant impact to wildlife (see Section 3.10.3.3.5).
3.10 -117	3.10.3.1.3 Physical Disturbance: Aircraft Strikes	The number of Navy recorded wildlife-aircraft strikes from 1999 through 2009 ranged from 48 to 827 per year (mostly birds) (Naval Safety Center, 2009).	Why is this data only being reported for 1999-2009? If available, please report data from 1999 through 2017 and provide a table or chart showing annual counts. It would also be good to disclose where (which areas) strikes occurred.	Data for 2012-2019 have been incorporated and replaced the 1999-2009 data in the Final EIS.
3.10 -117	3.10.3.1.3 Physical Disturbance: Aircraft Strikes	Therefore, low-altitude, fixed-wing aircraft overflights likely present the greatest risk of aircraft strikes in the proposed revised SUA. High-speed flight in a low-altitude environment places aircraft in airspace that may contain animals in flight. Further, animals may flush in response to approaching aircraft noise. Helicopter training also presents aircraft strike hazards, as the vast majority of training activities (approximately 97 percent of aircraft flights) occur below 3,000 feet above ground level.	This speaks directly to the County's concern with the areas around B-20 and in the north end of the DVTA.	Comment noted.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -119	3.10.3.3.1 Training Activities, Para 2	Although the vegetation communities within the region of influence are resistant to the environmental extremes of the Great Basin, changes in the fire regime can affect regional vegetation communities and take decades if not centuries to reestablish. In addition, non-native invasive species such as cheatgrass can alter the structure and distribution of wildlife habitat.	It is important to the County that the Navy has rangeland restoration and rehab plans in place after wild fires caused by FRTC actions. Waiting for vegetation communities to recover on their own is usually unsuccessful. Often times seeding or invasive species treatments are needed to restore or improve plant communities after fire.	Rangeland restoration and rehab activities in response to a Navy caused fire would be addressed under the pending Wildland Fire Management Plan. A draft outline of the plan has been incorporated into the Final EIS (see Appendix D [Memoranda, Agreements, and Plans])
3.10 -119	3.10.3.3.1 Training Activities: Vegetation and Special-status Plants Wildland Fire	Therefore, there would be no significant impacts to biological resources from potential wildfires within the proposed range expansion areas.	The County cannot support this finding, particularly given recent fire history associated with B-17 and loss of habitat on Fairview Peak, Slate Mountain, etc.	Comment noted.
3.10 -119	3.10.3.3.1 Training Activities: Vegetation and Special-status Plants Wildland Fire	Within range boundaries within the proposed expansion areas, the Navy would prevent fires by establishing fire breaks and green stripping around targets; conducting weed abatement programs; and removing dry vegetative fuel sources near targets that prevent fires and assist in reducing the growth of a fire, if one were to occur.	The County appreciates and supports more of this. In fact, an Integrated Vegetation Management Plan needs to be developed for a host of resources (soils, water, vegetation and wildlife).	The Navy manages natural resources through an Integrated Natural Resources Management Plan (INRMP) and will update the INRMP to incorporate the acquired areas.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -119	3.10.3.3.1 Training Activities: Vegetation and Special-status Plants Wildland Fire	During the severe fire season (typically between May and October), the Navy ceases use of airborne flares. In addition, during the possibility of severe drought, the Navy eliminates the use of flares.	Drought isn't always the best indicator of fire risk. For instance, often cheatgrass is most abundant and robust in wet years resulting in increased fuel loading and ignition risk outside of drought. As such, utilize real-time fire and fuel risk models used by the federal and state land management agencies to make these sorts of decisions.	This will be addressed in the Wildland Fire Management Plan. A draft outline of the plan has been incorporated into the Final EIS (see Appendix D [Memoranda, Agreements, and Plans])
3.10 -119	3.10.3.3.1 Training Activities: Vegetation and Special-status Plants Wildland Fire	A Wildland Fire Management Plan is being developed for the FRTC. The Wildland Fire Management Plan would address integrated fire prevention, fire suppression, and post-fire rehabilitation/restoration processes for the FRTC in cooperation with regional stakeholders (e.g., NDOW, BLM, affected counties).	The County appreciates and supports this and is willing to participate in development of the plan, which should be in place (including identified funding needs) prior to any expansion.	Comment noted.
3.10 -119	3.10.3.3.1 Training Activities, Para	Training activities on the ranges would not change in type or quantity under Alternative 1; they would change in target location. In addition, currently implemented fire management measures within FRTC lands would continue to be implemented as discussed below, and a fire management plan would be developed for the proposed expansion lands. Therefore, there would be no significant impacts to biological resources from potential wildfires within the proposed range expansion areas.	Churchill County would disagree with the assessment that there is "no significant impacts to biological resources from potential wildfires within the proposed range expansion areas." Development of a "Fire Plan" alone doesn't eliminate the threat of wildfire; last year's Bravo 17 fire is a perfect example of this. For the sake of full disclosure and a more robust analysis, the EIS should report a history of fire on all Bravo Ranges over the past 20-year withdrawal accompanied by a map of large fire occurrences. Risk is likely to increase with establishment of invasive species due to past fires, fuel accumulations due to the removal of livestock grazing, and increased distribution of targets. Commitments need to be made for all three aspects of wildfire management: pre-suppression (fuels management, green-strips and fire breaks, ...	The Navy acknowledges that there is a potential for significant impacts due to wildfire. However, fire prevention and response activities prescribed in the Wildland Fire Management Plan would be utilized to minimize the potential as much as possible. A draft outline of the plan has been incorporated into the Final EIS (see Appendix D [Memoranda, Agreements, and Plans]). ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) and strategic location of firefighting resources), suppression (means of fighting fires), and post fire rehabilitation.	(continued) The Final EIS has been revised to reflect this potential impact, and the document has been updated with available data to describe the fire history in the area.
3.10 -120	Wildlife and Special-status Wildlife Species - Noise	General comment.	It doesn't appear that adequate support data and information has been provided to reach some of the conclusions in this section. For instance, the section describes how little information is available for aircraft overflights or sonic booms on sage-grouse. The section discloses that many leks are located in the analysis area and have been for years. However, no trend data for these leks is provided. The County again suggests that the Navy work with NDOW, Nevada Sagebrush Ecosystem Technical Team, and US Geological Survey to compile existing data and develop monitoring programs to address any unknown questions in regard to Greater Sage-grouse.	All available lek location data notes that usage areas by greater sage grouse is east of the land areas proposed for withdrawal or acquisition. NDOW does not have trend data for sage grouse leks on lands underlying FRTC airspace. Sage grouse in these areas would be exposed to noise from aircraft overflights. Available science indicates that short-term noise intrusion does not play a significant role in lek success; however, the Navy is developing an MOU with NDOW to assist with future research and population studies assessing aviation impacts to sage grouse. The Navy will work closely with BLM to manage the sage grouse and other species on lands under the Navy's control. As noted previously, The Navy is proposing to fund a study by NDOW to further assess potential impacts of low-level aircraft operations on sage grouse leks. Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10-124	Figure 3.10-43: Occurrence of Greater Sage-grouse Leks Underlying Proposed FRTC Special Use Airspace	Required Addition.	Please add noise data from Figure 3.7-32 to this figure. Typically, the BLM requires mitigation for any noise increases 10 dB or greater. The Navy needs to disclose how many leks will experience this increase and if or how mitigation (or at a minimum) monitoring would be employed to ensure a serious impact isn't occurring.	A new figure has been prepared depicting GRSG leks and potential noise.
3.10-126	Figure 3.10-43: Occurrence of Greater Sage-grouse Leks Underlying Proposed FRTC Special Use Airspace	The majority of the literature suggests that wildlife species exhibit adaptation, acclimation, and habituation after repeated exposure to jet aircraft overflights and associated noise, including sonic booms, and that there are no adverse impacts to wildlife species from aircraft overflights.	Please cite or reference a list of literature. Is any of this applicable to Greater Sage-grouse?	Text will be revised in Final EIS to reference Section 3.10.3.1.1, Noise, Overview of Wildlife Responses to Noise, which provides a summary of noise effects on wildlife species from anthropogenic noise, particularly aircraft overflights. In addition, see Section 3.10.3.3.1, Sage Grouse regarding a summary of potential noise impacts on sage grouse, including terrestrial-based noise sources and aircraft overflights.
3.10-132	3.10.3.3.3 Figure 3.10-132 Special Status Mammals	Typical to all similar figures	Proposed areas of disturbance should be mapped along with seasonal habitats and critical water sources to give a better indication as to the spatial relationship of such impacts.	Refer to Figures 3.10-43 thru 3.10-56. Water sources are addressed in Section 3.9 (Water Resources) and shown in associated figures.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -137	3.10.3.3.1 Training Activities	Aircraft strikes of birds, and infrequently bats, may occur during any phase of flight, but are most likely during the take-off, initial climb, approach, and landing phases because of the greater numbers of animals in flight at lower levels. While all aircraft strikes are considered serious and dangerous events, the number of related mortalities is small considering Navy-wide aircraft activities. Most would be expected to occur during take-off and landings but would have a potential to occur if low-altitude flights occurred over areas with wildlife aggregating features, such as water (e.g., lakes, wetlands), riparian corridors, and ridge lines.	An assessment of major migratory bird corridors and flyways should be included in this assessment as well as collisions with ground vehicles given the amount of ground exercises that occur on the FRTC.	See Section 3.10.2.3.2, Birds for a discussion of the Pacific Flyway and migratory birds in Nevada. See Section 3.10.3.1.3, Aircraft Strikes and Wildlife and 3.10.3.3.1, Training Activities, Special-status Species, Physical Disturbance. The Navy would use the modernized FRTC to conduct ground training of the same general types and at the same levels as currently authorized. Although there is the potential that individual birds may be impacted by disturbance or strike, it is not anticipated that population-level effects would occur.
3.10 -138	3.10.3.3.1 Physical Disturbance	Currently three SUA units overlap the Stillwater and Fallon NWRs: Fallon North 1 MOA, R-4813A, and R-4813B. Under Alternative 1, there are no proposed changes to the operating altitudes of the SUAs that overlap the Stillwater NWR, no changes in number of aircraft operations, and no changes in the approach and departure tracks of aircraft utilizing targets in B-20.	Does the Navy propose to continue to observe the 3,000' AGL floor above Stillwater and Fallon NWR? If so (and the County supports this action) please state here and ensure consistency throughout the document.	Yes. It is and will continue to be a noise sensitive area, so flight operations would be restricted to above 3,000 ft AGL and to a distance of 5 nm from the center of the NWR.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -141	3.10.3.3.2 Construction Activities Bullet 3	would directly impact 1 acre of Black Sagebrush Steppe and Shrubland and 4 acres of 10 acres of the microphytic playa vegetation alliance (Table 3.10-25).	Confusing to read, consider revising.	Text revised in the Final EIS.
3.10 -151	3.10.3.5 Alternative 3: Bravo-17 Shift and Managed Access (Preferred Alternative), Vegetation and Special-status Plant Species - Wildfire	The potential for wildfires from current training activities within the proposed range expansion areas would be the same as that presented under Alternative 1. Training activities on the ranges would not change in type or quantity under Alternative 3; they would change in target location.	The County disagrees with this assessment given the increased number, size and location of target areas.	Comment noted.
3.10 -160	3.10.3.6 Proposed Management Practices, Monitoring and Mitigation, Para 7	Management of proposed expansion areas would require extensive updates to management plans.	Please include how the Navy will mitigate the costs of “extensively updating” existing management plans.	The Navy is proposing to assist in the funding of updates to NDOW and BLM management plans.
3.10 -160	3.10.3.6 Proposed Management Practices, Monitoring and Mitigation	Required Additions.	Please see County Cover letter and comments to Chapter 5.	Comment noted; see responses to Chapter 5 comments.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -161	3.10.3.7 Summary of Effects and Conclusions, Para 3	Under the action alternatives, special-status wildlife species within proposed expansion areas would be exposed to noise, energy, and strike (i.e., aircraft and munitions) stressors. Additionally, special-status wildlife species within the proposed expansion areas would be exposed to physical disturbance. As described above, these stressors are expected to result in short-term behavioral responses that are not expected to affect the fitness of individuals and therefore would result in significant population-level effects to any species.	Please explain how exposing sensitive species to munitions would not affect the fitness of individuals.	Text revised to reflect analysis addresses population-level effects.
3.10 -162 & 163	Table 3.10-29 Summary of Effects for Biological Resources - Comment typical for all action alternatives.	<ul style="list-style-type: none"> • Estimated noise contours from aircraft operations and munitions activities would be similar to current noise contours within existing ranges but under Alternative 1 would occur within the proposed expansion areas. • Although proposed airspace revisions would include aircraft overflights of less than 500 feet AGL, wildlife species (e.g., bighorn sheep, pronghorn, greater sage-grouse) within the region of influence are currently experiencing aircraft overflights at altitudes of less than 200 feet AGL with no known impacts to ... 	<p>Similar is a relative term, especially considering current DOI, BLM and State Mitigation requirements for indirect noise impacts. Additional information and quantification needs to be provided.</p> <p>The County's biggest concern is with new helicopter flights extending to ground level that haven't been mapped or disclosed to this point. Any information to substantiate this needs to be disclosed, particularly with Greater Sage-grouse. If information isn't available, then a robust monitoring program needs to be implemented in consultation and coordination with appropriate partners.</p> <p>It appears that there may be a data gap specific to Greater Sage-grouse, and this concerns the County. The Navy need to clarify if it intends to observe and honor a 3,000' AGL restriction about ...</p>	<p>The Navy is not proposing to change the paths of helicopter flights in the DVTA. The Navy has analyzed impacts to wildlife in the DVTA from low level overflights below 200 AGL and found that there would be no significant impact to wildlife (see Section 3.10.3.3.5).</p> <p>The Navy is proposing to fund a study by NDOW to monitor the potential effects to sage grouse lek behavior from aircraft overflights. Final details of the scope of any potential study are still being discussed. Any commitment by the Navy to undertake ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		<p>(continued) populations.</p> <ul style="list-style-type: none"> • Wildlife species (e.g., bighorn sheep, pronghorn, greater sage-grouse) within the region of influence are currently experiencing sonic booms with no known impacts to populations. • The majority of the literature suggests that wildlife species exhibit adaptation, acclimation, and habituation after repeated exposure to jet aircraft overflights and associated noise, including sonic booms, and that there are no adverse impacts to wildlife species from aircraft overflights. • Potential impacts to migratory birds would continue to be avoided and minimized by pilots by incorporating BASH awareness protocols as standard flight operation procedures. • Direct impacts to 4,500 acres of regionally common vegetation communities would not be significant. 	<p>(continued) Fallon and Stillwater NWR. Indirect impacts such as invasive plant increase as a result of surface disturbance paired with lack of vegetation management planning and the subsequent increase of wildfires need to be analyzed for impacts to biologic resources.</p>	<p>(continued) a study (or studies) will be addressed in the EIS Record of Decision.</p> <p>NWRs will continue to be noise sensitive areas, so flight operations would be restricted to above 3,000 ft AGL and to a distance of 5 nm from the center of the NWR.</p> <p>See previous responses to comments regarding invasive species and wildfires.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.10 -162 & 163	Table 3.10-29 Summary of Effects for Biological Resources - Comment typical for all action alternatives.	Implementation of Alternative 1 would not result in significant impacts on biological resources.	The County cannot agree with this statement without additional information and input from applicable State agencies.	Comment noted.
Gen eral	3.11 Cultural		General comment: This section contains very little information in regard to historic trails (i.e. Pony Express), historic mining districts, state historic markers, and known cemeteries in and around the direct impact area. Please add background, mapping and information as appropriate.	Additional information has been added to the extent in which affected resources are located within the direct impact area. The Pony Express National Trail and the California National Historic Trail are discussed and the locations are show on applicable figures (See Figure 3.11-2 and 3.11-4).
3.11 -4	Figure 3.11-2: Direct Impact Areas Within Bravo-16	Requested addition, comment typical to all figures as appropriate.	Please add Pony Express National Trail to map, and any other pertinent features that can be mapped. Please also add any historic mining districts or towns as well as State of Nevada historic markers, cemeteries (as mapped in Section 3.7).	Pony Express is included on Figure 3.11-2. No change required to figure. Historic mining districts are included and mapped in the Mining and Minerals Section (Section 3.3).
3.11 -8	3.11.1.2 Regulatory Framework	Requested addition.	It seems like there are pertinent Nevada Revised Statutes that should be added to this list.	Applicable Nevada Revised Statutes have been added to the Regulatory Framework Section of the EIS.
3.11 -9	3.11.1.2 Regulatory Framework	The Navy completed an Integrated Cultural Resources Management Plan (ICRMP) for FRTC in 2013.	It seems like this plan would need to be updated after the Congressional Action takes place. If so, this should be added to the 'management' section.	Text has been updated to reflect management of acquired land following any ultimate Congressional decision.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.11 -9	3.11.1.3 Approach to Analysis	The Navy has derived the information provided in this EIS from fieldwork, literature reviews, and direct input from tribal representatives.	Has any input been sought or provided by the State Historic Preservation Office? If so, please disclose. If not, it is concerning that the SHPO was not consulted early in the process. Following paragraphs describe the need to consult with SHPO, but it is unclear if that has happened to this point.	Consultation with SHPO has been initiated and is ongoing. This discussion can be found in Section 3.11.1.2 Regulatory Framework. Appropriate consultation information has been added to the EIS.
3.11 -11	3.11.1.3 Approach to Analysis	Therefore, vibration associated with subsonic overflights will not be analyzed further for cultural resources.	Please clarify if vibration associated with ordnance and other detonations was analyzed.	Vibration associated with ordnance and other detonations have been provided in the EIS.
3.11 -16	3.11.2.4.2 Architectural Resources	Additional data will be presented upon completion of on-going cultural resource studies associated with Alternative 3 between the Draft and Final EIS.	The County appreciates that additional information will be forthcoming in the Final EIS; however, with a short (30 day) review period before signature of the Record of Decision it will be difficult to review and correct any deficiencies. This is inconsistent with most NEPA processes, particularly given that additional information could result in a change to the analysis of the impacts "significance".	Updated cultural survey information was updated in Final EIS v2 which was provided to cooperating agencies for review.
3.11 -18	3.11.2.5.4 Traditional Cultural Properties and Tribal Resources	Based on previous studies, including the Class I cultural resources investigation, there is one potential traditional cultural property site, Lone Rock, located within the B-20 APE. It is affiliated with the Northern Paiute as a traditional origin and mythological place, as well as a spiritual and ceremonial location. The Northern Paiute considered Lone Rock to be a healing and vision questing site. A tribal resource site in the B-20 APE known as the West Humboldt Range ...	Given that Lone Rock is located within the existing B-20 withdrawal, it should be disclosed if any damage has occurred to this resource as a result of past training exercises. Given the proximity of B-20 to the Stillwater Marsh and Stillwater Range, these important cultural areas should also be disclosed given the potential for indirect impacts (noise, vibration, alteration of access, etc.)	As part of the public outreach program for the Final Legislative Environmental Impact Statement Renewal of the B-20 Land Withdrawal Naval Air Station Fallon, Nevada, the Navy held meetings with the Tribal Council and spiritual leaders of the Walker River Paiute Tribe and the Fallon Paiute-Shoshone Tribe of the Fallon Reservation and Colony to determine if Lone Rock has traditional cultural significance for the Paiute ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) is also considered a place of cultural significance for the Northern Paiute.		<p>(continued) community. Both tribes assessed traditional and current cultural values of the site and found that Lone Rock no longer has such traditional or cultural values to the Paiute community (U.S. Department of the Navy, 1998). This information has been added to the Cultural Resources (Section 3.11) of the Final EIS.</p> <p>The Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range “buffer” areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision. Potential impacts to the Stillwater National Wildlife Refuge are analyzed in 3.2 (Land Use), 3.7 (Noise), and 3.10 (Biological Resources).
3.11-18	3.11.2.6 Dixie Valley Training Area, 3.11.2.6.1 Studies Conducted	A Class III cultural resource inventory is ongoing through 2018, and the Final EIS will be updated with information from it accordingly.	What areas are being inventoried (convoy routes, electronic warfare sites and fiber optic routes, etc.)?	Specific inventoried areas have been identified in the EIS.
3.11-18	Table 3.11-6: NRHP Eligible Archaeological Sites within Lands Requested for Withdrawal or Proposed for Acquisition for the DVT	Question	Are these sites located on Navy-owned lands or public lands? This information should be added to the table.	These are public lands. Information has been added to the EIS.
3.11-25	3.11.3.1 No Action Alternative	A decision to allow the FRTC land withdrawal to expire, however, would have no significant impact on cultural resources because federal management of the area would continue.	Just as a point of clarification that should be added, State management would also continue. The County completely agrees with this statement in terms of the 'No Action' Alternative, in fact, this statement should be made in nearly every other section in Chapter 3.	The EIS has been updated to include state and federal management would continue under the No Action Alternative.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.11-25	3.11.3.2.1 Bravo-16, Training Activities	Firing and dropping explosive munitions would not change within the existing B-16 training area and would not occur within the expanded B-16 training area, but Explosive Ordnance Disposal (EOD) activities and Land Demolitions could occur there.	The County does not recall seeing this disclosed in any other section. If EOD and land demolitions are being proposed in B-16 or any other training area, it should be clearly disclosed and described in Chapters 1 and 2. In addition, the impacts of such activities should be analyzed and discussed in the appropriate Sections of Chapter 3.	This information is disclosed in the Military Training Activities Table in Chapter 2.
3.11-26	3.11.3.2.1 Bravo-16, Public Accessibility Comment applicable to all Bravo Ranges	One Native American tribal resource site known as Salt Cave is located within the B-16 APE. Access to this site for ceremonial, cultural, or academic purposes would be allowed, dependent on the Navy's approval.	Supervised public access to Salt Cave, and other culturally important areas throughout the FRTC, should be provided by the Navy at least once per year. A quarterly cultural tour could be provided for such areas in: B-16, 17 and 20 as well as the DVTA following a similar model to the guided tours offered through the Churchill County Museum and BLM for Hidden Cave.	As stated in the EIS, access to this site for ceremonial, cultural, or academic purposes would be allowed, dependent on the Navy's approval. The Navy is not currently planning on quarterly or annual tours. However, access can be coordinated for land management activities or tribal visits to the cave when compatible with the training schedule and military training activities.
3.11-27	3.11.3.2.1 Bravo-16, Training Activities Comment applicable to all Bravo Ranges	Based on the cultural surveys conducted in support of this EIS (see Section 3.11.2.5.1, Studies Conducted), when possible, the proposed new target areas would be sited such that no impacts would occur to identified cultural resources.	Given the permanent nature of impacts and loss of public accessibility going forward, the Navy needs to provide a stronger assurance and commitment than "when possible" for placing targets near cultural resources, historic mine sites / districts, etc.	The Navy's first priority is to avoid cultural sites. Data on the location of potential sites based on the most recent surveys has been incorporated into the ICRMP so that those sites can be managed appropriately and avoided when target sites are officially located.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.11 -27	3.11.3.2.1 Bravo-16, Training Activities Comment applicable to all Bravo Ranges	New target areas would be located away from historic mines sites in B-17, and there would be no effect on historic mine sites because intervening topographic features would disrupt any vibration from munitions detonation.	The County appreciates and supports stronger language (than that for cultural sites) in terms of avoiding historic mine sites, the same language should be used in terms of cultural resources and locations. To this degree, a figure should be provided showing the proximity between planned target locations and historic mine sites / districts. The County is particularly concerned with the potential for impacts on (and permanent loss of public access to) historic mine sites in the Eagleville and Broken Hills Mining Districts.	Historic mines and potential impacts are addressed in the Mining and Minerals Section. Text has been added to refer reader to appropriate figures showing historic mines in Section 3.3 (Mining and Minerals),
3.11 -30	3.11.3.2.4 Dixie Valley Training Area, Training Activities	NAS Fallon employs one full-time cultural resource manager who regularly monitors the condition of such resources.	The County supports this approach, and such monitoring updates should be provided to appropriate local, state and federal agencies. This item has not been captured in the management and monitoring section, and it should be.	The EIS has been updated so this is captured in the management section.
3.11 -40	3.11.3.5 Proposed Management Practices, Monitoring, and Mitigation	Needed Additions	See County comments to Chapter 5 for needed additions.	Appropriate mitigation measures where applicable have been added to the EIS.
3.11 -41	3.11.3.6 Summary of Effects and Conclusions	The Navy anticipates that the project would have no adverse effect on Historic Properties under Section 106 of the NHPA. The Navy is consulting with the Nevada SHPO and federally recognized tribes on this determination. Copies of the Section 106 ...	In a typical NEPA process, this consultation would have occurred and been disclosed. The County's concern is: how will outstanding issues be resolved before signature of the ROD with the short (30-day) review and comment period for the Final EIS?	Cultural resources within the existing FRTC are currently managed in accordance with the NHPA, the Archaeological Resources Protection Act, the American Indian Religious Freedom Act, NAGPRA, and applicable Navy ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) correspondence are provided in Appendix C (Tribal Correspondence). The Final EIS will be updated with information regarding Navy Section 106 consultation with the Nevada SHPO and with appropriate federally recognized tribes, including the development of a Programmatic Agreement establishing protocols for the future management of historic properties in association with the proposed action.		<p>(continued) and BLM Instructions. The Navy abides by stipulations found within the current 2011 Programmatic Agreement (PA) between Nevada SHPO, BLM, and the Advisory Council on Historic Preservation with respect to withdrawn lands. The PA requires identifying, evaluating, and treating historic properties on withdrawn lands jointly managed by Naval Air Station (NAS) Fallon and BLM to facilitate coordination between the Navy and the Nevada SHPO and ultimately to ensure protection of cultural resources (Naval Air Station Fallon, 2011). The current 2011 PA contains stipulations that address cultural resource staffing, coordination and information exchange with the SHPO, standard procedures, special procedures, public participation, dispute resolution, training of nonprofessional staff, reports and monitoring, reviews, amendments, suspension, termination, execution, and implementation. On withdrawn lands, the Navy also follows the cultural resources procedures of the Nevada BLM based on a State Protocol Agreement between BLM and the Nevada SHPO, which was developed pursuant to provisions of BLM's nationwide Programmatic Agreement in December 2014.</p> <p>The proposed amendment to the 2011 PA would be between the Navy and the Nevada SHPO, BLM, and the Advisory Council on Historic Preservation. Other stakeholders, such as Tribes, have been invited to participate in the process as well.</p> <p>The Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range "buffer" areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
General	3.12 Recreation		General Comment: The County doesn't agree with the depiction of "federal lands" in this section. This implies that these lands are owned by the federal government and managed similar to private lands, where a singular "owner" makes management decisions. The County suggests this section replace the term "federal lands" with public lands, which is a better descriptor. These public lands are owned by the American public and managed as a trust resources by the federal government. The majority of the lands proposed for withdrawal are managed by the BLM for: multiple use, sustainable yield and economic development with input from the public and affected communities. This is why items like County Master Plans and Public Land Policy Plans are so important to acknowledge in this and other appropriate sections, because they describe the values of the local communities.	The term "federal lands" is used to describe all lands managed by the federal government including the BLM and USFWS; the Navy has used this term consistently throughout the EIS.
3.12-1	3.12 Recreation	...as well as other discernable areas where the public regularly recreates.	In Churchill County, a large proportion of recreation occurs on public lands with no special designations. In the past, dispersed recreation hasn't warranted many "designated" areas; however, per BLM's Draft RMP (Page 3-173), "As the economy recovers, disposable incomes go up and populations increase in rural areas, the demand for recreational opportunities is expected to sharply rise again." This resulted in the BLM proposing designation of the Dead Camel Mountain and Sand Mountain Special Recreation Management Areas as well as the Salt Wells and Middlegate Extensive Recreation Management Areas. As such, the County supports analysis of impacts to these proposed recreation areas and use of the BLMs ...	The Navy analyzed the closure of these areas in the Draft EIS, Section 3.12 (Recreation). The Navy understands the concerns regarding the potential closure of some recreational areas and recognizes the potential impacts as stated in Section 3.12.3 (Environmental Consequences). Please refer to Section 3.12 (Recreation) and Table 3.12-2 for a summary of effects and conclusions for recreation. The section discusses recreational areas ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) Draft RMP to describe the need for such designations.</p> <p>This issue is being compounded by the Navy's request to close hundreds of thousands of acres of public lands as well as other limitations proposed in the BLM's Draft Resource Management Plan.</p>	<p>(continued) that would remain open and that could potentially be restricted. Recreational areas not impacted by the proposed expansion include, but are not limited to:</p> <ul style="list-style-type: none"> - Pyramid Lake - Dead Camel Mountains Special Recreation Management Areas (with alternative access routes around B-16) - The un-withdrawn portions of Clan Alpine Mountains, Job Peak, and Stillwater Range Wilderness Study Areas - The Unwithdrawn portion of Fallon National Wildlife Refuge - Dixie Valley - Salt Wells Extensive Recreation Management Area, Sand Springs Range, and Fairview Peak (under Alternative 3 only) <p>The Navy also recognizes indirect impacts as indicated in Section 3.12.3.2.2, which states: "Indirectly, this alternative could also affect other recreation areas within the region, due to the closing of portions of the Salt Wells and Middlegate Recreation areas, as the public shifts activities to those areas. This may lead to an increase in recreationists at those areas, including at the Sand Mountain recreation area or at nearby hunting grounds."</p> <p>The Navy will also allow hunting on B-17 once a year with permits and required Navy instruction. The Navy cannot allow other recreational uses in the B-17 range, as there are too many recreationalists and it is difficult to control the number or people that would be allowed on range. Hunters would be issued tags and permits that would only allow a certain number of people to be on the range; these would be issued through the NDOW. The same species that occur in the B-17 range area would also occur in the Dixie Valley area and could be seen there by recreationalists. Hunting is a population management tool and is important for the biological processes in the B-17 range. The Navy made it part of the EIS because hunting is part of the mission of NDOW, a cooperating agency of the Navy for the EIS and under the hunting program. The bombing range is not safe for unrestricted numbers of recreationalists.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12 -1	3.12.2.1 Region of Influence	The region of influence includes land managed by the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (USFWS) (including WSAs),	The BLM, not the US Fish and Wildlife Service manages the WSAs in the ROI.	The recommended clarification has been incorporated into the Final EIS.
3.12 -2	3.12.1.2 Regulatory Framework	Require additions	The State of Nevada manages wildlife resources and state lands, as such the appropriate sections of the Nevada Revised Statue should be added to this section.	The recommended addition has been incorporated into the Final EIS.
3.12 -2	3.12.1.3 Approach to Analysis	Whether the action would be inconsistent with applicable federal, state, or local recreation regulations and recreation plans.	<p>This list should include County Master Plans. Here is what the Churchill County Master Plan says regarding recreation:</p> <p>From Chapter 12, Policy Plan for Public Lands: GOAL: It is Churchill County's goal to provide for multiple recreation uses on Churchill County, federal and state administered lands located within its boundaries for residents and visitors to the County. Provide high quality recreational opportunities at developed and dispersed/undeveloped recreation sites by allowing historic uses and access while maintaining existing amenities and by providing new recreation sites for public enjoyment. Maintain public access opportunities in both motorized and non-motorized settings through the identification of rights-of-way or easements across government administered lands and private lands at the invitation of the property owner. Recognize that multiple recreation uses are mandated by the multiple use concepts and that adequate resources must be provided on the federal administered areas; keeping open all existing access roads and the ability to maintain those same roads or accesses.</p> <p>The proposed action, Alternatives 1 – 3 are inconsistent with this goal. This inconsistency should be disclosed.</p>	As a federal agency, the Navy does not need to be consistent with County Master Plans. The Navy has adjusted its Preferred Alternatives and incorporated minimization, avoidance, and mitigation measures to the best of its ability to compensate from loss of recreation areas as a result of the Proposed Action.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12 -3	3.12.1.4 Public Scoping Concerns	Churchill County and the Wilderness Society expressed concerns about impacts that the Proposed Action could have on hunting and proposed recreation areas, particularly around B-16 and B-17 (with regard to WSAs). The Office of the Governor of Nevada listed concerns about closing public access to the Sand Springs Range, Fairview Peak, Slate Mountain, Bell Flat, and the Monte Cristo Range as well as to portions of Simpson Road and State Route 839. For further information regarding comments received during the public scoping process, please refer to Appendix D, Public Involvement.	<p>While the County did express concerns to hunting and recreation, its view of WSAs is likely much different than that of the Wilderness Society. As such, their concerns and the County's concerns should be split into two different sentences.</p> <p>The County also expressed the same concerns as the Governor's Office, plus concern with closure or restricted public access to: Fallon National Wildlife Refuge, E County Road, Pole Line Road (including the West Humboldt Range), Sand Canyon Road (including the Dead Camel Mountains), and local roads (including areas in B-17 such as Slate Mountain, Monte Cristo Range, etc.).</p>	The recommended change has been incorporated into the Final EIS.
3.12 -3	3.12.2.1 Off-Highway Vehicles	Definitions	Rock crawlers should be added to the definition, as this use is popular within the analysis area, particularly the Dead Camel Mountains in B-16.	The recommended addition has been incorporated into the Final EIS.
3.12 -4	3.12.2.2 Hunting, Trapping and Fishing	The NDOW regulates and administers hunting in Nevada.	NDOW also regulates and administers trapping and fishing.	The recommended addition has been incorporated into the Final EIS.
3.12 -4	Table 3.12-1: Nevada 10-Year Average (2007–2017) by Species of Hunting Tags Issued and Species Harvested	Clarification	Do these numbers represent statewide figures or figures specific to the ROI? It seems more appropriate to report numbers specific to the ROI, or at least those wildlife management units within the ROI.	These figures represented the statewide numbers. Numbers are included in the text descriptions of the ROI under each specific area.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12-8	3.12.2.3 Other Recreation Resources	Recreation resources other than those discussed previously include designated recreation areas (e.g., WSAs), notable recreation resources (e.g., off-road races), and trail use (e.g., running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing). Notable "other" recreation resources that are discussed in this section include: the Raptor Off-Road Community Festival, the Pony Express National Trail, the American Discovery Trail network, the tarantula migration, Fairview Peak, Fallon National Wildlife Refuge, Stillwater National Wildlife Refuge, Stillwater Range WSA, the High Desert Classic Endurance Ride, the Stillwater Mountains Range, ghost towns, the Clan Alpine Mountains WSA, Job Peak WSA, Sand Mountain Recreation Area, Stillwater Range WSA, and the Humboldt-Toiyabe National Forest.	<p>The section does not fully describe the affected recreation environments that are being affected outside the other categories. The amount and types of recreation being affected is much greater than implied. Other recreational areas include, but are not limited to:</p> <ul style="list-style-type: none"> Sites for target shooting; Sites for rock hounding; Important cultural sites and area; Important / unique geologic sites; Important biologic sites; and, Areas with water (springs, ponds, streams and guzzlers). <p>Many of these locations have been identified in other sections and should be disclosed, described and mapped in this section. Following comments will provide input as to further suggested additions.</p>	The Navy discusses all of these topics in the EIS and analyzes impacts to each of them in their respective resource section. The Navy has added references to these sections in this section. The Navy added target shooting to the list of potential recreational activities.
3.12-8	3.12.2.3	Area, the High Desert Classic Endurance Ride, the Stillwater Mountains Range, ghost towns, the Clan....	Add "mining districts" to this list.	The recommended addition has been incorporated into the Final EIS.
3.12-8	3.12.2.4.1	These lands are primarily used for motorcycle races	Add to this sentence, "...rock crawling and casual use due to its close proximity and easy access from Fallon."	The recommended addition has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12 -9 & 10	Figure 3.12-4 & 5: Recreation Resources near Bravo-16 for Alternatives 1 and 2 & 3	Suggested additions.	<p>Show that portion of B-16 that is currently open for public access.</p> <p>Add any big and small game guzzlers as those areas tend to concentrate wildlife and associated recreation.</p> <p>Adjust scale to show proximity of B-16 expansion to the Lahontan State Park.</p> <p>Add OHV count locations.</p>	The recommended changes have been incorporated into the Final EIS with the exception of the OHV count locations which can be found on figures in the Transportation/Traffic Study for the Fallon Range Training Complex located online at https://frtcmodernization.com/ .
3.12 -11	3.12.2.4.1	The maximum count for all locations on the land requested for withdrawal was 165 on Saturday, October 14, 2017 (this date coincides with the start of 36 upland species hunting season in Nevada).	This comment applies for similar sections under all alternatives: For the sake of full disclosure and added clarity, please add maps showing the count station locations and either label on the map or on a table: the count dates, peak daily count (and date), low daily count, and average daily count.	These counts are shown in figures in the Transportation/Traffic Study for the Fallon Range Training Complex located online at https://frtcmodernization.com/ .
3.12 -11	3.12.2.4.3	The BLM is currently proposing to create a recreation area for OHVs west of B-16 (Bureau of Land Management, 2014)	Utilizing the BLM's Draft RMP, this section should enumerate some of the reasons why the BLM is proposing creation of this area for sake of further understanding, clarity and disclosure.	The recommended addition has been incorporated into the Final EIS.
3.12 -12	3.12.2.5 Bravo 17	Except for an annual bighorn sheep hunt, which occurs when the range is inactive, the public is not allowed to access B-17 for recreation (U.S. Department of the Navy, 2015).	Does the Navy have records on use days associated with the current "controlled access" bighorn sheep hunt? If so, it would be good to disclose those here.	The Navy does not have records on use days associated with the current controlled access of bighorn sheep hunting. The Navy has granted access to the maximum extent possible based on mission training during the hunting season.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12 -13 & 14	Figure 3.12-6 & 7: Recreation Resources near Bravo-17 for Alternatives 1 and 2 & 3	Suggested additions and revisions.	<p>What is the source of “unnamed current OHV routes”? At a minimum these should show connecting back to Highway 50 at the Sand Mountain Recreation Area entrance as many of the visitors to Sand Mountain will take cross-country trips through the Sand Springs Range.</p> <p>Given the size of this area and numerous recreational activities, it may make some sense to split this into two figures: one specific to OHV use and other and one specific to hunting.</p> <p>For OHV and “other recreation”, consider adding the following: adjust to show Sand Mountain Recreation Area, add historic mining areas, add Middlegate Station, add earthquake fault site, add any important cultural areas identified in previous section.</p> <p>For hunting, consider adding the following: wildlife water developments (big and small game), Sand Spring and Kaiser Well as these are all important wildlife congregation points.</p>	The recommended changes have been incorporated into the Final EIS.
3.12 -16	3.12.2.6 Bravo 20		<p>The intro paragraph describes mountain ranges incorrectly. The "West" Humboldt Range is the to north or northwest of the expansion area.</p> <p>The OHV section does not acknowledge the use of nearby roads off of the alkali flat as recreation. The Hunting section inaccurately describes Poleline Road as the Navy's road. The Other Recreation section states there are NO other recreation activities, which is wrong. Other recreation in the areas includes, but is not limited to: visiting cultural, geologic, biologic, water resource, and other sites that should be identified in other chapters. Examples include the Ocala Indian Cave, the Lovelock Indian Cave, Lone Rock, the California Trail, the nearby mercury mines, and various mining camps.</p>	<p>The Navy has revised the introduction paragraph as discussed in this comment. The OHV section has been revised to acknowledge the use of nearby roads off of the alkali by OHV operators.</p> <p>The Navy has added language to reflect the other recreation activities that overlap with other analyses in the EIS such as cultural resources, geological resources, biological resources, and water resources.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12 -16	3.12.2.6.2	Suggested addition	There are several private hunting clubs in and around the Stillwater NWR that should be described in this section. Not only do they provide a recreational opportunity, but they have also invested significant private capital to improve wildlife habitat for the benefit of a public resource, namely waterfowl, shorebirds and other migratory birds.	The Navy has identified the Canvas Back Gun Club in the Stillwater National Wildlife Refuge on Figure 3.12-11, and added private hunting clubs to the discussion of recreation in the Final EIS as applicable.
3.12 -17 & 18	Figure 3.12-8 & 9: Recreation Resources near Bravo-20 for Alternatives 1 and 2 & 3		<p>Note where the "Navy B-20 Access Road" ends as well as the name of the remainder of the road that travels into Pershing County.</p> <p>Add wildlife water developments and springs (i.e. Wildhorse Spring) that are important for wildlife-based recreation.</p> <p>Add important cultural areas: Lone Rock, W. Humboldt Range, Stillwater Mountains, etc.</p> <p>Add private hunting clubs such as the Canvasback Gun Club as significant private investment has been made to improve wildlife habitat and provide recreational opportunities.</p>	These figures have been updated as applicable with correct information per comment. The Navy has added language to reflect the other recreation activities that overlap with other analyses in the EIS such as cultural resources, geological resources, biological resources, and water resources.
3.12 -19	3.12.2.6.3 Other Recreation Resources, Fallon NWR and Stillwater NWR	The FRTC directs pilots to maintain an altitude of no lower than 3,000 feet above ground level (AGL) when flying over the Fallon National Wildlife Refuge (U.S. Department of the Navy, 2011).	<p>Is this directive subject to change given the proposed changes to SUA areas above these refuges? If so, this should be disclosed. The County support keeping this directive in place, in fact, the SUAs should include this provision.</p> <p>Also, any visitor data (visitor days) for these refuges should be included here.</p>	The Navy is not changing this directive as a result of the Proposed Action in the EIS. Visitor data for the refuges were not available for the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12-19	3.12.2.7 Dixie Valley Training Area	The Navy and the BLM manage the DVTA, which is open to the public for activities such as hunting, camping, hiking, OHV use, site visits, and grazing.	<p>The Navy needs to further clarify this statement by splitting this item into two sentences.</p> <p>The first should describe how the Navy is currently managing its “fee owned” / private property in the DVTA. Historically, the Navy has allow access to (areas along Settlement Road, Horse Creek, etc.) and casual uses (camping, hunting, fishing in Ponds in the Settlement Area) on these lands. The County supports continued allowance for use and recreation on these lands.</p> <p>The second should describe activities on public lands managed in conjunction with the BLM.</p>	The recommended change has been incorporated into the Final EIS.
3.12-20	3.12.2.7 Dixie Valley Training Area	Training activities on open lands are restricted due to the limited amount of land available, public safety, and environmental concerns.	Clarify if restricted “training activities” apply to both air and ground training versus one or the other. Also clarify if these restrictions apply to Navy-owned land versus public land.	This sentence has been clarified to state that activities are restricted both on the ground and in the air for the reasons stated in the DVTA.
3.12-21	3.12.2.7.3 Other Recreation Resources, DVTA	The BLM is currently proposing to create a recreation area for OHVs west of B-17 (Bureau of Land Management, 2014).	This is actually proposed for all lands around B-17.	The recommended change has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12 -24	3.12.3 Environmental Consequences	Required Additions	<ul style="list-style-type: none"> For sake of full disclosure, the Navy should list the following information for each range: The number of acres that are being converted from public lands with open access to Navy withdrawal lands with no access; The number of miles of 'local roads' currently mapped by the Navy and open for public use, proposed for closure; The number of miles of 'special routes' currently mapped by the Navy and open for special use, proposed for closure; and, The number of acres, and overall percent, of BLM proposed Extensive and Special Recreation Areas being closed to public access. 	The number of acres that are being converted from public lands can be found in the request for withdrawal numbers in Chapter 2 for Alternatives 1, 2, and 3. The number of miles of local roads is currently unknown as these roads are not officially designated. Therefore, the Navy cannot make an estimate of these roads beyond what it has already done in the document with publicly available information. The same applies to the number of miles of special routes. The areas that the BLM proposed to designate as extensive and special recreation areas, have not yet been designated and are subject to change, therefore, the Navy was not able to calculate specific acreages of these areas as they have not yet been implemented.
3.12 -25	3.12.3.2	Meanwhile, although the DVTA would expand under Alternative 1, recreational activities within the expanded DVTA would be similar to existing baseline conditions. However, removing the WSA designation for portions of the Clan Alpine Mountains, Stillwater Range, and Job Peak would decrease existing restrictions on recreation in those ...	This comment applies for similar sections under all alternatives: For the sake of full disclosure and added clarity, it would be helpful to show a table that shows the number of acres going from BLM management to Navy withdrawal, as well as the number of acres being released from WSA. For Alternative 1, there is still a very large imbalance between the amount of land being "withdrawn" versus "released" from WSA. This section should also describe the mechanism for releasing WSAs.	The Draft EIS contained these numbers and states as does the Final EIS, "Under Alternative 1, Congressional withdrawal legislation would remove the WSA designation from those portions of the WSAs that would be withdrawn as the DVTA: Stillwater Range WSA (approximately 10,951 acres [12 percent]), Jobs Peak WSA (approximately ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) areas (e.g., restrictions on OHV use), potentially opening them to additional recreational activities.		(continued) 41,680 acres [47 percent]], and Clan Alpine Mountains WSA (approximately 22,324 acres [11 percent]) within the DVTA." Under Alternative 3, "Congressional legislation would remove the WSA designation of withdrawn portions of the following WSAs: Stillwater Range WSA (approximately 10,951 acres [12 percent]), Jobs Peak WSA (approximately 41,680 acres [47 percent]), and Clan Alpine Mountains WSA (approximately 22,324 acres [11 percent])."
3.12-25	3.12.3.2	Under Alternative 1, the Navy would expand B-16, B-17, B-20, and the DVTA, and the public would have either no access or limited access to approximately 390,543 acres of existing open public land.	This comment applies for similar sections under all alternatives: For the sake of full disclosure and added clarity, it would be helpful to show what % of the BLM's CCDO this accounts for.	The Navy has added the percentages of field office administered lands that would be withdrawn under each alternative to this section. Other sections refer to this one as applicable in the Final EIS.
3.12-26 & 27	Road and Infrastructure Improvements to Support Alternative 1 Proposed Dead Camel Mountains Special Recreation Management Areas	Alternative 1 includes the planning for alternative routes to provide public access to the proposed Dead Camel Mountains Special Recreation Management Areas. The BLM and Navy will continue to coordinate on recreation opportunities that may be impacted and conduct alternative route planning and follow-on, site-specific National Environmental Policy Act (NEPA) would be conducted.	<p>The County appreciates this approach, and requests that it and the City of Fallon (if desired) be involved in this planning process.</p> <p>It should also be noted that adjustments (reduction) around the perimeter of the proposed withdrawal area(s) could result in a significant improvement in access to lands surrounding the existing and proposed withdrawal around B-16. There are many existing roads along the northern and western boundary that could provide ...</p>	The Navy has reduced the size of the overall area requested and proposed for withdrawal in the Final EIS under Alternative 3 (the Preferred Alternative), to the extent that it could do so consistent with meeting mission requirements. Further, the Navy will seek to acquire the minimum amount of non-federal lands needed to meet its mission ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) access if the withdrawal were reduced in order to avoid them (see County Mitigation map).	(continued) requirements. The Navy has added a figure to the Final EIS that illustrates the area requested and proposed in the Draft EIS and the changes to the Final EIS request and proposal area under Alternative 3. The Navy will involve the County and City of Fallon in the planning process for future recreation opportunities if they were to become available.
3.12-28	3.12.3.2.2 Bravo-17, Public Accessibility	Road closures east of Fairview Peak and Slate Mountain would have a long-term effect on the public's ability to access these areas for wildlife-related activities (e.g., hunting and viewing).	Add the Sand Springs Range to the list of lost public access in this section.	The recommended addition has been incorporated into the Final EIS.
3.12-28	3.12.3.2.2 Bravo-17, Public Accessibility	Indirectly, this alternative could also affect other recreation areas within the region, due to the closing of portions of the Salt Wells and Middlegate Recreation areas, as the public shifts activities to those areas. This may lead to an increase in recreationists at those areas, including at the Sand Mountain recreation area or at nearby hunting grounds. Annual visitation at the Sand Mountain recreation area currently numbers between 50,000 and 70,000 visitors per year (Bureau of Land Management, 2017).	The County appreciates this disclosure of indirect impacts, and it should be made in other applicable sections. Also, please report the percent of the SRMAs and ERMAs that would be affected (closed).	The areas that the BLM proposed to designate as extensive and special recreation areas, have not yet been designated and are subject to change, therefore, the Navy was not able to calculate specific acreages of these areas as they have not yet been implemented.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12-29	3.12.3.2.3 Bravo-20, Land Withdrawal and Acquisition	Due to the safety concerns associated with being within a WDZ, the Navy and the USFWS would close the withdrawn refuge lands to the public. The USFWS would continue to manage the land under a Memorandum of Understanding (MOU) with the Navy and BLM once terms of the MOU were reached.	The County prefers avoidance of the Fallon National Wildlife Refuge. If that doesn't occur, the County should be included in the MOU given the Conservation Easement areas included here.	The Navy has no authority to codify public lands beyond the scope of the withdrawal and therefore cannot do this. County Easement land (1,920 acres) would be acquired and managed by the Navy in accordance with the Sikes Act.
3.12-30	3.12.3.2.3 Bravo-20, Public Accessibility	Alternative 1 would place gates across the Navy's access road to B-20 (locally known as "Pole Line Road"), effectively closing this road to the public. This east/west unpaved road passes to the north of the existing B-20 in northern Churchill County and provides access for B-20 maintenance. Although this road is occasionally used by hunters and other recreationists (see Supporting Study: Transportation Study [available at http://frtcmmodernization.com]), the Navy is the only authorized user of this road. Installation of gates would prevent any further incidental use of this road by the public.	Disclose that this action would also prevent public access to the West Humboldt Range which includes recreation related to this important cultural area.	The recommended addition has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.- 12- 31	3.12.3.2.3 Bravo-20, Public Accessibility	Hunters could also access the area that the Navy's access road to B-20 led to via the East County road and OHVs on the east side of B-20. Therefore, expanding B-20 would not significantly impact hunting.	Hunters (and other recreationalists) still wouldn't be able to access the east slope of the West Humboldt Range, including Wild Horse Pass, Wildhorse Spring, etc.	The recommended addition has been incorporated into the Final EIS.
3.12 -31	3.12.3.2.4 Dixie Valley Training Area, Land Withdrawal and Acquisition	General comments, requested clarifications.	Split this section into two paragraphs: one for public lands withdrawn and the other for acquisition lands. For acquisition lands, please clarify if access through these properties to adjacent public lands be maintained. Additionally, would activities such as camping, and fishing be allowed? The County would prefer the answer to both questions be yes.	The Navy has added that for acquired lands, access would be maintained and activities such as camping and fishing would be allowed.
3.12 -31	3.12.3.2.4 Dixie Valley Training Area, Training Activities	Training activities would expand within the proposed DVTA boundary into areas where they have not previously occurred.	These areas need to be better specified, disclosed and mapped in this section as well as in Chapters 1 and 2.	The entire DVTA would be available for training activities; specific areas of the DVTA would not be delineated for training activities.
3.12 -33	Figure 3.12-12: Recreation Resources Beneath Special Use Airspace Under Alternative 1 and 2	Required addition	Please add and clarify where Restricted Areas or SUAs are proposed to be revised to include ground level as the new "floor" for training activities.	The recommended addition has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12-34	3.12.3.2.5 Special Use Airspace	In addition, although Military Operations Areas (MOAs) would be changed, and in some cases lowered, over other existing WSAs and national wildlife refuges (Figure 3.12-12), the FAA requests that pilots maintain a minimum of 2,000 feet AGL above wilderness areas and national wildlife refuges (Federal Aviation Administration, 2017). OPNAVINST 3710.7 (series) says that these areas “shall be avoided when at altitudes of less than 3,000 feet AGL except when in compliance with an approved: (1) traffic or approach pattern, (2) VR or IR, (3) SUA.” This policy further states, “Noise sensitive areas shall be avoided in the development of instrument routes and visual routes and additional SUA unless the 3,000-foot criteria can be observed.”	<p>This statement is very confusing. Earlier in the document it was disclosed that the Navy has an exemption to the FAAs regulations, and now this section appears to state that the Navy has exceptions for its own 3,000 foot AGL policy. Please clarify:</p> <p>Does the Navy currently operate with a floor of 3,000’ above Stillwater NWR or not?</p> <p>Does the Navy proposed to operate with a floor of 3,000’ above Stillwater NWR or not?</p> <p>The County supports maintaining a 3,000’ AGL floor, without exception, above both Stillwater NWR and Fallon NWR given the amount of recreation occurring in these areas.</p>	The Navy does currently operate with a floor of 3,000' above the Stillwater National Wildlife Refuge and is proposing to continue this practice.
3.12-34 through 35	3.12.3.2.6	An annual review of the bighorn sheep hunting program would occur for continued evaluation of compatible hunting opportunities and adaptive management of the hunting program.	The County supports an annual review, and would request inclusion of one member of either the Churchill County Commission or the County Advisory Board to Manage Wildlife in order to offer a local perspective and interface.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.
3.12-37 through 38	3.12.3.3.2	Under Alternative 3, the Navy would expand B-16, B-17, B-20, and the DVTA. Alternative 3 would close public access to approximately 425,191 acres for expanding the Bravo ranges but would allow certain uses when the ranges are not operation (e.g., holidays and weekends).	The County would like to see all big game and upland game hunting allowed during base closures on holidays and weekends. The County understand it is an increased burden for the Navy, but this is an important use by County residents and visitors alike. The Navy's added efforts to accommodate this would be much appreciated by the entire community.	The Navy cannot accommodate other forms of hunting as requested by the County on bombing ranges during weekends or holidays due to public health and safety concerns for the public and range scheduling conflicts.
3.12-38	3.12.3.3.2 Bravo-17, Public Accessibility	<ul style="list-style-type: none"> • Hunting party is limited to five persons, including the tag holder, on FRTC at any one time, with no member of the hunting party under 18 years of age. • Bombing range access procedures would be in accordance with Navy range policies. • A face-to-face Hunter Safety ground access brief would be required. 	<p>The 'age of 18' requirement should only apply if a parent or legal guardian isn't present.</p> <p>Please clarify, would this need to be done daily?</p> <p>These (approximate) areas should be disclosed and mapped in the Final EIS.</p>	The Navy cannot accommodate other forms of hunting as requested by the County on bombing ranges during weekends or holidays due to public health and safety concerns for the public and range scheduling conflicts.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		<p>(continued) • Prior scheduling would be required. Check-in and Check-out with Range Control would be mandatory for any access to the B-17 range.</p> <ul style="list-style-type: none"> • Hunters must remain clear of B-17 designated avoidance areas, as marked on maps to be provided to hunters during annual safety training. These areas would be determined annually based on range conditions and reviewed and updated annually by range operations and safety department. In general, avoidance areas will include targets and areas of known unexploded ordnance. • No pets, to include hunting dogs, would be allowed on B-17. 		
3.12-43	3.12.3.4.2 Alt. 3: Bravo-17, Land Withdrawal and Acquisition	The Navy would propose to hire two Conservation Law Enforcement Officers to monitor and repair fences.	Could these individuals also help coordinate the “limited access” program?	The limited access program would be managed and coordinated by NDOW in coordination with NAS Fallon.
3.12-43	3.12.3.4.2 Alt. 3: Bravo-17, Public Accessibility	Expanding B-17 under Alternative 3 would have similar impacts on recreation access as those under Alternative 2. Implementing Alternative 3 would prevent public access to several important recreation resources, including the BLM’s proposed Middlegate Extensive Recreation Management Areas. Unlike Alternatives 1 and 2, this alternative ...	<p>Please disclose how many miles of “local roads”, already mapped by the Navy, would be closed as well as what percent of the Middlegate ERMA would be affected.</p> <p>The County supports avoidance of the Salt Wells ERMS, Sand Springs Range and Fairview Peak.</p>	The number of miles of local roads is currently unknown as these roads are not officially designated. Therefore, the Navy cannot make an estimate of these roads beyond what it has already done in the document with publicly available information. The same applies to the number of miles of special routes. The areas that the BLM ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) would not close portions of the BLM's proposed Salt Wells Extensive Recreation Management Area, Sand Springs Range, and Fairview Peak.		(continued) proposed to designate as extensive and special recreation areas, have not yet been designated and are subject to change, therefore, the Navy was not able to calculate specific acreages of these areas as they have not yet been implemented.
3.12-49	3.12.3.4.6	...uses when the ranges are not operation (e.g., holidays and weekends).	Should say: ...uses when the ranges are not in operation (e.g., holidays and weekends).	The recommended addition has been incorporated into the Final EIS.
3.12-50	3.12.3.5.3 Proposed Mitigation	<p>Mitigation measures were found to be warranted for recreation based on the analysis presented in Section 3.12.3 (Environmental Consequences) and are listed below:</p> <ul style="list-style-type: none"> • Install water developments outside of closed Navy lands to draw big-game and small-game and support populations outside of the ranges in order to mitigate against impacts to hunting. Numbers and locations of water developments are to be determined cooperatively with NDOW. • Annual review of the bighorn sheep hunting program to determine if additional hunts can be coordinated. 	The County agrees that mitigation measures for recreation are warranted. The County supports the two listed items, but much more is needed. See cover letter and comments to Chapter 5 for additional suggestions.	The Navy has reviewed and considered all comments received and have updated the analysis where appropriate in Chapter 5 (Management Practices, Monitoring, and Mitigation). The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.12-50	Table 3.12-2: Summary of Effects and Conclusions for Recreation, Alt. 1	Requested additions.	It should be disclosed that this Alt would eliminate or significantly reduce access to the: Dead Camel Mountains, Sand Springs Range, Slate Mountain, Monte Cristo Mountains, Fairview Peak, and the West Humboldt Range.	The recommended addition has been incorporated into the Final EIS.
3.12-51	Table 3.12-2: Summary of Effects and Conclusions for Recreation, Alt. 3	Requested additions.	It should be disclosed that this Alt would eliminate or significantly reduce access to the: Dead Camel Mountains, Slate Mountain, Monte Cristo Mountains, and the West Humboldt Range. This also needs to disclose the loss of other popular hunting (chukar) and wildlife watching outside of bighorn sheep hunting.	The recommended addition has been incorporated into the Final EIS.
General	3.13 Socioeconomics		General Comment: The County supports the Navy's presence and appreciates and supports its social and economic contributions to the County. However, the County cannot dismiss or diminish the social and economic impacts of the proposed action (all alternatives) to present and future generations. The County does not believe this Chapter adequately captures or describes economic or social impacts, particularly as it relates to the County's customs and culture as described in the 2015 Churchill County Master Plan. This is particularly true regarding the loss of accessibility and use of large tracks of public lands (largely managed by the BLM's Carson City District Office) which are currently open to public access and managed for multiple use (now proposed as closed to public access for a single use: military training). Public accessibility and multiple use management are key tenants supported by the 2015 Churchill County Master Plan...	The Navy has added a discussion of customs, culture and economy to the socioeconomics Section. This Section discusses social impacts in the Region of Influence generally, but not with respect to each action alternative individually. A discussion of social impacts is not carried forward throughout each alternative discussion because potential social impacts would not be significantly different among the various alternatives, and because discussion of such impacts is captured in the analysis of impacts to other resource areas such as land use in Section 3.2 (Land Use), mining in Section 3.3 (Mining and Mineral Resources), ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) The County also found this section deficient in that it didn't cite any socioeconomic data from the BLM's Carson City District Office's Draft Resource Management Plan or associated Socioeconomic Baseline Assessment Report. It should also be noted that in the NAS Fallon Joint Land Use Study completed in May 2015, Churchill County clearly identified a concern with future DOD Land Withdrawals. Page 75 of the plan states this issue as follows: DOD Land Withdrawal. Concern over any additional withdrawal of lands for exclusive military use or reduction of current multiple uses of lands. Maintenance of multiple use of lands is preferred.	(continued) ranching in Section 3.4 (Grazing), and recreation in Section 3.12 (Recreation).
General	3.13 Socioeconomics		<p>General Comment: In its scoping comments and subsequent engagement in the Cooperating Agency Process, Churchill County has continually advocated for assessing impacts on, and mitigating impacts to, its: customs, culture and economy. While the County supports the Navy, its mission, and its presence in this community, it must also consider the needs and lifestyle of both military and non-military residents and seek a balance within the community at present and into the future.</p> <p>The BLM's Socioeconomic Strategic Plan 2012-2022 describes the need for a social analysis, excerpts as follows:</p> <p>The capabilities of socioeconomics are particularly relevant to three sets of resource management issues:</p> <ul style="list-style-type: none"> • Describing communities and values (the concern of sociology and cultural anthropology). 	<p>The Navy has added a discussion of customs, culture and economy to the socioeconomics Section. This Section discusses social impacts in the Region of Influence generally, but not with respect to each action alternative individually. A discussion of social impacts is not carried forward throughout each alternative discussion because potential social impacts would not be significantly different among the various alternatives, and because discussion of such impacts is captured in the analysis of impacts to other resource areas such as land use in Section 3.2 (Land Use), mining in Section 3.3 (Mining and ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) • Analyzing goods, services, and choices (the concern of economics).</p> <p>• Identifying the human uses of places and landscapes (the concern of geography).</p> <p>Sociology and Cultural Anthropology are defined as:</p> <p>• Sociology focuses on the organization and values of social groups. It includes analyzing communities of place and communities of interest and determining differential impacts across stakeholder groups. Sociological methods emphasize quantitative data and are well suited to profiling the communities affected by a plan or project or conducting a survey of attitudes regarding the uses of adjacent public lands.</p> <p>• Cultural anthropology examines social life as guided by distinctive systems of meaning—culture. Though its uses overlap those of sociology, anthropology emphasizes ethnographic (qualitative) methods such as open-ended interviews and participant observation, which are well suited to problems involving distinctive ways of life, occupational practices, or local knowledge. Examples of applications include identifying the subsistence hunting harvests of Alaska Native communities or the vulnerability of Arizona ranchers to climate change. The Plan also describes the legal mandates for social analysis, including to following excerpt: National Environmental Policy Act (NEPA). NEPA states that “it is the continuing policy of the Federal Government . . . to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, ...</p>	<p>(continued) Mineral Resources), ranching in Section 3.4 (Grazing), and recreation in Section 3.12 (Recreation).</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) economic, and other requirements of present and future generations of Americans.”⁷ In addition, NEPA directs the BLM to “insure the integrated use of the natural and social sciences . . . in planning and decision-making.” The Council on Environmental Quality’s NEPA regulations specify that the human environment “shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment” (emphasis added).</p> <p>At this time, the County does not believe this section meets the intent of NEPA, nor CEQ regulations. Given the above, the County is requesting an additional subsection that addresses the social and cultural impacts of the Alternatives. The County suggest that the "Approach to Analysis" for this addition should rely heavily on County Master Plans, input received by the affected counties and communities, and socioeconomic data already compiled by partner agencies such as the BLM.</p>	
3.13 -1	3.13 Socioeconomics	In the context of the National Environmental Policy Act, socioeconomic is defined as the economic and social conditions of the region potentially affected by a Proposed Action. While potential social impacts are important because they relate to people’s way of life, their culture, and community, this section focuses specifically on economic conditions related to ...	<p>This statement is completely counter to itself. It accurately discloses that this section should assess both economic and social conditions, then states that the focus is on specific economic conditions.</p> <p>The County would re-iterate that this doesn’t meet NEPA and CEQ standards.</p>	The Navy has added a discussion of customs, culture and economy to the socioeconomic Section. This Section discusses social impacts in the Region of Influence generally, but not with respect to each action alternative individually. A discussion of social impacts is not carried forward throughout each alternative discussion because potential social impacts ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) population and demographics, housing occupancy status, employment characteristics, economic activity, and tax revenue.		(continued) would not be significantly different among the various alternatives, and because discussion of such impacts is captured in the analysis of impacts to other resource areas such as land use in Section 3.2 (Land Use), mining in Section 3.3 (Mining and Mineral Resources), ranching in Section 3.4 (Grazing), and recreation in Section 3.12 (Recreation).
3.13 -1	3.13 Socioeconomics	The purpose of this socioeconomic analysis is to assess the potential impacts of the Proposed Action related to these economic conditions. Implementation of the Proposed Action is not anticipated to result in negative social consequences such as lifestyle disruptions, health risks, or cultural, community, or quality of life impacts, except insofar as it would to some extent reduce opportunities for certain economic activities closely associated with the region.	<p>The County questions how the conclusion of “...not anticipated to result in negative social consequences...” was arrived at, given there is no assessment of social impacts.</p> <p>The County has repeatedly identified the following aspects as critical to its customs and culture: Access to public lands; Multiple use management of public lands; Agriculture / Grazing; Recreation; and, Development of mineral and renewable energy resources.</p> <p>These aspects are captured in the County’s Master plan, previous comments and BLM documentation of important socioeconomic factors.</p> <p>The Navy in this document, discloses significant impacts to: land use (Section 3.2), mining and mineral resources (Section 3.3), grazing (Section 3.4), ...</p>	The Navy has added a discussion of customs, culture and economy to the socioeconomics Section. This Section discusses social impacts in the Region of Influence generally, but not with respect to each action alternative individually. A discussion of social impacts is not carried forward throughout each alternative discussion because potential social impacts would not be significantly different among the various alternatives, and because discussion of such impacts is captured in the analysis of impacts to other resource areas such as land use in Section 3.2 (Land Use), mining in Section 3.3 (Mining and Mineral Resources), ranching in Section 3.4 ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) and recreation (Section 3.12) which is counter to the Navy's assertion in this Section pertaining to social impacts.</p> <p>Impacts extend well beyond "...reduced opportunities for certain economic activities..." including but not limited to:</p> <p>Taking personal property (land, water and claims);</p> <p>Eliminating public access to important cultural areas;</p> <p>Eliminating public access to important recreational areas (which are often shared and passed down from generation to generation);</p> <p>Impacting and/or displacing multi-generational family ranches and grazing operations; and,</p> <p>Forever altering the physical make-up and multiple use land management approach supported by the County.</p>	<p>(continued) (Grazing), and recreation in Section 3.12 (Recreation).</p>
3.13 -1	3.13.1 Methodology	Required Addition	This needs to include an additional section for addressing social impacts.	<p>The Navy has added a discussion of customs, culture and economy to the socioeconomics Section. This Section discusses social impacts in the Region of Influence generally, but not with respect to each action alternative individually. A discussion of social impacts is not carried forward throughout each alternative discussion because potential social impacts would not be significantly different among the various alternatives, and because discussion of such impacts is captured in the analysis of impacts to other resource areas such as land use in Section 3.2 (Land Use), mining in Section 3.3 (Mining and Mineral Resources), ranching in Section 3.4 (Grazing), and recreation in Section 3.12 (Recreation).</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13 -1	3.13.2 Regulatory Framework and Management	Required Addition	This needs to include all affected County Master Plans and Public Land Policy Plans, pertinent State Plans (land use and economic development), and Federal Plans (BLM Land Use Plans, US Fish and Wildlife Service CCPs, etc.).	Applicable Management plans, applicable laws, regulations, and policies have been added to this section of the EIS. It is important to note that there are many plans, regulations, handbooks, instructional memoranda, and other formal policies that influence economic development and the list in the section is not comprehensive.
3.13 -2 & 3	3.13.1.4 Public Scoping Concerns	<p>The public identified several areas of concern during scoping for this EIS in regards to economic impacts related to the following categories:</p> <ul style="list-style-type: none"> Agriculture Mining Geothermal Recreation and Tourism Property Values County Revenues and Payment in Lieu of Taxes (PILT) 	<p>This County, and likely many others in the public, also expressed the social (customs and culture) impacts associated with these activities during scoping.</p> <p>Again, the County would emphasize that the Navy's own analysis has shown significant impacts on the top 4 issues raised by the public during scoping.</p>	The Navy has added a discussion of customs, culture and economy to the socioeconomics Section. This Section discusses social impacts in the Region of Influence generally, but not with respect to each action alternative individually. A discussion of social impacts is not carried forward throughout each alternative discussion because potential social impacts would not be significantly different among the various alternatives, and because discussion of such impacts is captured in the analysis of impacts to other resource areas such as land use in Section 3.2 (Land Use), mining in Section 3.3 (Mining and Mineral Resources), ranching in Section 3.4 (Grazing), and recreation in Section 3.12 (Recreation).

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13 -9	3.13.2.3 Regional and Local Economy, 3.13.2.3.1 Employment, Churchill County	In 2016, NAS Fallon directly employed 1,423 military and civilian personnel, 99 percent of whom lived in Churchill, Lyon, or Washoe Counties. Total direct annual payroll spending for personnel that work at NAS Fallon is \$84 million. NAS Fallon indirectly supported an additional 3,145 jobs in 2015, including jobs essential to base operations, payroll, and other spending-related operations (U.S. Department of the Navy, 2016).	The County supports the Navy's presence here and appreciates and supports its economic contribution to the County.	Thank you for your participation in the NEPA process. The Navy appreciates the County's support.
3.13 -19	3.13.2.3.7 Recreation and Tourism	Recreational activities occurring in the region of influence are described in Section 3.12 (Recreation) and include outdoor activities such as fishing, hiking, camping, birdwatching, rock/fossil collecting, horseback riding, sightseeing, and visiting historic sites; however, based on input from scoping, the public is predominantly interested in hunting and operating off-highway vehicles (e.g., four wheelers and motorcycles).	<p>While hunting and OHV use are important to the overall component of recreation and tourism, the standard for their general level of 'interest' shouldn't rely solely on scoping comments received. BLM data suggests that visitor activities in the Carson City District included, in order of activity: OHV travel, non-motorized travel, camping / picnicking, interpretation / education / nature study, specialized non-motor sports / events / activities, hunting, driving for pleasure, and fishing.</p> <p>By focusing analysis on OHV and Hunting, the Navy has missed the important contributions of host of other popular activities.</p>	Section 3.12 (Recreation) of the EIS provides additional information on recreational opportunities throughout the Study Area. For purposes of analysis, hunting and OHV recreational opportunities have quantifiable economic data that could be used to estimate potential economic impacts associated with the proposed land withdrawal and acquisition. Other recreational activities such as camping, viewing of wildlife, hiking, and mountain biking would be affected by range expansion (B-16, B-17, and B-20) because public access would be restricted on these four ranges. However, the extent of the economic impacts of these closed areas would depend on the availability and access of alternative areas for public access.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13 -21	3.13.3.1 No Action Alternative	<p>General Comments pertinent to this assessment, based on the below statement:</p> <p>The analysis presented below is a broad discussion of possible socioeconomic impacts associated with the No Action Alternative because, in that case, future use of the land and airspace is unknown at this time. Any future actions undertaken as result of implementation of the No Action Alternative would require consideration of environmental impacts in accordance with the National Environmental Policy Act, appropriate regulatory consultations, and socioeconomic analysis.</p>	<p>The Navy has indicated that the 'No Action' scenario does NOT equate to a closure of NAS Fallon. The 2015 Environmental Impact Statement proposed an increase in training tempo and activities based on the current FRTC configuration with no guarantee that an expansion would occur.</p> <p>It is difficult to state that the "No Action" Alternative would result in any impacts, let alone significant impacts, on housing and local economy based on the Navy's contributions to these factors. At this time, before re-assessing the mission at NAS Fallon, how can the Navy imply a significant impact to these economic indicators?</p>	<p>For purpose of presenting and analyzing the No Action Alternative, the No Action does not equate to a complete closure of NAS Fallon.</p> <p>Under the No Action Alternative, the Proposed Action would not occur and the existing legislative withdrawals would expire on November 5, 2021. There would be no renewed or expanded land withdrawal and no airspace-related changes.</p> <p>Therefore, while speculative, the analysis of the No Action Alternative is based on a serious of assumptions given the current socioeconomic data and local revenue generated by NAS Fallon. Based on those assumptions, there could be the potential for significant impacts on housing and the local economy under the No Action Alternative.</p>
3.13 -26	3.13.3.2.3 Potential Impacts on Regional and Local Economy, Potential Impacts on ...	Under Alternative 1, based on minimum and maximum AUMs lost, there would be approximately 6,394 to 8,577 AUMs lost among about a dozen permit holders (Table 3.13-12). Nationally, or even for Nevada, this number is not likely to be significant, ...	This is a significant impact on Churchill County's customs, culture and economy. This doesn't only affect AUMs, it affects the County's culture, long-time residence, and associated private property (land, water and range improvements) associated with these allotments. This also represents a loss in active management of the land which could result in additional induced and indirect impacts.	While the Navy is not planning on preparing a social impact study, the social and economic impacts of the proposed action and alternatives is discussed. The Navy has addressed many of the component comments in separate sections in the EIS...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
	(continued) Businesses and Industry Potential Impacts on Range Livestock	(continued) but could be significant for the local stakeholders on an individual or ranch basis.		(continued) such as recreation, land use, mining, cultural, socioeconomics, and grazing. This includes an analysis related to access to public lands, management of public lands, agriculture and grazing, recreation, and mineral and renewable resources. An analysis of these potential impacts is discussed in Sections 3.2 (Land Use), 3.3 (Mining and Mineral Resources), 3.4 (Livestock Grazing), 3.7 (Cultural Resources), and 3.12 (Recreation).
3.13 -30	3.13.3.2.3 Potential Impacts on Regional and Local Economy, Potential Impacts on Mining and Geothermal Industries	Required Additions.	Section 3.3 described a reasonable development scenario for the study area over the life of the proposed withdrawal. However, this section doesn't assess the labor or economic impact from that scenario coming to fruition. This is a deficiency that needs to be corrected in the Final EIS.	The Navy does not believe the analysis is deficient. The Navy's position is that lost mining and geothermal opportunities cannot be definitively determined or quantified at this time because of the variability of the market. The EIS does state that while speculative, there is the potential that significant economic impacts could occur due to the potential loss of mining and geothermal opportunities under Alternatives 1, 2, and 3.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13 -32	3.13.3.2.3 Potential Impacts on Regional and Local Economy, Potential Impacts on Mining and Geothermal Industries	Therefore, while reasonable foreseeable economic impacts associated with lost mining and geothermal opportunities cannot be accurately determined at this time, there is the potential that significant economic impacts could occur due to the potential loss of mining and geothermal opportunities under Alternative 1.	The economic implications of the RFDS described in Section 3.3 should be presented here. Given the known resources in the study area, favorable policy for developing mineral and geothermal resources, and recent history provides ample proof that the scenario presented in Section 3.3 is more than reasonable.	The Navy's position is that lost mining and geothermal opportunities cannot be definitively determined or quantified at this time because of the variability of the market. The EIS does state that while speculative, there is the potential that significant economic impacts could occur due to the potential loss of mining and geothermal opportunities under Alternatives 1, 2, and 3.
3.13 -32	3.13.3.2.3 Potential Impacts on Regional and Local Economy, Potential Impacts on the Recreation Industry and Tourism	<p>Therefore, assumptions used for the Nevada Test and Training Range Study in regards to calculating potential tourism revenues were applied for the FRTC Modernization. As such, a value per acre was extrapolated using Bureau of Land Management's estimated economic impact of recreation activities on BLM land throughout Nevada (approximately 47.5 million acres) valued in 2016 at about \$507,900,000, a value of \$10.69 per acre (U.S. Department of the Interior, 2017c).</p> <p>Under Alternative 1, B-16, B-17, and B-20 would not allow public recreation access, but public access would be allowed in the DVTA. This would mean there ...</p>	<p>The County appreciates the Navy's attempt to capture and quantify the economic impact.</p> <p>Given the timing and parameters of the study cited, the County believes these estimations are likely conservative. This is further supported by the high popularity and easy access to many of the areas proposed for closure.</p>	Comment noted.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) would be 327,742 acres of BLM land that would be withdrawn from hiking, biking, and other recreational activities. Using the factor of \$10.69 per acre as discussed earlier, the economic impact of BLM acres lost from reduced hiking and biking activities across all affected counties would be estimated to be \$3,503,562 for Alternative 1 (see Supporting Study: Economic Impact Analysis Report [available at http://frtcmodernization.com]).		
3.13-33	3.13.3.2.3 Potential Impacts on Regional and Local Economy, Potential Impacts on the Recreation Industry and Tourism	Therefore, no significant impacts would occur in the affected counties due to lost recreational opportunities under Alternative 1.	The County disagrees with this assessment, particularly given the importance of recreation to both the County's residence and visitors alike.	The Navy will continue to work with the County and communicate regarding any potential to minimize impacts to recreational opportunities.
3.13-33	3.13.3.2.3 Potential Impacts on Regional and Local Economy, Potential Impacts on Property and Property Values	Under Alternative 1, the Navy would need to acquire privately held property from individuals to meet the requirements of the proposed expansion of the Bravo ranges and the DVTA. Private land owners would receive just compensation for loss of any privately owned land acquired by the U.S. government.	<p>The process and timeline for how this plays out should be better described in this document, particularly for landowners who are unwilling to sell.</p> <p>This section needs to better describe what percent of private land in the County is being lost and how that affects future economic development, property tax, etc.</p>	It is the Navy's intent to negotiate agreements with all of the affected land owners. If this can't be accomplished, while not an optimal process, the Navy would then need to go through the eminent domain process.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13 -34	3.13.3.2.3 Potential Impacts on County Revenue ¹ and Payments In Lieu of Taxes	1 One source of governmental revenues that would be impacted is possessory interest of property. A taxable possessory interest may exist whenever there is a private beneficial use of publicly-owned, non-taxable property. For ranches using public land, the capitalized value of additional production on public lands becomes possessory interest. As discussed by Gentner and Tanaka (2002), public land ranches are heterogeneous in their characteristics, including size of ranch, level of annual and seasonal dependency on public lands, and alternative forage by ranch. The degree of reduction in possessory interest would have to be assessed on a case-by-case analysis for ranches affected by FRTC Modernization, which is beyond the scope of this study.	This is a real concern of the County. Why is this beyond the scope of this study given that there is a direct impact?	It is beyond the scope of this study because the Navy is not in a position to determine the implications of individual tax scenarios of the County.
3.13 -34	3.13.3.2.3 Potential Impacts on County Revenue ¹ and	Churchill, Mineral, Nye, and Pershing Counties PILT payments are population limited under Formula A. . . . Churchill County, even with its large reduction in public lands, would see no change in PILT payments due to the payment methodology.	At what point would a “population limited” PILT County become a “land limited” County? Please cite the source of this information.	Text has been updated to explain the difference between population limited and land limited. The population is used to determine the population funding limit for all of the Counties but Lyon. Lyon County is the only one that was not population limited under Formula A in 2018 but rather followed non-ceiling Alternative B. Whether a County is population limited or follows Alternative B depends on the payment amount received by the County from other federal agencies in the previous year and the national authorization level for that year (Hoover, K. (2017). PILT (Payments in Lieu of Taxes): Somewhat Simplified. Washington, D.C.: Congressional Research Service.).

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13 -34	3.13.3.2.3 Potential Impacts on County Revenue ¹ and	In the state of Nevada, some rural counties receive a guaranteed amount of sales tax revenues. For counties that are not guaranteed counties (Churchill and Nye Counties), they would realize reduced sales tax revenues. However, given that the state legislature can change allocations procedures of sales and use taxes among Nevada counties during a legislative session, it would be difficult to estimate potential sales and use tax revenue impacts to impacted counties.	Loss of revenue from both sales tax and property tax has been a major concern for Churchill County since this project was proposed. Impacts need to be estimated and disclose, despite the potential to change, based on current / most recent past distributions otherwise this analysis is incomplete.	It is beyond the scope of this study because the Navy is not in a position to determine the implications of individual tax scenarios of the County.
3.13 -45	Table 3.13-26: Summary of Effects and Conclusions for Socioeconomics, No Action Alternative	Would result in significant impacts on housing for the city of Fallon, employment for the city of Fallon and Churchill County, and property values for the city of Fallon and Churchill County due to a potential decline in the civilian and military population associated with FRTC. Other counties would not be significantly impacted.	This impact seems speculative at best until the base's adjusted mission is known, particularly given that there is no estimated impact to County revenue.	For purpose of presenting and analyzing the No Action Alternative, the No Action does not equate to a complete closure of NAS Fallon. Under the No Action Alternative, the Proposed Action would not occur and the existing legislative withdrawals would expire on November 5, 2021. There would be no renewed or expanded land withdrawal and no airspace-related changes. Therefore, while speculative, the analysis of the No Action Alternative is based on a series of assumptions given the current socioeconomic data and local revenue generated by NAS Fallon. Based on those assumptions, there could be the potential for significant impacts on housing and the local economy under the No Action Alternative.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13 -45	Table 3.13-26: Summary of Effects and Conclusions for Socioeconomics, Alt's 1 – 3	Alternative 3 would have no significant impacts on population and demographics, housing, agriculture, property values, or recreation and tourism revenues. Alternative 3 would result in significant impacts to geothermal and mining opportunities. Alternative 3 would have no significant impacts to PILT or lost sales and tax revenues but would impact funding sources for the Nevada Department of Wildlife.	<p>These summaries need to disclose the significant impact on social conditions. The current social impact assessment is inadequate, and the conclusion unsubstantiated.</p> <p>The County agrees with the significant impact to geothermal and mining opportunities, but this impact needs to be estimated (both in terms of lost job and revenue potential) based on the RFDS included in Section 3.3 and quantified in this section.</p> <p>The conclusion on lost sales tax and property tax is speculative at best given estimates haven't been made to quantify these impacts.</p>	<p>The Navy disagrees that the analysis is inadequate. The Navy acknowledges that the Proposed Action would have impacts related to social and economic contributions. The Navy has addressed many of the component comments in separate sections in the Draft EIS, such as recreation, land use, mining, cultural, socioeconomics, and grazing. This includes an analysis related to access to public lands, management of public lands, agriculture and grazing, recreation, and mineral and renewable resources. An analysis of these potential impacts is discussed in Sections 3.2 (Land Use), 3.3 (Mining and Mineral Resources), 3.4 (Livestock Grazing), and 3.12 (Recreation).</p> <p>The Navy's position is that lost mining and geothermal opportunities cannot be definitively determined or quantified at this time because of the variability of the market. The EIS does in fact state that while speculative, there is the potential that significant economic impacts could occur due to the potential loss of mining and geothermal opportunities under all alternative scenarios. The Navy does acknowledge that losses could be less under Alternative 3 because geothermal opportunities would be allowed in portions of DVTA. It is not the Navy's intent to make development improbable based on required design features within portions of DVTA. Any quantification of impacts would be speculative at this time.</p> <p>Based on the analysis presented in the EIS, there would be no changes in PILT for Churchill, Mineral, Nye, and Pershing counties, and very little changes in PILT for Lyon County; therefore, there would be no significant impacts from lost revenues from reduced PILT.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -1	3.14.1.2 Regulatory Framework	Required Addition	<p>The Framework should include references to all State and County Hazard Mitigation Plans. For example, the Churchill County and City of Fallon Multi-Jurisdictional Hazard Mitigation Plan (2017).</p> <p>Two omissions from this Section because of a lack of review of this document is not addressing flooding or the potential for shipments of hazardous waste along US Highway 50.</p>	<p>The Navy is subject to Federal regulations on Federal lands. The Navy has added state and county hazard mitigation plans to the Final EIS as applicable to the Proposed Action and discusses them in Chapter 4, Cumulative Impacts as necessary.</p> <p>The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes.</p> <p>The Navy does not ship hazardous waste along U.S. Highway 50 as a part of the activities at NAS Fallon.</p>
3.14 -2	3.14.1.3 Approach to Analysis	Required Additions	<p>1. In terms of wildfire management, it should be clarified that any analysis also includes potential fire starts from ground training activities as well as discharge of ordnances.</p> <p>Other items that need to be added to this analysis are: Potential flood and flood management, particularly in B-16; and, Storage and transport of hazardous waste: this includes waste generated by or shipped to and from the base as well as shipments of such waste along Highways 50 and 95.</p>	<p>An unintended potential effect of training activities is the ignition of wildfires. See Figure 3.14-1 (Wildfire Potential in the Fallon Range Training Complex) for wildfire potential throughout the FRTC region. The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. Community Wildfire Protection Plans for all counties in Nevada are also in place. For further information on wildfire and wildfire mitigation, see Section 3.14.2.1.2 (Wildfire Management).</p> <p>The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS.</p> <p>The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes.</p> <p>The Navy does not ship hazardous waste along U.S. Highway 50 as a part of the activities at NAS Fallon.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -3	3.14.1.3 Approach to Analysis	Required Additions	<p>See comment 1 to this section in terms of needed review of the current Hazard Mitigation Plan.</p> <p>The other plans that should be reviewed are various County Community Wildfire Prevention Plans.</p>	<p>The Navy has reviewed and added state and county hazard mitigation plans to the Final EIS as applicable to the Proposed Action.</p> <p>The Navy is developing a Wildland Fire Management Plan, a draft outline of which can be found in Appendix D (Memoranda, Agreements, and Plans). Details from the outline and initial development of it have been added to the Final EIS as applicable. The Navy is not subject to County Community Wildfire Prevention Plans; however, it does follow guidelines similar to those listed in the prevention plans per the Navy's Wildland Fire Management Plan.</p>
3.14 -5	3.14.2.1 Current Requirements and Practices	Required Addition	<p>This section needs an added sub-section on how the Navy currently manages flood and County flood mitigation and management. This is particularly true of B-16, which floods as a result of emergency spillage from Lahontan Reservoir and B-20 as the Carson Sink floods on occasion.</p>	<p>The Navy is subject to Federal regulations on Federal lands. The Navy has added state and county hazard mitigation plans to the Final EIS as applicable to the Proposed Action and discusses them in Chapter 4, Cumulative Impacts as necessary.</p> <p>The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -5	3.14.2.1 Current Requirements and Practices, Wildfire Management	Required Addition	This section contains very little detail on anything in regard to fire pre-suppression or post-fire rehabilitation. Important details include, but are not limited to: Location of water resources; Location of suppression apparatus; Installation and maintenance of fuels breaks; Available access for fire-fighting; and, Pre-suppression and management (including grazing) of flammable vegetation around targets, fire breaks or rehabilitated burn areas (the County suggests an Integrated Vegetation Management approach). These efforts are important to the County as minimization of fire starts and growth are critical to avoiding future impacts.	An unintended potential effect of training activities is the ignition of wildfires. See Figure 3.14-1 (Wildfire Potential in the Fallon Range Training Complex) for wildfire potential throughout the FRTC region. The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. Community Wildfire Protection Plans for all counties in Nevada are also in place. For further information on wildfire and wildfire mitigation, see Section 3.14.2.1.2 (Wildfire Management). The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS.
3.14 -5	3.14.2.1 Current Requirements and Practices, Wildfire Management	Required Addition	This section should disclose the fire history on the FRTC (both in terms of fire stats and acres burned) since 1999 when the base was expanded.	An unintended potential effect of training activities is the ignition of wildfires. See Figure 3.14-1 (Wildfire Potential in the Fallon Range Training Complex) for wildfire potential throughout the FRTC region. The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. Community Wildfire Protection Plans for all counties in Nevada are also in place. For further information on wildfire and wildfire mitigation, see Section 3.14.2.1.2 (Wildfire Management). The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-5	3.14.2.1 Current Requirements and Practices, Wildfire Management	The Nevada Fire Safe Council administered a project funded by the National Fire Plan to complete Community Wildfire Protection Plans for all counties in Nevada.	This organization is no longer active.	The Navy has updated this sentence and to reflect the inactivity of this organization at present.
3.14-6	3.14.2.1 Current Requirements and Practices, Wildfire Management	While flare training is very important in terms of training realism and value, the Navy eliminates the use of airborne flares during severe drought conditions.	<p>The County appreciates and supports the Navy's suspending use of flares during drought; however, drought isn't the best indicator of fire risk, particularly regarding annual invasive species.</p> <p>The County would suggest utilizing real-time fire risk assessments such as those provided by the Great Basin Coordination Center that assess current and predicted critical fuel status and issues fire / fuel behavior advisories.</p>	An unintended potential effect of training activities is the ignition of wildfires. See Figure 3.14-1 (Wildfire Potential in the Fallon Range Training Complex) for wildfire potential throughout the FRTC region. The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. Community Wildfire Protection Plans for all counties in Nevada are also in place. For further information on wildfire and wildfire mitigation, see Section 3.14.2.1.2 (Wildfire Management). The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -6	3.14.2.1 Current Requirements and Practices, Wildfire Management	The BLM and Navy signed the Cooperative Fire Protection Agreement between the Naval Air Station Fallon, Nevada and Bureau of Land Management Carson City District, on 10 June 1998.	This will need to be updated, and should be noted in the 'management' section. The same goes for any other interagency agreements.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.
3.14 -6	3.14.2.1 Current Requirements and Practices, Wildfire Management	Under this agreement, supporting agencies deploy aerial fire-fighting in the event of a wildfire, while the mutual aid agreement between the BLM and Navy would address resource protection, suppression of the fire, and rehabilitation of any environmental damage that may occur (Bureau of Land Management, 2012).	<p>This section talks about deployment of aerial resources, but what about deployment of ground resources?</p> <p>This section should also disclose any limitation on fire suppression activities within WDZs. For instance, is direct ground attack allowed in these areas?</p>	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -7	Figure 3.14-1: Wildfire Potential in the Fallon Range Training Complex	Requested additional mapping.	It is difficult to see how the range boundaries, proposed infrastructure, etc. correlate to fire risk. A similar map should be provided for each ground withdrawal area and each map should include pertinent WDZs, target areas, and electronic warfare sites.	The Navy has added figures showing the ground withdrawal areas with pertinent WDZs, target areas, and electronic warfare sites as requested in the Final EIS.
3.14 -8	Figure 3.14-1: Chaff and Flares	The FAA and Federal Communications Commission regulate chaff and flare use over public lands. When it is not fire season, flares are authorized for deployment below 2,000 feet Above Ground Level. During standard fire season restrictions, the minimum safe altitude for deploying decoy flares outside of the boundaries of the FRTC bombing ranges is 2,000 feet Above Ground Level.	The traditional fire season is extending due to climate change and increased presence of extremely flammable invasive weed species such as cheatgrass. As such, traditional fire seasons should be less of an indicator and real-time fuel and fire behavior models should be utilized for such restrictions.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy cannot accommodate seasonal mitigations and support mission requirements in the FRTC.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-8	Figure 3.14-1: Chaff and Flares	Current training on all of the ranges (i.e., B-16, B-17, B-19, B-20) and the DVTA includes the use of flares. When properly dispensed, flares travel less distance than chaff on the wind and burn out before hitting the ground.	<p>Given the expansive expansion of the Bravo Ranges and DVTA, as well as some SUAs being extended to the floor more details needs to be provided in terms of potential for increased fire start potential based on the use of chaff and flares.</p> <p>For instance, will chaff and flare use increase around the proposed new electronic warfare sites? If so, this is a concern given they are located in areas mapped as having high to extreme wildfire potential,</p>	The use as far as number of activities involving chaff and flares would not change under the Proposed Action. The location of the chaff and flare use would change as the ranges sized change. The Navy has analyzed the potential impacts of this change in the Draft and Final EIS.
3.14-9	3.14.2.1.3 Aircraft Accident Potential, Bird/Animal Aircraft Strike Hazard	The Navy Safety Center began keeping bird strike records in 1980 and has reported that approximately 20,000 bird strikes have been recorded since then, resulting in two deaths and the loss of 25 aircraft and hundreds of millions of dollars of damage.	Please clarify if these numbers are Navy-wide or specific to the FRTC. If not, FRTC numbers should be reported here.	Clarification has been incorporated into the Final EIS. More specific numbers can be found in the Biological Resources Section.
3.14-9	3.14.2.1.3 Aircraft Accident Potential, Bird/Animal Aircraft Strike Hazard	Although birds may be present on or above all of the ranges and at the DVTA, the BASH management plan states that relatively few birds would be expected at B-17 due to lack of vegetation, while B-20 may have more birds in the vicinity due to the Stillwater National Wildlife Refuge one mile southeast of B-20. Incidents for military aircraft primarily occur below 2,000 feet, and aircraft at FRTC are required to stay above 3,000 feet when overflying wildlife refuges. However, migratory birds flying at higher altitudes are still hazardous, as well as birds flying at night (U.S. Department of Defense, 2010).	<p>Does the Navy currently recognize the 3,000' overflight limits? Previous sections have described military exemptions to these limits. The County supports maintaining these limits, particularly over Stillwater and Fallon NWRs as well as Carson Lake.</p> <p>The issue of migrating birds and birds flying at night will create problems in B-20 and the north end of the DVTA. The Navy should work with NDOW and the US Fish and Wildlife Service to map primary migration routes in relation to these areas as well as the SUAs.</p>	Yes, the Navy does currently recognize the 3,000-foot overflight limits of the National Wildlife Refuges; however, it is to be noted that these limits are not FAA restrictions but rather safety guidelines. The Navy is working with NDOW and the USFWS on biological resource concerns in the Study Area.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -9	3.14.2.1.4 Range Compatibility Zones	Requested additional mapping.	For sake of clarity and disclosure, current and anticipated RCZs should be mapped and included in this section.	The Navy would revise the AICUZ following any ultimate Congressional decision. This revision would include the new RCZs in the final areas chosen for withdrawal or acquisition.
3.14 -12	3.14.2.1.9 Hazardous Waste	Required additions.	Any coordination with local government, including Churchill County and the City of Fallon should be described here. In addition, a paragraph should be added for addressing the potential for hazardous material shipments along Highways 50 and 95 given the proximity of the ranges (particularly along Highway 50).	The Navy does not ship hazardous waste along U.S. Highway 50 as a part of the activities at NAS Fallon; therefore, no coordination with local government is necessary in this regard.
3.14 -16	3.14.2.2 Bravo 16	Required Addition.	Please add a paragraph on flooding in this section.	The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes. The Navy has added this information to the Environmental Consequences section of Section 3.12 (Public Health and Safety and the Protection of Children).
3.14 -17 & 18	Figure 3.14-2 & 3: Abandoned Mines on the Existing B-16 and Under Alternatives 1 and 2 & 3	Required Addition. Same comment applies for other Figures specific to other Ranges.	Please add fire risk information to this map. Please add flood data to this map that shows how emergency flood management activities conducted in 2017 affected this Range.	The Navy is developing a Wildland Fire Management Plan, a draft outline of which can be found in Appendix D (Memoranda, Agreements, and Plans). Details from the outline and initial development of it have been added to the Final EIS as applicable. The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -23	3.14.2.5 Bravo 20	The regional-fire risk index for B-20 and nearby areas ranges from very, very low to extreme. Figure 3.14-1 shows the wildfire potential in Churchill and Pershing Counties. As discussed for B-16 and B-17, within Churchill County the overall wildfire risk is a moderate-to-high threat to 81 percent of the values at risk (Wildland Fire Associates, 2007). In Pershing County wildfire poses a moderate-to-high threat to 91 percent of the values at risk (Wildland Fire Associates, 2009c).	The County is concerned about the potential for fire, particularly in the West Humboldt Range and Stillwater Mountains. An access road completely around the B-20 WDZ (supported by the County) would provide a fire break and administrative / emergency access.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy is not proposing to create new roads for public use around the B-20 fence line.
3.14 -23	3.14.2.5 Bravo 20	Required Addition.	Add a paragraph on flood and how the Navy deals with intermittent flooding in the Carson Sink.	The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes. The Navy has added this information to the Environmental Consequences section of Section 3.12 (Public Health and Safety and the Protection of Children).

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -27	3.14.2.6 DVTA	The regional-fire risk index in the DVTA ranges from very, very low to extreme.	The County is very concerned about the potential for fire, particularly in the Clan Alpine Range and Stillwater Mountains. This concern is heightened around proposed Electronic Warfare sites given the changes for increased use of flares and chaff in an area of high to extreme fire danger.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy is not proposing to increase chaff and flare use.
3.14 -29 & 30	Figure 3.14-8 & 9: Abandoned Mines on the Existing B-19 and the Existing DVTA and Under Alternatives 1 and 2 & 3	Required Addition.	Add figures to show fire risk in relation to the DVTA, electronic warfare stations, and any other expanded training activities that increase risk of wildfire ignition.	The Navy is developing a Wildland Fire Management Plan, a draft outline of which can be found in Appendix D (Memoranda, Agreements, and Plans). Details from the outline and initial development of it have been added to the Final EIS as applicable. The Navy has added figures showing the fire potential and the WDZs in the Bravo ranges and the wildfire potential in the DVTA since flares are used over it in Section 3.14 (Public Health and Safety and Protection of Children).

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -32	3.14.3.2.2 Fire Risk and Wildfire Management	The FRTC is actively developing a Fire Management Plan.	The County supports this; however, the County would request County and state inclusion in this planning process.	The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). The Navy will work with identified stakeholders in this planning process.
3.14 -32	3.14.3.2.2 Fire Risk and Wildfire Management	Therefore, there would be no significant impact on public health and safety and protection of children due to fire risk and wildfire management under Alternative 1.	The County can't agree with this analysis without better information regarding location of targets and electronic warfare sites in relation to high risk wildfire areas.	The Navy is developing a Wildland Fire Management Plan, a draft outline of which can be found in Appendix D (Memoranda, Agreements, and Plans). Details from the outline and initial development of it have been added to the Final EIS as applicable. The Navy has added figures showing the fire potential and the WDZs in the Bravo ranges and the wildfire potential in the DVTA since flares are used over it.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -33	3.14.3.2.3 Aircraft-Related Accidents	These types of accidents would not have an increased potential for occurring under Alternative 1 because additional flight operations are not proposed.	The County doesn't agree with this statement without better understanding where SUAs are being adjusted with lower floors, whether or not the Navy will observe the 3,000 foot floor about National Wildlife Refuges, and without mapping that shows the expansion in relation to major migration corridors.	The Navy would continue to observe the 3,000-foot overflight limits of the National Wildlife Refuges; however, it is to be noted that these limits are not FAA restrictions but rather safety guidelines. The Navy is working with NDOW and the USFWS on biological resource concerns in the Study Area.
3.14 -33	3.14.3.2.3 Aircraft-Related Accidents	...there would be no changes to flight operations in areas with known bird habitats such as B-20 over the Fallon Wildlife Refuge where a 3,000 feet Above Ground Level would be maintained.	The County disagrees with the assertion that flight areas won't expand into known bird habitat given the northern expansion of the DVTA and B-20, particularly in combination with changes to SUA. The County supports the 3,000 foot AGL level for both Fallon and Stillwater NWR, please make sure this condition is consistent in other key sections, such as Air Space.	The Navy would continue to observe the 3,000-foot overflight limits of the National Wildlife Refuges; however, it is to be noted that these limits are not FAA restrictions but rather safety guidelines. The Navy is working with NDOW and the USFWS on biological resource concerns in the Study Area.
3.14 -40	3.14.3.2.14 Dixie Valley Training Area, Training Activities	Under Alternative 1, there would be no change to training activities at the DVTA. While these activities would be conducted over a larger area, the similarity of the terrain in the proposed expansion area and the consistent application of the same safety practices ensure there would be no significant impact on public health and safety as a result of training activities under Alternative 1.	The terrain in the DVTA is vastly different between the current withdrawal and the proposed withdrawal, particularly in the Stillwater Mountains, Clan Alpine Mountains and Louderback Mountains. Activities would also expand into areas with higher fire risk, which is a major concern to the County. This section, and analysis, needs to be revised to reflect this.	Activities in the DVTA would not increase the risk of fire as no live ordnance would be used in the withdrawal area. Flare and chaff usage would continue to occur but would not cause an increase in wildfire risk as they would be used to the Navy's safety protocol standards.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14 -41	3.14.3.2.15 Special Use Airspace	Some of the airspace above proposed land withdrawal areas would need to be kept free of any air and ground infrastructure hazards that would be a threat to aviation safety, in order to provide adequate room for the safe operation of multiple aircraft. The airspace changes would allow for more efficient use of the airspace for Large Force Exercises and allow for as much public and commercial access as reasonably practicable, while being compatible with operational requirements (see Section 3.6, Airspace, for impact analysis).	Any additional infrastructure restrictions outside of those described for land withdrawal needs to be clearly stated.	The Navy is not proposing any additional infrastructure restrictions outside of the lands requested for withdrawal, or proposed for acquisition, or part of the Special Land Management Overlay.
3.14 -52 & 53	Proposed Management Practices, Monitoring, and Mitigation		See County comment letter and comments to Chapter 5.	Thank you for your participation in the NEPA process. Your comment is part of the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate in Chapter 5 (Management Practices, Monitoring, and Mitigation). The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-53	Table 3.14-8: Summary of Effects and Conclusions on Public Health and Safety and Protection of Children	Alternative 3 would not significantly impact public health and safety, and there would be no disproportionate environmental health or safety risks to children.	The County cannot support this conclusion without additional information being provided on flood and wildfire management.	The Navy is developing a Wildland Fire Management Plan, a draft outline of which can be found in Appendix D (Memoranda, Agreements, and Plans). Details from the outline and initial development of it have been added to the Final EIS as applicable. The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes.
4-6	Figure 4-1: Cumulative Impact Sites – Nevada Extent	Requested Revision	Please utilize different colors to delineate projects (especially linear projects) and corresponding labels for better clarity.	A variety of colors has been added to the figures and labels for increased clarity.
4-7	Figure 4-2: Cumulative Impact Sites – FRTC Extent	Requested Update	Proposed I-11 corridors need to be updated to reflect NDOT's most current planning proposals.	The recommended change has been incorporated into the Final EIS.
4-9 & 10	Table 4-1: Other Actions Near or Cumulatively Applicable to Naval Air Station Fallon and the Fallon Range Training Complex	Requested Update	For planning, please ensure that all County Master Plans and Public Land Policy Plans are included. The Greater Sage-grouse Resource Management Plan Amendment should be included in the statewide listing as well as the Nevada Greater Sage-grouse Conservation Management Plan (as amended), and the State of Nevada Wildlife Action Plan. Past fire history should also be added given the cumulative affect to biological resources. The proposed I-11 Corridor should be added under the construction ...	Federal agencies are not required to follow state mitigation plans. Currently all state management plans concentrate on habitat availability, wildfire, and land-based chronic noise sources. Available science indicates that short-term noise intrusion does not play a significant role in lek success; however, the Navy is developing a MOU with NDOW to assist NDOWs future research and population ...

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) section.</p> <p>The County's current RS 2477 Study and Future Right-of-way adjudications should be added under transportation.</p>	<p>(continued) studies assessing aviation impacts to sage grouse. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. As noted previously, Navy is considering a proposal by NDOW to conduct a follow-on study to further assess potential impacts of low-level aircraft operations on the sage grouse. Fire history of the FRTC study area is already included in the EIS in Section 3.10 (Biological Resources), when discussing impacts to species from wildfire. The baseline conditions used for comparison to the implementation of each alternative includes this historical fire data, which also is used in the Cumulative Impacts section as the baseline environment to assess potential cumulative impacts. Fire history would not be considered in the Cumulative Impacts section as a separate action because they were not actions in the past, they were accidents or natural events. The I-11 project is discussed in Chapter 4, Cumulative Impacts, under the appropriate resource analyses and in Table 4-15 (Other Actions in Nye County).</p> <p>The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
4-11 & 12	Table 4-2: Other Actions in Churchill County	Requested Update	<p>For Planning, please add the City of Fallon, Churchill County Regional Hazard Mitigation Plan (2017) as well as the Stillwater National Wildlife Refuge Comprehensive Conservation Plan (CCP).</p> <p>For Conservation, add existing and ongoing Conservation Easement Program (affects biology, and socioeconomics).</p>	<p>The Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and Boundary Revision was in the Draft EIS, in Tables 4-2 and 4-10, and is in the same tables in the Final EIS. The Navy has added the Conservation Easement Program or Transfer of Development Rights Program to these same tables and the analysis for socioeconomics and biological resources as appropriate. In addition, the USFWS would need to undertake any public planning required in order to revise the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and associated compatibility determinations, consistent with the National Wildlife Refuge System Administrative Act, as amended (16 United States Code 668dd–668ee).</p> <p>County Easement land (1,920 acres) would be acquired and managed by the Navy in accordance with the Sikes Act.</p>
4-29	4.4.7.3 Cumulative Impact Analysis	Therefore, when past, present, and reasonably foreseeable future projects are analyzed together with the Proposed Action, significant cumulative impacts on the noise environment from the implementation of alternatives would occur, most notably on lands underneath newly established MOAs.	There also appears to be an impact to existing MOAs when assessing noise maps, particularly where the floor is being adjusted to ground level. This should be added here.	The recommended addition has been incorporated into the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
4-31	4.4.9.2 Relevant Past, Present, and Future Actions	Requested Additions	<p>This section should be expanded to include a reference to Churchill County's existing Water Resources Plan as well as its Sourcewater Protection Plan.</p> <p>In addition, the Navy should work with the Nevada Department of Conservation and Natural Resource as well as its Division of Water Resources to identify relevant water quality, quantity and allocation (water right) issues for this section. The County believes that without these inclusions, the analysis is incomplete and cannot be considered due to a lack of highly relevant information.</p>	<p>The Navy included the Source Water Protection Plan in the Draft EIS analysis. The Community Source Water Protection Plan can be found in Table 4-2, the analysis where applicable, and Table 4-10. The Navy researched and added the Water Resources Plan from 2014 as requested to the tables and the analyses where applicable.</p> <p>The Navy has worked with the relevant state agencies to inventory water rights, and has updated Section 3.9 (Water Resources) to discuss water rights and impacts to them as a result of the Proposed Action. For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at https://frtcmodernization.com.</p>
4-32	4.4.9.3 Cumulative Impact Analysis	Generally restricted to the individual land range area targets and off-road networks, the Proposed Action would potentially impact only a small fraction of the FRTC Study Area surface or ground water quality. Other actions within the FRTC Study Area (e.g., livestock grazing and other multiple uses, including off-road vehicle use) would potentially impact water quality across much larger portions of the FRTC Study Area through land disturbance, soil erosion, ...	The County disagrees with this analysis and conclusion that grazing and OHV use is more impactful to water resources than use as training and bombing ranges. Without any resources to verify this information, the County feels this is an assumption that places inaccurate blame on activities that are of high cultural importance to this area. Therefore, this should be restated unless the Navy can cite information that proves otherwise.	The Navy has altered this discussion to more specifically state that impacts from ground disturbing activities would be reduced on the lands requested for withdrawal as those are the lands that the Navy would control and would not be subject to grazing or OHV use.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) and surface runoff. The Proposed Action would limit these activities to some degree (depending on the selected alternative) on lands requested for withdrawal; therefore, limiting these activities would reduce ground disturbing activities on a broad		
4-32	4.4.9.3 Cumulative Impact Analysis	Therefore, when combined with past, present, and reasonably foreseeable future projects, implementation of the Proposed Action would result in significant cumulative impacts on water resources on a local or regional scale. These impacts would be minimal because...	Please clarify how impacts can be both significant and minimal.	Clarification has been incorporated into the Final EIS.
4-35	4.4.10.3 Cumulative Impact Analysis	Therefore, when added to the impacts from the identified cumulative projects, there would be no significant cumulative impacts on biological resources from implementation of any of the alternatives.	The County disagrees with this assessment based on recent wildfire history and expansion of invasive annual grasses, let alone other impacts.	An unintended potential effect of training activities is the ignition of wildfires. See Figure 3.14-1 (Wildfire Potential in the Fallon Range Training Complex) for wildfire potential throughout the FRTC region. The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. Community Wildfire Protection Plans for all counties in Nevada are also in place. For further information on wildfire and wildfire mitigation, see Section 3.14.2.1.2 (Wildfire Management). The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
4-41	4.4.13.3 Cumulative Impact Analysis	While the Proposed Action could potentially impact mining, geothermal, and grazing opportunities and may produce small economic losses in these sectors viewed in isolation, significant cumulative impacts to socioeconomic resources in the region of influence as a result of the incremental addition of the Proposed Action, would not occur.	<p>Important and significant impacts that also influence socioeconomic include those to: land use, transportation, and recreation.</p> <p>The County is disappointed that no disclosure as to the significant social impacts is included here. The County also disagrees that significant cumulative economic impacts would NOT occur. When the economic impact of NAS remains relatively stable, and the County loses economic revenue from grazing, private property, development of mineral and geothermal resources, reduction in recreation and associated impacts to direct revenue including property and sales tax, it is hard to understand how this conclusion was reached.</p>	<p>While the Navy is not planning on preparing a social impact study, the social and economic impacts of the proposed action and alternatives is discussed. The Navy acknowledges that the Proposed Action would have impacts related to social and economic contributions.</p> <p>The Navy has addressed many of the component comments in separate sections in the Draft EIS, such as recreation, land use, mining, cultural, socioeconomic, and grazing. This includes an analysis related to access to public lands, management of public lands, agriculture and grazing, recreation, and mineral and renewable resources. An analysis of these potential impacts is discussed in Sections 3.2 (Land Use), 3.3 (Mining and Mineral Resources), 3.4 (Livestock Grazing), and 3.12 (Recreation).</p>
General	5 - Management Practice		<p>General Comment: Currently the proposed Management Practices, Monitoring, and Mitigation Measures (MMM) are inadequate per the County's perspective. These actions are critical to the Commission as Mitigation is a key concept captured in the 2015 Churchill County Master Plan.</p> <p>Chapter 12, Policy for Public Lands, Page 1-22, Objective states, Churchill County supports, and it is our intention to continue to support: (4) The growth of the Navy mission and expansion of its ...</p>	<p>Thank you for your comment. The Navy is committed to reducing potential impacts, and have updated the Final EIS with additional details regarding mitigation and/or compensation methods. Where defined plans have not yet been completed, the Final EIS has been updated to provide the methodology or procedures that the Navy will use following any ultimate Congressional decision.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) ranges for new weapons, tactics and ground forces. Churchill County realizes the desired growth of the Navy's mission may necessitate the potential to increase in withdrawing more land. Many of those areas currently allow public access. The County supports the permitted use of federal lands for training, greater than casual use, without the need to withdrawal from public access. If land is withdrawn, Navy should compensate and mitigate for improvements and infrastructure impacted by withdrawals. (Emphasis added)	
General	6 - Management Practice		General Comment: Churchill County strongly believes that management, monitoring and mitigation (MMM) is critical in order to offset the impacts described in Chapter 3. These actions will also be required for County and public support of the project. At this time, the County believes the proposed actions in this Chapter are incomplete and inadequate given the impacts that have been identified. The County realizes this is an evolving process. As such, the County reserves the right to amend, supplement, and revise this list as the discussion continues.	With a project as large and complex as this proposal, the Navy appreciates the adaptive and flexible approach of cooperating agencies. Inputs and suggestions have been included in the Final EIS where appropriate and where compatible with military training activities.
General	7 - Management Practice		General Comment: Throughout the Chapter, there is an emphasis on MMM regarding construction activities, but very little in the way of MMM activities associated with training and operations. The County believes this is a gap that needs to be addressed. The County's understanding is that training and operations are a large part of why the Navy is requesting more public land; therefore, associated management, monitoring and mitigation must be addressed in order for full disclosure to be reached.	Thank you for your comment. The Navy is committed to reducing potential impacts, and have updated the Final EIS with additional details regarding mitigation and/or compensation methods. Where defined plans have not yet been completed, the Final EIS has been updated to provide the methodology or procedures that the Navy will use following any ultimate Congressional decision.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
General	8 - Management Practice		<p>General Comment: The Nevada Association of Counties (NACO) has suggested development of a Management, Monitoring and Mitigation Plan to better describe and document proposed MMM actions. The County supports such an approach for the sake of clarity with all stakeholders. The County would suggest that such a plan include the following:</p> <ul style="list-style-type: none"> All proposed management, monitoring and mitigation actions and activities to be carried out; The implementation timeline associated with each action and/or activity; The funding source (and probability of securing funds) associated with each; and, The contingency plan, and timeline, if funding is not secured or if other issues prevent implementation of a given proposed MMM action. 	<p>Thank you for your comment. The Navy is committed to reducing potential impacts, and have updated the Final EIS with additional details regarding mitigation and/or compensation methods. Where defined plans have not yet been completed, the Final EIS has been updated to provide the methodology or procedures that the Navy will use following any ultimate Congressional decision.</p>
5-2	5.1.2 Approach	<p>...the Navy identified methods to minimize or mitigate those impacts through coordination with cooperating agencies, where appropriate and practicable. Cooperating agencies and stakeholders were solicited for potential mitigation or management actions through meetings and the public scoping process, and the Navy evaluated the suggestions against compatibility with military training activities and range safety. The Navy conducted several mitigation working group meetings with Cooperating Agencies to discuss their concerns as well as the feasibility of their suggested management practices or mitigations. The ...</p>	<p>It should be noted that the assessment of which MMM measures are “appropriate and practicable” has been made by the Navy. Cooperating agencies, including Churchill County, have a difference of opinion on several very important measures.</p> <p>While the County appreciates the mitigation working group meetings and ability to provide input, it was disappointing to see that many key MMM measures suggested by the County and other stakeholders were not incorporated in this document. This is a major deficiency that needs to be addressed before the County will consider supporting this project in any form.</p>	<p>All suggestions from Cooperating Agencies were evaluated for compatibility with military training activities as well as determining if they were in alignment or in conflict with the Purpose and Need and screening criteria. If suggestions would reduce training realism, or otherwise limit the realistic training environment, they were not carried forward. However, the Navy is committed to working with Cooperating Agencies on methods ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
		(continued) Navy will continue to work with cooperating agencies and stakeholders between the Draft and Final EIS to refine or augment mitigation methods to reduce potential impacts.		(continued) and ideas for mitigation, while ensuring that all are aware of the context that suggestions are evaluated in.
5-2	5.1.4 Monitoring	Monitoring is an important component of the Navy's natural resources management strategy implemented under the Integrated Natural Resources Management Plan (INRMP) (U.S. Department of the Navy, 2014a). Necessary updates to the INRMP and associated monitoring programs would be accomplished during routine annual reviews conducted in cooperation with the U.S. Fish and Wildlife Service (USFWS) and the Nevada Department of Wildlife. This process will help to ensure that a comprehensive and consistent approach to monitoring is accomplished for the Navy administered lands at the FRTC.	This same model should be implemented for important land use, recreation, transportation, airspace, noise, water, cultural, recreational, socioeconomics and public health and safety issues. Particularly as it relates to implementation and adaptive management for proposed monitoring, management and mitigation actions.	The Navy has added these resources and others as applicable to the list of resources for which monitoring could be an effective way to minimize impacts.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-2	5.1.4 Monitoring	Monitoring is an important component of the Navy's natural resources management strategy implemented under the INRMP for NAS Fallon (U.S. Department of the Navy, 2014a). Necessary updates to the INRMP and associated monitoring programs would be accomplished during routine annual reviews conducted in cooperation with the U.S. Fish and Wildlife Service (USFWS) and the Nevada Department of Wildlife.	Given the magnitude of impacts in Churchill County, the County would appreciate being included in the annual reviews and updates of the INRMP.	The Navy has standard operating procedures that it must follow when updating INRMPs. The Navy will continue to work with Churchill County in appropriate settings as a cooperating agency or interested party or stakeholder on projects for which it is applicable, such as an Environmental Impact Statement or Environmental Assessment for the implementation of a plan.
5-2	5.1.5 Monitoring Reporting and Tracking	Monitoring results will inform coordination with regulatory agencies to ensure only effective measures are employed. They will facilitate adaptive management efforts, and help to track completion of measures the action proponent has committed to implement in an environmental planning decision document.	It is important to disclose the monitoring that will be completed, the duration of such monitoring, the reporting frequency and which agencies / entities such monitoring reports will be shared with. The County is certainly interested in receiving monitoring information that is pertinent to its authorities and interests.	The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-2	5.2 Geological Resources Proposed MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: Avoid disturbance of important or rare geological resources (i.e. Salt Cave) during operations and training.</p> <p>Minimize disturbance areas for new construction and avoid highly erosive soils wherever possible.</p> <p>Post-construction, short-term soils stabilization is critical as well as long-term establishment and maintenance of desirable vegetation to prevent wind and water (precipitation) erosion and loss of soils. Desirable vegetation should include both native and desirable non-native plant species. Non-native species are often more available, cost less, compete better with invasive species, and are more drought tolerant and fire resistant than natives.</p> <p>Requested Monitoring Practices: Identify and protect important resources in conjunction with local entities by including them on operation planning maps so they can be actively avoided during operations.</p> <p>Monitor soil stabilization and revegetation efforts to inform effective adaptive management.</p> <p>Requested Mitigation Measures: Allow guided (i.e. Navy escorted) visits to important geological and other resources (such as the Salt Cave, hoodoos, peaks, sand dunes, etc.).</p>	<p>The Navy would avoid disturbance of geological resources and other important resources during operations and training via placement of targets away from these areas to the maximum extent practicable.</p> <p>The Navy has established maintenance and clearance policies that would be part of the management plan during construction, following congressional action.</p> <p>Current requirements and management practices applicable to wildlife and vegetation at the FRTC are described in the INRMP.</p> <p>Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-3	5.3 Land Use Proposed MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: Work with Churchill County to allow development of the Dixie Valley Water Importation Project and associated infrastructure (i.e. pipelines, wells, power lines, treatment and pump facilities) as well as dedicated construction and permanent rights-of-way as part of the proposed action.</p> <p>List all land use plans (County Master Plan, County JLUS, BLM RMP, Fish and Wildlife Service CCP, etc.) that will require amendment and revisions as a result of the proposed action. This will result in significant effort and cost to the County.</p> <p>Requested Monitoring Practices: Monitor unexploded ordnance and track drops that do not hit target areas in order to remove them as practical.</p> <p>The Navy should describe and discuss its program to monitor compatible land uses within SUAs, the DVTA and the proposed SLMO.</p> <p>Requested Mitigation Measures: The boundary of all proposed withdrawal areas should be shrunk to the greatest extent possible in order to minimize the area closed to public access between the WDZ and withdrawal boundary. Fencing should be placed along the WDZ, and public access or roads allowed along (outside the) fenced area.</p> <p>All private property owners must be compensated for any loss of private land. The County suggests offering conservation easements rather than purchase for unwilling sellers where feasible. The County also suggests avoiding the Bench Creek Ranch with the DVTA withdrawal.</p> <p>The County supports Congressional release of all the Stillwater Range, Job Peak, and Clan Alpine Wilderness Study Areas in order to offset a portion of the lost multiple use lands being withdrawn by the Navy as well as providing better connectivity across the County for future infrastructure, utility and economic development projects.</p> <p>The County supports Congressional conveyance of isolated (and low conflict) public lands currently managed by the BLM and Bureau of Reclamation in and around its economic development zones along Highway 50 and US 95 to offset the significant loss of private lands and associated economic development potential within the County.</p> <p>The County supports rights-...</p>	<p>The Navy has reduced the size of the overall area requested and proposed for withdrawal in the Final EIS under Alternative 3 (the Preferred Alternative), to the extent that it could do so consistent with meeting mission requirements.</p> <p>Further, the Navy will seek to acquire the minimum amount of non-federal lands needed to meet its mission requirements.</p> <p>The Navy has added a figure to the Final EIS that illustrates the area requested and proposed in the Draft EIS and the changes to the Final EIS request and proposal area under Alternative 3.</p> <p>The Navy has added that the land use plans referenced in the document, would need to be revised after any ultimate Congressional decision was made. The Office of Economic Adjustment could be a resource for the Counties and</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) of-way or withdrawal offsets (1-mile wide) along SR 121 and Highway 50 to provide connectivity across the Navy's withdrawal lands. This is requested as an offset for the loss of existing and planning corridors that could be used for a variety of infrastructure (utilities, transmission lines, etc.) and economic development projects.</p> <p>The County would request a funding allocation to hire additional staff and/or consultants to help with the extensive follow-up planning efforts. The Navy will need to work with County, BLM and other stakeholders to amend the Carson City District RMP and other pertinent land use plans (Master Plan, JLUS, Stillwater NWR CCP, etc.). Discussion must focus on important land use allocations such as: where to relocate planned utility corridors, development of Special and Extensive Recreation Areas, development of ROWs for new / relocated roads, recognition and maintenance of RS 2477 routes, etc. For all Bravo Ranges, the Navy should be responsible for purchasing or relocating all existing rights-of-way, including RS 2477 rights-of-way.</p> <p>Avoid uses that would prohibit emergency flood management in B-16.</p> <p>Ensure adequate clearance between the northeast corner of the B-16 withdrawal areas and private lands to ensure a future I-11 corridor is maintained.</p> <p>For B-16, develop an access road and associated right-of-way (similar in design, unimproved dirt road, and service level to Sand Canyon Road) along the northern boundary of the withdrawal area that connects Lone Tree Road with Red Mountain Road / Power Line Road. The same should be implemented for the western boundary.</p> <p>For B-20, develop an access road and associated right-of-way (similar in design, unimproved dirt road, and service level to Pole Line Road) along the northern boundary of the withdrawal area that connects US 95 with Wild Horse Pass Road n</p>	<p>(continued) other impacted parties to use in resolving losses that may occur as a result of any ultimate Congressional decision. Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p> <p>The Navy is not proposing to acquire the Bench Creek property nor is it proposing to restrict livestock grazing on the property or in the DVTA.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-4	5.4 Mining and Mineral Resources	Comment pertaining the section.	<p>Requested Management Practices: Avoid mining claims, historic mines and mining districts with targets to prevent a permanent loss of mineral resources for potential future access and development.</p> <p>Requested Monitoring Practices: Monitor and report any damage to historic mines, claims or districts.</p> <p>Requested Mitigation Measures: The Navy must compensate all claim holders for their losses. At a minimum, claimants should be reimbursed for their holding costs (annual fees paid to the BLM, County, etc.). The County would also prefer compensation for any lost investment in terms of development or improvements made by the claimant.</p> <p>Churchill County supports continued allowance of exploration and development of leasable (geothermal) and salable minerals (sand, gravel, etc.) with certain conditions that allow for an economically viable operation and compatible with Navy operations. See pages 38 and 39 of this document for specific comments to RDFs.</p> <p>Churchill County supports the same allowance for locatable minerals and appreciates the complexity that the mining law creates in this regard. However, the County believes that it would be worth exploring if the authorizing language for the withdrawal could suspend the condition of the Mining Law in order to allow continued exploration and development under conditions that are compatible with the Navy's mission (i.e. daytime only mining).</p>	<p>The Navy cannot would acquire mining claims as presented in the process described in Section 3.3 (Mining and Mineral Resources). Once mining claims were acquired, the Navy would not avoid them if they were in areas necessary for training or testing to meet the Navy's mission and purpose and need.</p> <p>Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-5	5.5 Livestock Grazing: Proposed MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: Consider an allowance for grazing around the outer perimeter of the Bravo WDZs to manage and reduce fuels. Under "Proposed Management Practices" the County fully understands the Navy's inability / lack of technical expertise to implement a BLM-style grazing program on the Bravo Ranges. However, the Navy should leave the option open to implement outcome based grazing practices (as authorized under Navy rules, regulations and policies) to allow for grazing along the perimeter of the WDZs for the purpose of fuels reduction and/or maintenance of fuel breaks. Such a program could allow for watering and supplement locations outside or at the perimeter of the WDZ with targeted grazing along the periphery of the area. This wouldn't conflict with surrounding BLM allotments or Navy operations and would still provide an opportunity for a local rancher to provide a service to the Navy and supplement their operation with available forage.</p> <p>Requested Monitoring Practices: Under "Proposed Monitoring Measures" the Navy should, at a minimum, monitor their perimeter fencing and any gates to ensure livestock from adjacent allotments do not get into the WDZ.</p> <p>Requested Mitigation Measures: Grazing permittees must be compensated for the following losses:</p> <ul style="list-style-type: none"> • Loss of AUMs; • Loss of water rights; • Loss of range improvements; and, • Any loss or required change in base property ... 	<p>The Navy is not allowing grazing on acquired or withdrawn lands used for bombing ranges for public safety. However, the Navy has made additional reductions to the withdrawal and acquisition lands between the Draft and Final EIS under Alternative 3. These changes are shown in Chapter 2 of the EIS. The Navy is also would compensate grazing permittees for relocating water resources outside of withdrawn lands. Fences would be monitored and repaired by Conservation Law Enforcement Officers.</p> <p>The Counties could work with the Navy's Office of Economic Adjustment Program and the BLM and Bureau of Reclamation in the future through Joint Land Use Studies that the Navy could participate in funding for potential compensation routes. The valuation process to compensate for losses resulting from the cancellation of grazing permits has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) associated with impacted allotments.</p> <p>The Navy should establish a fund to help pay for the cost the permittee will incur for development of a new grazing permit (due to boundary changes and AUM adjustments) and/or allotment management plans as well as costs to implement the additional terms and conditions (i.e. new fencing, relocation or new range improvements, required changes to base property, etc.).</p>	<p>(continued) Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>
5-6	5.6 Transportation: Proposed MMM Actions	Comment pertaining the section.	<p>· Requested Management Practices: The Navy needs to describe its current road maintenance program, and how that would be modified in the future for roads it uses for training or access into the various ranges.</p> <p>The County would like the Navy to map (information already provided by the County) and describe its identified RS 2477 rights-of-way in order to document their existence prior to the withdrawal in the event that some of these lands re-open to public access in the future. An MOU with the County to this affect is also requested to acknowledge the status of these roads.</p> <p>Requested Monitoring Measures: The Navy will need to monitor condition of any roads used to access ranges or train and work with the County on any needed improvements and/or maintenance.</p> <p>Requested Mitigation Measures: The County originally requested release of the proposed ...</p>	<p>The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.</p> <p>The Counties could work with the Navy's Office of Economic Adjustment Program and the BLM and BOR in the future through Joint Land Use Studies that the Navy could participate in funding for potential compensation routes.</p> <p>Requested management practices, monitoring, or mitigation measures have ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) withdrawal north of Sand Canyon Road in order to maintain access to these areas and in order to keep Sand Canyon Road open to the public. However, since that has been deemed to be "inconsistent with the purpose and need", the County would request development of a new access road (with a similar design, unimproved dirt with limited gravel surface where soils warrant) along the northern boundary of the existing and proposed B-16 to connect Loan Tree / Solias Roads with Red Mountain / Power Line Roads outside of the withdrawal area. Similarly, the same should be done for the western boundary, perhaps even utilizing the existing power line road in the area. Development of a new road is estimated at \$2.8 million if existing roads can't be utilized.</p> <p>The County suggests altering the WDZ for B-20 to allow for a re-route of Pole Line Road along the toe of the West Humboldt Range rather than leaving the road open in its current alignment. If this cannot be accomplished, the County would request a different re-route and/or further improvement of East County Road to improve access in the vicinity of B-20. The only viable link would be between B-20 and the Stillwater NWR, which is estimated to cost \$5.8 million.</p> <p>The County suggests that the Navy avoid utilizing Lone Tree Road as a major access to B-16. If this cannot be done; the Navy should fund reconstruction of the road in order to meet proper safety and vehicle loading criteria. Reconstruction is estimated to cost approximately \$3.2 million.</p> <p>Given the loss of access to many County and local (RS 2477) roads, the County would like the Navy to improve and maintain and/or provide funding for the County to improve and maintain the following critical roads: Top Gun and Simpson Road (B-16); East County Road (B-20); and, Dixie Valley Road and associated local roads (DVTa).</p>	<p>(continued) been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p> <p>Due to the Navy's usage of Lone Tree Road, the Navy is proposing, for public safety purposes, to reconstruct and maintain Lone Tree Road. The Navy would seek funding from Congress to pay for reconstruction of the road through the military construction program. The Navy will submit a Needs Report to the Surface Deployment and Distribution Command requesting authority to utilize funding through the Defense Access Roads program. If approved, the Navy would coordinate construction execution through the Federal Highway Administration. Funds received would be used by the Federal Highway Administration, in cooperation with the Nevada Department of Transportation, to plan, design, and construct the road segment. The Navy would coordinate with NDOT during each of these phases. Such proposed rerouting would be subject to follow-on NEPA analysis. NEPA documentation would be completed by the Federal Highway Administration prior to any road construction. The Navy would support, fund, and participate in any such NEPA analysis.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-7	5.7 Airspace: Suggested MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: The County supports a continued 3,000' AGL avoidance area over the Stillwater and Fallon National Wildlife Refuges given the biological resource and associated recreation that occurs in these areas.</p> <p>Similar avoidance areas should be considered for other noise sensitive areas, for example Chalk Mountain, which is an important lambing area for desert bighorn sheep.</p> <p>The County recommends implementing the recommendations offered by the FAA.</p> <p>Requested Monitoring Measures: At a minimum this section should discuss monitoring as a means for adaptive management. The BASH program associated with avoiding bird strikes is a good example of why monitoring and associated changes to airspace management is important.</p> <p>Requested Mitigation Measures: The Navy should disclose the major updates anticipated to the NAS Fallon Airfield Operations Manual here for sake of clarify and disclosure.</p>	<p>The Navy acknowledges noise sensitive areas and has established Noise Sensitive Areas (such as around wildlife refuges, incorporated areas, and certain tribal areas) in the past. The Navy is proposing new Noise Sensitive Areas as part of the Proposed Action around the incorporated areas of Crescent Valley and Eureka. The establishment of these Noise Sensitive Areas is considered compatible with military training activities and will include a 5 nautical mile radius and an elevation of 3,000 feet AGL.</p> <p>The EIS outlines any updates that would occur pending any ultimate Congressional decision to the NAS Fallon Airfield Operations Manual.</p> <p>Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-7	5.8 Noise: Suggested MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: Continue and expand successful conservation easement program funded through REPI to maintain agriculture and open space while minimizing development in high noise areas.</p> <p>Requested Monitoring Measures: Develop a monitoring program as a means of informing adaptive management to avoid any biological impacts that are observed.</p> <p>Given the uncertainty around noise impacts on certain biological resources, particularly Greater Sage-grouse, develop a monitoring program with appropriate partners (NDOW, SETT, UNR, USGS, etc.) to determine / monitor impacts of noise changes.</p> <p>Requested Mitigation Measures: Work with key partners to mitigate for any biological impacts found based on monitoring and new data.</p> <p>Consult with the Nevada Sagebrush Ecosystem Technical Team for any mitigation required due to indirect impacts to Greater Sage-grouse.</p>	<p>The Navy would continue its partnership with NDOW and Churchill County to preserve lands and fund projects throughout the Fallon Range Training Complex. REPI funding can be used throughout the Fallon Range Training Complex and is requested on an annual basis. For clarification REPI funding for easements and project can only be used on non-Department of Defense lands and is a partnership between land owners, local governments, non-governmental organizations, and state governments with the Department of the Navy.</p> <p>Federal agencies are not required to follow state mitigation plans. Currently all state management plans concentrate on habitat availability, wildfire, and land-based chronic noise sources. Available science indicates that short-term noise intrusion does not play a significant role in lek success; however, the Navy is developing a MOU with NDOW to assist NDOWs future research and population studies assessing aviation impacts to sage grouse. The Navy will work closely with BLM to manage the sage grouse and other species on lands under our control. As noted previously, Navy is considering a proposal by NDOW to conduct a follow-on study to further assess potential impacts of low-level aircraft operations on the sage grouse.</p> <p>Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-8	5.9 Air Quality: Suggested MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: Similar to geological management practices, limit soil disturbance and develop an integrated vegetation management program to minimize dust and wind erosion.</p> <p>Requested Monitoring Measures: Monitor success of management practices in order to maximize adaptive management.</p>	<p>An integrated vegetation management plan is already implemented to maximize vegetation coverage, which would reduce potential erosion and dust. This management plan is reviewed every two years along with other management practices to determine which management practices are effective and should be carried forward and if there are other management practices that could be more effective in minimizing dust generation. Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-11	5.10 Water Resources: Proposed MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: Work with Churchill County to develop design standards that allow development of the Dixie Valley (Water) Importation Project (which could also benefit NAS Fallon) and develop a plan to allow infrastructure as well as ensuring dedicated rights-of-way (construction and operations) for the project.</p> <p>Allow administrative access for development, monitoring, maintenance and management of quasi-municipal, municipal, and domestic water rights.</p> <p>Avoid spring and wildlife guzzler sites with bombing and training activities.</p> <p>Allow access for spring and wildlife guzzler monitoring and maintenance.</p> <p>Develop and maintain accessible water resources for: fire suppression, vegetation rehabilitation and dust suppression as necessary.</p> <p>Requested Monitoring Practices: Continue to monitor existing monitoring wells for groundwater quality.</p> <p>Install and monitor new wells or existing wells in proposed expansion areas for groundwater quality.</p> <p>Identify and protect important resources (such as springs, wells, guzzlers, and other water resources) in conjunction with local entities by including them on operation planning maps so they can be actively avoided during operations.</p> <p>Monitor success of management practices in order to maximize adaptive management.</p> <p>Requested Mitigation Measures: Develop a written agreement with Churchill County to allow construction and operation of the Dixie Valley (Water) Importation Project and establish a fund to help offset the costs of the project including any required design features to allow compatibility with Navy operations.</p> <p>Memorialize the agreement as part of the Congressional Action required to authorize the proposed withdrawal.</p> <p>Develop a program and fund to relocated water rights and existing infrastructure affected by the expansion, OR purchase (from willing sellers) or lease existing affected water rights for Navy operations and mitigations (i.e. wildlife water, emergency wildfire water, temporary vegetation restoration irrigation water, etc.).</p>	<p>The Navy is aware of the project and addresses it in the cumulative impacts section of the EIS (Chapter 4). The Navy will continue to coordinate with Churchill County and as details emerge regarding this project, the Navy will revise the cumulative section as necessary.</p> <p>The Navy is proposing to allow access for management of retained guzzlers on Bravo ranges as compatible with training activities and range safety.</p> <p>Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-11	5.11 Biological Resources: Proposed MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: Coordinate with NDOW on all wildlife management efforts that need to occur.</p> <p>The County would like to see trap and transplant programs established for big and small game for re-introduction or augmentation of populations outside of the FRTC.</p> <p>For vegetation, don't focus on restoration of native habitats around target areas where adaptive species may be a better option to reduce invasive (flammable) species such as cheatgrass. An integrated vegetation management plan is more appropriate for all ranges to help maintain desired vegetation and actively managed non-desirable vegetation. This has a direct tie to air pollution, water resources and wildlife habitat as well.</p> <p>Develop an integrated fire management plan that includes specific actions for pre-suppression, suppression and post fire rehabilitation. Actively manage invasive species and noxious weeds within the FRTC and ROI and work with local weed control districts and/or conservation districts to implement coordinated efforts, including pooling of funding.</p> <p>Requested Monitoring Practices: Coordinate with NDOW on all wildlife monitoring efforts that need to occur. See noise section for additional recommendations.</p> <p>Keep a GIS database of all fire starts, and fire perimeters associated with training activities in order to determine trends and means for avoiding additional fire starts. Keep a GIS database of both air and ground collisions with wildlife to determine trends and a means for avoiding future collisions.</p> <p>Identify and ...</p>	<p>The Navy involves NDOW on a consistent basis regarding the wildlife monitoring. The Navy currently has a BASH program that tracks air and ground collisions for the existing ranges and this program will be extended to cover any acquired or withdrawn lands. It includes a GIS database of incidents. However, exact locations of bird strikes are not always possible; many times, strikes are discovered once the aircraft is on the ground. The strike will be incorporated to the database if a pilot knows when a strike occurs. Through the NEPA process and evaluation of resources for the EIS, the Navy has made attempts to identify important resources and designs training areas to avoid any identified important resources. If additional important resources are identified in the future, the Navy will evaluate if avoidance is necessary and will make plans to do so.</p> <p>The stakeholders are involved in the annual meeting per the tripartite agreement. The County does not have signatory authority on the INRMP but can be updated on the program separately. The Navy would support NDOWs efforts of a trap and transplant action if such actions are deemed necessary.</p> <p>The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).</p> <p>Requested management practices, monitoring, or mitigation measures ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) protect important resources (such as springs, wells, guzzlers, and other water resources) in conjunction with local entities by including them on operation planning maps so they can be actively avoided during operations.</p> <p>Continue collision monitoring and adaptive management to avoid bird strikes.</p> <p>Requested Mitigation Measures: Support funding for habitat improvement and water development outside of the FRTC.</p> <p>Support making Navy apparatus, and communications and control systems, available for wildfire suppression efforts within the ROI and outside of the proposed withdrawal areas.</p>	<p>(continued) have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>
5-12-5-13	5.12 Cultural Resources: Proposed MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: Avoid disturbance of important cultural resources (including Mining Districts) during operations and training as well as with placement of targets.</p> <p>Disclose and describe NAS Fallon's current cultural resource staff and their role in managing and monitoring these resources.</p> <p>Requested Monitoring Practices: Identify and protect important cultural resources and areas in conjunction with local entities by including them on operation planning maps so they can be actively avoided during operations.</p> <p>...</p>	<p>The Navy avoids disturbance of important cultural resources during operations and training. The Navy would allow site visits to Bravo ranges with prior coordination with the Navy. However, the Navy would not be able to accommodate guided tours on the ranges, as it would be contrary to the mission and it would be a hazard to public health and safety. DVTA will remain open to recreation under all Alternatives, but the Navy does not have authority to manage recreation ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) Requested Mitigation Measures: Establish a program for guided (Navy escorted) tours to allow ‘controlled’ access to important cultural sites and other resources in areas closed to the public. This could be modeled after the current Hidden Cave Program with rotating quarterly tours offered in B-16, B-17, B-20 and DVTa so each area has a tour offered at least once per year.</p> <p>Develop a cultural center along US Highway 50 and include information for self-guided tours in areas open to the public as well as a schedule of guided tours in areas closed to the public. Work with Churchill County, local tribes, SHPO, NDOT and Nevada Tourism for design and layout and secure funding.</p>	<p>(continued) outside of its lands; and therefore, could not develop a cultural center along U.S. Highway 50. Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>
5-13-5-14	5.13 Recreation: Proposed MMM Actions	Comment pertaining the section.	<p>Requested Management Practices: The County strongly requests inclusion of a representative of the Churchill County Advisory Board to Manage Wildlife be included in annual meetings for the controlled hunt program in order to have a local perspective included on the annual discussion and review of policies and procedures.</p> <p>The County recommends NOT closing the ranges entirely, but rather minimizing impacts by allowing limited access to the greatest practical extent. The County recommends that as many recreation activities be included in the limited access scenario as possible.</p> <p>Requested Monitoring Practices: Identify and protect important recreation sites and other resources in conjunction with local entities by including them on operation planning maps so they can be actively avoided during operations.</p>	<p>The Navy would review their hunting program annually to determine if additional hunts can be coordinated. The Navy also supports any management activities proposed to be conducted by NDOW for trap and transport.</p> <p>The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) Requested Mitigation Measures: The County appreciates the allowance for bighorn sheep hunting; however, the County would prefer the same allowance for all big game even if that meant synchronizing of seasons (from the State's side) or Sunday only hunting.</p> <p>The County requests allowance of trap and transplant of big game (i.e. Desert bighorn sheep from the withdrawal area to the Cocoon Mountains) and small game (i.e. augmentation of chukar from the withdrawal area to surrounding areas outside of the withdrawal area).</p> <p>The County would support establishment of a fund to improve wildlife habitat in the Game Management Units that are being impacted, outside of the withdrawal area.</p> <p>The County would support a cooperative agreement between the Navy, BLM and Churchill County to develop a recreation plan that results in "no net loss" of SRMAs and ERMAs, and establishment of a fund to develop facilities and management in such areas.</p> <p>Develop a fund to help implement the Churchill County Open Space Plan and Trails Across Churchill County programs.</p> <p>Given EIS statements about problems clearing the range after public access is allowed, it would be assumed that limited access visits would include an escort or need some other practice of ensuring that visitors are accounted for, and that certain hazardous areas (due to ordnance) would be excluded. This tends to require that visits be a "guided tour" style of visit. The County recommends that the Navy establish an outreach and access program (with staffing) to allow regular visits to sites within the ranges on a regular basis, and coordinate with local and state entities that specialize in historic and natural resources, as well as tribal cultural organizations, to identify sites and establish tours to those sites. Furthermore, the limited nature seems to indicate visits of only 1 or 2 per month. While this avoids closing recreation sites completely, it reduces access times by a roughly ...</p>	<p>(continued) The Navy does not have control of lands outside of the area proposed for withdrawal or requested for acquisition and therefore cannot accommodate these requests for "no net loss" SRMAs and ERMAs and other trails. The Navy would allow site visits to Bravo ranges with prior coordination with the Navy. However, the Navy would not be able to accommodate guided tours on the ranges, as it would be contrary to the mission and it would be a hazard to public health and safety.</p> <p>Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) estimated 90% or more. To compensate for the lost accessibility, the County recommends that the Navy program include access/tours to other sites in the nearby area, and especially to the many sites within the DVTa boundary. Lastly, the County recommends that an annual report should be presented to the County Commissioners to ensure the program is being used effectively, and to receive input on improvements to the program. This would help the Navy address the public's concern with limited accessibility.	
5-14	5.14 Socioeconomics: Proposed MMM Actions	Comment pertaining the section.	<p>While economic and employment associated with NAS Fallon is anticipated to remain static, implementation of this project will result in the following significant economic losses:</p> <p>Loss of grazing revenue and associated jobs; Estimated over \$1 million.</p> <p>Loss of recreational revenue and associated jobs; Estimated over \$3 million / year</p> <p>Loss of salable mineral exploration and jobs; and, A Mine such as Rawhide is estimated to generate up to \$24 million in economic output with an estimated at 100 – 300 jobs.</p> <p>Loss of geothermal exploration, development and associated jobs; and,</p> <p>A Geothermal project such as those already operating in the County is estimated to generate up to \$28 million in economic output with an estimated 70 jobs.</p> <p>Loss of County revenues associated with all of the above.</p> <p>These economic losses are difficult to offset with any form of management or monitoring, so</p>	<p>The Navy is not proposing to release more WSA than is necessary to fulfill training needs in the DVTa. The Navy does not have the authority to release lands currently managed by the BLM or the Bureau of Reclamation to the Counties.</p> <p>The Navy is aware of the Churchill County Dixie Valley Water Importation project and addresses it in the cumulative impacts section of the EIS (Chapter 4). The Navy will continue to coordinate with Churchill County and as details emerge regarding this project, the Navy will revise the cumulative section as necessary.</p> <p>The Navy would work with Churchill County to authorize trails on Navy properties when consistent with military training activities and range safety.</p>

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>mitigation would need to be the focus to offset these losses.</p> <p>Requested Mitigation Measures: Incorporate into authorizing legislation, the release of Wilderness Study Areas in Churchill County in order to provide a modest offset of new multiple use areas based on the significant loss of multiple use management in other areas. This will also open these lands for economic development such as mining and geothermal exploration and development.</p> <p>Incorporate into authorizing legislation, the conveyance of select parcels of public lands currently managed by the BLM and/or BOR to the County. The County would be interested in acquiring lands with minimal resource conflicts that are in areas with high economic development potential: namely along the Highway 50 corridor west of Fallon to the County line and along the Highway 95 corridor north of Fallon to I-80. Establishment of a fund to complete the cultural and environmental studies to complete the conveyance would be very beneficial. Identification of specific parcels can be provided as needed.</p> <p>Establish a fund for Churchill County to develop the Dixie Valley (Water) Importation Project in order to accommodate future growth and ensure a supply of reliable and clean drinking water to both the community of Fallon and NAS Fallon. Estimated construction cost per Churchill County Water Resources Plan is \$164.6 million.</p> <p>Fund development of an OHV trail and/or Park to offset impacts on the recreation industry and</p>	<p>However, the Navy does not have authority to provide funding for this purpose.</p> <p>The Navy would not restrict OHV use outside of the Bravo range boundaries.</p> <p>The Navy would review their hunting program annually to determine if additional hunts can be coordinated. The Navy also supports any management activities proposed to be conducted by NDOW for trap and transport. The Navy has updated the required design features for water and geothermal developments in the DVTA in the Final EIS. The Navy is unable to produce a detailed estimate of the costs beyond the analysis that has been provided in the Final EIS at this time. The mitigations that have been incorporated as part of the Proposed Action and discussed separately in Chapter 5 make up the mitigation plan. Future compensation for other losses to allotment holders, mining claimants, water rights holders, and other private land owners would be estimated and discussed after any ultimate Congressional decision is made. The Navy is limited in its ability to calculate these losses as it is highly speculative.</p>

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>associated customs and culture.</p> <p>Fund wildlife trap and transport for both big game (i.e. introduction of bighorn into the Cocoon Mountains) and small game (i.e. re-introduction of Mountain Quail or augmentation of Chukar population in areas outside of the withdrawal area), water developments (guzzlers), habitat improvement projects (i.e. BLMs Desatoya Mountain Land Health Project), and maximize “controlled access” to B-17 for big game hunting to offset impacts to the recreation industry and its associated customs and culture.</p> <p>Seek means for allowing mineral and geothermal exploration, development, and operations within the DVTA to the greatest practical extent in order to minimize the significant impacts to these economic sectors.</p> <p>Compensate public land grazing permittees for: the loss of AUMs at fair market (assessed value); loss of range improvements; loss of water rights; and, cost associated with revised grazing permits and improvements needs to alter operations.</p> <p>Establish a fund to offset the loss of any PILT, property tax, and net proceeds tax.</p> <p>Continue with, and increase funding for, the successful joint Navy-County Conservation Easement program through REPI to support the agriculture industry and associated customs and culture within the Lahontan Valley.</p>	<p>Following this any ultimate Congressional decision, it is anticipated that the Navy's Office of Economic Adjustment Program will provide technical and financial assistance to state and local governments to undertake Compatible Use and Joint Land Use Studies in response to Military Department compatibility concerns.</p> <p>The valuation process to compensate for losses resulting from the cancellation of grazing permits has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.</p> <p>The establishment of a fund to offset the loss of: PILT, property tax, real estate tax, loss of revenues from acres of active grazing leases and net proceeds tax, is outside the authority of the Department of Navy. The Navy will take into consideration economic losses but will not be including funding/compensation of this type into the EIS.</p> <p>The Navy would continue its partnership with NDOW and Churchill County ...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) to preserve lands and fund projects throughout the Fallon Range Training Complex. REPI funding can be used throughout the Fallon Range Training Complex and is requested on an annual basis. For clarification REPI funding for easements and project can only be used on non-Department of Defense lands and is a partnership between land owners, local governments, non-governmental organizations, and state governments with the Department of the Navy.</p> <p>In addition, the USFWS would need to undertake any public planning required in order to revise the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and associated compatibility determinations, consistent with the National Wildlife Refuge System Administrative Act, as amended (16 United States Code 668dd–668ee). County Easement land (1,920 acres) would be acquired and managed by the Navy in accordance with the Sikes Act.</p> <p>Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-15	5.15 Public Health and Safety: Proposed MMM Actions		<p>Requested Management Practices: Continue to allow for flood alleviation efforts in B-16 associated with Sheckler Reservoir and the new emergency flood weir that prevents flooding in the City of Fallon.</p> <p>Develop fuel breaks around targets and WDZs (in combination with access roads) on and around Bravo Ranges to help with fire suppression activities given the history of fires in these areas.</p> <p>Work with County Emergency Management Coordinator to update any activities consistent with the Hazard Mitigation Plan (i.e. preparing for and addressing hazardous materials and shipments as well as emergency preparedness).</p> <p>Requested Monitoring Practices: Actions for making lands within the ranges safe for future public access need to be implemented now. The County recommends modifying the existing ordnance cleanup program as needed, such as: 1. Identify containment areas that will never be re-opened to the public due to safety problems caused by the density of unexploded ordnance. 2. Establish a system of tracking/monitoring the individual ordnance that falls outside the containment area. 3. Establish a program to periodically recover stray exploded and unexploded ordnance outside the containment area. 4. An annual report needs to be presented to the County as a measure of ensuring this issue does not get lost or forgotten in the future.</p> <p>Requested Mitigation Measures: Support making Navy apparatus, and communications and control systems, available for wildfire suppression efforts within the ROI and outside of the proposed withdrawal areas. Develop a fund for supporting Churchill County Search and Rescue efforts that respond to multi-purpose users who become injured or lost on lands around withdrawal areas.</p>	<p>The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes. The FRTC has an operational range clearance plan in compliance with Department of Defense Directive 4715.11, Environmental and Explosives Safety Management. The operational range clearance plan provides for safe management and removal of unexploded ordnance, and recycling of training munitions, munitions debris, and range scrap that has been rendered safe. The Navy conducts range clearance activities during period of land ownership. Chief of Naval Operations Instruction 3571.4, Operational Range Clearance Policy for Navy Ranges, establishes the policy and requirements for performing operational range clearance on Navy ranges. The Navy would continue to implement these procedures.</p> <p>The Navy currently has a MOPU with BLM for wildfire response that will continued and expanded to cover any acquired or withdrawn lands. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).</p> <p>The Navy is not currently proposing to develop a fund for supporting the Churchill County Search and Rescue efforts on lands around the withdrawal. However, there is potential for the Navy's Office of Economic Adjustment Program to work with affected Counties in the future for funding of loss of income at the county level if there are any losses as a result of the Proposed Action...</p>

Table F-6: Churchill County Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) There may be opportunities for the County to work with the Office of Economic Adjustment Program to fund some of these desired programs. Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.
2-43	2.3.4.3.3 Bravo 20: Construction	NA	<p>There is no information in this section regarding construction of new targets. The 90-days to Combat document offers little information regarding target needs.</p> <p>This is important because the County believes the playa area of B-20 offers an open slate in terms of locating and configuring targets given its flat nature and monotypic terrain. By reducing the size and/or realigning the proposed targets, the County believes that Pole Line Road could be relocated, and the Navy can continue to train in a realistic environment.</p>	As described in Chapter 2 of the Final EIS, the Navy looked at alternate configurations of individual ranges. Due to training requirements and screening requirements, the suggestion of leaving Pole Line Road open to the public is not compatible with the purpose and need of the Navy's Proposed Action.

F.4.1.12 Shank, C. (Pershing County)



Fallon Range Training Complex Modernization
Environmental Impact Statement (EIS)

Comment Form

Date: 12-13-18

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by Jan. 15, 2019, for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at www.FRTCMmodernization.com, or by U.S. Postal Service mail to the address below.

Please Print

- ① CONCERN FOR ECONOMIC IMPACT ON PERSHING COUNTY'S PORTION OF BRAD 20.
- A. CURRENT IRON MINE
 - B. FUTURE MINING CLAIMS
 - C. RANCHERS COMPENSATION FOR LOSS OF ALMUSE (GRAZING)
 - D. IMPACT ON PERSHING COUNTY'S NET PROCEEDS OF MINERALS, PROPERTY TAXES, PILT

THANK YOU FOR PROVIDING THIS OPPORTUNITY TO EXPRESS CONCERN.
WE ARE VERY PROUD OF OUR NAVAL BASE LOCATED IN FALLON.

F.4.1.12.1 Response

Thank you for your participation in the NEPA process. The purpose of the NEPA process is to ensure that environmental information is available to public officials and citizens before any ultimate decisions are made and before actions are taken. The Navy's EIS analyzes the anticipated environmental effects of the Proposed Action and action alternatives, including on mining (Section 3.3 [Mining and Mineral Resources]), grazing (Section 3.4 [Livestock Grazing]), and socioeconomics (Section 3.13 [Socioeconomics]). The Navy has reviewed and considered all comments received and have updated the analysis where appropriate.

F.4.1.13 Stapleton, D. (Nevada Association of Counties)



Nevada Association of Counties

304 South Minnesota Street

Carson City, NV 89703

775-883-7863

www.nvnaco.org

December 17, 2018

Naval Facilities Engineering Command
Southwest C/O: Ms. Sara Goodwin
NRSW/NAVFAC SW Regional NEPA
Coordinator Via E-mail:
sara.goodwin@navy.mil

RE: REQUEST FOR EXTENSION OF TIME FOR PUBLIC COMMENT PERIOD OF THE
FALLON RANGE TRAINING COMPLEX MODERNIZATION DRAFT
ENVIRONMENTAL IMPACT STATEMENT (EIS)

Dear Ms. Goodwin and FRTC Modernization EIS Project Team,

The Nevada Association of Counties (NACO) is currently reviewing the Draft Environmental Impact Statement (DEIS) to assess the environmental impacts of the proposed modernization of the Fallon Range Training Complex. NACO continues to engage with the Navy on the proposed project and the details of the draft EIS.

However, we are concerned that due to the holidays, previously scheduled meetings, the need to review the DEIS, coordinate meetings with the Board of Directors and engage the public, the comment deadline of January 15, 2019 may be too aggressive for us to meet.

Therefore, we respectfully request a 30-day extension of the comment period to allow adequate time for the County to perform due diligence.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Stapleton", is written over the word "Sincerely," and the name "Dagny Stapleton".

Dagny Stapleton
Executive Director

cc: Rob Rule, Community Plans and Liaison Officer, NAS Fallon
Ed Rybold, NAS Fallon Installation Plans & Programs Integration, NAS Fallon
File

F.4.1.13.1 Response

Thank you for your participation in the NEPA process. The Draft EIS was released for public review Nov. 16, 2018, for a 60-day public comment period, 15 days more than the required 45-day public review period under NEPA. The Navy extended the public comment period additional 30 days, to close Feb. 14, 2019, for a total of 90 days for public review of the Draft EIS. Public notices of the comment period extension were published in local newspapers and the *Federal Register*, and the Navy distributed postcards to the project mailing list (including attendees of the Draft EIS public meetings), letters to Indian Tribes, news releases to media, and emails to subscribers on the project website.

F.4.1.14 Shields, B. (District Attorney Pershing County)



Office of
DISTRICT ATTORNEY PERSHING COUNTY

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R. Bryce Shields
District Attorney
bshields@pershingcounty.net

S. Todd Banks
Deputy District Attorney
tbanks@pershingcounty.net

February 14, 2019

Naval Facilities Engineering Command Southwest
Code EV 21.SG
1220 Pacific Highway Building 1, 5th Floor
San Diego, CA 92132

RE: Comments on the November 2018 Fallon Range Training Complex Draft Environmental Impact Statement

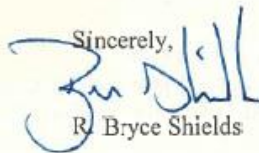
Dear Sir or Madam,

The Pershing County Airport Advisory Board submits the following comments pertaining to the Fallon Range Training Complex (FRCT) Draft Environmental Impact Statement (DEIS). Although we support the critically important role the military plays in keeping our country safe and securing our liberties, we have concerns that the Navy's proposal to expand restricted airspace in Pershing County will have adverse impacts to civilian pilots.

Pershing County operates Derby Field, a public use airport, approximately fifty (50) miles from Fallon, Nevada, and five (5) miles from the FRCT. The DEIS proposes to change the status of R4814 in Bravo-20 from a Military Operating Area (MOA) to Restricted Air Space (RAS). This change substantially narrows the corridor of permissible flight operations for civilian aircraft near Derby Field. A pilot banking left (normal civilian flight procedure) to return to land after experiencing trouble during ascent from Derby Field may likely encroach upon the RAS. This increases the potential of collisions between military aircraft and non-participating civilian aircraft. It also imposes upon pilots the risk of having their licenses suspended by the FAA for violating RAS.

The DEIS lacks a viable explanation for the change of R4814 from a MOA to RAS. Furthermore, the DEIS fails to analyze the potential negative impacts to pilots caused by the R4818 RAS. We believe the DEIS should be revised to include alternatives to avoid and mitigate adverse impacts to pilots who use Derby Field.

Thank you for consideration of these comments. Please do not hesitate to call me if you have any questions about these comments.

Sincerely,

R. Bryce Shields

F.4.1.14.1 Response

Thank you for participating in the NEPA process. To clarify, 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. This would apply to any proposed restricted airspace.

Typically, restricted airspace is inactive on weekends and holidays, and when ground ranges are closed for maintenance. There would be some level of impact from proposed conditions, nonetheless, pilots would still be able to navigate through the MOAs and around the Restricted Airspace. The creation of the R-4814 is necessary to contain the WDZ that is proposed for B-20. Therefore, there would be regular opportunities for general aviation aircraft to transit through inactive restricted airspace(s). The proposed changes to airspace would therefore have minimal impact on recreational/general aviation aircraft, including those that take off from Derby Field. Impacts to general aviation for each alternative are discussed in Section 3.6 (Airspace), specifically in Section 3.6.3 (Environmental Consequences).

F.4.1.15 Wichman, L. A. (Nye County)

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February 15, 2019

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

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

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

Dear Captain Halloran:

Nye County is pleased to provide these comments on the Draft Legislative EIS for consideration by the United States Navy (Navy) as it prepares a Final Legislative EIS (FLEIS) for military expansion and land withdrawal to support the modernization of the Fallon Range Training Complex. The Navy's preferred expansion alternative proposes to withdraw an additional 600,000 acres of public land in Nevada, of which nearly 85,000 acres will be in Nye County. Although Nye County is the proud host to several military installations, ranges, and facilities, and continues to support U.S. Department of Defense mission objectives, as acknowledged in the DLEIS, the strain caused by the large and growing percentage of military land withdrawals, continues to prove unfavorable to the County's economic growth, as well as its ability to provide necessary services over large geographical areas.

As the local government having jurisdiction and planning authority, Nye County appreciates the opportunity to work with the Navy as a Cooperating Agency since it began the National Environmental Policy Act (NEPA) process in December 2016. In this capacity, Nye County has provided the Navy with the relevant County plans, Ordinances, Codes, maps and data detailing County and community roads and infrastructure, demographics and population data, socioeconomic profiles, and other relevant data and outlook. All data, information, and comments previously transmitted to the Navy during the NEPA process are herein incorporated into these comments by reference.

Nye County notes that although much of the data and information provided were incorporated in this DLEIS, some omissions remain. We will continue to work with the Navy during the NEPA process to remedy the remaining omissions. Nye County's general comments on the DLEIS follow. Comments on specific sections and text of the DLEIS are provided in the attached comment forms.

Comments on the Draft Environmental Impact Statement (DEIS) for the Fallon Range Training Complex Modernization (FRTC)
February 15, 2019
Page 2

General Comments

Nye's comments, issues, and concerns regarding the proposed land withdrawal stem from the loss of access to lands currently designated for other multiple uses - e.g. mining, grazing, recreation, hunting, and opportunities for renewable energy development - and the way in which these losses affect our economy, public health, and quality of life. Although the Navy has identified and disclosed many of the direct, indirect, and cumulative impacts that Nye County will experience as a result of the Navy's proposed action, additional analysis is needed to quantify impacts so that mitigation measures and their costs can be disclosed in the FLEIS for inclusion in a Record of Decision (ROD), and to inform future Congressional legislative direction. Similarly, impacts that have been dismissed because of their local nature need to be described and disclosed so that they can be considered in the analysis of cumulative impacts.

Comment: Navy's conclusions regarding Significance of Impacts

Throughout the DLEIS, statements that impacts are not significant rely on the incorrect notion that an impact must have a regional affect to be significant. NEPA defines significance in terms of both context and intensity. Consideration of context does not mean impacts at a regional scale supersede the intensity of impacts endured at the local scale. These local impacts are significant at individual, community, and County levels where the effects, which are measurable and quantifiable, are felt.

Resolution: The local significance of impacts at the community and county level must be considered and disclosed in the FLEIS; language that dismisses local impacts because they do not achieve significance at a regional-scale should be deleted throughout. Dismissing impacts at the local scale because they do not affect the regional economy is inappropriate in a State as economically and geographically diverse as Nevada, and contrary to the spirit of NEPA. The FLEIS must be clear in disclosing and quantifying the magnitude of impacts to local community of Gabbs and Nye County government that will result from the FRTC modernization action proposal.

Comment: Economic Impacts Analysis and Mitigation Costs

The DLEIS states any mitigation to address the impacts of this land withdrawal action will take place only by obligation through Congressional (legislative) direction, or through specific commitments made in the ROD. Although the Navy anticipates acquiring private lands and interests in the Bravo Range expansions and near the DVTA, the full costs are not considered. The DLEIS fails to identify, and disclose related in perpetuity (i.e., temporally cumulative) losses of County tax revenues and federal fee-sharing derived from those private lands and interests as an economic impact on the local government.

Resolution: These lost tax revenues shared fees must be quantified and disclosed in the FLEIS so that cost of impact future mitigation can be reasonably committed in the ROD, or to support future Congressional direction.

Comment: Absence of Mitigation Measures

As part of the coordination and consultation with the Navy, Nye County shared a broad list of potential mitigation measures that could be used to effectively offset various impacts. Although potential mitigation measures were discussed, none of these measures appear in the DLEIS. These and other measures are necessary to offset the permanent loss of local revenues derived from public lands that will occur when the lands are withdrawn from all forms of public access and entry pursuant to the Federal Land Management and Policy Act of 1976, as Amended and the General Mining Law, as amended. Although the DLEIS acknowledges many of the impacts to Nye County that will occur as a result of the proposed Alternative 3 B-17 Range expansion and land withdrawal, it fails to include or consider any of the County's proposed measures to mitigate the economic impacts.

Comments on the Draft Environmental Impact Statement (DEIS) for the Fallon Range Training Complex Modernization (FRTC)
February 15, 2019
Page 3

Resolution: The FLEIS must include a discussion and quantification of the direct costs of economic impacts to local governments, including Nye County. The FLEIS discussion must include specific measures to mitigate or offset impacts to be considered in the ROD, and that can be used to inform future Congressional direction.

Comment: Economic Assistance and Grant Programs

As a way to offset local impacts the DLEIS offers thoughts on possible future participation in Department of Defense (DoD) Office of Economic Adjustment (OEA) grants and local sole source contract programs (e.g. contracting with Roads Department for on-range road construction and fencing). Nye County notes that funding opportunities for grants are very limited and offered to defense communities that host military Bases. Programs and grants to assist rural communities affected by Range operations are non-existent.

Resolution: OEA grants and other assistance programs that may offer a potential means to offset impacts at local levels - as well as the potential programmatic limitations - need to be discussed in the FLEIS. The estimated annual budget appropriation needed to support such programs over the life of the land withdrawal should be included so that they can be carried into the ROD, and can be used to inform future Congressional direction.

Comment: Consideration of Cumulative Impacts of Land Withdrawal

Nye's comments, issues, and concerns regarding the proposed land withdrawal are related to the loss of access to lands and resources currently designated for other multiple uses, and the way in which these losses affect our economy, public health, and quality of life. These additional lands that will be withdrawn in Nye County for use by the military will be permanently closed to geothermal leasing (one approved parcel), mining (about 100 unpatented claims will undergo mandatory validity review and face cancellation), and ranching uses (cancellation of large areas of allotments for which Nye receives a percentage of fees). Although the direct impact to each sector or resource may be small, these impacts become cumulatively significant, especially at the local levels.

Resolution: The local, individual, and community impacts that have been discounted as insignificant because they are small and/or local must be quantified disclosed to support the cumulative impacts discussion and conclusions.

Nye County appreciates the opportunity to submit these comments for your consideration, and looks forward to working with the Navy on the Final Legislative EIS. Please feel free to contact me if you have any questions regarding Nye County's comments.

Sincerely,



Nye County, Nevada
Lorinda A. Wichman, Commissioner
Nye County Board of County Commissioners

cc: Sara Goodwin - sara.goodwin@navy.mil
Ed Rybold - Edmund.Rybold@navy.mil
Rob Rule - robert.rule@navy.mil

Timothy Sutton
Lorina Dellinger
MaryEllen Giampaoli

Enclosures: As stated

F.4.1.15.1 Response

Thank you for your comment and participation in the NEPA process. The Navy appreciates your input as a Cooperating Agency and the information provided by Nye County was incorporated into the EIS as applicable.

Regarding general comments, the Navy analyzed impacts to these resources and Nye County as a result of the implementation of each alternative. Impacts to loss of access for mining and geothermal, grazing, recreation, hunting, and public health and safety, can be found in Section 3.3, 3.4, 3.12, and 3.14 respectively.

Regarding whether impacts would be significant, the approach to analysis, including significance criteria for potential impacts, are presented in the Final EIS for each resource section. The approach to analysis and significance criteria varies but was developed based on applicable laws, regulations, and policies for each resource area. In addition, context, intensity, and relevant thresholds were considered when determining significance. Where appropriate, significance at differing scales (i.e. individual, local, regional) is presented.

In regard to the economic impact analysis and mitigation costs, the Navy disagrees that the analysis is inadequate. The Navy acknowledges that the Proposed Action would have impacts related to social and economic contributions. The Navy has addressed many of the component comments in separate sections in the Draft EIS, such as recreation, land use, mining, cultural, socioeconomics, and grazing. This includes an analysis related to access to public lands, management of public lands, agriculture and grazing, recreation, and mineral and renewable resources. An analysis of these potential impacts is discussed in Sections 3.2 (Land Use), 3.3 (Mining and Mineral Resources), 3.4 (Livestock Grazing), and 3.12 (Recreation). The Navy's position is that lost mining and geothermal opportunities cannot be definitively determined or quantified at this time because of the variability of the market. The EIS does in fact state that while speculative, there is the potential that significant economic impacts could occur due to the potential loss of mining and geothermal opportunities under all alternative scenarios. The Navy does acknowledge that losses could be less under Alternative 3 because geothermal opportunities would be allowed in portions of DVTA. It is not the Navy's intent to make development improbable based on required design features within portions of DVTA. Any quantification of impacts would be speculative at this time. Based on the analysis presented in the EIS and in detail in the Socioeconomic Report, there would be no changes in PILT for Churchill, Mineral, Nye, and Pershing counties, and very little changes in PILT for Lyon County; therefore, there would be no significant impacts from lost revenues from reduced PILT. The socioeconomic report also quantifies potential impacts to a variety of other economic sectors, not just PILT.

The Navy has verified that for the year PILT was calculated for the FRTC EIS (2018), the correct calculation method for estimating PILT was Alternative A. This Alternative was selected based on population, receipt-sharing payments made in 2017, and the amount of federal land within an affected county, and was the greater PILT value calculated for 2018 when compared to the calculation methods of Alternative B.

For estimating potential impacts to PILT payments in the Final EIS and using the 2018 information, even with the reduced acreage as proposed under Alternative 1, 2 or Alternative 3, the methodology is proposed to remain the same (Alternative A) and there would be no impact to the potential PILT

payment. However, if there is a change in receipt-sharing payments from contributing agencies relative to previous years, or population changes, there is the potential for the calculation method to change to Alternative B. If Alternative B becomes the method for calculation of PILT, the potential removal of acreage under any of the Proposed Alternatives would decrease the authorized PILT payment to Nye County. Sections 3.13.3.2.3, 3.13.3.3.3, and 3.13.3.4.3 (Potential Impacts on Regional and Local Economy) are being updated to reflect the potential PILT loss if the calculation methodology were to change to Alternative B.

In regard to the mitigation in the EIS and the length of the Chapter overall (Chapter 5 [Management Practices, Monitoring, and Mitigation]), the Navy has updated this chapter to reflect suggestions received during the development of the Draft and Final EIS and has given the Navy's response to these suggestions; whether that response was that the suggestion was adopted as part of the Proposed Action, adopted as a management practice, monitoring, or mitigation measure, or if the suggestion was not adopted.

Regarding cumulative impact comments, Chapter 4 (Cumulative Impacts) lists past, present, and reasonably foreseeable future actions that have had or are expected to have impacts either within, or within distances of up to 30 miles from, the FRTC. This includes the counties of Churchill, Elko, Eureka, Lander, Lyon, Mineral, Nye, Pershing, and Washoe. In determining which projects to include in the cumulative impacts analysis for a given resource area, the Navy made a preliminary determination regarding each past, present, or reasonably foreseeable action. Specifically, using criteria included in Section 4.2 (Approach to Analysis), the Navy determined whether a relationship exists such that the affected resource areas of the Proposed Action (included in this EIS) might interact with the affected resource area of a past, present, or reasonably foreseeable action. If no such potential relationship existed, the project was not carried forward into the cumulative impacts analysis. In accordance with CEQ guidance (Council on Environmental Quality 2005), those actions considered but excluded from further cumulative effects analysis are not catalogued in the Final EIS, because the intent is to focus the analysis on the meaningful actions relevant to inform decision making.

Please see the Navy's responses to specific comments provided via table in Table F-7.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses

Page	Section / Paragraph	Draft EIS Text	Comment	Response
1-33	1.9		Alternative 3 proposes to close 356,400 acres of BLM grazing allotments and 4,187 acres of Bureau of Reclamation livestock grazing areas. Federal grazing permit holders must be compensated for their losses due to the proposed withdrawal. While the Navy has authority under 43 U.S.C. of the Taylor Grazing Act of 1934 to make payments to federal grazing permit holders for losses suffered as a result of the withdrawal, this payment would only be available if approved by Congress. As the public has yet to see anything regarding an appropriations package for the proposed withdrawal, there is no certainty that these losses will be mitigated. Communities and local economies should be kept “whole” as part of any proposed withdrawal, there is zero to limited assurance that this will be accommodated in the DLEIS.	The Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.
1-33	1.9 Public and Agency Participation and Intergovernmental Coordination		Alternative 3 proposes to close 356,400 acres of BLM grazing allotments and 4,187 acres of Bureau of Reclamation livestock grazing areas. Federal grazing permit holders must be compensated for their losses due to the proposed withdrawal. Although the Navy has authority under 43 U.S.C. of the Taylor Grazing Act of 1934 to make payments to federal grazing permit holders for losses suffered as a result of the withdrawal, this payment would only be available if approved by Congress. As the public has yet to see anything regarding an appropriations package for the proposed withdrawal, there is no certainty that these losses will be mitigated. Communities and local economies should be kept “whole” as part of any proposed withdrawal, and assurance that this will be accommodated must be provided in the FLEIS.	The Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
2-38	2.3.4 Alternative 3 B-17 Shift and Managed Access, Table 2-8		The Navy describes acreage of county lands withdrawn in the DLEIS by the percentage of federal lands withdrawn in the county. Please change description to be consistent with the presentation in table 2-6; the preferred alternative will withdrawal approximately 85,000 acres in Nye County.	The Navy followed the Public Lands Survey System, which is based upon a grid layout. A description of the grids is used to define the area for withdrawal. The Weapons Danger Zones (WDZs) are modeled based on a curve. In order to fit the grid to the curve, the Navy refined the areas impacted along the WDZs into successively smaller grids in accordance with the rules of the Public Lands Survey System. The Navy has re-evaluated the land withdrawal since the initial NOI release and has reduced the acreage proposed for acquisition or requested for withdrawal by updating the aliquots to the closest 1/4 in the Final EIS.
3.2-41	3.2.3.4 Alternative 3: Bravo-17 Shift and Managed Access		Alternative 3 will shift the largest areas of restricted access (85,000 acres) disproportionately into Nye County. The accompanying disproportionate shift in the impacts to Nye County's access to land, water, grazing, mining, geothermal and all other resources must be included in the impact discussion. While the shift in the configuration of B-17 may reduce the overall level of impact in the State of Nevada, it disproportionately accrues impacts in Nye County. This disproportionate distribution of impacts at the County level is significant and should be noted.	The Navy understands the impacts that federal actions have on Nye County and acknowledges that other federal actions have impacted Nye County in the past. With respect to the proposed withdrawal action, the Navy has conducted analysis on various affected resources associated with the alternatives that would impact Nye County. Details regarding each of these impacts are located in the designated sections of the EIS. The Navy recognizes the impacts of federal actions on the Nye County tax base and addressed this issue in the Socioeconomics section (Section 3.13). As part of the EIS process the Navy included the Nevada Association of Counties (NACO) as a cooperating agency to ensure all county concerns were thoroughly understood and suitably addressed. Additionally, the EIS evaluates PILT impacts on Nye County and has included military activities such as the NTTR Legislative EIS in the Cumulative Impacts section of the FRTC Modernization EIS. Under the Proposed Action, there would be no change in PILT for Churchill, Mineral, Nye, and Pershing counties, and very little changes in PILT for Lyon County; therefore, there would be no significant impacts from lost revenues from reduced PILT. However, lost hunting opportunities could result in a reduction in funding sources for the State of Nevada Department of Wildlife. A detailed analysis of PILT is located in Supporting Study: Economic Impact Analysis Report (available at http://frtcmodernization.com).

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.2-45	3.2.3.4.2 Bravo-17		Please include the following sentence as stated in section 2.3.4.2.4, pg 2-42 and for the Paiute Pipeline relocation: "The Navy would have the responsibility for planning, designing, permitting, funding, and constructing any realignment of State Route 361."	The recommended addition has been incorporated into the Final EIS.
3.2-39 through 50	3.2.3.2.6 Summary of Effects and Conclusions, Tables 3.2-5 through 3.2-7		Nye County requests including two columns to tables 3.2-5 through 3.2-7 for transparency: 1) Percentage of withdrawn land per county and, 2) Total acreage (not percentage) of new FRTC lands withdrawn under the proposal per county.	The total acreage of new FRTC lands proposed for withdrawal are included in Chapter 2.
3.3-65	3.3.4.5 Proposed Management Practices, Monitoring, and Mitigation		The DLEIS did not disclose how unpatented claims will be addressed when the land is withdrawn. This proposed withdrawal puts active claims at risk by severely limiting exploration and production. Segregation and withdrawal of these lands forces validity review of the claims in accordance with the Navy Facilities Public Lands and Acquisition of Private Interests Handbook. The review procedure, its associated sampling and analysis costs, the potential impacts of likely outcomes for the claimant, should be disclosed in a sidebar. As with grazing, communities and local economies should be kept "whole" as part of any proposed withdrawal, there is zero to limited assurance that this will be accommodated in the FLEIS.	While a mineral withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this examination. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. However, holders of existing claims on public land are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, the value of the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim...

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.
3.4-20	3.4.3		The DLEIS did not adequately describe the environmental consequences of grazing losses due to the proposed withdrawal, with regards to fuel loads and wildfire. Text should indicate that managed livestock grazing can be an important and cost-effective tool to reduce wildfires in Nevada and throughout the West. Further, the socioeconomic analysis is incomplete because it does not consider the costs of potential wildfires caused by the reduction in grazing allotments from the proposed withdrawal.	An unintended potential effect of training activities is the ignition of wildfires. See Figure 3.14-1 (Wildfire Potential in the Fallon Range Training Complex) for wildfire potential throughout the FRTC region. The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. Community Wildfire Protection Plans for all counties in Nevada are also in place. For further information on wildfire and wildfire mitigation, see Section 3.14.2.1.2 (Wildfire Management). The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS. Although the reduction of grazing in these lands may increase the risk of fire, there would be no way for the Navy to predict the number of fires that could occur in the future as a result of the Proposed Action, and therefore cannot add this analysis to the socioeconomics section of the EIS.
3.4-20	3.14.2.1.2 Wildfire Management		The DLEIS did not adequately describe the environmental consequences of grazing losses due to the proposed withdrawal, with regards to fuel loads and wildfire. Text should indicate that managed livestock grazing can be an important and cost-effective tool to reduce wildfires in Nevada and throughout the West. Further, the analysis is incomplete because it does not consider the costs of potential wildfires caused by the reduction in grazing allotments from the proposed withdrawal.	An unintended potential effect of training activities is the ignition of wildfires. See Figure 3.14-1 (Wildfire Potential in the Fallon Range Training Complex) for wildfire potential throughout the FRTC region. The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. Community Wildfire Protection Plans for all counties in Nevada are also in place. For further information on wildfire and wildfire mitigation, see Section 3.14.2.1.2 (Wildfire Management). The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS...

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Although the reduction of grazing in these lands may increase the risk of fire, there would be no way for the Navy to predict the number of fires that could occur in the future as a result of the Proposed Action, and therefore cannot add this analysis to the socioeconomics section of the EIS.
p. 3.4-1 through 43; 3.13-27 through 42	3.4 Livestock Grazing, Table 3.4-6; Section 3.13.3.2.3 Potential Impacts on Range Livestock		The DLEIS fails to account for the loss of fees paid by the permittee to BLM and does not acknowledge Nye County in the tables. 80% of the affected 48,096 acres in the Eastgate allotment, and nearly two-thirds of the affected 70,396 acres in the Phillips Well allotment are located in Nye County. While section 3.13.2.9 acknowledges the distribution of fees to counties, the FLEIS must disclose the loss of this revenue in the socioeconomic section. Alternative 3 requires further mitigation beyond the needed compensation for impacts to individual permit holders. The Navy's authority to make payments to grazing permit holders for losses suffered as a result of the withdrawal does not mitigate the loss of 13% of grazing lands in the "area of influence" from future availability and use for grazing purposes.	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes...</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action...</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).
3.5-36 & 4-4	Section 3.5.3.4 and 4.3 Past, Present, Reasonably Foreseeable Actions		The impacts of the FRTC expansion on the planned future state/federal I-11 project has not been analyzed in the DLEIS. The currently proposed routes have not been analyzed or recommended in the document and should be included in the DLEIS. The constraints on future I-11 routing imposed by the Navy land withdrawal should be described.	<p>The Final EIS discusses the I-11 project in Chapter 4 (Cumulative Impacts). Further analysis of impacts to the region of influence are discussed in Section 4.4.5 (Transportation). As more detail is released on the I-11 project, the Navy has updated the Final EIS.</p> <p>Construction of the approximated 450-mile I-11 corridor could be phased over future decades as various environmental impact reviews are completed and funding is prioritized. The project may have the potential to cumulatively impact transportation and traffic at or in the vicinity of the B-16, B-17, or B-19 ranges as three of the proposed routes cross the range's boundaries (see Figure 4 1, Figure 4 2, and Figure 4 3). One of the proposed routes would present an overlap at the highway crossing near the entrance to the B-16 range, so the Navy has suggested that the Nevada Department of Transportation consider an overpass as a possible solution. Other solutions and suggestions will be discussed between the Navy and the Nevada Department of Transportation as this Proposed Action and the I-11 project progress.</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-10	3.5.2.5.2 Road Network		Nye County notes that while mentioned in the public scoping concerns, the DLEIS fails to recognize Nye County RS2477 roads as well as other established State and Minor County Roads (Hot Springs Road) that will be lost through the withdrawal and B-17 shift. These roads provide access to private lands, public lands, as well as lands with known geothermal resources, oil and gas potential, and historic cultural resources. This land withdrawal will have potential impacts on projects that are in the planning stages and early permitting process. Maps of RS2477 roads located within Nye County were previously provided to the Navy during the administrative draft process and should be included to indicate where impacts would occur in the County.	The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either. The transportation analysis focusses on the changes to existing traffic conditions and the capacity of area roadways from proposed road closures, rerouting, and restricted use roads. The roads discussed in transportation do not include off-road areas (which are discussed in the Recreation Section [Section 3.12]).
3.5-32 and 3.5-36	3.5.3.3.2 Bravo-17 and 3.5.3.4.2		Rights of Way are generally not considered real property. The FLEIS should describe the process or clarify the text.	Clarification has been incorporated into the Final EIS.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.5-37	Section 3.5.3.4.2 Road and Infrastructure Improvements to Support Alternative 3		Text should specifically include mention of Nye County, as Alternative 3 creates the largest impact to the County through new and severe restrictions on 85,000 acres of land and closes State recognized Minor County and RS2477 roads.	A specific callout to Nye County has been added to the Final EIS in regard to the impacts to the County from Alternative 3. The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.
3.5-34 through 38	3.5.3.4 Alternative 3 B- 17 Shift and Managed Access		Please update this section. The DLEIS states completion of the 2018 Transportation Study is necessary to fully evaluate transportation impacts within the expansion withdrawal area.	This section has been updated in the Final EIS with the finalized transportation study information.
3.5-34 and 3.13-38	3.5.3.4 Alternative 3 B- 17 Shift and Managed Access and 3.13.3.4 ...		The 2018 Transportation Study notes that the land withdrawal will result in the permanent closure of several "public roadways," including "rural roads," with no further discussion of the impacts to users. The subject roads are State-recognized Minor County and RS2477 roads, which prohibit user access. The FLEIS must disclose the immediate and local impact on access to unpatented ...	The Final EIS discusses impacts to mining claims, water resources, mineral and geothermal exploration and development, and recreation resources in Section 3.3 (Mining and Mineral Resources), Section 3.9 (Water Resources), and Section 3.12 (Recreation). The Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, ...

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
	(continued) Alternative 3 B-17 Shift and Managed Access		(continued) mining claims, water wells, resource exploration and development, and recreation resulting in permanent closure of Minor County and RS2477 roads. Maps of RS2477 roads located within Nye County were previously provided to the Navy during the administrative draft process and should be included to indicate where impacts would occur in the County.	(continued) the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.
3.5-9 and 2-42	3.5.2.5 B-17 and 2.3.4.2.4 Road and Infrastructure Improvements to Support Alternative 3		The DLEIS states the Navy intends to work in conjunction with NDOT and agrees to fund the relocation of approximately 12 miles of SR 361, but provides no cost estimate or any options should the Navy's request to utilize the Defense Access Roads program be denied. The FLEIS should include the essential costs and alternative options provided should program funding be unavailable to the Navy.	The potential relocation of part of State Route 361 and the re-routing of part of the Paiute Pipeline is part of the Proposed Action under Alternative 3. Using funding provided by the Navy, the Federal Highways Administration, in cooperation with the Nevada Department of Transportation, would be responsible for planning, design, NEPA-documentation, permitting and construction of any realignment of State Route 839 or 361. The Navy has submitted a Needs Report to the Surface Deployment and Distribution Command requesting authority to utilize funding through the Defense Access Roads program. If approved, the Navy would coordinate construction execution through the Federal Highway Administration. NDOT would ensure that construction of any new route is complete before closing any portion of the existing State Route 839 or 361, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing State Route 839 or 361 unless and until any such new route has been completed and made available to the public. The Navy would purchase and pay for relocation of that portion of the pipeline that would need ...

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) to be relocated. Using funding provided by the Navy, the Paiute Pipeline Company would be responsible for planning, designing, permitting, funding, and constructing any realignment of the pipeline. The real estate process will contain the terms of the agreement between the Navy and the Paiute Pipeline Company. A ROW application submitted to the BLM by the pipeline owner would formally identify any proposed reroute. Site-specific environmental analysis and NEPA planning would be required before any potential relocation of the pipeline could occur, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing pipeline unless and until any such re-routing of the pipeline has been completed and made available to the pipeline owner. The BLM would have decision authority with respect to any proposed final routing subsequent to completion of site-specific environmental analysis.
3.6-25	3.6.3.4 Alt 3 B-17 Shift and Managed Access		Restricted Airspace over any public road, highway, or settlement will create severe impacts in Nye County; these impacts must be acknowledged and commitment to neighborly mitigation must be detailed in this DLEIS.	Public highway sections under the final restricted area determination will be rerouted as part of the modernization process.
3.6-25	3.6.3.4 Alternative 3: B-17 Shift and Managed Access		Since it's neither practical nor safe to fly beneath Restricted Areas or MOAs in mountainous airspace while these areas are active, there remains a need to simplify and consolidate the proposed 27 blocks of airspace. Planned measures to reduce or eliminate potential airspace and surface incursions of the Gabbs Airport should be discussed.	<p>FAA JO 7400. (series), Chapter 23. Restricted Areas, Section1, paragraph 23-1-4. Restricted Area Floor.</p> <p>b. Provisions must be made for aerial access to private and public use land beneath the restricted area, and to accommodate instrument arrivals/departures at affected airports with minimum delay.</p> <p>c. The restricted area shall exclude the airspace 1,500 feet AGL and below within a 3 NM radius of airports available for public use. This exclusion may be increased if necessary, based on unique circumstances.</p> <p>The Navy will comply with all FAA requirements regarding restricted airspace management.</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.6-25	3.6.3.4 Alternative 3: B- 17 Shift and Managed Access		<p>The Navy continues to utilize the Gabbs Airport in their training exercises as it has for several years. The Federal Aviation Administration has awarded Gabbs Airport in Nye County funds for runway rehabilitation as part of the Airport Improvement Program (AIP). The AIP provides funds for the maintenance of aviation infrastructure necessary to ensure safe travel and maintain connectivity in Nevada. Nye County relies on assistance from the Federal Aviation Administration (FAA) for grant funds to maintain and improve the Gabbs Airport. The proposed B-17 withdrawal will restrict future development of the Gabbs airport by severely limiting the existing western take-off and approach, and will preclude future runway extension improvements. Additionally, the land withdrawal will eliminate the County's ability to control development in the Runway Protection Zone. These actions will jeopardize Nye County's ability to obtain FAA grants in the future.</p> <p>The FLEIS must include a summary of the Gabbs Airport FAA grant history and discuss the proposed measures that will be implemented by Navy to protect the Gabbs Airport RPZ. The FLEIS should also disclose that FAA grant requires cost share arrangement with Nye County to which the Navy does not contribute.</p>	<p>FAA JO 7400. (series), Chapter 23. Restricted Areas, Section1, paragraph 23-1-4. Restricted Area Floor.</p> <p>b. Provisions must be made for aerial access to private and public use land beneath the restricted area, and to accommodate instrument arrivals/departures at affected airports with minimum delay.</p> <p>c. The restricted area shall exclude the airspace 1,500 feet AGL and below within a 3 NM radius of airports available for public use. This exclusion may be increased if necessary, based on unique circumstances.</p> <p>The Navy will comply with all FAA requirements regarding restricted airspace management.</p>
3.6-25	3.6.3.4 Alternative 3: B- 17 Shift and Managed Access		<p>The DLEIS contends that loss of a western approach will not impact Gabbs airport flights. There is no analysis in the DLEIS to support this conclusion. Alternative 3 land withdrawal with the expansion of B-17 will abut the Gabbs Airport on the west near the end of Runway 9/27. The I-50 VFR corridor runs east-west and allows continuous transitions through the FRTC Restrict Airspace due to the overall size of the SUA in use. Under the Navy's suggested approach/departure, aircraft may encounter the Restricted Airspace prior to turning north or south...</p>	<p>FAA JO 7400. (series), Chapter 23. Restricted Areas, Section1, paragraph 23-1-4. Restricted Area Floor.</p> <p>b. Provisions must be made for aerial access to private and public use land beneath the restricted area, and to accommodate instrument arrivals/departures at affected airports with minimum delay.</p> <p>c. The restricted area shall exclude the airspace 1,500 feet AGL and below within a 3 NM radius of airports available for public use. This exclusion may be increased if necessary, ...</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) If the area is a hard and fast no-fly zone, crossover into restricted airspace may be triggered on these occasions. The Gabbs Airport is an essential transportation access node within the existing FRTC requiring substantial public investment. While the overall impacts to all affected airports may not be significant, the impacts on the Gabbs Airport will be significant. Text needs to be revised to explicitly note significance of the impact on Gabbs Airport. To minimize these impacts, the Navy should commit to help ensure that highway corridors providing VFR General Aviation and Commercial Aircraft transit airspace with at least a 5-mile wide MOA or VFR corridors are provided and charted for the continuation of Commercial and General Aviation commerce through the FRTC SUA. Since it's neither practical nor safe to fly beneath Restricted Areas or MOAs in mountainous airspace while these areas are active, there remains a need to simplify and consolidate the proposed 27 blocks of airspace. Planned measures to reduce or eliminate potential airspace and surface incursions of the Gabbs Airport should be discussed.	(continued) based on unique circumstances. The Navy will comply with all FAA requirements regarding restricted airspace management.
3.6-27	3.6.3.5.1		The Federal Aviation Administration has awarded Gabbs Airport in Nye County funds for runway rehabilitation as part of the Airport Improvement Program (AIP). The AIP is meant to provide funds for the maintenance of aviation infrastructure necessary to ensure safe travel and maintain connectivity in Nevada. The DLEIS does not mention this grant awarded to Gabbs Airport nor does it mention how the proposed alternatives intend to work with Nye County and Gabbs Airport to ensure this grant can and will be used for its intended purposes.	FAA JO 7400. (series), Chapter 23. Restricted Areas, Section1, paragraph 23-1-4. Restricted Area Floor. b. Provisions must be made for aerial access to private and public use land beneath the restricted area, and to accommodate instrument arrivals/departures at affected airports with minimum delay. c. The restricted area shall exclude the airspace 1,500 feet AGL and below within a 3 NM radius of airports available for public use. This exclusion may be increased if necessary, based on unique circumstances. The Navy will comply with all FAA requirements regarding restricted airspace management.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-1	3.9.1.2 Regulatory Framework		Although the text and side bar briefly discuss Nevada Water law, it fails to acknowledge the role and authority of the Nevada State Engineer. Include in sidebar.	The sidebar text box has been updated in the Final EIS
3.9-46	3.9 Water		Under Nevada Water Law, water belongs to the public. Closing access to public lands access eliminates future access to groundwater resources below the withdrawn land. The text fails to identify the most significant indirect impact of land withdrawal on water resources, namely access to the unappropriated water resources within the proposed land withdrawal boundary. Refer to NC WRPU page 6-11 (pdf page 156) for water right and water well information around the Town of Gabbs. http://www.nyecountywaterdistrict.net/DocumentCenter/View/79/Water-Resources-Plan-Update- PDF	The FEIS now acknowledges the loss of accessing unappropriated water resources. However, any access of this water would need to go through BLM/NDWR as.
3.9-46	3.9.3.4.2 Bravo-17 - Land Acquisition		The DLEIS must include discussion of affected water rights. Expansion of the B-17 into northern Nye County will affect 8 stockwatering water rights permitted and certified for stockwatering. The following water rights and wells (permitted points of diversion) would be taken up by the Navy land withdrawal. All water rights have been certificated (in beneficial use) and are in good standing: Permit # 46688, 10616, 10400, 6896, 12067, 12140, 12139, 21760. Possible mitigation measures that should be considered include the provision of rights-of-way for water transmission facilities where such action would not limit, constrain, or deny the purpose of the withdrawal; and considering opportunities to cooperate with local water districts to assure access to water supply sources.	The Navy recognizes the potential impact of the loss of water rights on the community. The Navy would purchase private water rights as real property. Additionally, acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority or the expertise to assist water rights holders with other water rights actions (i.e. change applications). For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at https://frtcmodernization.com .

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.9-46	3.9.3.4.2 Bravo-17 - Land Acquisition		Areas for development of future water supply wells for the Town of Gabbs remain an issue. As previously discussed, there is a very limited area for developing water resources that meet SDWA standard. It is critical that the Town have access to those areas for future well siting and development that will need to occur when the recently completed wells go bad as a result of the local geologic conditions. The FLEIS must include assurances that the future well field development area will not be impinged upon by the FRTC land withdrawal B-17 expansion.	If the wellfield development area is outside the proposed withdrawal area, the Navy would not expand and modernization that portion of the area. Current wells, springs, and rights have all been updated and reviewed by Navy and Nevada Division of Water Resources.
3.9-45 through 52	3.9.3.4 Alternative 3: Bravo-17		The FLEIS needs to conduct a complete cumulative inventory of all affected water rights active and in good standing that correlate with a figure showing points of diversion or water right and place of beneficial use.	The Navy would complete the cumulative inventory of all affected water rights after the ROD and any ultimate Congressional decision is made. The Navy would work with impacted water rights holders on a case by case basis.
3.13-11	3.13.3.2.3 Potential Impacts on Regional and Local Economy		<p>Nye County is comprised of nearly 93% federal land which is not subject to local or state taxing authorities. County budget and local finances are frequently affected by revenue shortfalls due to limited revenue resources. Thus, the text should acknowledge that any reduction in County revenue is significant.</p> <p>In response the Navy developed a "managed access alternative" that offers limited access to parts of the range; the only allowed the "managed access" in Nye is for Big Horn sheep hunting.</p> <p>Withdrawn lands in Nye will be closed to all geothermal (one approved parcel, not actively leased), mining (about 100 claims) and ranching uses (portions of allotments based in other counties that extend into Nye for which Nye receives of percentage of fees).</p>	<p>Based on the analysis presented in the EIS, there would be no reductions in AUMs in Nye County. In addition, there are no impacts to the County from lost PILT, and very minimal impacts associated with lost hunting opportunities. The Navy concluded that hunting-related economic losses would not be significant for Nye County based on the percentage of lost revenue compared to total economic activity.</p> <p>The Navy has verified that for the year PILT was calculated for the FRTC EIS (2018), the correct calculation method for estimating PILT was Alternative A. This Alternative was selected based on population, receipt-sharing payments made in 2017, and the amount of federal land within an affected county, and was the greater PILT value calculated for 2018 when compared to the calculation methods of Alternative B.</p> <p>For estimating potential impacts to PILT payments in the Final EIS and using the 2018 information, even with the reduced acreage as proposed under...</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Alternative 1, 2 or Alternative 3, the methodology is proposed to remain the same (Alternative A) and there would be no impact to the potential PILT payment. However, if there is a change in receipt-sharing payments from contributing agencies relative to previous years, or population changes, there is the potential for the calculation method to change to Alternative B. If Alternative B becomes the method for calculation of PILT, the potential removal of acreage under any of the Proposed Alternatives would decrease the authorized PILT payment to Nye County. Sections 3.13.3.2.3, 3.13.3.3.3, and 3.13.3.4.3 (Potential Impacts on Regional and Local Economy) are being updated to reflect the potential PILT loss if the calculation methodology were to change to Alternative B.
3.13-20	3.13.2.3.9 County Revenues and Payment in Lieu of Taxes, Table 3.13-11		<p>Using FY18 data - which uses PILT Formula A - the DLEIS concludes there are no impacts to PILT as a result of military land withdrawal in Nye County. Nye County PILT payment amount is expected to decrease by potentially \$31,000 per year due to the proposed FRTC military land withdrawal. Nye County estimates the Navy withdrawal will remove approximately 84,624 acres in Nye County from PILT eligible land inventory.</p> <p>The FLEIS must acknowledge the PILT losses to Nye County that will result from military land withdrawals under the more commonly employed Formula B. To clarify the discussion, the land tables should include a column with the actual number of acres withdrawn by county, rather than as a percentage, which is meaningless in the context of PILT. The FLEIS must disclose the total estimated loss of PILT for Nye County resulting from each alternative using the more frequently applied Formula B, which is independent of prior year payments and is below the population ceiling payment limit. Total losses over the ...</p>	<p>Based on the Economic Analysis that was conducted for the EIS, it was determined that Churchill, Mineral, Nye, and Pershing Counties PILT payments are population limited under Formula A. This means that those counties are capped on PILT payments based on population and not on entitlement acreage or a 99.9 percent prorated adjustment (see Supporting Study: Economic Impact Analysis Report [available at http://frtcmodernization.com], for more details). Table 3.13-20 shows potential impacts on PILT payments using 2018 data from reductions in public lands from FRTC.</p> <p>As to population limit, the PILT is complicated, it is not judged by land withdrawal alone. It often is by population base. These counties have very small populations so it could take a lot of acreage withdrawn before they go to Formula B. Remember Fallon NAS is not a PILT installation. Formula A and Formula B is discussed in the EIA. It is important to note that PILT is legislation that is passed each year and they the way in which it is calculated could change...</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			<p>(continued) proposed duration of the land withdrawal should be calculated and included in the cumulative impacts discussion.</p> <p>Example illustrating how prior year land fee-sharing payments affect PILT payment formula selection. PILT payment highest calculated amount. In most prior years Congress has nearly fully funded (High from FY 16) when fee-sharing payments resulting in higher PILT payments per Formula B. Prior year fee sharing funding levels similar to those in FY 17 (Low) and that result in the use of Formula A have occurred infrequently.</p>	<p>(continued) In addition, Congress can mandate that PILT only be paid a certain percentage of its value. For purposes of analysis, the methodology for determining Formula A was used to determine potential impacts; however, the Navy recognizes that there are many factors for determining PILT formulas and as such the formula could change year over year.</p> <p>The Navy has verified that for the year PILT was calculated for the FRTC EIS (2018), the correct calculation method for estimating PILT was Alternative A. This Alternative was selected based on population, receipt-sharing payments made in 2017, and the amount of federal land within an affected county, and was the greater PILT value calculated for 2018 when compared to the calculation methods of Alternative B.</p> <p>For estimating potential impacts to PILT payments in the Final EIS and using the 2018 information, even with the reduced acreage as proposed under Alternative 1, 2 or Alternative 3, the methodology is proposed to remain the same (Alternative A) and there would be no impact to the potential PILT payment. However, if there is a change in receipt-sharing payments from contributing agencies relative to previous years, or population changes, there is the potential for the calculation method to change to Alternative B. If Alternative B becomes the method for calculation of PILT, the potential removal of acreage under any of the Proposed Alternatives would decrease the authorized PILT payment to Nye County. Sections 3.13.3.2.3, 3.13.3.3.3, and 3.13.3.4.3 (Potential Impacts on Regional and Local Economy) are being updated to reflect the potential PILT loss if the calculation methodology were to change to Alternative B.</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13 -20			<p>Formula A. $8,548,257 \text{ acres} \times \\$2.66 \text{ per acre} = \\$22,738,364 > \\$3,283,980$ Payment is population limited. Population ceiling payment limit = \$ 3,283,980 Deduction for prior year payments (High \$ 803,353 vs Low \$94,707) Payment to county – Formula A = (\$ 2,446,028 vs \$3,189,273) County receives \$2,446,028 or \$3,189,273 OR Formula B. $8,548,257 \text{ acres} \times \\$0.37 \text{ per acre} = \\$3,162,855 < \\$3,283,980$ Payment is not population limited. No deduction under Formula B (\$ 0) County receives \$ 3,162,855 Use the above or similar Formula A and B comparison calculation in sidebar.</p>	<p>Based on the Economic Analysis that was conducted for the EIS, it was determined that Churchill, Mineral, Nye, and Pershing Counties PILT payments are population limited under Formula A. This means that those counties are capped on PILT payments based on population and not on entitlement acreage or a 99.9 percent prorated adjustment (see Supporting Study: Economic Impact Analysis Report [available at http://frtcmodernization.com], for more details). Table 3.13-20 shows potential impacts on PILT payments using 2018 data from reductions in public lands from FRTC.</p> <p>As to population limit, the PILT is complicated, it is not judged by land withdrawal alone. It often is by population base. These counties have very small populations so it could take a lot of acreage withdrawn before they go to Formula B. Remember Fallon NAS is not a PILT installation. Formula A and Formula B is discussed in the Economic Impact Analysis. It is important to note that PILT is legislation that is passed each year and the way in which it is calculated could change. In addition, Congress can mandate that PILT only be paid a certain percentage of its value. For purposes of analysis, the methodology for determining Formula A was used to determine potential impacts; however, the Navy does recognize that there are many factors for determining PILT formulas and as such the formula could change year over year. The Navy has verified that for the year PILT was calculated for the FRTC EIS (2018), the correct calculation method for estimating PILT was Alternative A. This Alternative was selected based on population, receipt-sharing payments made in 2017, and the amount of federal land within an affected county, and was the greater PILT value calculated for 2018 when compared to the calculation methods of Alternative B.</p> <p>...</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) For estimating potential impacts to PILT payments in the Final EIS and using the 2018 information, even with the reduced acreage as proposed under Alternative 1, 2 or Alternative 3, the methodology is proposed to remain the same (Alternative A) and there would be no impact to the potential PILT payment. However, if there is a change in receipt-sharing payments from contributing agencies relative to previous years, or population changes, there is the potential for the calculation method to change to Alternative B. If Alternative B becomes the method for calculation of PILT, the potential removal of acreage under any of the Proposed Alternatives would decrease the authorized PILT payment to Nye County. Sections 3.13.3.2.3, 3.13.3.3.3, and 3.13.3.4.3 (Potential Impacts on Regional and Local Economy) are being updated to reflect the potential PILT loss if the calculation methodology were to change to Alternative B.
3.13-25	3.13.3.2.3 Potential Impacts on Regional and Local Economy		Nye County is comprised of nearly 93% federal land which is not subject to local or state taxing authorities. County budget and local finances are frequently affected by revenue shortfalls due to limited revenue resources. Thus, any reduction in County revenue is significant.	Based on the analysis presented in the EIS, there would be no reductions in AUMs in Nye County. In addition, there are no impacts to the County from lost PILT, and very minimal impacts associated with lost hunting opportunities. The Navy concluded that hunting-related economic losses would not be significant for Nye counties based on the percentage of lost revenue compared to total economic activity.
3.13-25 & 3.6-25	3.13.3.2.3 Potential Impacts on Regional and Local Economy and 3.6.3.4 Alt 3 B-17 Shift and Managed Access		The DLEIS contends that loss of a western approach will not impact Gabbs airport flights. There is no analysis in the DLEIS to support this conclusion. Alternative 3 land withdrawal with the expansion of B-17 will abut the Gabbs Airport on the west near the end of Runway 9/27. The I-50 VFR corridor runs east-west and allows continuous transitions through the FRTC Restrict Airspace due to the overall size of the SUA in use. Under the Navy's suggested approach/...	The Navy is planning to establish an airspace exclusion zone with a 5 NM zone up to 1300 AGL. No military flights will occur within this exclusion area. Unrestricted commercial and civilian aircraft would be allowed into Gabbs.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			(continued) departure, aircraft may encounter the Restricted Airspace prior to turning north or south. If the area is a hard and fast no-fly zone, crossover into restricted airspace may be triggered on these occasions. The Gabbs Airport is an essential transportation access node within the existing FRTC requiring substantial public investment. While the overall impacts to all affected airports may not be significant, the impacts on the Gabbs Airport will be significant. Text needs to be revised to explicitly note significance of the impact on Gabbs Airport. To minimize these impacts, the Navy should commit to help ensure that highway corridors providing VFR General Aviation and Commercial Aircraft transit airspace with at least a 5-mile wide MOA or VFR corridors are provided and charted for the continuation of Commercial and General Aviation commerce through the FRTC SUA.	
3.13-39	3.13.3.4.3 Potential Impacts on Regional and Local Economy		The Alternative 3 discussion claims there is no significant impact to overall economy on Nye County. County budget and local finances are frequently affected by revenue shortfalls due to limited revenue resources. Thus, the text should acknowledge that any reduction in County revenue is significant.	Based on the analysis presented in the EIS, there are no impacts to Nye County from lost PILT, and very minimal impacts associated with lost hunting opportunities. The Navy concluded that hunting-related economic losses would not be significant for Nye County based on the percentage of lost revenue compared to total economic activity.
3.13-27-42	3.13.3.2.3 Potential Impacts on Regional and Local Economy - Range and Livestock impacts Tables 3.13-12 through 16 and Tables 3.13-20 through 23		Nye County information is excluded from tables containing AUM data and impacts. Include Nye County in the tables, and reallocate numbers and additional data to the analysis in the text.	None of the base properties are located in Nye County, and therefore AUM numbers would not impact Nye County and cannot be added to the tables.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.13-42	3.13.3.4.3 Potential Impacts on Regional and Local Economy		The Navy withdrawal will prevent future potential geothermal development opportunities in Nye County through the land withdrawal and expansion. The document states the Navy is committed to sustainability, economic growth, and alternative energy initiatives but only within FRTC operation areas while ignoring the adverse impacts to future potential development and economic growth for the region due to the B-17 shift and loss of access to these important resources. Text should note impacts of the proposed action on the region's limited resource areas and economic growth.	The Navy acknowledges in the EIS that there would be an impact to the economy. However, after the Record of Decision, the Counties may undertake Joint Land Use Studies with the Office of Economic Adjustment for future potential compensation of losses as a result of the implementation of the Proposed Action.
3.14-5	3.14.2.1.1 Emergency Services		The procedure regarding emergency aircraft precedence over military training is unclear. The cost to halt military aircraft operations is substantial and rerouting or landing during training would require significant delay of emergency service response. As there are no current MOAs for Nye County EMS and Navy FRTC operations, the County requests a sidebar in the FLEIS that includes an example of the procedures and estimated time added to emergency service response during the rerouting or landing of military aircraft.	The procedures have been added in a sidebar as requested for clarity.
3.14-5	3.14.2.1.2 Wildfire Management		Anticipated coverage, responsibility, and associated costs incurred to manage firefighting efforts within the FRTC land in Nye County, including those fire events resulting from FRTC activities, must be discussed in the FLEIS.	An unintended potential effect of training activities is the ignition of wildfires. See Figure 3.14-1 (Wildfire Potential in the Fallon Range Training Complex) for wildfire potential throughout the FRTC region. The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. Community Wildfire Protection Plans for all counties in Nevada are also in place. For further information on wildfire and wildfire mitigation, see Section 3.14.2.1.2 (Wildfire Management). The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-5	3.14.2.1.2 Wildfire Management		The responsibility for and associated costs need to manage firefighting efforts within the FRTC land in Nye County, including those fire events resulting from FRTC activities must be discussed in the FLEIS.	An unintended potential effect of training activities is the ignition of wildfires. See Figure 3.14-1 (Wildfire Potential in the Fallon Range Training Complex) for wildfire potential throughout the FRTC region. The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. Community Wildfire Protection Plans for all counties in Nevada are also in place. For further information on wildfire and wildfire mitigation, see Section 3.14.2.1.2 (Wildfire Management). The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS.
3.14-48	3.14.3.4.2 Bravo -17 - Land Withdrawal and Acquisition		Nye County continues to experience a shortage of Emergency Response volunteers because of the times and distances required to respond to a call. Responders can spend up to eight hours, and sometimes longer, to transport accident victims from as far as Tonopah to Fallon or Reno where they can be treated. Alternative 3 will add several facility access gates in Nye County, the use of which is not discussed in the DLEIS. Nonetheless, the use of these additional access gates will increase the potential for incident and will be an added strain on an already understaffed and underfunded emergency response volunteer corps. Nye County looks to the Navy to be a good community neighbor and help to mitigate these impacts. The FLEIS should include mitigation measures that consider a hardened civilian volunteer corps comprised of professionally trained defense contractor staff that would be available to support a trained local volunteer base.	The Navy does not have the authority to fund this type of mitigation; however, after any ultimate Congressional decision, Nye County could work with the Office of Economic Adjustment for compensation of losses as a result of the implementation of the Proposed Action.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-48	3.14.3.4.2 Bravo -17 - Land Withdrawal and Acquisition		The presence of FRTC facility infrastructure in Nye County will increase demands on County Emergency Services and the burden on local volunteer emergency responders. Upon withdrawal of FRTC lands in Nye County, the County will pursue the following Infrastructure Grants to the maximum extent possible under the final provisions of the proposed Defense Community Infrastructure Programs. Since the grant program will likely require the participation of the Navy FRTC, the Draft EIS must include a discussion of the Navy's intent to support the program, including estimates of the fiscal impact of supporting this program.	The Navy does not have the authority to fund this type of mitigation; however, after any ultimate Congressional decision, Nye County could work with the Office of Economic Adjustment for compensation of losses as a result of the implementation of the Proposed Action.
4-20	4.4.1.3 Cumulative Impact Analysis		Please indicate what plans the Navy needs and how they intend to work with regional and local government in order to minimize cumulative impacts. Nye County has previously provided all relevant documents. Please include Nye County's regional plans previously provided in the text along with mitigation for conflicts arising due to the withdrawal and expansion imposing on those plan areas.	As a federal agency, the Navy does not need to be consistent with County Master Plans, including Nye County's regional plans. The Navy has adjusted its Preferred Alternatives and incorporated minimization, avoidance, and mitigation measures to the best of its ability to compensate for impacts to resources, including cumulative impacts, as a result of the Proposed Action. After any ultimate Congressional decision, Nye County could work with the Office of Economic Adjustment.
4-32	4.4.9.3 Water Resources Cumulative Impacts		The text should note that the cumulative indirect impacts of military land withdrawals on water resource availability in Nye County is significant. Access to unappropriated groundwater resources under more than 1.3 million acres of public land in Nye County has been lost as a result of Defense and defense-related Energy land withdrawals.	This statement has been added to the document as requested.
4-39	4.4.13.2 Relevant Past, Present, and Future Actions		Text should explain why decline in employment and revenues supports a conclusion of No Significant Impact.	Edited the paragraph that was referenced in this comment to be clearer.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
4-39	4.4.13.2 Relevant Past, Present, and Future Actions		<p>The concept that an unpatented mining claim is “inactive” when it is up to date on assessment is misplaced. Unpatented mining claims may be held for generations, paying assessment on claims each year to keep the claim valid and in good standing, until the resource becomes economic, or more likely, until claims groups held by various claimants are consolidated and purchased by a major mining interest, who subsequently pursues additional exploration and possible mining. The dismissal of valid unpatented mining claims as somehow a lessor asset is inappropriate. EIS should include a sidebar explanation of the impacts to unpatented mining claims should include discussion from Navy Manual CHAPTER 15: ACQUISITION OF PUBLIC DOMAIN LANDS AND RELATED PRIVATE INTERESTS.</p>	<p>The following process for valuing mining claims has been added to the EIS in Chapter 5 (Management Practices, Monitoring, and Mitigation) and Section 3.3 (Mining and Mineral Resources). For land included in the renewal, the land withdrawal is subject to existing and valid rights. While the proposed withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this examination. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim.</p> <p>Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. However, holders of existing claims on public land are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.</p> <p>With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.</p>

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
4-39	4.4.13.2 Relevant Past, Present, and Future Actions		Nye County disagrees with the Navy's characterization of impacts, as Nye County will be significantly impacted by the land withdrawal which will allow restricted access only for the purpose of limited Bighorn Sheep hunting and OHV use. The DLEIS describes the economic loss of hunting opportunities in Nye County. These costs need to be carried forward in the mitigation section so compensation to offset impacts can be used in the Record of Decision and for future potential Congressional direction.	The Navy concluded that hunting-related economic losses would not be significant for Nye counties based on the percentage of lost revenue compared to total economic activity. However, after the ROD, the Counties may undertake Joint Land Use Studies with the Office of Economic Adjustment for future potential compensation of losses as a result of the implementation of the Proposed Action.
4-40	4.4.13.3 Cumulative Impact Analysis		Nye County agrees that unpatented mining claims and untapped geothermal resources would be significantly impacted. The Navy's characterization that mining claims or geothermal parcels are inactive is misleading: These undeveloped resources will be lost in perpetuity and unavailable to support future growth in these economic sectors. The Navy's conclusion of no significance is subjective since the DLEIS did not discuss or analyze these impacts. The loss of nearly 100 unpatented mining claims in Nye County is significant loss of future economic opportunity. Revise text to adequately characterize the extent of impacts of the loss of 97 unpatented mining claims in Nye County.	The following process for valuing mining claims has been added to the EIS in Chapter 5 (Management Practices, Monitoring, and Mitigation) and Section 3.3 (Mining and Mineral Resources). For land included in the renewal, the land withdrawal is subject to existing and valid rights. While the proposed withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this examination. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. However, holders of existing claims on public land are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal...

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim. With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.
4-80	4.5 Summary of Cumulative Impacts, Table 4-15 Other Actions in Nye County		The Nevada Test and Training Range FLEIS is complete. Please update this section.	This has been updated in the Final EIS.
5-4	5.3.2.1 Proposed Management Practices, Monitoring, and		Establish and designate RPZ inside land withdrawal boundary to prevent impingement/encroachment on Gabbs Airport Runway approach.	In order to minimize any impacts under each of the proposed alternatives, the Navy is requesting that the FAA create Airspace Exclusion Zones (3 nautical mile radius, surface to 1,500 feet AGL) for the Gabbs and Eureka airports. Current range procedures identify the town of Crescent Valley and the Gabbs Airfield as noise sensitive areas that shall be avoided by 3,000 feet AGL or 5 nautical miles. This would ensure those airports could operate regardless of the alternative ultimately chosen. The airspace exclusion zones would be avoided, unless the airport is being utilized as part of military training activities.
5-4	5.3.2.1 Proposed Management Practices,		Identify (future) WHPAs for Gabbs Water supply well (previously provided).	The Navy is reaching out to the Gabbs town and would work with them to acquire or move if possible, water rights for this issue. Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.

Table F-7: Nye County Board of County Commissioners Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
5-5	5.5.2.3 Proposed Mitigation		Text should note that Navy does not intend to compensate counties for lost revenue from grazing fees	The Counties could work with the Navy's Office of Economic Adjustment Program and the BLM and Bureau of Reclamation in the future through Joint Land Use Studies that the Navy could participate in funding for potential compensation routes. Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.
5-14	5.14.2.3 Proposed Mitigation		The FLEIS should consider a range of fiscal mitigation to offset the direct impact of annual revenue losses from reduced PILT payments, lost permit fees revenues, ad valorem property taxes.	The establishment of a fund to offset the loss of: PILT, property tax, real estate tax, loss of revenues from acres of active grazing leases and net proceeds tax, is outside the authority of the Department of Navy. The Navy will take into consideration economic losses but will not be including funding/compensation of this type into the EIS at this time. Requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. This section has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.
6-8	6.3 Irreversible or Irretrievable Commitment of Resources		If military training activities are not to increase at the FRTC as the DLEIS states, the text must explain and justify the need for larger land withdrawal.	Chapters 1 and 2 of the Final EIS present the purpose and need of the proposed expansion.

F.4.2 Oral Comments

F.4.2.1 McDougal, R. (Pershing County Commissioner)

**Public Meeting - Lovelock - 12/13/2018
Fallon Range Training Complex Modernization**

1 or submit them through the website.

2 I know we don't have too many speakers
3 today, but Breanna here will help keep track of the
4 time. She's got the helpful cards that will let you
5 know when you have one minute left, 30 seconds and
6 when time is up. So we just -- we do this out of
7 fairness for everyone, that everyone that wants to be
8 able to speak has that opportunity.

9 So at this time I'm going to go ahead and
10 call forward our first speaker, Mr. Rob McDougal.

11 MR. McDOUGAL: Thank you.

12 Yeah, I'm Rob McDougal, that's spelled
13 M-c-D-o-u-g-a-l. I'm a Pershing County Commissioner
14 and these comments I have made before, but I'm going
15 to reiterate them at every opportunity.

16 First of all, the Bravo 20 expansion has
17 the potential to cause some difficulties for the Iron
18 Mine that straddles the Pershing County/Churchill
19 County line on the northeast boundary of Bravo 20.
20 We want to see that the Navy works with the county
21 and/or the Iron Mine to find an appropriate means for
22 them to have access. They currently -- their plans
23 have currently indicated that they would want to use
24 Pole Line Road, which becomes Bombing Range Road in
25 Pershing County. The Bravo 20 expansion proposal

Public Meeting - Lovelock - 12/13/2018
Fallon Range Training Complex Modernization

1 eliminates that. We would prefer to see the
2 boundaries of Bravo 20 pulled down the mountain to
3 the -- just to the base of the mountain providing a
4 point at which that road could be shifted. If not
5 that, then, I think it's the responsibility of the
6 Navy to work with the owners of the Iron Mine to find
7 a reasonable alternative access for both road and
8 rails that they would like to do.

9 Secondly, the checkerboard lands that
10 would be withdrawn or purchased, the private lands
11 that would be purchased by the Navy, that takes out
12 some taxable lands from the county's coffers. We --
13 I noted that the current Draft EIS identifies no
14 changes to PILT other than a small amount of change
15 for Lyon County. I think they have to recognize the
16 loss of property taxes to the counties, both Pershing
17 and Churchill, and provide a means for compensating
18 for them.

19 The last thing is that the loss of the
20 Bombing Range Road and Pole Line Road would also
21 have -- create some problems for hunters who use the
22 Humboldt Range east side for -- as some of the areas
23 where they like to hunt and again we would like to
24 see access maintained.

25 We recognize the necessity of the Navy to

Public Meeting - Lovelock - 12/13/2018
Fallon Range Training Complex Modernization

1 have an outstanding facility and good training, but
2 we think that there is some possible compromise that
3 they could consider making.

4 Thank you.

5 MS. TURNER: Thank you, Mr. McDougal.

6 Next, I'm going to apologize right now,
7 because I'm having some trouble reading, is this
8 your -- from the Yomba Shoshone Tribe, please come
9 up, and again please provide your name and spell your
10 last name.

11 Thank you.

12 MR. BRADY: I'm John Brady from the Yomba
13 Shoshone Tribe. Coming here we've heard the speech
14 before. A couple of my issues are you guys write
15 down things like consultation. This is not a
16 consultation with the people. This is not a
17 consultation with the tribes. The reason why I say
18 that is I don't know how many people leaders are
19 here, but I've got one tribal leader here.

20 Our council consists of six people, six
21 members, six leaders. We only have one. He can't
22 say yes or no any more than I can say yes or no to
23 any of the things that you agree or disagree to. So
24 I would like to see wording changed on that, because
25 it's not until you guys have a meeting with the

F.4.2.1.1 Response

Thank you for your comments. The Navy has been working with and would continue to work with the Iron Mine company to determine if an appropriate solution exists. Regarding Pole Line Road, it is not a BLM authorized County road. The only permitted authorized use of the road is as a Navy ROW. Therefore, the Navy is not proposing to relocate it, nor to shift the WDZ. The Iron Mine would continue to be accessible by way of East County Road to the east of B-20. A detailed analysis of PILT is located in the Supporting Study: Economic Impact Analysis Report (available at <http://frtcmodernization.com>) and discussed in Section 3.13 (Socioeconomics). There would be no change in PILT for Churchill, Mineral, Nye, and Pershing counties, and very little change in PILT for Lyon County; therefore, there would be no significant impacts from lost revenues from reduced PILT under any of the action alternatives. However, there could be a modest reduction in revenues at the state level insofar as lost hunting opportunities could result in a reduction of funding sources for NDOW.

Over the past several decades Joint Land Use Studies have assisted in preserving and protecting the lethality and readiness of our nation's military. During that time, the Navy identified that the compatibility challenges that the military and communities face go beyond the use of land. Joint Land Use Studies can also address encroachment challenges such as spectrum interference, unmanned aerial systems, and cyber vulnerabilities. In recognition of the broader challenges faced by our military and communities the Joint Land Use Study is being rebranded as the Compatible Use Plan. State and community driven Compatible Use Plans will continue to be the primary tool to promote compatible use in order to sustain the military missions. The Navy is not authorized currently to fund emergency services in Gabbs. Following any ultimate Congressional decision, it is anticipated that the U.S. Department of Defense's Office of Economic Adjustment Program will provide technical and financial assistance to state and local governments to undertake Compatible Use and Joint Land Use Studies in response to Military Department compatibility concerns. Joint land use studies represent a planning process that promotes open, continuous dialogue among the Military, surrounding jurisdictions, and states to support long-term sustainability and operability of military missions. The last Joint Land Use Study was completed for NAS Fallon in May of 2015, and serves as a comprehensive strategic plan with specific implementation actions to address and prevent incompatible civilian development that could impair the operational utility of military missions or impact available resources (i.e., air, land, electromagnetic spectrum). Building off of the successful Office of Economic Adjustment (OEA) Federal Funding Opportunity (FFO) focused on placement of energy projects, OEA is launching a new FFO in an effort to further the Compatible Use Program. In addition to assistance with energy placement, the new FFO is expanded to allow state and local governments to request funding to assist states and communities to work with their local military installations to promote and guide civilian development and activities which are compatible and support the long-term readiness and operability of military installations, ranges, special use air space, military operation areas and military training routes. This FFO allows states and communities to nominate their installation(s) and region for compatible use efforts. OEA will maintain a concurrent annual process for the military services to nominate installations for Compatible Use Plans (see <http://oea.gov/office-economic-adjustment-announcement-federal-funding-opportunity-ffo>). Pershing County could undertake one of these studies.

Regarding hunting and access to the east side of Humboldt Range, access would continue to be open through East County Road.

F.4.2.2 Niedzwiecki, R. (Mineral County Economic Development Board)

Public Meeting - Hawthorne - 12/10/2018
Fallon Range Training Complex Modernization

1 Final EIS.

2 So we just have a couple ground rules. I'll
3 run through them quickly. We ask that you -- you can
4 use this microphone with the lectern. That helps. We
5 ask that you state your name and, if it applies, any
6 organization that you represent. I know Susan finds it
7 very well helpful if you can spell your last name as
8 well. And there's no need to provide any additional
9 personal information, like your home address or phone
10 number or anything like that.

11 Again, you have three minutes to provide
12 your comment. And then Breanna here is going to be our
13 helpful timekeeper. She's got some cards here that will
14 help you keep track. We have -- one minute remaining is
15 the green, 30 seconds is the yellow, and then when three
16 minutes comes we ask that you close your remarks and
17 finish your thought. We just want to make sure everyone
18 has an opportunity.

19 And again, if you have written statements,
20 you're more than welcome to read them, but again, there
21 will be a three-minute time limit. And you -- but you
22 can certainly turn it in at the comment station there.

23 So the first speaker is Rick Niedzwiecki. I
24 hope I said that right, sir.

25 MR. NIEDZWIECKI: Close enough.

Public Meeting - Hawthorne - 12/10/2018
Fallon Range Training Complex Modernization

1 MS. TURNER: Close enough? Okay.

2 MR. NIEDZWIECKI: Do I need to spell the
3 last name? It's Niedzwiecki, conventional spelling. My
4 name is Rick Niedzwiecki. Last name,
5 N-i-e-d-z-w-i-e-c-k-i. Like I said, conventional
6 spelling.

7 Captain, I appreciate you coming out today,
8 and appreciate your service to our country, and we
9 appreciate everything that you do for the United States
10 military.

11 My only comment is the socioeconomic impact
12 that it has on Mineral County. I'm here representing
13 Mineral County Development Agency. And I see from the
14 scope of the map that it may have some private
15 businesses on those lands, and it's a concern of mine.

16 The conversation I had earlier with one of
17 the representatives from the Navy, she suggested that
18 there was a study done, and I've been on the Mineral
19 County Economic Development Board for a couple of months
20 and been in this county for a couple years now, and have
21 not seen anybody come and ask us any of our opinions or
22 comments. So communication on that aspect, to me, is
23 lacking, and we'd like some more input from our Economic
24 Development Agency. Not only Mineral County Economic
25 Development, but WNDD as well.

Public Meeting - Hawthorne - 12/10/2018
Fallon Range Training Complex Modernization

1 Points of interest would be gas lines coming
2 through the property, either now, potential, and future
3 development. It's very important that we grow our
4 county. By taking some land from our county does not
5 help our growth, it stunts our growth. So we're looking
6 at the mining and potential mining that your proposal
7 encroaches on Alternative 1. Looks like Alternative 3
8 mitigates some of that, but possibly not all of it. We
9 would like more input on that.

10 I'd also like to understand the idea of the
11 airspace. We have some potential for growth for
12 industry utilizing airspace in this area, and how it
13 impacts the Hawthorne Army Depot, and has the Navy
14 talked to the Army in those regards.

15 So my real focus here is potential growth
16 for our county and how it impacts us with the expansion
17 that is proposed.

18 And I want to thank you for allowing me to
19 come and speak today. Thank you very much. I
20 appreciate it. Captain, Alex, Alice, thank you very
21 much.

22 MS. TURNER: Thank you for your comment.

23 Next is Mr. Todd Connelly.

24 MR. CONNELLY: My apologies. I didn't have
25 anything prepared. I really appreciate the information,

Public Meeting - Hawthorne - 12/10/2018
Fallon Range Training Complex Modernization

1 does include our property. So I just wanted to know
2 what that -- I'm concerned what you're going to be doing
3 with that.

4 And I too thank you, the veterans, for what
5 you're doing. We certainly do appreciate everything
6 that you do for our country, putting your lives on the
7 line and preparing them for the safety of our country.
8 Thank you.

9 MS. TURNER: Anyone else at this time?

10 Okay. Well, this concludes the oral
11 comments session of this public meeting. I would like
12 to, on behalf of the Navy, thank you all for your
13 participation today.

14 Again, the poster stations will be opening
15 back up. We'll be here until 11:00 today, and then
16 we're going to be moving to Gabbs this evening, if you'd
17 like to join us there, at 5:00.

18 The team members are here, so if you did
19 have any questions, Ms. Brooks, that you wanted
20 answered, please feel free to engage our team members.
21 They may answer some questions for you.

22 I want to thank you all again, and we now
23 are now concluded.

24 (Additional public comment.)

25 MR. NIEDZWIECKI: It would be prudent to

Public Meeting - Hawthorne - 12/10/2018
Fallon Range Training Complex Modernization

1 have those doing the socioeconomic study personally
2 visit and meet with those impacted, Mineral County
3 Development Agency, Western Nevada Development District,
4 WNDD, and get input directly instead of data research.

5 (Meeting concludes.)

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F.4.2.2.1 Response

Thank you for participating in the NEPA process. A detailed analysis of PILT is located in the Supporting Study: Economic Impact Analysis Report (available at <http://frtcmmodernization.com>) and discussed in Section 3.13 (Socioeconomics). There would be no change in PILT for Churchill, Mineral, Nye, and Pershing counties, and very little change in PILT for Lyon County; therefore, there would be no significant impacts from lost revenues from reduced PILT under any of the action alternatives. However, there could be a modest reduction in revenues at the state level insofar as lost hunting opportunities could result in a reduction of funding sources for NDOW.

Over the past several decades Joint Land Use Studies have assisted in preserving and protecting the lethality and readiness of our nation's military. During that time, the Navy identified that the compatibility challenges that the military and communities face go beyond the use of land. Joint Land Use Studies can also address encroachment challenges such as spectrum interference, unmanned aerial systems, and cyber vulnerabilities. In recognition of the broader challenges faced by our military and communities the Joint Land Use Study is being rebranded as the Compatible Use Plan. State and community driven Compatible Use Plans will continue to be the primary tool to promote compatible use in order to sustain the military missions. The Navy is not authorized currently to fund emergency services in Gabbs. Following any ultimate Congressional decision, it is anticipated that the U.S. Department of Defense's Office of Economic Adjustment Program will provide technical and financial assistance to state and local governments to undertake Compatible Use and Joint Land Use Studies in response to Military Department compatibility concerns. Joint land use studies represent a planning process that promotes open, continuous dialogue among the Military, surrounding jurisdictions, and states to support long-term sustainability and operability of military missions. The last Joint Land Use Study was completed for NAS Fallon in May of 2015, and serves as a comprehensive strategic plan with specific implementation actions to address and prevent incompatible civilian development that could impair the operational utility of military missions or impact available resources (i.e., air, land, electromagnetic spectrum). Building off of the successful Office of Economic Adjustment (OEA) Federal Funding Opportunity (FFO) focused on placement of energy projects, OEA is launching a new FFO in an effort to further the Compatible Use Program. In addition to assistance with energy placement, the new FFO is expanded to allow state and local governments to request funding to assist states and communities to work with their local military installations to promote and guide civilian development and activities which are compatible and support the long-term readiness and operability of military installations, ranges, special use air space, military operation areas and military training routes. This FFO allows states and communities to nominate their installation(s) and region for compatible use efforts. OEA will maintain a concurrent annual process for the military services to nominate installations for Compatible Use Plans (see <http://oea.gov/office-economic-adjustment-announcement-federal-funding-opportunity-ffo>). Mineral County could undertake one of these studies.

In the Final EIS, when a mineral resource potential is classified as either moderate or high, a lost exploration opportunity would represent a significant impact on that mineral resource. The resource potential classification considers occurrence, geologic relationship, and historic production for each mineral resource.

As discussed in Section 3.3 (Mining and Mineral Resources), the lands proposed for withdrawal would no longer be open to new mining claims and the lands would be barred from future mineral exploration

and development. Implementation of any of the action alternatives would result in potential significant impacts on exploration and development of locatable, leasable, and salable mineral resources.

The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

Changes to Airspace are analyzed in Section 3.6 (Airspace). Please see that section to understand the changes that are proposed under each alternative.

F.4.2.3 Wichman, L. (Nye County)

Public Meeting - Gabbs - 12/10/2018
Fallon Range Training Complex Modernization

1 results in certain weapon classes that cannot meet
2 realistic conditions. Essentially, for some weapon
3 classes and most restrictive, the -- realistic training
4 is, really, cut in half. And much the same as the
5 captain depicted for the SEALs operations, you should be
6 able to operate forward, right, left, and back. You can
7 only do one side with this proposal. It's cut in half.

8 I've looked at the other proposal that was
9 approved, the proposed action that was approved in 2015.
10 That was approved. That is somewhat realistic. This
11 isn't somewhat realistic. But in all cases, they're
12 somewhat realistic. That is not realistic.

13 I think it needs to go back, you need to
14 evaluate that. Our service members deserve to have
15 something that's realistic and full trainable for the
16 future, and not just -- I'm sorry -- half-assed.

17 MS. TURNER: Thank you.

18 Next is Ms. Lorinda Wichman, followed by
19 Ms. Doris Brooks.

20 MS. WICHMAN: That's Wichman.

21 MS. TURNER: Thank you. Sorry about that.

22 MS. WICHMAN: Not a problem. It happens all
23 the time.

24 I did have some prepared comments; however,
25 I'm also under the obligation of the non-disclosure

Public Meeting - Gabbs - 12/10/2018
Fallon Range Training Complex Modernization

1 agreement because we are, Nye County is a cooperating
2 agency. So please stop me if I get close to something
3 I'm not supposed to talk about.

4 I truly appreciate the last two years of
5 working with everybody as a cooperating agency, and we
6 fully support anything and everything that the Navy
7 needs in general. However, there are a few things I'd
8 like to point out.

9 We know that the additional 55,000 acres of
10 land withdrawal in Alternative 3 will substantially
11 increase the impacts to Nye County and to Gabbs. It
12 will acquire existing private lands and it will remove
13 them from the tax rolls.

14 It will restrict future growth in Gabbs at
15 the Gabbs airport, and severely limit the western
16 take-off and approach for the airport.

17 It will eliminate county-established RS 2477
18 roads.

19 It will cause hardships to ranches and other
20 water rights owners by forcing them to move their points
21 of diversion or selling their water rights. I am
22 concerned that those existing active water wells and
23 rights for livestock, in all of that process in
24 Alternative 3, I don't believe anyone has spoke with the
25 Department of Water Resources, or even recognized state

Public Meeting - Gabbs - 12/10/2018
Fallon Range Training Complex Modernization

1 water law. Not that I have seen any examples.

2 It will eliminate the BLM-authorized
3 geothermal parcel.

4 It will force mineral claim validity review
5 by the BLM, which is a very costly process for the
6 claimants. That also reduces the county's income on the
7 one hundred unpatented mining claims for now -- for --
8 currently, and for in the future. And we do get a
9 percentage of those assessment fees that are filed each
10 year.

11 It will also restrict land access for future
12 groundwater development for the community of Gabbs.

13 I understand allowing the bighorn sheep
14 hunts, and I truly appreciate that.

15 Portions of those allotments, based on other
16 counties that extend into Nye, Nye receives a percentage
17 of those revenues off of those allotments.

18 We're disappointed in the manner that the
19 Navy discounts the impacts to individuals as not rising
20 to the level of significance simply because the
21 significance is reduced when we look at it on a regional
22 level. While the direct impacts may be insignificant at
23 the regional level, they are accumulative impacts and
24 they're significant at the local levels.

25 We also ask that -- I received my documents

Public Meeting - Gabbs - 12/10/2018
Fallon Range Training Complex Modernization

1 the other day, as a cooperating agency, and if anybody
2 hasn't seen the pile over here, the two volumes are this
3 thick. I'm good, but I'm not that good. I cannot go
4 through that in that length of time. I would truly
5 appreciate more time, as a couple people have asked for
6 more time to review those documents before the public
7 comment period is closed.

8 Did I get in any trouble in any way? No.
9 Okay. Good. Thank you very much.

10 MS. TURNER: Thank you, Ms. Wichman.
11 Ms. Brooks, and then followed by Mr. Laura Cunningham.

12 MS. BROOKS: Yeah, Doris Brooks,
13 B-r-o-o-k-s. And I spoke this morning over in
14 Hawthorne, and I just was asked to speak again to just
15 kind of reiterate to make different ones aware of some
16 of the issues that I have and some of the concerns that
17 I have.

18 Once again, I want to thank the military for
19 their service and for putting their lives on the line
20 and for keeping our country safe. We truly appreciate
21 you so much.

22 And so like I say, I'm reiterating some of
23 the things that they have heard already. I've spoke
24 with Mr. Alex Stone already, and so he's aware of some
25 of the things that I was talking about.

F.4.2.3.1 Response

The Navy thanks Nye County for participating in the NEPA process as a cooperating agency. Regarding private lands in Gabbs, the Navy recognizes the potential socioeconomic impacts on the community. To mitigate these impacts, affected private landowners would receive just compensation for loss of any privately-owned land and all compensable rights associated with that land acquired by the United States.

Regarding the airport at Gabbs, the proposed withdrawal would impact the western departures from (and arrivals into) the Gabbs airport. To minimize this impact, the Navy would implement a 3-nautical-mile radius and a surface-to-1,500 feet AGL airspace exclusion zone around the Gabbs airport to allow for safe arrivals and departures, as discussed in Section 3.6 (Airspace).

In regards to the RS2477 roads issue, the Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.

The Navy acknowledges that the loss of water rights could be a factor in determining payments for losses associated with the cancellation of grazing permits. Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex) addresses the valuation of losses due to the cancellation of such permits. This valuation process would also apply to Alternatives 2 and 3.

The Navy recognizes the potential impact of the loss of water rights on the community. The Navy would purchase private water rights as real property. Additionally, acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority to assist water rights holders with other water rights actions (i.e. change applications).

The Navy completed a water resources study after the publication of the Draft EIS. This study includes a discussion of vested water rights. The findings of the study were incorporated into the Final EIS in Section 3.9 (Water Resources), specifically Section 3.9.3 (Environmental Consequences). For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at <https://frtcmodernization.com>.

The Navy does not have the authority to validate vested water rights. Only the State Engineer can validate water rights. However, valid water rights would be treated as real property in the valuation process.

Regarding mining rights, The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

For existing patented mining claims, the federal government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

Regarding impacts to hunting, the Navy would allow access to B-17 for an annual bighorn sheep hunt. NDOW would be the managing agency and would set quotas and distribute permits, and maintain wildlife habitat. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.

The Navy acknowledges the potential loss of hunting opportunities in areas of Nye County that would become part of B-17 for species other than bighorn sheep and would conduct an annual review to determine if additional hunts may be feasible and compatible with the Navy mission.

The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy would continue to coordinate with NDOW for access to maintain guzzlers and manage wildlife.

The Draft EIS was released for public review Nov. 16, 2018, for a 60-day public comment period, 15 days more than the required 45-day public review period under NEPA. The Navy extended the public comment period additional 30 days, to close Feb. 14, 2019, for a total of 90 days for public review of the Draft EIS. Public notices of the comment period extension were published in local newspapers and the *Federal Register*, and the Navy distributed postcards to the project mailing list (including attendees of

the Draft EIS public meetings), letters to Indian Tribes, news releases to media, and emails to subscribers on the project website.

F.4.3 Website Comments

Please see the Navy's responses to comments provided by County Agencies on the project website during the public commenting period on the Draft EIS in the following tables and sub-sections.

F.4.3.1 Evans, A. (Nevada Association of Counties)

First	Last	Comment	Response
A.	Evans	Attached you will find the official comments of the Nevada Association of Counties. We thank you for the opportunity to work with the Navy on this important issue.	Thank you for participating in the NEPA process. Please see the Navy's responses to your comments that were attached.



Nevada Association of Counties

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February 14, 2019

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

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

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

Dear FRTC Modernization EIS Project Team and Captain Halloran,

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

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

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

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

Mitigation and Impacts

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

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

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



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

The State of Nevada Alternative

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

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

Significant Impacts Not Addressed

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

NACO reiterates our concerns with the following issues:



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

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

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

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

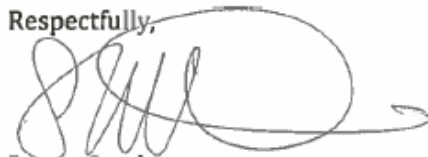


by the reduction in grazing allotments from the proposed withdrawal and is therefore incomplete.

Conclusion

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

Respectfully,



Dagny Stapleton
Executive Director

DS/vwg

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

Enclosure



F.4.3.1.1 Response

Thank you for your participation in the NEPA process. In regard to the mitigation in the EIS and the length of the Chapter overall (Chapter 5 [Management Practices, Monitoring, and Mitigation]), the Navy has updated this chapter to reflect suggestions received during the development of the Draft and Final EIS and has given the Navy's response to these suggestions: whether that response was that the suggestion was adopted as part of the Proposed Action; adopted as a management practice, monitoring, or mitigation measure; or if the suggestion was not adopted.

Over the past several decades Joint Land Use Studies have assisted in preserving and protecting the lethality and readiness of our nation's military. During that time, the Navy identified that the compatibility challenges that the military and communities face go beyond the use of land. Joint Land Use Studies can also address encroachment challenges such as spectrum interference, unmanned aerial systems, and cyber vulnerabilities. In recognition of the broader challenges faced by our military and communities the Joint Land Use Study is being rebranded as the Compatible Use Plan. State and community driven Compatible Use Plans will continue to be the primary tool to promote compatible use in order to sustain the military missions. The Navy is not authorized currently to fund emergency services in Gabbs. Following any ultimate Congressional decision, it is anticipated that the U.S. Department of Defense's Office of Economic Adjustment Program will provide technical and financial assistance to state and local governments to undertake Compatible Use and Joint Land Use Studies in response to Military Department compatibility concerns. Joint land use studies represent a planning process that promotes open, continuous dialogue among the Military, surrounding jurisdictions, and states to support long-term sustainability and operability of military missions. The last Joint Land Use Study was completed for NAS Fallon in May of 2015, and serves as a comprehensive strategic plan with specific implementation actions to address and prevent incompatible civilian development that could impair the operational utility of military missions or impact available resources (i.e., air, land, electromagnetic spectrum). Building off of the successful Office of Economic Adjustment (OEA) Federal Funding Opportunity (FFO) focused on placement of energy projects, OEA is launching a new FFO in an effort to further the Compatible Use Program. In addition to assistance with energy placement, the new FFO is expanded to allow state and local governments to request funding to assist states and communities to work with their local military installations to promote and guide civilian development and activities which are compatible and support the long-term readiness and operability of military installations, ranges, special use air space, military operation areas and military training routes. This FFO allows states and communities to nominate their installation(s) and region for compatible use efforts. OEA will maintain a concurrent annual process for the military services to nominate installations for Compatible Use Plans (see <http://oea.gov/office-economic-adjustment-announcement-federal-funding-opportunity-ffo>). The Counties could undertake one of these studies.

Most of the components of the Governor's Alternative (or Nevada Alternative) were considered in the development of Alternative 3. However, some components could not be accommodated due to incompatibility with the Navy's need to provide sufficient land for military training and range safety requirements (see Section 1.4 [Purpose of and Need for the Proposed Action]). A detailed discussion is provided in Chapter 2, specifically Section 2.5.7 (Governor's Alternative ["Nevada Alternative"]). Alternatives for the EIS incorporated actions specifically to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities.

Regarding the assertion that significant impacts have not been addressed, the Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.

Public access changes under the action alternatives would result in a significant impact on transportation routes near the FRTC. Under Alternative 1 and 2, Sand Canyon Road and portions of the unpaved B-20 Access Road (open for Navy use only) that pass to the north of B-20 would be closed to the public, and there would be the potential need to re-route State Route 839. Preventing public travel on these roads would cause a loss of access via customary/familiar transit routes. Access to the planned Special Recreation Management Areas, discussed in detail in Section 3.12 (Recreation) and shown in Figure 3.12-4, in the withdrawal area would also be closed to OHV use and alternate routes would be utilized. Alternative 3 would impact the same roads with the exception of State route 839; Alternative 3 would instead cause the potential relocation of part of State Route 361.

Closure of OHV use areas as a result of implementing any action alternative is discussed in Section 3.12 (Recreation). Access impacts on cultural and sacred sites are discussed in Section 3.11 (Cultural Resources).

In order to minimize any aviation impacts under each of the proposed alternatives, the Navy is requesting that the FAA create Airspace Exclusion Zones (3-nautical-mile radius, surface to 1,500 feet AGL) for the Gabbs and Eureka airports. Current range procedures identify the town of Crescent Valley and the Gabbs Airfield as noise sensitive areas that shall be avoided by 3,000 feet AGL or 5 nautical miles. This would ensure those airports could operate regardless of the alternative ultimately chosen and not impact approaches or departures into those airports. The airspace exclusion zones would be avoided, unless the airport is specifically being utilized for take-offs and landings associated with military training activities. This is discussed in Section 3.6.2.2.4 (Local and Regional Airports).

Impacts to County revenue can be found in the analysis in Section 3.13 (Socioeconomics). A detailed Payment in Lieu of Taxes (PILT) analysis is included in the Supporting Study: Economic Impact Analysis Report, available at <http://frtcmodernization.com> and discussed in Section 3.13 (Socioeconomics). There would be no change in PILT for Churchill, Mineral, Nye, and Pershing counties, and very little change in PILT for Lyon County. Therefore, there would be no significant impact from lost revenue from reduced PILT under any of the action alternatives.

As discussed in detail in Section 3.13 (Socioeconomics), access to geothermal power plant facilities and infrastructure, including miles of power transmission lines, both via road and air is critical to maintaining the financial viability, safety, and efficient operation of the facilities. For example, inefficient power transmission due to longer than necessary transmission lines would increase operating costs and reduce

revenue for companies that own the power plants and potentially increase the cost of geothermal power for consumers. Limited access to facilities could also restrict or prevent future development.

The BLM classifies minerals and energy (e.g., oil, geothermal, etc.) for development into three categories: locatable, leasable, and salable. Locatable minerals are those which, when found in valuable deposits, can be acquired under the General Mining Law of 1872, as amended. Examples of locatable minerals include, but are not limited to, those minerals containing gold, silver, tungsten, fluorite, copper, lead, and zinc. Examples of leasable minerals include, but are not limited to, oil, gas, coal, oil shale, and geothermal resources. (17 Stat. 91; 30 U.S.C. 22 et seq.). The Geothermal Steam Act (30 U.S.C. 1001 et seq.) regulates geothermal resources. Salable minerals (mineral materials, 43 Code of Federal Regulations 3600) are common varieties of sand, stone, gravel, pumice, pumicite, cinders, and clay.

There are 18 active mining districts and 10 active geothermal power plants located in the region of influence. While none of these mines are actually located within the proposed withdrawal areas, aspects of their operation could potentially be affected by placing the public land into withdrawal status. Other entities own large mining claims and geothermal opportunities on or adjacent to the proposed withdrawal, and their ability to exploit these claims could be affected by placing the public land into withdrawal status. The following provides an analysis of potential locatable, leasable, and salable minerals and energy opportunities (over the next 20 years) that could be impacted under Alternative 1.

Repositioning the B-17 and DVTA withdrawal area would potentially allow greater access to areas located west of the B-17 expansion area under Alternative 3 for mining and geothermal opportunities; however, the socioeconomic impacts would likely be very similar to impacts under Alternative 1. In addition, State Route 839 would not potentially need to be rerouted, which would maintain access to locations off of the existing route (e.g., the Denton-Rawhide mine) as they are currently.

Potential losses associated with currently unknown mining and geothermal opportunities as defined under Alternative 1 would be less under Alternative 3 because geothermal opportunities would be allowed in DVTA. However, significant impacts could still occur under Alternative 3 due to such potential lost mining and geothermal opportunities in the expanded B-16, B-17, and B-20. Therefore, while reasonably foreseeable economic impacts associated with lost mining and geothermal opportunities cannot be accurately determined at this time, there is the potential that significant economic impacts could occur due to the potential loss of mining and geothermal opportunities all Alternatives.

As discussed in 3.6.2.2.3 (Civilian Air Traffic) and 3.14.2.1.1 (Emergency Services), all emergency flights, both helicopter and fixed-wing, are given priority transit through the FRTC at all times. Fallon Air Traffic Control (Desert Control), the range coordinator for airspace, ensures that real-time adjustments to airspace occur to expedite emergency aircraft and deconflict all Navy training events along the required routes or in the vicinity of fire suppression activities. Emergency aircraft are permitted to pass through restricted airspace when necessary.

The Navy, as part of the proposed action, would acquire water rights within the proposed withdrawal areas if the water right can be maintained for beneficial use. If a condition of the water right can be modified (e.g., the point of use moved outside of the withdrawal areas), then the water right would not be acquired by the Navy. If wells are associated with the water right, then the Navy will evaluate on a case-by-case basis the disposition of the well (e.g., continued beneficial use or capping of the well). The

Navy acknowledges that there may be impacts that have yet to be defined and will continue to develop and incorporate mitigation measures as necessary. Affected private landowners would receive just compensation for loss of any privately-owned land and all compensable rights associated with that land acquired by the United States. Claim holders for mining and water would be compensated as described in Section 3.3 (Mining and Mineral Resources) and Section 3.9 (Water Resources).

Pursuant to the Taylor Grazing Act of 1934, as amended (43 U.S.C. section 315q), the Navy would make payments to federal grazing permit holders for losses suffered as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes.

While a mineral withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. Existing mining claims on public lands may have to undergo a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines which claims are valid. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal. With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

The Navy would allow land managers to continue coordinating access to the ranges for flood management purposes.

As discussed in Section 3.5 (Transportation), under Alternative 3, the WDZ would extend over a portion of SR 361. That segment would be closed and rerouted outside of the WDZ due to mission and public safety requirements.

The potential closure and rerouting of SR 361 associated with the expansion of B-17 would only occur if Congress were to select Alternative 3. However, the affected segment of State Route 361 would not be closed unless and until a suitable replacement route is established. Relocation of State Route 361 would not cut off access to Gabbs or Berlin Ichthyosaur State Park. The notional relocation corridor for the potential re-routing of State Route 361 can be found in Section 3.5.3 (Environmental Consequences).

Any proposed rerouting is still conceptual in nature and would be evaluated prior to closure of the route. Follow-on NEPA analysis would be conducted for the potential relocation of State Route 361 if Alternative 3 were to be selected. See Chapter 2, specifically Section 2.3.4.2.4 (Road and Infrastructure Improvements to Support Alternative 3) for further details. Using funding provided by the Navy, the Federal Highways Administration, in cooperation with the Nevada Department of Transportation, would be responsible for planning, design, NEPA-documentation, permitting and construction of any realignment of State Route 839 or 361. The Navy has submitted a Needs Report to the Surface Deployment and Distribution Command requesting authority to utilize funding through the Defense Access Roads program. If approved, the Navy would coordinate construction execution through the Federal Highway Administration. NDOT would ensure that construction of any new route is complete before closing any portion of the existing State Route 839 or 361, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing State Route 839 or 361 unless and until any such new route has been completed and made available to the public.

The Navy has and would continue to implement operational and administrative controls to reduce wildfires. The Navy is developing a Wildland Fire Management Plan and, where possible, proposed plan elements and goals are included in the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

The Navy has developed and proposed specific mitigation for each alternative that can be implemented and would avoid or minimize impacts. As such, alternatives include actions specifically designed to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities. Please see the Navy's responses to specific comments provided via table in Table F-8.

Table F-8: Nevada Association of Counties Sub-Matrix Comments and Responses

Page	Section / Paragraph	Draft EIS Text	Comment	Response
General			This review and comments were coordinated with associated counties impacted by the proposed Fallon Range Training Complex Modernization to the extent possible. However, NACO reserves the right to supplement or revise comments in the future. If NACO's comments conflict with those provided by associated Counties, NACO would ask the Navy to defer to the County-specific comment as the individual counties better understand their circumstances and needs.	Thank you for your participation in the NEPA process. Your comment is part of the official project record.
General			"Significance" is described in the context of NEPA in terms of both context and intensity. The consideration of context does not mean impacts at a regional scale supersede the impacts endured at the local scale. The importance, and significance, of localized impacts must be considered and not merely dismissed because they are not regional-scale impacts. Dismissing the impacts at the local scale simply because they do not affect the regional economy is contrary to the spirit of NEPA and inappropriate in a State as economically and geographically diverse as Nevada. Further, intensity in the context of NEPA can refer to the cumulative impacts brought about by a proposed plan. While the determination of significance was determined for each resource category individually, impacts on the human communities as a whole were not assessed. The cumulative effects from all resource categories impacted by the proposed withdrawal are significant to the human communities affected by this proposed withdrawal.	The Approach to Analysis for each resource area can be found in the Final EIS in the following "Methodology" sections: 3.1.1 (Geologic Resources), 3.2.1 (Land Use), 3.3.1 (Mining and Mineral Resources), 3.4.1 (Livestock Grazing), 3.5.1 (Transportation), 3.6.1 (Airspace), 3.7.1 (Noise), 3.8.1 (Air Quality), 3.9.1 (Water Resources), 3.10.1 (Biological Resources), 3.11.1 (Cultural Resources), 3.12.1 (Recreation), 3.13.1 (Socioeconomics), 3.14.1 (Public Health and Safety), and 3.15.1 (Environmental Justice). The approach to analysis varies by resource, but is developed based on standard practices under applicable regulations for each resource area. The thresholds identified are acceptable under applicable rules and regulations for each resource analysis. The significance determinations have been altered in the Final EIS due to public comment, consultation, coordination, and research availability

Table F-8: Nevada Association of Counties Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
General			As part of the scoping process, NACO discussed a series of mitigation measures. Although a list of potential mitigation measures was offered by Cooperating Agencies, none of these measures are identified or described in the DEIS. To mitigate the impacts of additional land withdrawal, NACO supports the State of Nevada's suggestion to release three areas currently designated as Wilderness Study Areas for mitigation purposes. The BLM has determined these areas are not suitable for Wilderness designation and these areas, if released, would mitigate a portion of the impacts to grazing, mining, recreation, and other impacts caused by the withdrawal.	The request of release of WSAs outside the Navy's proposed expansion and acquisition area is outside the scope of this EIS and outside the Navy's ability to request. The Navy encourages NACO and other concerned agencies to develop a request to congress to release those areas outside of the Navy's proposed expansion area.
			NACO is concerned that the proposed increase in operation hours including the increase in number of military flights proposed (4-5 times the current level) in the DEIS would severely limit commerce and civilian traffic within the FRTC airspace. This would significantly impact Gabbs Airport and could potentially impact additional local airports as well (Austin, Eureka, Kingston, etc.). Further, previous conversations with the Navy indicated Gabbs Airport would be unaffected as it would be "cut out" of the impacted area caused by restricted areas and expansion of the firing ranges. That is not currently depicted in the DEIS.	Clarification has been incorporated into the Final EIS which states that there will be an airspace exclusion zone created around the Gabbs airport, with a radius of 3 nautical miles, and from the ground up to an elevation of 1,500 feet above ground level
			Existing maps seem to indicate there is restricted airspace over the VFR Corridor. Please revise to show civilian and commercial access to the VFR Corridor.	The route of the VFR has been taken from the FAA regulations and presented on airspace maps throughout the Final EIS

Table F-8: Nevada Association of Counties Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
			US 95A appears to be overlapping Restricted Area R4810. NACO requests the Navy add a provision in the EIS to allow further development of US 95A as well as US 95, US 50, and I-11.	For any major transportation route that underlies restricted area airspace, NDOT would need to coordinate with Navy prior to development of that corridor to ensure compatibility with military training activities. This clarification has been added to the Final EIS.
1-33	1.9 / 4		Alternative 3 proposes to close 356,400 acres of BLM grazing allotments and 4,187 acres of Bureau of Reclamation livestock grazing areas. Federal grazing permit holders must be compensated for their losses due to the proposed withdrawal. Although the Navy has authority under 43 U.S.C. of the Taylor Grazing Act of 1934 to make payments to federal grazing permit holders for losses suffered as a result of the withdrawal, this payment would only be available if approved by Congress. As the public has yet to see anything regarding an appropriations package for the proposed withdrawal, there is no certainty that these losses will be mitigated. Communities and local economies should be kept “whole” as part of any proposed withdrawal, there is zero to limited assurance that this will be accommodated in the DEIS.	<p>To paraphrase the authority, 43 U.S.C. 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy will be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6-Removal and compensation for loss of range improvements, to compensate for a loss of range improvements.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals that may suffer losses resulting from the cancellation of grazing permits from implementation of the proposed FRTC modernization action. To the extent that livestock grazing operations are disrupted, the Navy proposes to compensate the permittee through monetary or in-kind compensation.</p> <p>In-kind compensation could include, but is not limited to, fencing, well-drilling, construction of water distribution systems as required to meet permittee requirements and to comply with accepted grazing management practices and to minimize the overall loss of AUMs from the withdrawal action.</p> <p>The Final EIS has been updated in Chapter 2 and the Grazing resource section with additional details regarding compensation.</p>

Table F-8: Nevada Association of Counties Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.3-65	3.3.4.5 / 2		<p>The DEIS does not address if or how mining claimants, in particular patented claims, will be reimbursed should this land be withdrawn. Claimants are required to pay annual fees to the Bureau of Land Management to protect and preserve their mining claims. These fees are even still being paid by claimants, as instructed by the BLM, despite the uncertainty caused by the FRTC Modernization proposal. This proposed withdrawal puts those claims at risk by severely limiting exploration and production, rendering such claims useless. NACO urges the Navy to work with the BLM and claimants to mitigate these impacts appropriately for impacted mining claims. As with grazing, communities and local economies should be kept “whole” as part of any proposed withdrawal, there is zero to limited assurance that this will be accommodated in the DEIS.</p>	<p>While a mineral withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this examination. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. However, holders of existing claims on public land are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, the value of the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim. With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.</p>

Table F-8: Nevada Association of Counties Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-4	3.4.1.4 / 2		NACO also urges the Navy to work with individual grazing permittees regarding impacts to grazing caused by the proposed withdrawal. The DEIS does not currently provide any plans for mitigating impacts to or loss of grazing revenue caused by the proposed withdrawal.	<p>The Navy will work with permittees on a case-by-case basis to mitigate losses resultant from the cancelation of a permit. The Taylor Grazing Act of 1934 (43 U.S.C. Parts 315-316o) provides the Navy authority to make payments for certain grazing-related losses. Specifically, Section 315q states:</p> <p>Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be cancelled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States.</p> <p>To paraphrase the authority, 43 U.S.C. Section 315q directs the Navy to make payments out of project funds for losses arising from permittees being denied use of their federal grazing privileges during the current permit period as a result of the grazing lands in question being used for national defense purposes.</p> <p>Additionally, the Navy would be required under the USDI-BLM Grazing Regulations (43 CFR Part 4100) Subpart 4120.3-6 – ...</p>

Table F-8: Nevada Association of Counties Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				<p>(continued) Removal and Compensation for Loss of Range Improvements, to compensate for a loss of range improvements. The CFR regulation states:</p> <p>(c) Whenever a grazing permit or lease is cancelled in order to devote the public lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States reasonable compensation for the adjusted value of their interest in authorized permanent improvements placed or constructed by the permittee or lessee on the public lands covered by the cancelled permit or lease. The adjusted value is to be determined by the authorized officer. Compensation shall not exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Where a range improvement is authorized by a range improvement permit, the livestock operator may elect to salvage materials and perform rehabilitation measures rather than be compensated for the adjusted value.</p> <p>(d) Permittees or lessees shall be allowed 180 days from the date of cancellation of a range improvement permit or cooperative range improvement agreement to salvage material owned by them and perform rehabilitation measures necessitated by the removal.</p> <p>The Navy shall use these authorities to determine payment amounts to individuals who may suffer losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of the proposed FRTC modernization action.</p> <p>The Final EIS further describes the process by which the Navy would determine payment amounts to holders of grazing permits that would be affected by the proposed action. This process evaluates the cost of providing replacement forage and/or the losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corals, fencing and other real property).</p>

Table F-8: Nevada Association of Counties Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.4-20	3.4.3		The DEIS does not adequately describe the environmental consequences of grazing losses due to the proposed withdrawal, with regards to fuel loads and wildfire. Managed livestock grazing can be an important and cost-effective tool to reduce wildfires in Nevada and throughout the West. Furthermore, as the socioeconomic analysis does not consider the costs of potential wildfires caused by the reduction in grazing allotments from the proposed withdrawal, the socioeconomic analysis is incomplete.	The Navy is developing a Wildland Fire Plan, and where possible, resolved elements and goals of this plan have been added to the Final EIS. Fuel loads and wildfire are addressed in the Wildland Fire Management Plan and have been addressed in the Final EIS as applicable. The socioeconomic impact analysis does not address wildfires as wildfires are not predictable and would be classified as accidental; therefore, they cannot be analyzed as a predictable factor in the Socioeconomic section (Section 3.13).
3.5-40	3.5.3.5.1 / 1		NACO urges the Navy to work with Counties when considering closing, re- routing, or restricting travel on any thruways or county access roads. For instance, there is a proposed road closure at Sand Canyon that would prohibit access to that recreation area as part of this withdrawal as well as Route 361 needing to be moved. NACO supports more specific mitigation analysis and planning as part of the DEIS to address these impacts.	Sand Canyon road is listed as a federal road and administrative access should not be held by the county. The Navy is listed as the holder of the road, serial number, Nev 059264, and facility type, 281008 - ROW-ROADS FEDERAL 44LD513. The Navy is not proposing to re-route Sand Canyon Rd. around the northern perimeter of B-16. Such a re-routing is problematic in that it must cross the overflow discharge path of Sheckler Reservoir which experiences recurring major washouts (some as deep as 10 feet). Constructing a road compliant with local county standards is quite costly and would require significant engineering resources to properly design and construct. It is the Navy's opinion that existing roads and trails can provide alternate access along the northern and eastern side of the proposed B-16 withdrawal area for incidental traffic. Using funding provided by the Navy, the Federal Highways Administration, in cooperation with the Nevada Department of Transportation, would be responsible for planning, design, NEPA-documentation, permitting and construction of any realignment of State Route 839 or 361. The Navy has submitted a Needs Report to the Surface Deployment and Distribution Command ...

Table F-8: Nevada Association of Counties Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
				(continued) requesting authority to utilize funding through the Defense Access Roads program. If approved, the Navy would coordinate construction execution through the Federal Highway Administration. NDOT would ensure that construction of any new route is complete before closing any portion of the existing State Route 839 or 361, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing State Route 839 or 361 unless and until any such new route has been completed and made available to the public.
3.6-27	3.6.3.5.1 / 2		The Federal Aviation Administration has awarded Gabbs Airport in Nye County funds for runway rehabilitation as part of the Airport Improvement Program (AIP). The AIP is meant to provide funds for the maintenance of aviation infrastructure necessary to ensure safe travel and maintain connectivity in Nevada. The DEIS does not mention this grant awarded to Gabbs Airport nor does it mention how the proposed alternatives intend to work with Nye County and Gabbs Airport to ensure this grant can and will be used for its intended purposes.	FAA JO 7400. (series), Chapter 23. Restricted Areas, Section1, paragraph 23-1-4. Restricted Area Floor. b. Provisions must be made for aerial access to private and public use land beneath the restricted area, and to accommodate instrument arrivals/departures at affected airports with minimum delay. c. The restricted area shall exclude the airspace 1,500 feet AGL and below within a 3 NM radius of airports available for public use. This exclusion may be increased if necessary, based on unique circumstances. The Navy will comply with all FAA requirements regarding restricted airspace management.
3.13-33	3.13.3.2.3 / 2		NACO would suggest adding to this discussion: According to the Uniform Appraisal Standards for Federal Land Acquisitions, any changes in the market value of the property, caused by the proposed government project, prior to the appraisal must be disregarded when determining the appraisal. "The appraiser must disregard changes...brought about by the government's project for which the subject property is being acquired."	The Final EIS states that any acquisitions would be in accordance with in the Uniform Appraisal Standards for Federal Land Acquisitions.

Table F-8: Nevada Association of Counties Sub-Matrix Comments and Responses (continued)

Page	Section / Paragraph	Draft EIS Text	Comment	Response
3.14-5	3.14.2.1.2		Resources available to State and local agencies to fight wildfires is limited. Control of fires caused by FRTC activities should be the responsibility of the FRTC.	The Navy is developing a Wildland Fire Management, a draft outline of which can be found in Appendix D (Memoranda, Agreements, and Plans). Details from the outline and initial development of it have been added to the Final EIS as applicable.
6.1	6.1 / 1		Churchill County's Master Plan is referenced, but no other County planning or land use documents are referenced throughout the DEIS. Were any other County Plans reviewed prior to development of this EIS? At a minimum, Eureka County, Lander County, Lyon County, Mineral County, Nye County, and Pershing County Master Plans and/or Land Use Plans should also be reviewed and referenced in the EIS.	<p>The Navy reviewed the Master Plans of all of the Counties listed in the comment, however, the only one that was applicable to military activities was the Churchill County Master Plan. The Navy coordinates directly with Churchill County presently as the currently withdrawn land is located in Churchill County.</p> <p>The Navy is not required to comply with County Master Plans, but did take them into account when assessing impacts to various resources in the FRTC Study Area.</p>

F.4.3.2 Gordon, A. R.

First	Last	Comment	Response
Anthony R.	Gordon	<p>I am an attorney in Northern Nevada and a mineral and rock hobbyist, I have traveled and am familiar with the proposed land and airspace to be withdrawn in Northern Nevada. I have reviewed the U.S. Navy's Draft Environmental Impact Statement regarding the potential environmental impacts of the proposed modernization of the Fallon Range Training Complex. I agree that due to advance aviation technology, the Fallon Flight Range should be expanded to insure that the U.S. Navy and the U.S. Marine Corps have the best training range possible in order to meet the needs of modern combat and to counter enemy defenses. However, my main concern is that overall, there is too much land and airspace set aside overall exclusively for training purposes in the no-action alternative, where the fact is that operational training does not go on every day of the year.</p> <p>As a result, in viewing the no action alternative, as well as the three alternates, I believe that Alternative 2 (Managed Access), will meet my main concern, in that Alternative 2 allow public uses within specified withdrawn areas of the Fallon Ranges when they are not being used operational, most notably academic research and geothermal and salable materials exploration. I understand that Alternative 2 would be more challenging to the U.S. Navy, but I believe among all the proposed alternatives, Alternative 2 best balances the overall interests between the U.S. Navy and public and private interests.</p> <p>Very Truly Yours,</p> <p>Anthony R. Gordon, Winnemucca, Nevada Submitted February 14, 2019</p>	<p>Thank you for your participation in the NEPA process. Your comment has been included in the official project record. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate. To clarify, the Proposed Action under Alternative 3 also offers managed access as described under Alternative 2, but with a shift B-17 area and creation of a Special Land Management Overlay where public access would also be permitted.</p>

F.4.3.3 Jardine, R.

First	Last	Comment	Response
Rusty	Jardine	See attached file.	Thank you for participating in the NEPA process. Please see the Navy's responses to your comments that were received in letter form and responded to in Section F.4.1.6. The Navy notes that an attachment was not provided on the website with this comment.

F.4.3.4 Massey, R. (Lander County)

First	Last	Comment	Response
Rex	Massey	Lander County, NV Comments-See Attached.	Thank you for participating in the NEPA process. Please see the Navy's responses to your comments that were attached.

Lander County, Nevada
Comments to the FTRC Modernization Draft Environmental Impact Statement

3.6 Airspace

1. General Comment Austin Airport- During the planning process for the recent and ongoing Austin Airport Master Plan a discussion of a potential Instrument Approach Procedure was pursued in detail. The Instrument approach was and continues to be a high priority for Lander County for purposes not limited to medical evacuation, wildland firefighting and economic development. NAS Fallon and Lander County recognized the need for each organization priorities and prerogatives.

FAA opined via their multi-disciplinary Regional Approach Procedures Team (RAPT) that a private (Special) approach would be appropriate given the situation.

Airport Master Plan verbiage because of the discussions and actions is as follows concerning this Special Approach:

“The County is interested in and has been requested by FAA to establish a Special Instrument Approach Procedure to Runway 19 at the Austin, Nevada Airport. This procedure would allow wildlife fire services or fixed wing medical transport into the airport or to those other services that Lander County desires. The procedure would not be available to the general public. It is the Counties understanding that FAA has or will be consulting with NAS Fallon to determine who could use the approach. The FAA will be part of the discussion pursuant to the letter of Authorization for this procedure.”

This procedure and the corresponding need for an approach at the airport has been outlined in the current Master Planning effort recently produced by the County in conjunction with the FAA.

Because of these actions, a publication of the Instrument Approach Procedure to Runway 19 is currently planned for 2019. A request for FAA to publish has been fielded for approximately two years.

Noise 3.7

Section 3.7.2.1 Sensitive Receptors

2. General comment-sensitive receptors should include populated areas outside recognized towns. In Lander County there are populated areas affected by FTRC operations in Gilman Springs, Reese River Valley and Antelope Valley. Also, there is relatively heavy recreational use (sensitive receptor) along the Toiyabe Range on both the western and eastern slope with several designated recreation areas such as Groves Lake, Kingston Canyon, Big Creek Canyon, San Juan Canyon all of which have camping and recreational areas. There is little or no recognition of such areas as noise sensitive locations. The mountains south of Austin see substantial recreational use.

3. Figure 3.7.2 there is a school in Austin, Nevada. It is difficult to see the designation on the figure.
4. Figure 3.7.2 Why is Crescent Valley Town not designated as a noise sensitive location? It lies just on the border of the FRTC airspace. There is also a school in Crescent Valley.
5. Antelope Valley falls within the Fallon North 3 MOA and lies below and supersonic operating area. There are at least as many people living in Antelope Valley and Reese River Valley as there are in noise sensitive designated areas of Middlegate and Cold Springs.
6. Figure 3.7-16 The existing Estimated C-weighted DNL contours for supersonic activities over Antelope Valley 57 dBC. Antelope Valley is home to several hay farms and ranches. Higher sonic boom intensities exist just north of Antelope Valley.
7. The Supersonic flight profiles and modeled sonic boom intensity (Figure 3.7-17) show intensity levels reaching 3 psf. for an F-16 and up to 5 psf for an F-18 just north of the Antelope Valley area. Will the Navy monitor the potential for damage? Should the Antelope Valley area be in a monitoring area?
8. Table 3.7-6 does not include any modeled noise locations for the Antelope Valley area?
9. Given the number of sensitive noise receptors such as Austin Town, Kingston Town, the Yomba Tribal area, Reese River Valley, and heavy recreational use in the Toiyabe Mountains it would make sense to have some level of noise and overflight restriction for a larger geographic area.
10. Figure 3.7-31 There are schools in Austin and Crescent Valley, please label accordingly.
11. Figure 3.7-32 and 3.7-40- Areas within Lander County have the greatest change in DNL Countour difference. None of these areas had noise modeling locations other than the Town of Austin and Kingston. Why?
12. Figure 3.7-33 overlies the Antelope Valley area.
13. As shown in Figure 3.7-32 and 3.7-40, the greatest change in noise contours occurs in the eastern portions of Fallon North 4 and Fallon South 5 all of which is in Lander County and not the newly formed MOAs over Eureka County as discussed on page 3.7-67. Please revise.
14. Table 3.7-10 Under alternatives 1 and 3 the A weighted sound exposure levels (SEL dBA) reaches 80.4 near Austin, 76.9 near Kingston, and 76.2 in Reese River with the F-35A. This levels and changes from the F/A-18E/F are almost as high as the changes for Gabbs. In fact, they are some of the highest for areas with sensitive receptors. It would appear that areas in Lander County may experience similar impacts to speech interference, classroom learning, sleep and effects on recreations as Gabbs. If not, why not?

15. Section 3.7.3.4.9 first sentencewith the exception of the Gabbs area, Austin, Kingston, and Reese River.
16. Section 3.7.3.4.14 5th line starting with Under Alternative 3near Gabbs, Austin, Kingston, and Reese River.
17. Section 3.7.3.5 There are no monitoring or mitigation measures for Austin, Kingston, and Reese River yet they will see sizable noise increases associated with the F-35A. For areas south of Austin including Reese River and the Mountainous area to Kingston, the Navy should recognize the potential for noise impacts and at least consider some level of monitoring.

Biology Section 3.10

18. Pg 3.10-68, last paragraph. Invasive plant species, wildfires and predators are the primary threats.
19. Pg 3.10-69 first sentence, did you mean to say loss of sage grouse habitat, not sagebrush?
20. Sage Grouse-It should be noted that eastern areas of the FRTC, principally Lander, Eureka and northern Nye County provide most of sage grouse habitat.
21. Pg. 3-10-122 The analysis is somewhat confusing in that conclusions about impacts are really not made or are uncertain. Some of the analysis is largely speculation. It suggests some type of monitoring program in specific areas for sage grouse. Furthermore, the analysis appears to be more concerned with changes to airspace and not noise levels which are projected to increase over much of the sage grouse habitat areas particularly in eastern areas of Lander County as shown in Figure 3.7-32 and 3.7-40.
22. Pg. 3.10.125 last sentence first paragraph. Sentence reaches a conclusion without any references provided.
23. Pg. 3-10-125 Does the Fish and Wildlife Service concur with these findings regarding Sage Grouse and potential impacts?

3.12 Recreation

24. General comment-Recreational areas are sensitive noise receptors, yet this section provides little discussion on the higher use recreational areas such as Groves Lake in Kingston Canyon, Big Creek Canyon and Campground, Toiyabe Crest trail, Bob Scott Campground and other campgrounds in the Toiyabe range where people tend to congregate. There is also a substantial amount of informal recreation areas occurring south of Austin in the Toiyabe Range. These areas are also in the highest noise contours changes identified in Figure 3.7-32 and 40.

25. Section 3.12.2.3 should at least recognize campgrounds in the Toiyabe range as well as other areas of relatively high use such as Groves Lake, Kingston Canyon, San Juan Canyon, etc.
26. Section 3.12.2.8 The Toiyabe Range South of Austin is probably one of the heaviest recreational use areas outside of Sand Mountain, but there is no discussion of this area. Much of the recreation discussions points to areas with limited use by people (actual noise receptors) and instead appears to focus on WSAs and mountain ranges.

3.13 Socioeconomics

27. Section 3.13.2 First Paragraph. Please note that Lander County is also under the airspace along with Eureka and Elko Counties.

F.4.3.4.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record.

Regarding your specific comment on airspace for the “General Comment Austin Airport,” the proposed changes you have provided are outside the scope of the Proposed Action and are therefore not analyzed in the EIS. However, the Navy will consult with the FAA on the concerns raised as appropriate.

Regarding noise comments, Sensitive receptors are those areas where noise interferes with normal activities associated with its use (such as residential, educational, health, and religious structures and sites; parks; recreational areas [including areas with wilderness characteristics]; tribal reservations; wildlife refuges; and cultural and historical sites). The Navy modeled the existing and proposed noise levels associated with military training activities, described in Section 3.7 (Noise). As discussed in Section 3.2 (Land Use), specifically Section 3.2.3.2.5 (Fallon Range Training Complex Special Use Airspace), aerial maps of the areas where the DNL is above 65 dBA were visually inspected to determine the presence or absence of sensitive receptors, such as residences, lodging, and medical facilities. The EIS provides supplemental noise data for representative sensitive receptors

Potential noise impacts on Indian Tribes were analyzed as they relate to environmental justice. Implementation of any of the action alternatives would not cause disproportionately high or adverse human health or environmental effects, including noise impacts, on minority and low-income populations, including Indian Tribes. This analysis is discussed in Section 3.15 (Environmental Justice).

Section 3.7 (Noise), modeled the existing and proposed noise levels associated with military training activities. As discussed in Section 3.2 (Land Use), specifically Section 3.2.3.2.5 (Fallon Range Training Complex Special Use Airspace), visual inspections of aerial maps of the areas where the DNL is above 65

dBA revealed no sensitive receptors (e.g., residences, lodging, or medical facilities). However, potential noise impacts to Indian Tribes were analyzed as it relates to environmental justice. As discussed in Section 3.15 (Environmental Justice), implementation of any of the action alternatives would not cause disproportionately high or adverse human health or environmental effects (i.e., noise impacts) on minority and low-income populations, including Indian Tribes.

The Navy is not subject to FAA guidelines for Noise Sensitive Areas under Special Use Airspace. However, the Navy has previously established noise sensitive areas (such as around wildlife refuges, incorporated areas, and certain tribal areas). Under the Proposed Action, the Navy has proposed two new Noise Sensitive Areas (Crescent Valley and Eureka) around incorporated areas near the FRTC Special Use Airspace boundary. Establishment of Noise Sensitive Areas for Crescent Valley and Eureka are considered compatible with military training activities.

Implementing noise sensitive areas around requested GIDs are not proposed because they would unacceptably constrain proposed training activities. The Noise Sensitive Areas are recommendations provided to the military pilots in order to avoid these areas to the extent practicable.

Under the U.S. Department of Defense Reauthorization, P.L. 105-85, Div. A, Title X, Section 1079, Nov. 18, 1997, 111 Stat. 1916, special use airspace actions are exempt from Section 4(f) of the Department of Transportation Act because establishment of avoidance areas result in unacceptable and severe operational and safety concerns.

The Navy acknowledges noise sensitive areas and has established Noise Sensitive Areas (such as around wildlife refuges, incorporated areas, and certain tribal areas) in the past. The Navy is proposing new Noise Sensitive Areas as part of the Proposed Action around the incorporated areas of Crescent Valley and Eureka. The establishment of these Noise Sensitive Areas is considered compatible with military training activities and will include a 5 nautical mile radius and an elevation of 3,000 feet AGL.

In order to minimize any aviation impacts under each of the proposed alternatives, the Navy is requesting that the FAA create Airspace Exclusion Zones (3-nautical-mile radius, surface to 1,500 feet AGL) for the Gabbs and Eureka airports. Current range procedures identify the town of Crescent Valley and the Gabbs Airfield as noise sensitive areas that shall be avoided by 3,000 feet AGL or 5 nautical miles. This would ensure those airports could operate regardless of the alternative ultimately chosen. The airspace exclusion zones would be avoided, unless the airport is specifically being utilized for take-offs and landings associated with military training activities. This is discussed in Section 3.6.2.2.4 (Local and Regional Airports).

Regarding comments made on the Biological Resources Section, this section has been updated and revised based on completed supporting studies that can be found on the FRTC Modernization website, as well as in the analysis in Section 3.10 (Biological Resources) of the Final EIS.

Currently, all state management plans for sage grouse concentrate on habitat availability, wildfire, and land-based chronic noise sources. Greater sage grouse lek location data indicates that usage areas are east of the land areas proposed for withdrawal or acquisition. Sage grouse in these areas would be exposed to noise from aircraft overflights. Available science indicates that short-term noise intrusion does not play a significant role in lek success.

The Navy will work closely with BLM and NDOW to manage the sage grouse and other species on lands under the Navy's control. The Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Results from this study would be used to inform future management actions at the FRTC. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Regarding comments made on the Recreation section of the EIS, Section 3.12, the focus of the "Recreation" analysis is not on noise sensitive areas, as that is the focus of the "Noise" analysis in Section 3.7, but rather on all recreation that occurs in the Study Area. Applicable recreation areas have been added to the Final EIS as mentioned in this comment. The Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would likely result in the public shifting their recreational activities to other areas. The Navy anticipates that recreationalists would prefer to remain on BLM-administered lands in the region in similar environs to those lands that are being proposed for withdrawal or acquisition; however, the Navy does not know exactly where recreators would decide to go instead of recreating in lands proposed for withdrawal or requested for acquisition

While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the bombing ranges, these activities could continue to occur in the DVTA and surrounding areas.

Finally, regarding comments on socioeconomics, the Navy has updated the Socioeconomics paragraph described to include the Lander County under the airspace.

F.4.3.5 McNeil, M.

First	Last	Comment	Response
Michael	McNeil	<p>Mineral County Convention and Tourism Authority (A Separate Local Government within Mineral County) would like the Navy to know the Navy's planned expansion/modernization of the Fallon Ranges within Mineral County will strongly reduce tourism and other county revenues within Mineral County.</p> <p>Since Walker Lake is drying up and the new super salinity of the water has killed almost all the fish, that now, the main thing Mineral County has to offer Tourists is, that we currently have about 1,000 plus miles of open Dirt Roads and Trails for tourists to use. But the expansion of the Fallon Range will greatly reduce the mileage of open dirt roads to tourists and thus reduce the number of tourists in M.C..</p> <p>This will in particular affect the income of Mineral Counties only public gathering place in Mineral County (which is almost totally funded by tourism tax dollars) which is able to hold more than 100 people other than the schools (Gyms).</p> <p>We are talking about the Hawthorne Convention Center AKA 1942 USO (seats up to 299) a Federally Recognized Historic Place which was built by the Navy for the Sailors. Where most all substantial indoor size town hall meetings, weddings/receptions, funerals, entertainment events, bazaars, private parties, proms/dances etc. are held. Especially if a smoke & gambling free venue is needed, and if the event holder wants to choose a meeting place they can have as a alcohol free meeting/dance hall to hold their event.</p> <p>All that said, Mineral County Convention and Tourism Authority (MCCTA) would like the Navy to fund substantial long term improvements to the Hawthorne Convention Center, probably the most used public building in Mineral County by the most people and by the most wide variety of people other than the schools.</p>	<p>Thank you for participating in the NEPA process. The Navy worked with a local Nevada scientist to develop the Economic Impact Analysis Report (available at http://frtcmodernization.com). The report found that hunting-related (touristic) economic losses would be similar in scale for Mineral, Pershing, and Nye counties based on the percentage of lost revenue compared to total economic activity (refer to Supporting Study: Economic Impact Analysis Report [available at http://frtcmodernization.com], Table B-1). The report did not find that tourism and other county revenues within Mineral County would be strongly reduced as asserted in the comment. The Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would presumably result in the public shifting their recreational activities to other areas.</p> <p>While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the Bravo ranges, these activities could continue to occur in the DVTA and surrounding areas. The Navy does not have the authority to fund improvements to the Hawthorne Convention Center. Over the past several decades Joint Land Use Studies have assisted in preserving and protecting the lethality and readiness of our nation's military. During that time, the Navy identified that the compatibility challenges that the military and communities face go beyond the use of land. Joint Land Use Studies can also address encroachment challenges such as spectrum interference, unmanned aerial systems, and cyber vulnerabilities. In recognition of the broader challenges faced by our military and communities the Joint Land Use Study is being rebranded as the Compatible Use Plan. State and community driven Compatible Use Plans will continue to be the primary tool to promote compatible use in order to sustain the military missions. The Navy is not authorized currently to fund emergency services in Gabbs. Following any ultimate Congressional decision, ...</p>

First	Last	Comment	Response
Michael	McNeil	<p>(continued) Because the large land withdraw is probably going to last at least 10 to 30 years we believe the negative economic impacts will be year after year and thus anything we ask for should be able to reap savings to the most people in Mineral County year after year after year.</p> <p>Thus MCCTA would like to ask the Navy specifically to fund the replacement of the two Auditorium HVAC systems that are probably about 35 years old along with the 25 or so year old HVAC system in the front of the building along with a first time insulating of the walls & attic in the front of the building and all the floors in the entire building.</p> <p>In addition putting in a Solar System with battery back up to mitigate the cost of the electrical use of the building year after year. And replacing the eleven single pane picture windows that are about 35 years old that have broken glazing/vinyl & cloth seals that have mostly dried out and are falling out. Also the replacement of the perhaps 25 year old or so roof shingles over the entire roof of the building.</p> <p>The Hawthorne 1942 USO is a declared and listed Federal Historical Place # #02000703 because of the Navy's vast involvement in World War II and through the it's use of the this building throughout WWII.</p> <p>Thus MCCTA especially asks the Navy for the large investment stated above and because the community and the Federal government through grants and such have already spent about 1/3 of a million dollars restoring large parts of the building, thus we believe the Navy investing in this Historic Government Building so it can continue to be used by large portions of the community for many more decades to come is a very wise investment and a great partial equitable Economic Impact Mitigation to the Navy's long term request for a large land withdrawal within Mineral County.</p>	<p>(continued) it is anticipated that the U.S. Department of Defense's Office of Economic Adjustment Program will provide technical and financial assistance to state and local governments to undertake Compatible Use and Joint Land Use Studies in response to Military Department compatibility concerns. Joint land use studies represent a planning process that promotes open, continuous dialogue among the Military, surrounding jurisdictions, and states to support long-term sustainability and operability of military missions The last Joint Land Use Study was completed for NAS Fallon in May of 2015, and serves as a comprehensive strategic plan with specific implementation actions to address and prevent incompatible civilian development that could impair the operational utility of military missions or impact available resources (i.e., air, land, electromagnetic spectrum). Building off of the successful Office of Economic Adjustment (OEA) Federal Funding Opportunity (FFO) focused on placement of energy projects, OEA is launching a new FFO in an effort to further the Compatible Use Program. In addition to assistance with energy placement, the new FFO is expanded to allow state and local governments to request funding to assist states and communities to work with their local military installations to promote and guide civilian development and activities which are compatible and support the long-term readiness and operability of military installations, ranges, special use air space, military operation areas and military training routes. This FFO allows states and communities to nominate their installation(s) and region for compatible use efforts. OEA will maintain a concurrent annual process for the military services to nominate installations for Compatible Use Plans (see http://oea.gov/office-economic-adjustment-announcement-federal-funding-opportunity-ffo).</p>

F.4.3.6 Tibbits, J. (Eureka County Board of Commissioners)

First	Last	Comment	Response
Jake	Tibbitts	Attached is a copy of the comment letter on the FRTC Draft EIS from the Eureka County Board of Commissioners.	Thank you for participating in the NEPA process. Please see the Navy's responses to your comments that were attached.



EUREKA COUNTY BOARD OF COMMISSIONERS

J.J. Goicoechea, Chairman + Mike Sharkozy, Vice Chair + Rich McKay, Member

PO Box 694, 10 South Main Street, Eureka, Nevada 89316

Phone: (775) 237-7211 + Fax: (775) 237-5614 + www.co.eureka.nv.us

February 14, 2019

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

Also submitted via online portal at www.FRTCModernization.com

RE: Eureka County Comments to the Fallon Range Training Complex (FRTC) Modernization Project
Draft Environmental Impact Statement (DEIS)

FRTC Modernization Project Team:

The Eureka County Board of County Commissioners submits the following comments on the above-referenced Fallon Range Training Complex (FRTC) Modernization Draft Environmental Impact Statement (DEIS), as announced in Federal Register Vol. 83, No. 221/Thursday November 15, 2018 pages 57445-57446. We appreciate the comment deadline extension to February 14, 2019.

Eureka County has been a very active cooperating agency on the development of this Draft EIS, and raised key issues and concerns during our participation including through review of the Preliminary DEIS. Our comments consist of this cover letter which highlights our major concerns and specific comments in the table below. Our previous scoping comments dated December 6, 2016, are hereby incorporated by reference as are our comments on the Preliminary DEIS. As the Cooperating Agency process is conducted under a non-disclosure agreement, this is the first time since the scoping period closed that the Board of County Commissioners has been able to review and discuss the Project in a public forum with input from County residents.

We have reviewed all aspects of the DEIS but summarized below focus on primary issues and impacts that most directly affect Eureka County and its residents,

Noise Avoidance Buffers

We appreciate the inclusion of 5 mile noise avoidance buffers for the towns of Eureka and Crescent Valley and the Eureka Airport. We are requesting that those noise avoidance buffers be set from the outer perimeter of the Town of Crescent Valley and Town of Eureka rather than the center of the towns. We also request a 5 mile avoidance buffer around the perimeter of the General Improvement Districts in southwestern Diamond Valley. As we have indicated previously and in our specific comments below, the GIDs have a concentration of population similar to Crescent Valley, and are not protected by the Town of Eureka buffer. We look forward to providing the mapping file and other information to assist the Navy in adding the GIDs buffer to the EIS.

Page 1 of 53

Duckwater MOA floor is too low

We again request that the Duckwater MOA be adjusted to match the Diamond MOA floor of 1200 feet AGL. If not, the Duckwater MOA (and all other low-level flight MOAs) floor should be no lower than the stated need of 500 feet AGL consistent with the requirements stated in “90 Days to Combat.” The impacts from 200 feet AGL are severe for people, wildlife, and land use including agriculture and the proposed vanadium mine.

Improve radio communications for civilian aircraft and provide better coordination on GPS jamming

Please commit to improve radio communications (including necessary infrastructure such as new radio towers, etc.) for civilian aircraft (including crop dusters) within the VFR Corridor and the eastern SUA. Discussion with local pilots has highlighted that connection with Desert Control is non-existent in some areas and “dead zones” exist throughout the VFR corridor and eastern areas near Eureka proposed as SUA/MOA. Clarify in the EIS what additional infrastructure will be needed for Desert Control to de-conflict crop dusters and other civilian aircraft in Diamond Valley and the eastern part of the FRTC. Also, there needs to be better systems in place for Navy to transparently provide information and notice to affected interests about locations and timeframes that GPS jamming would take place to allow folks to avoid crucial or safety-sensitive actions requiring GPS use during these jamming times and at these places.

Mitigate impacts to Eureka County ranchers on La Beau Flat allotment and continue long-standing water access to well on existing B-17

The Eureka County ranchers are losing part of their allotment due to FRTC expansion. They are losing access to all the water that sustains their ability to use their grazing rights. Fully mitigate (avoid and minimize first, then compensatory mitigation as final option) impacts to Eureka County ranchers that operate on the La Beau Flat allotment and continue with long-standing access to well on existing B-17.

The Navy response to our previous comments included a promise to “collaborate” on grazing mitigation actions following the Congressional decision on the FRTC modernization. The mitigation measures must be in the EIS, not postponed into the future. Because the EIS will be a reference guide for future decision makers on how to address the loss of grazing allotments, the document must contain appropriate examples and commitments for mitigation measures.

It is disingenuous for the Navy to not outline reasonable management practices or mitigation measure related to grazing losses. Generally, there are a host of things the Navy could do to lessen the impacts. On an allotment-by-allotment basis, there are very specific things that could be done for mitigation. We again ask the Navy to, before imposing grazing restrictions, and in coordination with grazing permittees, identify and implement all economically and technically feasible livestock distribution, forage production enhancement, weed control programs, prescribed grazing systems, off-site water development by the water rights holder, shrub and pinyon/juniper control, and livestock salting/supplementing plans. These examples and commitments should be in the EIS.

At a minimum, Navy should (1) allow continuation of the decades-long access to fill a water truck at the well adjacent to SR 839 on the existing B-17 that is used by La Beau Flat ranchers (they hold a water right on this well); and (2) provide adequate compensation for AUM loss.

In summary, ranchers, specifically public land grazing permittees, must be fully compensated for the loss of Animal Unit Months (AUMs), range improvements and water rights associated with grazing permits. Funding should be provided to assist with development of new, or alteration of existing: grazing permits, grazing plans, range improvements and water rights.

Mitigation in the EIS

Given the length of Chapter 3, Affected Environment and Environmental Consequences, Chapter 5 Management Practices, Monitoring and Mitigation Measures is brief. The County was also concerned to see that many of the impacts were not adequately described, quantified or reported in the DEIS despite extensive comments provided by County staff. As such, the County has included below another round of extensive, document-specific comments, with the hopes that these deficiencies will be addressed by the Final EIS. The County appreciates the Navy's acknowledgement that impact analysis will be further refined, and management practices, monitoring and mitigation measures will continue to be developed. The County's concern is that the Final EIS will only allow for a 30-day review and comment period to address any outstanding issues. This is difficult to accomplish with a document of this magnitude given the volume of issues left to be resolved.

Cumulative Impacts

Finally, we wish to reiterate the comments we made at Scoping concerning cumulative impacts which were not adequately addressed in the DEIS: "Cumulative impacts: Please disclose the cumulative impacts to the central Nevada region of the FRTC expansion in combination with existing and proposed activities at the Air Force NTTR – Nellis AFB, activities from Mountain Home AFB and Hill AFB, including providing a comprehensive map of present proposed and projected land and airspace expansions for the expected length of the FRTC land withdrawal (20 years.) Address the impacts based on the cumulative analysis to commercial and private aviation, economic development, communications, and energy development. With simultaneous expansions of the FRTC and Nellis AFB NTTR, combined with Mountain Home AFB, Hill AFB and other regional defense facilities that rely on public lands and airspace, the defense agencies must work together to develop a document that seamlessly incorporates the cumulative and combined impacts from all of these efforts."

The County appreciates the information and changes made to the EIS in response to some of Eureka County's previous comments. We look forward to additional changes and information in the Final EIS to address our outstanding concerns and comments. We welcome close coordination with the Navy to clarify or address these outstanding comments and issues.

Sincerely,



J.J. Goicoechea, Chairman
Eureka County Board of Commissioners

cc: Nevada Congressional Delegation
Captain David Halloran, Commanding Officer, NAS Fallon (via email)
Churchill County Board of Commissioners (via email to Jim Barbee)
Rob Rule, NAS Fallon (via email)
Other Navy EIS team members (via email)

F.4.3.6.1 Response

Thank you for participating in the NEPA process. Your comment has been included in the official project record. The Navy appreciates your time and work as a Cooperating Agency in the development of the Final EIS.

The comment mentions noise sensitive areas proposed for the incorporated areas of Crescent Valley and Eureka. The Navy acknowledges that people may live on the edges of town and in adjacent areas. However, the Navy cannot define Noise Sensitive Areas using a town's perimeter because doing so would significantly constrain proposed training activities. Tracking irregular areas underneath aerial training areas would require pilots to pay more attention to where they are flying rather than concentrating on the mission that they are training for.

The Navy cannot accommodate the request to establish a 5-mile avoidance buffer around the perimeter of the General Improvements Districts in southwestern Diamond Valley for these same reasons. The establishment of Noise Sensitive Areas must be compatible with military training activities.

Regarding the height of the Duckwater MOA, while the floors of the proposed new MOAs are either 200 feet AGL (Duckwater and Smoke) or 1,200 feet AGL (Ruby, Zircon, and Diamond), general aviation pilots may still fly through a MOA under Visual Flight Rules. FRTC SUA, outside of active restricted areas, follows FAA guidance on MOA usage by civil aviation. NAWDC and Desert Control ATC would make provisions to sustain aerial access to private and public use land beneath the FRTC, and for terminal VFR and IFR flight operations where available. MOAs are always joint use in that VFR aircraft are not denied access, and IFR aircraft may be routed through the airspace. As such, civil traffic would continue to be authorized in all FRTC MOAs. The majority of the literature suggests that wildlife species may exhibit adaptation, acclimation, or habituation after repeated exposure to jet aircraft overflights and associated noise, including sonic booms, and that there are no adverse impacts to wildlife species from aircraft overflights; (see Section 3.10.3.1.1, Noise of the Final EIS). However, the Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Regarding radio communications and dead zones, 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 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.

Regarding GPS jamming, the Navy will not interfere with civilian use of the electromagnetic spectrum, including GPS. Operations on the FRTC purposely avoid broad conflict with civilian systems. NAWDC and NAS Fallon coordinate and will continue to coordinate with infrastructure providers and spectrum users to avoid conflicts.

In regard to Eureka County ranchers on La Beau Flat and the water access to the well on the existing B-17, the Navy would continue to allow access to this well off of State Route 839.

Regarding further mitigation for impacted federal grazing permittees, the following specific grazing mitigations would be implemented under all action alternatives. Policies and procedures in the NAS Fallon INRMP would continue to be implemented to avoid conflicts with livestock grazing. The Navy would expand their fence line monitoring and maintenance procedures to include fences that are on withdrawn lands. The Navy proposes to establish two Conservation Law Enforcement Officers at NAS Fallon. Part of the duties of these officers would include monitoring of the added fence line. The Navy would also engage in one-to-one discussions with affected ranchers to seek to identify further opportunities for impact minimization, including but not limited to potential payments under 43 U.S.C. Sec. 315q. Such discussions would be on a case-by-case basis and thus would need to occur only after any ultimate implementation of the action.

The Final EIS discusses the process that the Navy is proposing to use to determine payment amounts to each specific grazing permit holder for losses resulting from the implementation of the Proposed Action and would make payments to federal grazing permit holders for losses suffered by the permit holders as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes under 43 United States Code section 315q of the Taylor Grazing Act of 1934, as amended. This authority has been incorporated into the Proposed Action.

The total permanent economic impacts (both direct and secondary) associated with lost federal land grazing for example in Churchill County range from a minimum loss of \$490,126 (\$375,249 in direct impacts and \$114,877 in secondary impacts) to a maximum loss of \$682,758 (\$522,730 in direct impacts and \$160,028 in secondary impacts) under Alternative 3 (Table 3.13-22) (refer to Supporting Study: Economic Impact Analysis Report [available at <http://frtcmodernization.com>]). Table 3.13-23 represents employment impacts under Alternative 3 for affected counties; for instance, employment impacts for Churchill County would range from a loss of 6.2 (5.28 in direct impacts and 0.92 in secondary impacts) employees to a maximum loss of 8.61 (7.35 in direct impacts and 1.26 in secondary impacts) employees.

Table 3.13-24 represents labor income losses. Lost grazing in Churchill County for example would consist of a minimum loss in labor income of \$137,771 (\$108,031 in direct impacts and \$29,740 in secondary impacts) to a maximum loss of \$183,854 (\$144,338 in direct impacts and \$39,516 in secondary impacts) under Alternative 3.

Total economic impacts would be higher under Alternative 3 in comparison to Alternatives 1 and 2. By adding the overall economic impact from the decrease in AUMs (ranging from \$490,126 to \$682,758 [Table 3.13-22]) and the associated direct and secondary labor income loss (ranging from \$137,771 to \$183,854 [Table 3.13-24]) and comparing these figures to the total economic activity for the beef cattle ranching and farming sector in Churchill County (\$35 million), there would only be a reduction in economic output ranging from 0.016 percent to 0.024 percent. The reduction is significantly less when compared to the total economic activity for all sectors for Churchill County, which is 1.7 billion dollars (refer to Supporting Study: Economic Impact Analysis Report [available at <http://frtcmodernization.com>], Table B-1). Economic losses associated with reduced AUMs would be similar in scale for Lander, Mineral, Pershing, and Plumas counties based on the percentage of lost revenue compared to sector and total economic activity. While there would be significant impacts to individual ranching operations, there would be no significant impacts to overall economic activity within the affected counties due to lost AUMs.

In regard to the mitigation in the EIS and the length of the Chapter overall (Chapter 5 [Management Practices, Monitoring, and Mitigation]), the Navy has updated this chapter to reflect suggestions received during the development of the Draft and Final EIS and has given the Navy's response to these suggestions; whether that response was that the suggestion was adopted as part of the Proposed Action, adopted as a management practice, monitoring, or mitigation measure, or if the suggestion was not adopted.

The Cumulative impacts discussion in Chapter 4 (Cumulative Impacts), covers the projects requested in this comment. The Navy has analyzed cumulative impacts to the resources analyzed in this document.

Thank you for your continued support in the development of the Final EIS. Please see the Navy's responses to specific comments provided via table in Table F-5.

F.5 Indian Tribes

This section contains comments from Indian Tribes and individuals that identified as representatives from Indian Tribes received during the public comment period and the Navy's response to those comments. Letters, written comments, and emails are presented as received by the Navy in picture form with responses immediately following in text after that presentation. Comments submitted on the website are shown in tables and organized alphabetically by commenters names, followed by their comment, with pictures of attachments if applicable, and the Navy's response in the final right-hand column of the table or after the attachment is presented. Enclosures to comments or other background information included along with the public's comments are not pictured in this appendix. Responses to these comments were prepared and reviewed for scientific and technical accuracy and completeness.

F.5.1 Letters, Written Comments, and Emails

F.5.1.1 Bobb, J. (Western Shoshone National Council)



Fallon Range Training Complex Modernization
Environmental Impact Statement (EIS)

Comment Form

Date: Tues Dec 11, 2018

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by **Jan. 15, 2019**, for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at www.FRTCMmodernization.com, or by U.S. Postal Service mail to the address below.

Please Print

Fallon Navy Military Complex: 17672 (Notice) In all County in the treaty
boundaries, The Treaty of Ruby Valley 1863 Proclaimed Oct 21, 1869 is the official
Supreme Law of the Western Shoshone Nation under Peace and Friendship with the people
and Government of the United States. In Article 1. Peace and Friendship shall be hereafter
established and maintained between the Western Band of the Shoshone nation and the people
and Government of the United States: Ruby Valley Treaty Ratified June 26, 1866 - Oct 21, 1869
proclaimed. Now in Article 2, The several route of travel through the Shoshone country, now or
hereafter use by white men shall be forever free and unobstructed by the said band, for the use of
the government of the United States: Military post may be established by the President of the United
States along said routes or elsewhere in their country; and station house may be erected and occupied at such
points as may be necessary for the comfort and convenience of travellers or for mail or telegraph
companies. Western Shoshone Treaty Title. Cultural, Traditional is still Used. United State no Jurisdiction.
W.S.N.C. acquire the title to these land.



Fallon Range Training Complex Modernization Environmental Impact Statement (EIS)

Comment Form

Date: Tue Dec 11, 2018

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by **Jan. 15, 2019**, for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at

www.FRTCModernization.com, or by U.S. Postal Service mail to the address below.

Please Print

Western Shoshone indigenous people and indigenous peoples are being denied their traditional right to land, and that measures taken and even accelerated lately by the State party in relation to the status, use and occupation of these land may cumulatively lead to irreparable harm to these communities. concerned position that Western Shoshone people and peoples' of the indigenous land. cultural, traditional which gravely disturb the enjoyment of their ancestral land. The State party is urged to pay particular attention to the right to health and cultural rights of the indigenous people, which maybe intruded upon by activities threatening their environment and/or disregarding the spiritual and cultural significance they give to their ancestral lands. we declare our rights to practice an Aboriginal Indian Religion and that we hold all nature to use water be sacred.

F.5.1.1.1 Response

Thank you for your comments and participation in the NEPA process. The Proposed Action does not include the topic of your comments. Please see Chapter 2 (Description of Proposed Action and Alternatives) of the EIS for a definition of the scope of the project.

F.5.1.2 Gente, C. (Yomba Tribe)



Fallon Range Training Complex Modernization
Environmental Impact Statement (EIS)

Comment Form

Date: 12-10-18

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by **Jan. 15, 2019**, for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at **www.FRTCModernization.com**, or by U.S. Postal Service mail to the address below.

Please Print

WHAT IMPACT IS THIS GOING TO HAVE
ON WILDLIFE & NATIVE LAND & ARTIFACTS

F.5.1.2.1 Response

Regarding wildlife, the Final EIS includes a thorough impact analysis conducted by qualified wildlife biologists. Potential impacts on wildlife species, including bighorn sheep and greater sage grouse, as well as their habitat are discussed in Section 3.10 (Biological Resources), specifically Sections 3.10.3.3 (Alternative 1), 3.10.3.4 (Alternative 2), and 3.10.3.5 (Alternative 3) of the Final EIS.

Populations of species are distributed throughout current FRTC boundaries. Based on species distribution data, historical coexistence with training activities, and the analysis presented in the Final EIS, populations would not be significantly impacted by proposed training activities. While the analysis indicates a less than significant impact, the Final EIS has been updated to include a discussion of potential impacts on individuals of a species.

Regarding artifacts, the Navy's evaluation of potential impacts from the Proposed Action includes archaeological and architectural resources, cemeteries, and traditional cultural properties-- particularly those that are historic properties (i.e., those listed or eligible for listing on the National Register of Historic Places). Archaeological surveys were conducted within the lands requested for withdrawal or proposed for acquisition (see Supporting Study: Class I Cultural Resources Investigation, available at <http://www.frtcmodernization.com>). Potential impact to wildlife and cultural resources are detailed in Section 3.10 (Biological Resources) and Section 3.11 (Cultural Resources) in the Final EIS.

F.5.1.3 George, L. (Fallon Paiute-Shoshone Tribe) Comment 1



FALLON PAIUTE-SHOSHONE TRIBE

November 16, 2018

Michael Baskerville
NAS Fallon
4755 Pasture Road
Fallon, NV 89406

Re: DEIS

Dear Mr. Baskerville,

This follows up on last Wednesday's meeting with representatives from Naval Air Station Fallon, the Bureau of Land Management, the Walker River Paiute Tribe, the Yomba Shoshone Tribe, and the Fallon Paiute Shoshone Tribe (Fallon Tribe) regarding the Navy's proposed Fallon Training Modernization.

During the meeting, we discussed the Fallon Tribe's deep concerns with the many impacts the proposed renewal and expansion would have on the Tribes, including the Fallon Tribe, which include loss of access to and quiet enjoyment of culturally and spiritually significant sites, damage to those sites, and harm to quality of life on our Reservation because of visual and noise pollution. Those concerns were set forth in a letter from the Tribe, dated June 15, 2018. Based on your comments at the meeting, the Navy is only of concerns regarding noise pollution. As reiterated during the meeting, the concerns go well beyond noise.

We also discussed the challenge of identifying all culturally significant sites given the vast size of the proposed renewal and expansion. It was clear that the Navy has not located these sites and does not have a plan in place to do so. Instead, you repeatedly asked for Tribal "help" identifying the sites, presumably in recognition of the fact that we, as the longstanding and permanent occupants and users of the renewal and expansion area, are expert in that subject and the appropriate party to engage in that massive undertaking. We were heartened to learn that Wednesday's meeting was the "first" of a series of discussions you planned to have with the Tribe. We are also pleased that Fallon NAS would reconsider the Tribe's request to fund the ethnographic and cultural studies required, as has been done with Southern Paiute Tribes with respect to the proposed expansion of Nellis Air Force Base. We also appreciate your indication that a Memorandum of Agreement could be discussed to address the Tribe's concerns regarding access to cultural sites for important spiritual and other cultural activities.

We were surprised to learn toward the end of the meeting, and only when asked directly, that the draft environmental impact statement (DEIS) is being published today. This was especially surprising, given that you stated at the meeting the discussions with the Tribes to identify cultural sites, their importance, and possible ways to protect are just underway. As we explained at the meeting, given that the Navy cannot yet ascertain the impacts of the proposed expansion on the

Tribe and the culturally significant impacts, it is premature to release a DEIS at this time. The Tribe requests that the Navy delay the release of the DEIS until the Navy, the Tribe, and other affected tribes develop a mutually agreeable path forward to determine the impacts of the proposed expansion. If the Navy does not delay the release of the DEIS, the DEIS should be not be finalized until the cultural sites are identified so there can be assessment of the impacts to the Tribes. The expansion would have devastating and permanent effects to the Tribe, and it is reasonable to take the time necessary to fully and carefully evaluate the impacts and alternatives. In the event the Navy will not agree to this order of operations, the Tribe hereby requests an extended comment period of no less than 180 days, which is the time necessary to identify and assess the cultural sites over the 800,000-acre renewal and expansion area.

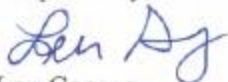
In the near term, we expect to hear back on the several items we discussed at the meeting:

1. whether NAS Fallon will fund a Tribal an ethnographic and cultural resources study;
2. identification of the areas that would be subject to destruction through bombing, use of munitions, sonic booms, and ground-based training;
3. a schedule of upcoming events (including a response to the Tribe's request in the preceding paragraph); and
4. the NAS Fallon contact to work with the Tribe to prepare a memorandum of agreement to define the Tribe's access to the proposed renewal and expansion areas.

I believe the other Tribes present at the meeting are waiting for additional information.

Please contact me with any questions or concerns.

Respectfully,



Len George
Chairman
Fallon Business Council

cc: Amy Kelley
Robert Rule
Amber Torres, WRPT Chairman
Sarah Caligiuri, YST OEP Director

F.5.1.3.1 Response

Thank you for participating in the NEPA process. With respect to mitigation of loss of access, the Navy will mitigate for loss of access to the lands requested for withdrawal or proposed for acquisition using all authorities that are available to it. The Proposed Action would manage but not eliminate access for cultural site visits on B-16, B-17, B-19, and B-20. Given the proposed access MOU has not been finalized and the high degree of concern with respect to potential loss of access documented in comments received from Indian tribes, the Navy concludes limiting tribal access to cultural resources may result in significant impacts. The DVTA and in the Special Land Management Overlay would remain open for cultural site visits. In support of the EIS effort, the Navy completed Class I and Class III surveys on the

areas proposed for target use on the ranges, see Section 3.11 (Cultural Resources) for an evaluation of the sites from these surveys.

With respect to ground-disturbing activities, ground-disturbing activities associated with new target construction, facility construction, and construction staging areas would be conducted in accordance with an amended 2011 PA and the ICRMP and placed to avoid affecting NRHP-listed and NRHP-eligible sites. Pre-construction surveys would be conducted prior to any ground-disturbing construction activities. If sites cannot be avoided, the Navy would consult with the SHPO in accordance with 36 CFR 800.6 for resolution of adverse effects. If cultural resources are encountered during construction activities, then construction would be suspended until an archaeologist or historian could determine the significance of the encountered resource(s) as well as any appropriate actions to be taken in accordance with applicable legal requirements. With respect to cultural resources located within target areas and their associated 200-meter buffers, although the Navy would attempt to avoid cultural resources when placing target areas, it is anticipated that such resources would be impacted by training activities. A number of resources within target or buffer areas have been determined to be eligible for listing on the NRHP. However, with the implementation of an amended 2011 PA, adverse effects would be avoided, minimized, and/or mitigated to such an extent that impacts would be less than significant.

Regarding consultation comments, in accordance with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*; DoD policies; the National Historic Preservation Act; and Navy instructions, the Navy engaged in Tribal consultations during scoping, during the public comment period for the Draft EIS, and following release of the Draft EIS. The Navy invited culturally affiliated Tribes to take part in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Tribes to (1) participate in project meetings and be aware of the project schedule, (2) provide additional information related to cultural resources, and (3) provide internal document review (e.g., of the Class III Cultural Resources Inventory Report) during the development of this Draft EIS.

The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach performed by the Navy and copies of official correspondence.

The Navy abides by stipulations found within the current 2011 PA between Nevada SHPO, BLM, and the Advisory Council on Historic Preservation with respect to withdrawn lands.

Currently, existing withdrawn lands are managed under the prescriptions of the 2011 PA. The Navy is required to consult with the signatories of the 2011 PA (ACHP, SHPO & BLM) for approval of an amendment which adds the newly withdrawn lands. As part of this action, the Navy drafted an amendment of the 2011 PA for consultation and completion by 2021 (when the 2011 PA expires). An amended 2011 PA would stipulate requirements for Navy cultural resources management of all Navy managed lands (withdrawn and purchased). Section 3.11 (Cultural Resources) of the Final EIS was

updated regarding the proposed amended 2011 PA process. The Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range “buffer” areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.

The Walker River Paiute Tribe and Navy signed a Memorandum of Understanding (MOU) on May 14, 2007. The Navy could discuss a Memorandum of Agreement to address the Fallon Paiute-Shoshone Tribe's concerns regarding access to cultural sites for important spiritual and other cultural activities and formalize an agreement to enhance communications and foster a long-term working relationship on items of mutual interest.

F.5.1.4 George, L. (Fallon Paiute-Shoshone Tribe) Comment 2



FALLON PAIUTE-SHOSHONE TRIBE

February 14, 2019

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

Re: Comments on the Draft Environmental Impact Statement (DEIS) for the proposed expansion of Naval Air Station Fallon

To Captain David Halloran, Mr. Baskerville, and responsible officials,

Please accept this comment letter on the Draft Environmental Impact Statement (DEIS) for the proposed expansion of Naval Air Station Fallon, submitted by the Fallon Paiute-Shoshone Tribe. These comments supplement comments the Tribe submitted on the preliminary DEIS on June 15, 2018, which are incorporated here by reference. The Tribe also attaches a letter from acoustics experts at the Greenbusch Group, which discusses noise impacts to specific locations and suggests appropriate mitigation.

The proposed expansion constitutes a continuation of the shameful legacy of the United States military seizing tribal lands and would cause grievous harm to the Fallon Paiute-Shoshone Tribe and its members. The expansion, and training enabled by the expansion, would eliminate access to hundreds of thousands of acres of ancestral lands and cause irreparable harm to the Tribe's cultural and spiritual sites. The DEIS has several fatal substantive and procedural flaws explained below. As a result, the DEIS is an inadequate basis to support the expansion. For these reasons, the Fallon Paiute-Shoshone Tribe strongly opposes expansion.

If expansion occurs, the Navy must minimize the impacts of that expansion and mitigate those impacts to the greatest extent possible. Areas that are sacred to the Tribe should be removed from the expansion if within the proposed expansion and protected as sensitive noise areas if near training areas. Flights over the Tribe's Reservation and identified sites of cultural concern should be avoided to reduce noise impacts.

The Tribe has not been afforded adequate opportunity or information to consider and prepare comments about the proposed expansion, which forever would foreclose the opportunity for Tribal members to engage in its cultural practices. For those areas that must remain within the expansion, the Tribe requests that the Navy share existing ethnographic data with the Tribe on a confidential basis, and then provide sufficient time, access, and funding for the Tribe and other affected tribes

Naval Facilities Engineering Command Southwest
Comments re Naval Air Station Expansion DEIS
Page 2 of 10

to conduct a robust analysis of cultural and spiritual sites. Based on past Navy practices within the existing expansion area, without such ethnographic analysis, cultural and spiritual sites that are often thousands of years old likely would be ruined by training activities, including the proposed use of live munitions and ordnance. Even if areas are not damaged by explosions, access would be forever curtailed. As the Navy concedes in the DEIS, areas used for air training with live munitions are now permanently suitable or safe for any ground-based access.

As cultural sites are identified, the Tribe requests that the Navy and affected tribes enter into an MOU that guarantees access for Tribal members at regular, set dates and times, so that access to ancestral lands is not subject to a potentially burdensome and discretionary bureaucratic process. Tribal members should not have to ask permission to carry out cultural and religious practices, nor is it appropriate for Navy staff to chaperone Tribal members as they carry out such practices.

In the DEIS and response to comments, the Navy references a 2011 programmatic agreement addressing the use of high explosives, and an internal ethnographic review of the expansion area. The Tribe requests copies of both of those documents so we can understand the nature of the Navy's plans and the information on which its ethnographic analyses are based.

This letter sets forth analytical flaws in the DEIS, suggests appropriate and necessary mitigation, and ends with a list of comments regarding specific suggestions for improvement in the FEIS.

Analytical Flaws

Among other issues, the DEIS fails to accurately identify the baseline for analysis of environmental impacts and fails to account for impacts to the Tribe and its members.

Incorrect Environmental Baseline

A central flaw in the impacts analysis is that it fails to recognize that the existing withdrawal already significantly impacts Tribal members, access to cultural and religious sites, and quality of life on the Reservation, and continuation of the withdrawal past 2021 will perpetuate those impacts. Instead, the DEIS misidentifies the "baseline" as perpetual continuation of the existing withdrawal and related training. The effect of this analytical framework is that construes permanent withdrawal as having no impact at all, which is plainly not the case.

It is well-settled under NEPA that the baseline for impacts analysis must be the world as it exists and will exist without the relevant agency or Congress taking any action. The impacts analysis is inherently forward-looking and measures anticipated deviation from the status quo in the future. Accordingly, the baseline is the same as the no-action alternative. As explained in *Biodiversity Conservation All. v. United States Forest Serv.*, 765 F.3d 1264, 1269 (10th Cir. 2014):

In general, NEPA analysis uses a no-action alternative as a baseline for measuring the effects of the proposed action. See 40 C.F.R. § 1502.14 (requiring that the agency assess a no-action alternative). "The no action alternative may be thought of in terms of continuing with the present course of action until that action is changed. It establishes a baseline against which the proposed action and its

Naval Facilities Engineering Command Southwest
Comments re Naval Air Station Expansion DEIS
Page 3 of 10

alternatives may be measured." George Cameron Coggins and Robert L. Glicksman, Discussion of Alternatives—The "No Action" Alternative, 2 Pub. Nat. Resources L. § 17:47 (2nd ed. 2014) (internal quotation marks omitted).

In *Ctr. for Biological Diversity v. United States DOI*, 623 F.3d 633, 642 (9th Cir. 2010), the Ninth Circuit applied the same analysis, stating:

The no action alternative is meant to "provide a baseline against which the action alternative []" -- in this case, the land exchange -- is evaluated. *Id.* A no action alternative must be considered in every EIS. See 40 C.F.R. § 1502.14(d).

In establishing the baseline, the test for whether a future event, such as termination of authorization for a land withdrawal, is considered part of the baseline is whether it is "reasonably foreseeable." *Cascadia Wildlands v. BIA*, 801 F.3d 1105, 1112 (9th Cir. 2015).

Here, the DEIS concedes that absent affirmative legislation by Congress, the withdrawal of 202,864 acres of public land will expire in November 2021, and training would only continue on the approximately 65,000 acres of land permanently withdrawn for Navy use. See DEIS 2-4 to 2-5. The 2021 end of the withdrawal is not only "reasonably foreseeable," it is legally certain to occur absent action by Congress. As a result, that is the baseline—two more years of training on approximately 267,000 acres, followed by a reduction.

The Navy's decision to set permanent perpetuation of the current withdrawal and training conditions as the baseline in the DEIS is legally flawed because it does not acknowledge the reality that the withdrawal is time-limited. The analytical approach also unfairly dismisses the experience of Tribal members, because it fails to acknowledge that re-authorization of the withdrawal, even without expansion, would fundamentally impact the life of Tribal members on and around the Reservation.

The Tribe respectfully suggests that in the FEIS, the Navy use the identified "No Action" alternative as the environmental baseline.

Failure to Consider Impacts to the Tribe and its Members

The DEIS is deficient throughout its analysis in that it fails to recognize and analyze the disproportionate impacts Naval training has on members of the Fallon Paiute-Shoshone Tribe. The analysis is conducted largely from a Navy point of view, and in many instances the analytical framework fails to take into account the ways in which Tribal members use lands and experience family and home life.

Adequate analysis of impacts to the Tribe and its members requires more than analysis of impacts to specific cultural or spiritual sites. Adequate analysis requires recognition that many of the impacts of the proposed expansion are uniquely harmful to the Fallon Paiute-Shoshone Tribe and other surrounding tribes, acknowledgment of that differing perspective, and evaluation of impacts as they will be felt by tribal communities.

Naval Facilities Engineering Command Southwest
Comments re Naval Air Station Expansion DEIS
Page 4 of 10

For example, the DEIS evaluates noise impacts based on a largely physical response—asking whether the noise will regularly disturb sleep, reach noises loud enough to drown out education, or rattle windows in houses. The DEIS largely assumes that noises without such dramatic physical impacts are not significant. However, as detailed further in the attached expert noise report, the noise analysis does not address impacts to life outdoors, to a community that treasures silence and quiet contemplation as part of its experience of its homelands.

The noise analysis is also based on broad-based methodology with respect to what level of noise is irritating and disruptive, without analyzing impacts to Tribal members who are likely more sensitive to lower levels of sound. While the Navy does acknowledge “sensitive receptors,” the identification of sensitive receptors appears to omit the Fallon Paiute-Shoshone Tribe’s Reservation and does not include many sites of cultural and religious significance to the Tribe. See DEIS 3.7-14, attached noise report.¹

Similarly, the DEIS fails to analyze the effects of use of live munitions and high explosives in the withdrawn training areas. While to some people, bombing the desert may seem inconsequential, to the Tribe, these explosions are attacking and degrading the Tribe’s history and way of life. The impacts of live munitions include distribution of trash and debris, damage to land, and potential exposure of remains.

Improper and Premature Assessment of Impacts to Cultural, Sacred, and Historic Sites

Impacts from live munitions are particularly concerning with respect to sites and landscapes of cultural, religious, sacred, and historic value to the Tribe and its members.² The DEIS does not adequately analyze impacts to those sites because it fails to account for the many unidentified sites associated with the Tribe and Tribal members’ ancestors within the proposed expansion area. Instead, the cultural resources section of the DEIS relies on existing surveys of varying intensity and comprehensiveness. See DEIS Section 3.11.2.5.1. These surveys are not tailored to the proposal, fail to account for traditional cultural landscapes, fail to account for impacts to cultural properties in the vicinity of the expansion that would be adversely impacted by training, are insufficiently detailed, and do not include participation by the affected tribes, including the Fallon Paiute Shoshone Tribe.

In response to comments from the Tribe, the Navy requested that the Tribe identify specific sites of concern. The Tribe can identify regions of concern, which include the area surrounding Fox Peak and Grimes Point, Table Mountain, Rawhide springs, Dixie Meadows hot springs, and the Sand Mountain area.

However, the request for specific sites is premature. In order to identify sites established over thousands of years of use by Tribal members’ ancestors, it is necessary for the Navy and the affected tribes to collaborate on a comprehensive inventory and survey of cultural properties and sites, carried out by members of the affected tribes and mutually agreed-upon archaeological and

¹ The Reservation is within the City of Fallon’s designation as a sensitive receptor, but lacks independent identification and the associated 5-mile radius.

² The Tribe refers to these areas collectively as “traditional properties.”

Naval Facilities Engineering Command Southwest
Comments re Naval Air Station Expansion DEIS
Page 5 of 10

ethnographic experts. While this process would take time, it is a minimal request given the permanent, adverse impacts of use high explosives at traditional properties.

With respect to analysis of impacts to traditional properties, the analysis fails to recognize that impacts include not only impacts to the sites themselves, but also the ability to experience them for the affected community. For example, while jets training in a traditional cultural landscape may not permanently destroy the landscape, the noise and visual impact adversely impact the landscape by marring its natural state and removing the ability to experience the place. As detailed in the attached expert report, these impacts stretch well beyond the confines of the training areas.

The impacts analysis is deeply flawed in the repeated conclusion that “the continued use of high explosives in existing target areas would not be considered a source of new ground disturbance, as the areas have been previously disturbed and intact archaeological sites do not exist.” *See, e.g.,* DEIS 3.11-26. This statement acknowledges that the training permanently destroys cultural sites, furthering the need for a thorough cultural resources survey as described above. It also relies on the premise that bombs and other explosives will be used in the exact same locations, which is contrary to the central theory of the proposed expansion—that new training areas with new weapons are necessary to prepare for new military threats—and contrary to the reality that there will be errant explosions over time. Moreover, absent authorization, the use of explosives would cease in 2021. The “continued use” of explosives past that time must be fully analyzed (see discussion of environmental baseline above for more detail on this point).

Finally, the impacts analysis for new construction and training is flawed in that it relies on the conclusion that “when possible” “targets and convoys would be placed away from eligible or unevaluated sites.” *See, e.g.,* DEIS 3.11-26. This empty standard provides no mitigation at all. The Navy states that when such avoidance is not possible it will consult with SHPO. Consultation must occur with the affected tribes to be meaningful.

Environmental Justice: The DEIS Fails to Consider Fact That Tribes Will Bear Disproportionate Impacts

One means of properly accounting for impacts to the Tribe would be with a robust analysis from an environmental justice perspective. Federal agencies such as the Navy are required to consider disproportionate impacts to minority groups such as the Tribe, based on President Clinton’s Executive Order 12898 on environmental justice and related Department of Defense policies. Environmental justice requires “fair treatment” of different groups, which according to the DEIS means “that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies.” DEIS 3.15-1.

Here, the Tribe plainly bears a “disproportionate share of the negative environmental consequences” of the proposed withdrawal and expansion.³ The Reservation is in extremely close

³ The Tribe recognizes that other tribes, such as the Walker River Paiute Tribe and the Yomba Shoshone Tribe, bear a similar burden, and believes that impacts to those tribes must be considered and mitigated.

Naval Facilities Engineering Command Southwest
Comments re Naval Air Station Expansion DEIS
Page 6 of 10

proximity to NAS, which means that virtually every training mission is audible to Tribal members at some point during the flight. The proposed expansion areas overlap considerably with sacred sites where Tribal members gather medicine and perform ceremonies, and where generations of Tribal ancestors are buried. These are different and disproportionate impacts relative to the general public, that must be taken into account. The Navy must provide meaningful involvement to the Tribe in the agency's decision. Meaningful involvement means that:

- people have an opportunity to participate in decisions about activities that may affect their environment or health,
- the public's contribution can influence the regulatory agency's decision,
- their concerns will be considered in the decision-making process, and
- the decision makers seek out and facilitate the involvement of those potentially affected.

DEIS 3.15-1.

In response to concerns raised by the Tribe in prior comments, the Navy stated that it applied the Environmental Protection Agency's Screening and Mapping Tool, and that under that "established methodology, the Fallon Paiute Shoshone Tribe did not meet the definition" of a minority or low-income population. However, the mapping tool cited is merely a tool—blind adherence to the tool does not satisfy the Navy's legal obligations under NEPA and environmental justice policies to consider impacts to the Tribe as a group disproportionately impacted by the proposed activity.

The Fallon Paiute Shoshone Tribe is a federally-recognized tribe, and clearly qualifies as an "American Indian" minority group. DEIS 3.15-2. Tribal members often live on and around the Reservation, which constitutes a concentrated population. The Tribe has notified the Navy of its location, existence, and that the proposed expansion would impose disproportionate impacts. In light of these known facts, it is illogical to lump the Tribe into the broader general population and to rely on census data for screening analysis. The arbitrariness of this approach is clear when some tribes, such as the Yomba Shoshone Tribe, are considered to be "minority populations" by the Navy, but other tribes, such as the Fallon Paiute Shoshone, are not. *See* DEIS 3.15-7. Second, even if census data is employed, the Navy's approach is based on inadequate data. The DEIS, 3.15-3 to 3.15-5, repeatedly states that in applying its screening tool, census block group data was not available, so the Navy used census tract data instead. A census block group has an optimum size of 1,500 people, while a census tract has an optimum size of 4,000 people. The difference between these approaches is consequential for the Tribe, which has fewer than 700 enrolled members residing on the Reservation. The Navy's lack of adequate data reinforces its obligation to take into account other factors, including the self-identification of the Tribe as an impacted minority group.

Courts have repeatedly invalidated NEPA documents for employing approaches similar to that adopted by the Navy. For example, the NEPA analysis associated with the Dakota Access Pipeline impermissibly diluted impacts to the Standing Rock Sioux Tribe by selecting an arbitrary range of impact and conducting analysis of a population area that failed to take into account the relatively

Naval Facilities Engineering Command Southwest
Comments re Naval Air Station Expansion DEIS
Page 7 of 10

small population of the Tribe. See *Standing Rock Sioux Tribe v. United States Army Corps of Eng'rs*, 255 F. Supp. 3d 101 (D.D.C. 2017). And in *N. Cheyenne Tribe v. Hodel*, Case No. CV 82-116-BLG, 12 Indian Law Rep. 3065, 3068 (D. Mont. May 28, 1985), the court ruled that NEPA analysis for a coal leasing program was invalid because it failed to take into account impacts on the nearby Northern Cheyenne Tribe as an independent population: “[i]t appears obvious that the Department was required to consider the impacts, including social and economic impacts, of federal coal development on the Northern Cheyenne community.”

The Tribe requests that the Navy conduct environmental justice analysis that accurately reflects the Tribe’s status as a disproportionately affected minority community, and that the Navy include mitigation that avoids and reduces impacts to the Tribe and its members.

Proposed Mitigation

As detailed in the Tribe’s June 15, 2018 comment letter and discussed in meetings with the Navy, the Tribe opposes expansion of NAS and has deep concerns about increased loss of access to its ancestral lands. For those areas that the Tribe will be able to access, the visual and auditory impacts of the training would impair use of those sites.

If expansion goes forward, the Tribe suggests the following process:

1. The Navy should fund and facilitate a comprehensive cultural resources survey of the expansion area and the immediate vicinity, in collaboration with the affected tribes.
2. Based on that survey, the Navy and tribes should identify traditional properties that must be protected.
3. Traditional properties outside the expansion area should be treated as sensitive receptors, with flyovers and nearby training avoided (like the Navy provides for Crescent Valley and Eureka).
4. Traditional properties identified inside the expansion area should be considered for removal from the expansion. If they must stay within the expansion, those areas should be off-limits for use with ground-disturbing activities, such as construction or practice with munitions.
5. For traditional properties within the expansion area, the Navy and tribes should negotiate an MOU which allows for access at agreed times throughout the year, so that discretionary and individual permission is not required. The visits should not include accompaniment by Navy officials, which is impermissible in many tribal cultural practices, such as religious ceremonies, gathering of medicines, and visits to ancestors’ remains.
6. The Navy should substantially reduce the amount of withdrawal acreage for the Dixie Valley Training Area and support Wilderness and National Conservation Area

Naval Facilities Engineering Command Southwest
Comments re Naval Air Station Expansion DEIS
Page 8 of 10

designations to assure permanent protections for the natural and cultural resources for both the Stillwater Range and Dixie Valley and to assure these areas do not become developed.

These procedures should be developed in coordination with the tribes, before finalization of the FEIS. Absent finalization of access rights and other issues, the FEIS and Section 106 consultation will not adequately address environmental impacts and impacts to traditional properties, because the extent of those impacts will be unknown.

Finally, the Tribe suggests that, to the maximum extent possible, the Navy employ training with inert munitions. It is unclear that training truly requires actual explosives to be effective, and the impacts of the explosives on the land and the surrounding community are consequential, permanent and intense. Indeed, the DEIS concedes that areas used for live munitions can no longer be safely used for ground-based training because of unexploded ordnance and weapons debris. *See* DEIS 2-58. This concession reveals that use of live munitions causes permanent severe restrictions on access and land use. These impacts should be avoided to the maximum extent possible, through use of inert munitions.

Specific Additional Concerns

The Tribe lists specific additional concerns with the DEIS below.

- Throughout the analysis, the DEIS focuses on impacts at each training range independently, without adequate discussion of flights and travel between the training areas. The Tribe requests that all aspects of training activities be considered, including overflights and vehicle traffic in transit to training areas.
- The Navy suggests that it is not proposing to increase the number of training activities, but rather to distribute the same amount of training over more space. However, it is reasonably foreseeable that with more space and capacity, the Navy will increase training activities in the future. These reasonably foreseeable impacts must be considered in the DEIS to avoid impermissibly segmenting the proposal.
- Spreading training does not effectively dilute impacts—training with jets and explosives will still be loud, and the noise will permeate a greater area.
- The Tribe opposes allowing geothermal and other mineral development in the Dixie Valley Training Area. Those uses degrade traditional properties and the ability of Tribal members to participate in cultural and religious activities, and when combined with military training would have significant cumulative impacts.
- Each of the action alternatives includes overlap of training area with “11,600 acres of BLM’s proposed Fox Peak Area of Critical Environmental Concern.” The Fox Peak ACEC was proposed by the Tribe to the Bureau of Land Management and is of critical importance to the Tribe. The Navy does not provide a reasonable range of alternatives—at least one

Naval Facilities Engineering Command Southwest
Comments re Naval Air Station Expansion DEIS
Page 9 of 10


alternative must completely avoid the Fox Peak ACEC. The Tribe suggests that one alternative eliminate withdrawal of the Fox Peak ACEC, the Fallon National Wildlife Refuge, the Dixie Valley Training Area, and sites located through a comprehensive cultural resource survey.

- The Navy proposes designating Crescent Valley and Eureka as noise-sensitive areas with noise buffer zones. *See* DEIS 3.7-54. The Tribe suggests the same treatment for the Tribe's Reservation, the Fox Peak ACEC, Table Mountain, Grimes Point, Sand Mountain, and Rawhide Springs. Each of these areas is of critical importance to the Tribe.
- The action alternatives include Navy legislative requests for funding to relocate roads and a pipeline, which are likely to be extremely expensive. *See* DEIS 1-34. These expenses and associated impacts should be considered as part of the DEIS. Additionally, the Navy should consider whether funding may mitigate impacts to other areas, through land acquisition or other means.
- The DEIS lacks adequate analysis of the climate change impacts of emissions from training, particularly air training. Emissions of water vapor, carbon dioxide, and other substances at altitude have a severe climate impact.
- The Tribe notes that cultural impacts for purposes of NEPA are much broader than those considered under the NHPA, and the two statutes should not be conflated. While the NHPA focuses on impacts to properties eligible for registration on the National Register of Historic Places, NEPA mandates consideration of all impacts to the human environment. For example, impacts to medicine gathering and ceremonial and religious use of withdrawn lands and surroundings lands must be considered under NEPA.
- A main justification for the enormous size of the proposed withdrawal is to provide a safety buffer for errant live munitions. *See* DEIS 1-12; DEIS 2-3. The Navy should consider an alternative where use of inert munitions is maximized, which would eliminate many impacts of their use and vastly decrease the size of the proposed withdrawal.
- The Navy plans significant ground-disturbing construction, including construction of villages and conex box targets without surrounding ground clearing. These construction activities should involve tribal monitors for cultural resources. *See* DEIS 2-12.
- The Navy states that it would "support, fund, and participate" in NEPA analysis for road relocation and other anticipated activities associated with the withdrawal. The Navy should similarly fund and support tribal participation in these NEPA processes, and other consultation needs associated with implementation of the expanded training area. It is unfair for tribes to both lose access to lands and then have to fund staff to evaluate ongoing impacts.

Naval Facilities Engineering Command Southwest
Comments re Naval Air Station Expansion DEIS
Page 10 of 10

- The Tribe suggests that the Navy not withdraw Fallon National Wildlife Refuge lands, particularly since the Navy does not plan to use the lands. USFWS is the expert agency in land management for wildlife and should retain ownership and control. The proposed MOU could change and leave the area vulnerable to future training activities. *See* DEIS 2-16.
- The Tribe opposes removing Wilderness Study Area status from the areas identified on DEIS 2-18. The Navy should consider requesting permanent wilderness status for these areas, which will prevent development and enhance surrounding training opportunities.
- The Tribe strongly opposes any change that diminishes the boundaries of the Fox Peak ACEC. *See* DEIS 2-18.
- The DEIS states that supersonic training should not occur below 30,000 feet of altitude but allows deviations where necessary for training purposes. This extremely broad exception renders the 30,000-foot minimum meaningless. The Tribe suggests a mandatory 30,000-foot minimum without exceptions.
- The Tribe is concerned that the “Site Visit Management Program” described at DEIS 2-34 would not prioritize use for non-military purposes and would, as a practical matter, severely limit or eliminate access for Tribal members. The Tribe is also concerned that the program would be bureaucratically burdensome and discretionary. The Navy should work with affected tribes to establish designated areas with open visit times for tribal members. The Tribe suggests that the Site Visit Management Program should be operated by a third-party or delegated to tribal management, to ensure continued access.
- As discussed further in the appended expert report, the use of speech interference as the measure of noise disturbance fails to take into account the importance of quiet reflection at culturally significant areas and is an overly narrow scope of analysis. *See* DEIS 3.7-7. It also fails to take into account the heightened impacts of noise to Tribal members, who place a very high value on quiet.

On behalf of the Fallon Paiute Shoshone Tribe please accept these preliminary comments and understand that additional comments will arise as this process proceeds. Please direct any questions or responses to me at (775) 423-6075 or via email at chairman@fpst.org or in my absence please contact our Tribal Vice Chairwoman, Yvonne Mori at (775) 423-1132 or via email at cvsdirector@fpst.org.

Sincerely,

Len George, Chairman
Fallon Paiute-Shoshone Tribe

Encl.

THE GREENBUSCH GROUP, INC.



DATE: February 14, 2019

TO: Fallon Paiute Shoshone Tribe

FROM: ADAM C. JENKINS, PE, INCE BD. CERT.

RE: FRTC MODERNIZATION – REVIEW OF DEIS NOISE REPORT

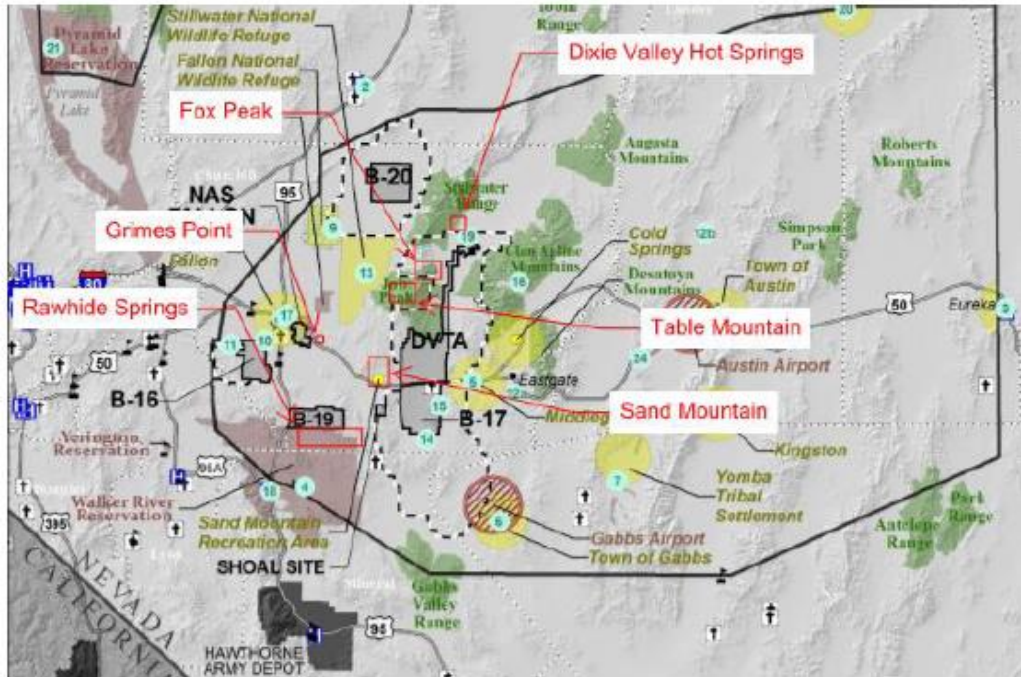
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- 1
2 At the request of the Fallon Paiute Shoshone Tribe ("Tribe"), I have reviewed the following
3 section of the Draft Environmental Impact Statement ("DEIS"):
- 4 1. Chapter 3.7 Noise, FRTC DEIS, prepared by Blue Ridge Research and Consulting,
5 November, 2018 ("Report")
- 6 **Summary**
- 7 While the Report provides a comprehensive evaluation of potential noise impacts from the
8 project on many noise-sensitive receptors, adequate investigation of potential noise impacts
9 of the following outdoor areas of special tribal significance are either absent or fall short of a
10 full evaluation, as shown in Figure 1.
- 11 1. Dixie Valley Hot Springs
12 2. Fox Peak
13 3. Table Mountain
14 4. Grimes Point
15 5. Sand Mountain
16 6. Rawhide Springs
- 17 In Figure 1, DEIS "Point of Interest Noise Modeling Locations" are represented by text inside
18 blue circles with numbers ranging from 1 to 24. As shown in the figure, very few areas of
19 special tribal significance were analyzed for noise impacts and most do not include a noise
20 analysis location within five miles. However, even where a noise analysis location was located
21 nearby, it appears only outdoor speech interference was used as an impact criterion, which is
22 not adequately protective of the use.
- 23 I recommend the following additional analysis be conducted while preparing the FEIS:
- 24 1. Ambient noise monitoring in areas of special tribal significance.
25 2. Assessment of potential noise impacts from aircraft overflight, munitions, and
26 supersonic events that may present a substantial increase to existing background
27 noise conditions and disrupt tribal use of these areas.
28 3. Presentation of the above assessment and past speech interference analysis (tables
29 and figures) showing predicted daily event counts and sound levels.
30 4. Mitigation development to reduce extent of noise impacts identified from the above
31 investigation.

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February 14, 2019
Page 2 of 5
FRTC Modernization DEIS – Noise Review

Figure 1. Areas of Special Tribal Significance (based on DEIS Figure 3.7-26)



Proposed Actions and Alternatives

The United States Department of the Navy ("Navy") oversees operations at the Fallon Range Training Complex ("FRTC") under a 1999 Public Land Withdrawal spanning 202,864 acres near Fallon, Nevada. The FRTC Project DEIS considers the following alternative

1. No Action
 - a. Allow existing land withdrawal to expire in November, 2021.
 - b. Significantly reduce military training operations at FRTC.
2. Alternative 1 (Proposed Action)
 - a. Request renewal of existing land withdrawal.
 - b. Request withdraw and reservation of an additional 618,727 acres of Federal land and 65,153 acres of non-Federal land for military use (337% increase).
 - c. Infrastructure upgrades and expansions to bombing and other training areas.
 - d. Restricted access to areas B-16, B-17, B-20, and Dixie Valley Training Area ("DVTA")
3. Alternative 2 (Managed Access)
 - a. Similar actions as Alternative 1, with allowing for continued public use of certain FRTC areas during specific hours.
4. Alternative 3 (Preferred Alternative)

February 14, 2019
Page 3 of 5
FRTC Modernization DEIS – Noise Review

- 1 a. Modifications to boundaries of B-16, B-17, B-20, and DVTA compared to
- 2 Alternative 1.
- 3 b. Similar public access as allowed by Alternative 2.

4 Noise and Effects

5 The auditory response to sound is a complex process that occurs over a wide range of
6 frequencies and intensities. Decibel levels, or “dB,” are a form of shorthand that compresses
7 this broad range of intensities with a convenient numerical scale. The decibel scale is
8 logarithmic. For example, using the decibel scale, a doubling or halving of energy causes the
9 sound level to change by 3 dB; it does not double or halve the sound loudness as might be
10 expected.

11 The minimum sound level variation perceptible to a human observer is generally around 3-
12 dB. A 5-dB change is clearly perceptible, and an 8 to 10 dB change is associated with a
13 perceived doubling or halving of loudness. The human ear has a unique response to sound
14 pressure. It is less sensitive to those sounds falling outside the speech frequency range.
15 Sound level meters and monitors utilize a filtering system to approximate human perception
16 of sound. Measurements made utilizing this filtering system are referred to as “A weighted”
17 and are called “dBA”.

18 Common sound pressure levels are reported below in Table 1.

Table 1. A-weighted Levels of Common Sounds

Sound	Sound Level (dBA)	Approximate Relative Loudness ¹
Jet Plane @ 100 feet	130	128
Rock Music with Amplifier	120	64
Thunder, Danger of Permanent Hearing Loss	110	32
Boiler Shop, Power Mower	100	16
Orchestral Crescendo at 25 feet	90	8
Busy Street	80	4
Interior of Department Store	70	2
Ordinary Conversation @ 3 feet	60	1
Quiet Car at Low Speed	50	1/2
Average Office	40	1/4
City Residence, Interior	30	1/8
Quiet Country Residence, Interior	20	1/16
Rustle of Leaves	10	1/32
Threshold of Hearing	0	1/64

1. As compared to ordinary conversation at 3 feet.

Source: US Department of Housing and Urban Development, *Aircraft Noise Impact Planning Guidelines for Local Agencies*, November 1972.

- 19 “Noise” is defined as unwanted sound. Human exposure to noise can result in a variety of
- 20 responses, including hearing damage, speech interference, sleep disruption, and a variety of
- 21 cardiovascular and psychophysiological effects. A variety of noise “metrics” have been
- 22 developed to provide a numerical means to establish impact and effect thresholds.

February 14, 2019
Page 4 of 5
FRTC Modernization DEIS – Noise Review

1 **Metrics**

2 • **Ambient Sound Level**

3 A sound pressure level that describes the sound environment at a specified location
4 during a specified time period including contributions from all sound sources, both local
5 and distant, excluding specific sources of interest or under investigation.

6 • **Background Sound Level**

7 A sound pressure level that describes the sound environment at a specified location
8 during a specified time period including contributions from all continuous sound
9 sources, both local and distant, exclusive of extraneous events, such as aircraft,
10 intermittent traffic, animals, people, etc. The L_{90} descriptor is often accepted by
11 jurisdictions as representative of the background sound level, describing the sound
12 level exceeded 90% of the time.

13 • **Day-Night Sound Level, L_{dn}**

14 L_{dn} is the L_{eq} measured over a 24-hour interval, with sound levels between 10:00 PM
15 and 7:00 AM penalized by 10 dB to reflect greater potential for disturbance. The
16 nighttime penalty is imposed where sleep interference is a consideration. The L_{dn} has
17 been found to have a close correlation with community response to noise, primarily in
18 residential areas.

19 • **Sound Exposure Level, SEL**

20 SEL represents the total sound energy during a measurement period normalized to
21 one second, reported in decibels with a reference pressure of 20 μ Pa for airborne or
22 1 μ Pa for underwater.

23 • **Maximum Sound Level, L_{max}**

24 L_{max} is the maximum recorded root mean square (rms) A-weighted sound level for a
25 given time interval or event. L_{max} "fast" is defined as a 125-millisecond time-weighted
26 maximum, while L_{max} "slow" corresponds to a 1-second time-weighted maximum.

27 **Analysis Review**

28 The Report presents sound level predictions for subsonic and supersonic aircraft operations
29 and munitions testing for existing conditions and each alternative, and reports the following
30 conclusions:

31 1. No Action

32 a. Reduction in noise emissions from FRTC, no noise impacts.

33 2. Alternatives 1, 2, and 3

34 a. Result in significant impacts on the acoustic environment, focused in the
35 eastern project area in the expanded special use airspace.

36 Noise mitigation measures proposed in the Report to address these impacts are limited to
37 logs and investigations of noise complaints, potential buffer areas around Crescent Valley and
38 Eureka, and airspace exclusion area over Gabbs airport. It should be noted that it appears
39 some of these measures were included in the noise analysis input parameters and would
40 therefore not further-reduce the extent of predicted noise impacts. In general, the Report

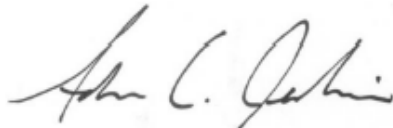
February 14, 2019
Page 5 of 5
FRTC Modernization DEIS – Noise Review

1 appears to not identify any additional mitigation or abatement measures to resolve predicted
2 noise impacts.

3 The Report acknowledges "recreationist may experience outdoor speech interference" in
4 some areas, generally near the town of Gabbs and in areas near airfields and flight tracks
5 using a threshold based on "the number of events per daytime hour ... that are greater than
6 the instantaneous maximum sound level of 65 dB L_{max} ." However, there are no tables or
7 figures that present predicted L_{max} values in outdoor areas within the project footprint, only
8 references in the text as to whether an impact may be present in certain areas. Therefore, the
9 basis by which the analysis was used to determine the conclusions presented in the Report
10 is not presented. While this threshold (65 L_{max}) may be reasonable for speech interference, it
11 does not address human disruption in sacred outdoor areas. Impacts to these types of
12 activities would be more accurately assessed by investigating the increases to the "natural
13 quiet" of the environment represented by the background sound level (hourly L_{90}).

14 Information that is presented in the Report indicates long-term average increases of up to 6
15 dB (L_{dn}) in areas of special tribal significance (Rawhide Hot Springs) and very high sound
16 levels from some aircraft operations (84 dBA overflight events from F-35A, 8 dB louder than
17 the existing condition) near Dixie Valley Hot Springs for all alternatives. Even though the
18 Report states that an increase of 5 dB or more would "indicate a substantial degradation in
19 the noise environment," since neither of these areas were identified as noise-sensitive
20 receptors, it appears investigation of these noise impacts was not performed.

21
22
23 Respectfully Submitted;



24
25 Adam C. Jenkins, PE, INCE Bd. Cert.
26 Principal
27

F.5.1.4.1 Response

Thank you for your comment and participation in the NEPA process. In accordance with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, Department of Defense policies, the National Historic Preservation Act, and Navy instructions, the Navy engaged in Tribal consultations during scoping and following the public release of the Draft EIS. The Navy invited culturally affiliated Indian Tribes to participate in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Indian Tribes to (1) participate in project meetings, (2) provide additional information related to cultural resources, (3) provide internal document review (e.g., the Class III Cultural Resources Inventory Report), and (4) review the draft reports in order to provide additional information regarding site locations during the development of the Draft EIS to assist the Navy in making the final determinations of eligibility of sites for listing on the National Register of Historic Places.

The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Indian Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach conducted by the Navy and official correspondence.

Regarding impacts from noise, the Navy modeled the existing and proposed noise levels associated with military training activities, described in Section 3.7 (Noise). As discussed in Section 3.2 (Land Use), specifically Section 3.2.3.2.5 (Fallon Range Training Complex Special Use Airspace), aerial maps of the areas where the DNL is above 65 dBA were visually inspected to determine the presence or absence of sensitive receptors, such as residences, lodging, and medical facilities. The EIS provides supplemental noise data for representative sensitive receptors

Potential noise impacts on Indian Tribes were analyzed as they relate to environmental justice. Implementation of any of the action alternatives would not cause disproportionately high or adverse human health or environmental effects, including noise impacts, on minority and low-income populations, including Indian Tribes. This analysis is discussed in Section 3.15 (Environmental Justice).

The Navy abides by stipulations found within the current 2011 PA between Nevada State Historic Preservation Office (SHPO), BLM, and the Advisory Council on Historic Preservation (ACHP) with respect to withdrawn lands. The Navy has completed cultural resources surveys in B-16, 17, and B-20 where there is a reasonable expectation of direct impact from the placement of targets and in construction areas. Additionally, the Navy conducted cultural resource inventories in potential target areas on B-16 and B-17 to provide some latitude for the placement of targets should there be a conflict between targets and eligible cultural properties. The Navy is consulting with Indian Tribes on the identification of any additional known cultural resources and associated potential direct and indirect impacts from the Proposed Action.

Under the withdrawal and acquisition, the Navy acknowledges that it would be restricting access to cultural resources to a considerable extent; however, consistent with Executive Order 13007, *Indian*

Sacred Sites, the Navy would continue to work with Indian Tribes to develop protocols for access to cultural resources when compatible with military training activities through the creation of an MOU. The Final EIS was updated with information in Section 3.11 (Cultural Resources) regarding Navy Section 106 consultation with the Nevada SHPO, ACHP, and Indian Tribes, including the proposed amendment of the current 2011 PA to establish protocols for the future management of historic properties and any MOUs with Indian Tribes in association with the Proposed Action.

In establishing the baseline for analysis, the Navy included the “status quo” alternative as an “Alternative Considered But Eliminated” in Section 2.5.1 (Continue Training at the Fallon Range Training Complex in the Current Configuration). This alternative, also known as the “status quo” alternative, would renew the existing FRTC land withdrawals as currently configured. The Navy would not withdraw or acquire any additional land, and there would be no changes to existing restricted airspace at the FRTC. In their comments during the scoping period, Churchill County, Eureka County, Nevada Association of Counties, and other members of the public recommended that the Navy consider this alternative in this EIS. The Navy considered this alternative but did not carry it forward for detailed analysis in the EIS. It would not meet the purpose of and need for the Proposed Action, nor would it satisfy the realistic training environment and safety screening factors.

The Navy did use a “No Action Alternative,” as requested in this comment for comparison to the action alternatives. Under this proposal, taking “no action” would mean that Congress would not extend the current land withdrawal, which expires in November 2021. Therefore, the land withdrawal would expire and FRTC lands would be reverted back as described under the No Action Alternative. If the Secretary of the Interior concludes that decontamination is not practicable or economically feasible of all or part of the former FRTC or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the proposed land for relinquishment.

The Navy analyzed impacts to tribes throughout the EIS as members of the human population and as required under the implementation of the NEPA and other applicable rules and regulations. Regarding impacts to sites that are unknown, in cases where avoidance of historic properties is not possible, the appropriate process outlined in 36 CFR 800.6 (resolution of adverse effects) would be followed. With current management practices of avoidance of cultural sites and management practices for inadvertent discovery, there are no new proposed mitigation programs. However, the Navy acknowledges that there may be impacts (which could lessen the overall atmosphere and experience of silence within the FRTC, to include on tribal lands) that have yet to be defined and would continue to develop and incorporate mitigation measures as necessary during the proposed amended 2011 PA process.

Regarding Environmental Justice and claimed disproportionate impacts, the Navy used the Environmental Protection Agency’s Environmental Justice Screening and Mapping Tool (EJSCREEN) to initially screen for areas with minority and low-income populations, potential environmental quality issues, and environmental and demographic indicators. Data was also pulled from the U.S. Census Bureau’s 2010 Census and 2012-2016 American Community Survey to characterize minority and Hispanic or Latino populations and to define low-income populations. Populations associated with Indian Tribes are included in the county populations. The Fallon Paiute Shoshone Tribe identified themselves as a minority community. Based on the analysis of all action alternatives, minority and low-

income populations are present within the affected area. However, implementation of any of the action alternatives would not cause disproportionately high or adverse human health or environmental effects on minority and low-income populations. The approach to analysis is further discussed in Section 3.15 (Environmental Justice), specifically Section 3.15.1.3 (Approach to Analysis) of the Final EIS.

Regarding the mitigation measures suggested by the Tribe, the Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range “buffer” areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.

Regarding the use of explosives rather than inert munitions, the Navy uses explosives and needs to continue to use explosives during training for many reasons. The first of which is to maintain the realism of the training for the operators. Second is to maintain the training of the weapons handlers through loading of the weapon to the successful deployment of the weapon. As discussed in Section 3.14 (Public Health and Safety), the Navy has implemented a strict Hazardous Material Control and Management Program and a Hazardous Waste Minimization Program for all activities. The Navy continuously monitors its operations to find ways to minimize the use of hazardous materials and to reduce the generation of hazardous wastes. Any spills would be managed and cleaned up in accordance with applicable state and federal regulatory requirements. If any such spill were to exceed reportable quantities as defined by the U.S. Environmental Protection Agency for regulated material, the event would be immediately reported to the NAS Fallon Environmental Division for appropriate action per the Integrated Contingency Plan (U.S. Department of the Navy, 2009).

Additionally, the DoD created the Installation Restoration Program to identify, evaluate, and clean up contamination from past operations on military bases. The program was designed to ensure DoD compliance with federal and state environmental laws and regulations.

Lastly, Chief of Naval Operations Instruction 3571.4, Operational Range Clearance Policy for Navy Ranges, establishes the policy and requirements for performing operational range clearance on Navy ranges.

Overflights and vehicle transit were mainly addressed in the 2015 FRTC EIS, which analyzed impacts from training activities in the FRTC. The Navy is not suggesting to increase the number of training activities under this Proposed Action. Speculation as to future needs cannot be analyzed properly at this time.

Regarding noise impacts and lack of dilution, noise modeling presented in Section 3.7 (Noise) included 24 representative locations throughout the FRTC that could be considered a sensitive receptor. These areas include Austin, Kingston, the Yomba Tribal area, Reese River Valley, Antelope Valley, and Lander County. Austin, Kingston, and the Yomba Tribal Settlement currently are defined as Noise Sensitive Areas that include a 5-nautical-mile radius and ground surface to 3,000 feet AGL avoidance buffer. The modeling used for noise analysis in the Draft EIS was chosen per OPNAVINST 11010.36C, NOISEMAP is to

be used for developing DNL contours. Noise exposure in DNL contours is typically analyzed within contour bands, or ranges of DNL exposure, which cover the land areas between two contour lines. Per DoD Instruction 4165.57, DNL noise contours are used for recommending land uses that are compatible with aircraft noise levels. Studies of community annoyance in response to numerous types of environmental noise show that DNL correlates well with impact assessments. A consistent relationship exists between DNL and the level of annoyance experienced (refer to Supporting Study – Noise Study available at <http://www.frtcmodernization.com>). DoD recommends land use controls beginning at the 65 dB DNL level. Research has indicated that about 87 percent of the population is not highly annoyed by outdoor sound levels below 65 dB DNL. Most people are exposed to sound levels of 50 to 55 DNL or higher on a daily basis. Therefore, the 65 dB DNL contour helps determine compatibility of military aircraft operations with local land use, particularly for land use surrounding airfields, and is the lower threshold for this analysis.

While the DNL noise metric is the federal standard for analyzing the cumulative noise exposure from all aircraft operations, the DoD has developed additional metrics to supplement the noise analysis. These supplemental metrics and analysis tools provide more detailed noise exposure information for the decision process and improve the discussion regarding noise exposure. The DoD Noise Working Group technical bulletin Using Supplemental Noise Metrics and Analysis Tools was used to determine the appropriate metrics and analysis tools for this EIS.

While any geothermal development in the Dixie Valley area would need to follow required desiring features to reduce overall impacts to the training environment in the DVTA, the Navy acknowledges the Tribe's concern with respect to such potential development, and would continue to discuss these concerns with the Tribe. The Navy is not proposing to change the withdrawal area in any of the action alternatives to remove the area proposed for withdrawal in the proposed Fox Peak ACEC. Under Alternative 3, the Navy reduced the size of the area for withdrawal from the Fallon National Wildlife Refuge from 3,200 acres to 2,720 acres to better fit the weapons danger zone for B-20. 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.

Regarding the designation of new noise sensitive areas, a five nautical mile buffer around the towns of Crescent Valley and Eureka would be implemented due to the extension of Military Operating Areas in the eastern portion of the FRTC SUA. The Navy is not proposing noise-sensitive areas for the Fox Peak ACEC, Table Mountain, Grimes Point, Sand Mountain, or Rawhide Springs as these boundaries would not be compatible with training needs. A noise sensitive area has already been designated over the Tribal Reservation.

Any proposed rerouting of the State Route 839 or 361 or of the pipeline is still conceptual in nature and would be evaluated prior to closure of the route. Follow-on National Environmental Policy Act (NEPA) analysis would be conducted for the potential relocation of State Route 839 if Alternative 1 or 2 were to be selected, State Route 361 if Alternative 3 (Preferred Alternative) were to be selected, and for the pipeline. See Chapter 2 for further details. After any ultimate Congressional decision, the Navy would transfer any funds appropriated for relocating the road in question to the Federal Highway Administration, which in turn would make these funds available to Nevada Department of Transportation (NDOT) for planning, design, NEPA-documentation, permitting and construction of the replacement road to meet state standards. The Navy would purchase and pay for relocation of that

portion of the pipeline that would need to be relocated. Using funding provided by the Navy, the Paiute Pipeline Company would be responsible for planning, designing, permitting, funding, and constructing any realignment of the pipeline. The real estate process will contain the terms of the agreement between the Navy and the Paiute Pipeline Company. A ROW application submitted to the BLM by the pipeline owner would formally identify any proposed reroute. Site-specific environmental analysis and NEPA planning would be required before any potential relocation of the pipeline could occur, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing pipeline unless and until any such re-routing of the pipeline has been completed and made available to the pipeline owner. The BLM would have decision authority with respect to any proposed final routing subsequent to completion of site-specific environmental analysis.

Regarding impacts to climate change, impacts to air quality and climate change are discussed in Section 3.8 (Air Quality). There are no proposed increases in the types or tempo of training activities under any Alternative in the Final EIS and, as such, there would be no increase in greenhouse gas emissions. See Section 3.8 (Air Quality), specifically Sections 3.8.3.2.9 (Greenhouse Gas Emissions), 3.8.3.3.9 (Greenhouse Gases), and 3.8.3.4.9 (Greenhouse Gases) of the Final EIS for more information.

Regarding the comment on cultural impacts under NEPA, the Navy's evaluation includes archaeological and architectural resources, cemeteries, and traditional cultural properties-- particularly those that are historic properties (i.e., those listed or eligible for listing on the National Register of Historic Places). Archaeological surveys were conducted within the lands requested for withdrawal or proposed for acquisition (see Supporting Study: Class I Cultural Resources Investigation, available at <http://www.frtcmodernization.com>).

Regarding the construction of targets, the Navy would continue to meet with tribes regarding these construction activities. Procedures as outlined in an amended 2011 PA would be followed for construction activities.

Regarding the funding of staff for the tribal participation in the NEPA process, the Navy does not have the authority to fund such a position. Over the past several decades Joint Land Use Studies have assisted in preserving and protecting the lethality and readiness of our nation's military. During that time, the Navy identified that the compatibility challenges that the military and communities face go beyond the use of land. Joint Land Use Studies can also address encroachment challenges such as spectrum interference, unmanned aerial systems, and cyber vulnerabilities. In recognition of the broader challenges faced by our military and communities the Joint Land Use Study is being rebranded as the Compatible Use Plan. State and community driven Compatible Use Plans will continue to be the primary tool to promote compatible use in order to sustain the military missions. The Navy is not authorized currently to fund emergency services in Gabbs. Following any ultimate Congressional decision, it is anticipated that the U.S. Department of Defense's Office of Economic Adjustment Program will provide technical and financial assistance to state and local governments to undertake Compatible Use and Joint Land Use Studies in response to Military Department compatibility concerns. Joint land use studies represent a planning process that promotes open, continuous dialogue among the Military, surrounding jurisdictions, and states to support long-term sustainability and operability of military missions. The last Joint Land Use Study was completed for NAS Fallon in May of 2015, and serves as a comprehensive strategic plan with specific implementation actions to address and prevent incompatible civilian development that could impair the operational utility of military missions or impact available resources

(i.e., air, land, electromagnetic spectrum). Building off of the successful Office of Economic Adjustment (OEA) Federal Funding Opportunity (FFO) focused on placement of energy projects, OEA is launching a new FFO in an effort to further the Compatible Use Program. In addition to assistance with energy placement, the new FFO is expanded to allow state and local governments to request funding to assist states and communities to work with their local military installations to promote and guide civilian development and activities which are compatible and support the long-term readiness and operability of military installations, ranges, special use air space, military operation areas and military training routes. This FFO allows states and communities to nominate their installation(s) and region for compatible use efforts. OEA will maintain a concurrent annual process for the military services to nominate installations for Compatible Use Plans (see <http://oea.gov/office-economic-adjustment-announcement-federal-funding-opportunity-ffo>).

Regarding the Fallon National Wildlife Refuge lands proposed for withdrawal, the Navy proposes to enter into an agreement (MOU) with the USFWS to allow the portion of the Fallon National Wildlife Refuge within B-20 to be closed to all public access, but to continue to be managed as a wildlife refuge.

Regarding Wilderness Study Areas (WSAs), the proposed de-designation is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces, along with other non-hazardous training activities (e.g., night vision goggle training, low altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTA, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed.

Regarding sonic boom regulations, sonic booms are a normal, though uncommon, part of essential Naval Aviation training activities at the Fallon Range Training Complex. The range normally opens for operations at 7:30am. Realistic training requires large numbers of complexly integrated forces training in all conditions, day and night, and such high volume of complex training activities dictates schedules.

The Navy strives to minimize the impact of aircraft noise on the public while still accomplishing its mission. Populated locations are designated as Noise Sensitive Areas and are to be avoided by a minimum of 3000 feet in accordance with FAA regulations and Navy doctrine. Supersonic activities in the areas of concern are restricted to altitudes greater than 30,000 feet.

Additional noise monitoring systems are deemed unnecessary as the Navy monitors activities within the range with radar and telemetry systems.

Noise complaints are taken by the Air Operations Office. Reports are compared to schedules and telemetry to determine whether flight rules were violated and then handled by the Navy accordingly.

Regarding the site visit management program, the Navy will continue to meet with affected tribes to discuss impacts and potential minimization options.

With regards to your summary statements regarding the individual noise locations selected for modeling, the 24 locations presented on the map are only representative locations. The map and the contours can be utilized to ascertain (within 5 dBA DNL increments) what the Day-Night Level could be under implementation of any action alternative. The DNL metric is the main metric that the DoD uses in

determining land compatibility. Further, the models used for this analysis do not allow for the generation of L10 or L90 values. Therefore, in the absence of this type of data, the Navy applied maximum decibel level (Lmax), sound exposure level (SEL), the DNL, and equivalent sound level (Leq) metrics to determine potential impacts. Potential noise impacts on Indian Tribes specifically were analyzed as they relate to environmental justice. Implementation of any of the action alternatives would not cause disproportionately high or adverse human health or environmental effects, including noise impacts, on minority and low-income populations, including Indian Tribes. This analysis is discussed in Section 3.15 (Environmental Justice).

With regards to additional analysis requested in your attachment, the Navy is not proposing on the ground monitoring of its activities. The modeling that was performed was for the most conservative, or busiest usage, of the airspace. In this manner, the contours presented represent what the received DNL sound levels could be when the range is being heavily used. Because there are very few locations that rise above 65 dBA DNL (both DoD and FAA levels of significance), the Navy is not proposing any additional assessment of noise impacts, nor are the performing a speech interference study.

However, regarding any possible mitigation measures, the Navy will continue to meet with the Tribe to discuss the creation of an MOU and other potential collaborations between the Navy and the Tribe. The Final EIS was updated with information in Section 3.11 (Cultural Resources) regarding Navy Section 106 consultation with the Nevada SHPO, ACHP, and Indian Tribes, including the amendment of the current Programmatic Agreement to establish protocols for the future management of historic properties and any MOUs with Indian Tribes in association with the Proposed Action. This is an ongoing process and discussions with the Tribes would continue through the Final EIS and past the ROD.

F.5.1.5 Snooks, R. (Yomba Shoshone Tribe)



YOMBA SHOSHONE TRIBE

November 20, 2018

Michael Baskerville
NAS Fallon
4755 Pasture Road
Fallon, NV 89406

Re: Draft Environmental Impact Statement

On Wednesday November 14, 2018, Yomba Shoshone Tribe, Naval Air Station Fallon representatives, and local Indian Tribes within the proposed APE, met to discuss the identification of cultural sites and overall concerns regarding the proposed NAS Fallon expansion. The pretense of the meeting was to identify concerns and cultural areas in order to protect these areas from the impacts of the proposed bombing locations. During that meeting it was revealed that the DEIS was due to be released on Friday, November 16, 2018, two days after the meeting scheduled with Indian Tribes. This clearly indicates that the Naval Air Station Fallon will not be including tribal input derived from that meeting into the DEIS. The release of the DEIS is premature without input from Indian Tribes and project analysis on effects the APE will have on Native American communities. The proposed renewal and expansion will impact Indian Tribes by encroaching on traditional territories that include rangeland, natural resources, sacred and cultural sites, food gathering areas, and funerary areas. Since the proposed project may significantly impact Western Shoshone and Paiute ways of life, concerns and input must be taken into account.

Yomba Shoshone Tribal concerns include;

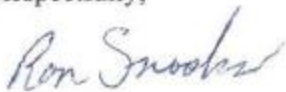
1. **Noise Pollution** currently is a concern for the Yomba Shoshone Tribe. Noise pollution affects our cattle production, interferes with hunting wildlife, and disrupts our quality of life with regular sonic booms. The sounds of war are psychologically triggering to our veterans with PTSD, frightening to our children, and damages tribal property.
2. **Correction of past wrongs.** The Yomba Shoshone Tribe has brought the effects of sonic booms to the attention of NAS Fallon on many occasions and to date there continues to

be sonic boom disturbance. The Yomba Shoshone Tribe requires solutions to issues regarding current NAS Fallon encroachment into Western Shoshone territories to enter into meaningful collaborative dialogue regarding the NAS Fallon proposed expansion and APE. Yomba Shoshone Tribe proposes corrections for NAS Fallon related noise pollution, cattle production, effects on wildlife and livestock, and correction of psychological impacts on the Yomba Shoshone People.

3. **Effects of Sonic Booms on Cattle and Wildlife Production.** The Yomba Shoshone Tribe is concerned with the effects of sonic booms and low flying aircrafts on cattle and wildlife production. Yomba Shoshone Indian Reservation is comprised of cattle ranchers and hunters who rely on healthy animal production for economic development and for their livelihood, respectively. Animals and humans can become alarmed by a sonic boom which results in elevated stress levels activating a “flight or fight” reaction which can cause increased blood pressure, available glucose, and blood levels of corticosteroids. Severe or prolonged exposure to sonic booms can exhaust an animal into demise. Stampingeding due to increased noise levels can endanger the lives of our ranchers. Yomba Shoshone Tribe proposes a study on these issues be included in the EIS.
4. **Effects on Neighboring Tribes.** The Fallon Paiute Shoshone Tribe has stated the expectation to receive a response from NAS Fallon regarding ethnographic and cultural studies, identification of areas subject to bombing, a schedule of upcoming events, and MOA between the Fallon Tribe and NAS Fallon. Walker River Indian Reservation Chairwoman, Amber Torres, stated the requirements for corrections from NAS Fallon for past violations including the desecration and destruction of the Mother and Father cultural site.

While Yomba Shoshone Tribe does not speak for neighboring Indian Tribes, we are in support of their expectations from NAS Fallon.

Respectfully,



Ronnie Snooks
Chairman
Yomba Shoshone Tribe

F.5.1.5.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. Regarding Tribal Participation in the NEPA process, the Navy has been working with Tribes throughout the Draft EIS process. In accordance with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*; DoD policies; the National Historic Preservation Act; and Navy instructions, the Navy engaged in Tribal consultations during scoping, during the public comment period for the Draft EIS, and following release of the Draft EIS. The Navy invited culturally affiliated

Tribes to take part in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Tribes to (1) participate in project meetings, (2) provide additional information related to cultural resources, and (3) provide internal document review (e.g., of the Class III Cultural Resources Inventory Report) during the development of this Draft EIS.

The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach performed by the Navy and copies of official correspondence.

Regarding noise pollution comments, the Navy has an established process for noise complaints. As stated in Section 3.7.3.5 (Proposed Management Practices, Monitoring, and Mitigation), the Air Operations Office logs noise complaints at NAS Fallon. The office records information about the time, location, and nature of the complaint; and initiates investigation of what if any Navy airspace operations were occurring by the Navy at the FRTC. If the caller requests, range personnel will follow up with a return phone call to explain the resolution of the complaint. The Navy acknowledges noise sensitive areas and has established Noise Sensitive Areas (such as around wildlife refuges, incorporated areas, and certain tribal areas) in the past. The Navy is proposing new Noise Sensitive Areas as part of the Proposed Action around the incorporated areas of Crescent Valley and Eureka. The establishment of these Noise Sensitive Areas is considered compatible with military training activities and will include a 5 nautical mile radius and an elevation of 3,000 feet AGL. However, the Navy acknowledges that there may be impacts (which could lessen the overall atmosphere and experience of silence within the FRTC, to include on tribal lands) that have yet to be defined and would continue to develop and incorporate mitigation measures as necessary.

Regarding the effects of sonic booms on cattle and wildlife production comment, livestock grazing has been conducted beneath FRTC SUA for over 70 years. Although some studies find the data to be inconclusive, most of the scientific literature indicates that livestock exhibit some form of behavioral response to aircraft noise. As discussed in Section 3.4 (Livestock Grazing), training noise could elicit a behavioral response from livestock outside of the FRTC ranges. The type of behavioral response depends on many variables (e.g., aircraft's size, speed, altitude, distance, color, and type of engine), but it is typically a temporary startle, freezing, or fleeing response. Some studies have reported other adverse effects to livestock, including reduced milk yields, increased heart rate, and increased respiration; however, these physiological effects have proven difficult to assess, and any such effect would likely be very minor. In general, studies suggest that aircraft noise and sonic booms would not substantially affect livestock production or reproduction, and some studies have demonstrated that domestic animals may adjust to aircraft noise over time. Noise from training activities would be consistent with current noise levels but would be dispersed over a larger area. Modeled training noise associated with Navy activities would not be experienced beyond the range at levels that would significantly affect livestock grazing.

Regarding effects on neighboring tribes, following the EIS process, the Navy would update relevant documents to formalize any recommendation for new safety and noise zones and confirm existing safety and noise zones. The Navy would continue to work with the local counties and municipalities as well as federal property land managers to plan for compatible land use development, which would include the BLM, USFWS, U.S. Forest Service, Bureau of Reclamation, and Churchill, Elko, Eureka, Lander, Lyon, Mineral, Nye, Pershing, and Washoe Counties. With respect to comments received from other tribes concerning the proposed action—including comments pertaining to allegations of past wrongs—the Navy will respond to such comments as appropriate as part of the Final EIS and/or during follow-on consultations or other communications with the tribes in question.

F.5.1.6 Torres, A. (Walker River Paiute Tribe)



Walker River Paiute Tribe

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February 14, 2019

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

RE: Fallon Range Training Complex Modernization Environmental Impact Statement (EIS) Comments

Dear Naval Facilities Engineering Command:

The Walker River Paiute Tribe of Nevada is committed to protecting its land within the boundaries of the Reservation, specifically the land that is south and adjacent to Bravo 19, which is one of the training areas for the Fallon Naval Air Station (FNAS) and any other lands that may/will be negatively impacted with increased land withdraws and increased flight patterns.

Impacts from Munitions and Unexploded Ordnance to the Walker River Paiute Reservation

The FNAS has been using the Bravo 19 area for training since the 1940's; the Tribe has documentation of such land contamination since 1959, where Navy jets have been dropping live and inert ordnance onto the reservation. The FNAS does not dispute the historical contamination of reservation lands and has stated that they want to work cooperatively with the Tribe in resolving issues surrounding this travesty. The Naval officials refer to this as the "Legacy" issue. The Tribe has had numerous meetings with FNAS officials to discuss the Legacy issue and how this can be resolved. The FNAS does have a constant response of them not being able to make any decisions; as such decisions have to be made at a level higher up.

The Tribe hereby submits an Environmental Objection based on potential impacts from unexploded impacts from unexploded ordnance (UXO) and off-range munitions contamination on the Walker River Paiute Reservation (Reservation) which is adjacent to the proposed site. There is a lack of information regarding mitigation and range clearance. The UXO and munitions that land off-range are considered wastes under the Resource Conservation and Recovery Act (RCRA) and it is the Department of Defense policy to comply with the Military Munitions Rule of RCRA. Additional UXO and munitions contamination could occur as a result of the increased training scenario. Under the EIS, there is no discussion of the history of munitions expenditure on the Reservation or whether there is a process in

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

place to mitigate the contamination or whether the Navy is complying with the Military Munitions Rule. The Tribe continues to live with over 6,000 acres of contaminated land with no resolution forthcoming.

The Tribe opposes the land expansion and believes that the additional training will lead to further negative impacts and bombing to reservation lands with live and inert ordnance, as Bravo 17 is close to the Reservation's eastern boundary, and that area is included in the expansion. There are no guarantees that our reservation lands will be safe during the increased bombing or any assurances that off-range munitions will be retrieved from tribal lands. To this day, the Navy continues to "miss" targets during training. In 2016, two bombs were dropped on the reservation and were never found.

To this day, the Navy has not taken responsibility for encumbering tribal land (est. 6,000 acres) since the 1940's, which has been contaminated with live and inert ordnance, caused historical damage to range wells and facilities and has left such land useless as this land cannot be totally cleaned up of ordnance and bombs. The Navy has installed a few signs in the contaminated area noting that the area is "dangerous". The Tribe had previously asked that the area be fenced off at the Navy's expense, but that request was **denied**.

Now the U.S. Navy is hoping to expand and increase land (est.+800,000 acres) and airspace for additional training around, near and adjacent to the current Fallon Naval Air Station in Fallon, Nevada, under the Fallon Range Training Complex Modernization EIS. Such land expansions include land east and north of the reservation boundaries and airspace includes that over the reservation.

Some of the proposed land to be withdrawn includes cultural and historical sites that are off reservation, that have great cultural ties to our Tribe and its members. The expansion, and training enabled by the expansion, would eliminate access to hundreds of thousands of acres of ancestral lands and cause irreparable harm to the Tribe's cultural and spiritual sites. This expansion will limit access to tribal members for pinenut picking, having ceremonies, visiting sacred sites and prehistoric petroglyphs. This proposed expansion and increased bombing, will impact our people in the most detrimental way. These cultural areas are used by not only our tribal members, but also those of the Fallon Paiute/Shoshone, Yomba Shoshone, Lovelock Paiute, Pyramid Lake Paiute, Yerington Paiute and those of the Reno/Sparks Paiute, Shoshone and Washoe tribal members.

Analytical Flaws

Among other issues, the Draft EIS (DEIS) fails to accurately identify the baseline for analysis of environmental impacts and fails to account for impacts to the Tribe and its members.

Deficient Environmental Baseline

According to the FNAS website the Navy has prepared various cultural resource management plans, including an Integrated Cultural Resources Management Plan, to protect and manage the cultural resources at the Fallon Ranges. The Navy also employs a cultural resources manager to coordinate with state and federal agencies and federally recognized tribes. It also states that the Navy works closely with local tribes on mutual interests. The FNAS officials have "met" with the tribes, but they have not worked to "come to agreement" on mutual interests. During this EIS process our Tribe asked that Tribal Cultural Resources Managers work with the consultant that was responsible for identifying cultural and historical sites within the proposed expansion to which we were **denied**, as the FNAS could NOT tell their consultants what to do or who to hire. This is totally unacceptable as there were NO Native Americans

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

included in identifying the important cultural or burial sites. Some tribal people were allowed to mark some areas on a map; this was not very accurate, but at least tribes were allowed to voice their opinions on culturally sensitive areas.

The Navy participates in a Programmatic Agreement with the Nevada State Historic Preservation Office, BLM, and the Advisory Council on Historic Preservation to identify, evaluate, and treat historic properties on Navy-managed land. This agreement ensures protection of cultural resources and promotes coordination between the Navy and the Nevada State Historic Preservation Office. The Tribes in the area need to be included in these agreements. Many of these areas are ONLY important to Tribal people. Our experience with the Navy leads us to believe and know that the Navy does not ensure protection of cultural resources.

The Tribe has not been afforded adequate opportunity or information to consider and prepare comments about the proposed expansion, which forever would foreclose the opportunity for Tribal members to engage in its cultural practices. For those areas that must remain within the expansion, the Tribe requests that the Navy share existing ethnographic data with the Tribe on a confidential basis, and then provide sufficient time and funding for the Tribe and other affected tribes to conduct a robust analysis of cultural and spiritual sites. Based on past Navy practices within the existing expansion area, without such ethnographic analysis, cultural and spiritual sites that are often thousands of years old likely would be ruined by training activities, including the proposed use of live munitions and ordinance. As sites are identified, the Tribe requests that the Navy and affected tribes enter into an MOU that guarantees access for Tribal members at regular, set dates and times, so that access to ancestral lands is not subject to a potentially burdensome and discretionary bureaucratic process. Tribal members should not have to ask permission to carry out cultural and religious practices, nor is it appropriate for Navy staff to chaperone Tribal members as they carry out such practices.

The environmental baseline analysis is deficient because it does not include tribal activities. The NEPA requires the Navy to identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values are given appropriate consideration in decision making along with economic and technical considerations. The cultural resource assessment included in the environmental baseline is also deficient. The Tribe as well as the Fallon Paiute Shoshone Tribe and the Yomba Shoshone Tribe have cultural affiliations with areas much larger than the present day reservations.

In the DEIS and response to comments, the Navy references a 2011 programmatic agreement addressing the use of high explosives, and an internal ethnographic review of the expansion area. The Tribe requests copies of both of those documents so we can understand the nature of the Navy's plans and the information on which its ethnographic analyses are based.

A central flaw in the impacts analysis is that it fails to recognize that the existing withdrawal already significantly impacts Tribal members, access to cultural and religious sites, and quality of life on the Reservation. Instead, the DEIS misidentifies the "baseline" as perpetual continuation of the existing withdrawal and related training. The effect of this analytical framework is that construes permanent withdrawal as having no impact at all, when in fact it would cause severe and harsh impacts to the Tribe and its members.

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

It is well-settled under NEPA that the baseline for impacts analysis must be the world as it exists and will exist without the relevant agency or Congress taking any action. The impacts analysis is inherently forward-looking and measures anticipated deviation from the status quo in the future, for the duration of the proposed action. Accordingly, the baseline is the same as the no-action alternative. As explained in Biodiversity Conservation All. v. United States Forest Serv., 765 F.3d 1264, 1269 (10th Cir. 2014):

In general, NEPA analysis uses a no-action alternative as a baseline for measuring the effects of the proposed action. *See* 40 C.F.R. § 1502.14 (requiring that the agency assess a no-action alternative). "The no action alternative may be thought of in terms of continuing with the present course of action until that action is changed. It establishes a baseline against which the proposed action and its alternatives may be measured." George Cameron Coggins and Robert L. Glicksman, *Discussion of Alternatives—The "No Action" Alternative*, 2 Pub. Nat. Resources L. § 17:47 (2nd ed. 2014) (internal quotation marks omitted).

In Ctr. for Biological Diversity v. United States DOI, 623 F.3d 633, 642 (9th Cir. 2010), the Ninth Circuit applied the same analysis, stating:

The no action alternative is meant to "provide a baseline against which the action alternative []" -- in this case, the land exchange -- is evaluated. *Id.* A no action alternative must be considered in every EIS. *See* 40 C.F.R. § 1502.14(d).

In establishing the baseline, the test for whether a future event, such as termination of authorization for a land withdrawal, is considered part of the baseline, is whether it is "reasonably foreseeable." Cascadia Wildlands v. BIA, 801 F.3d 1105, 1112 (9th Cir. 2015).

Here, the DEIS concedes that absent affirmative legislation by Congress, the withdrawal of 202,864 acres of public land will expire in November 2021, and training would only continue on the approximately 65,000 acres of land permanently withdrawn for Navy use. *See* DEIS at 2-4 to 2-5. The end of the 1999 withdrawal is not only "reasonably foreseeable," it is legally certain to occur absent action by Congress. As a result, that is the baseline—two more years of training on approximately 267,000 acres, followed by a reduction.

The Navy's decision to set permanent perpetuation of the current withdrawal and training conditions as the baseline in the DEIS is legally flawed because it does not acknowledge the reality that the withdrawal is time-limited. The analytical approach also unfairly dismisses the experience of Tribal members, because it fails to acknowledge that re-authorization of the withdrawal, even without expansion, would fundamentally impact the life of Tribal members on and around the Reservation. The Tribe respectfully suggests that in the Final EIS (FEIS), the Navy use the identified "No Action" alternative as the environmental baseline.

Failure to Consider Impacts to the Tribe and its Members

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

The DEIS is deficient throughout its analysis in that it fails to recognize and analyze the disproportionate impacts Naval training has on members of the Walker River Paiute Tribe. The analysis is conducted largely from a Navy point of view, and in many instances the analytical framework fails to take into account the ways in which Tribal members use lands and experience family and home life.

Adequate analysis of impacts to the Tribe and its members requires more than analysis of impacts to specific cultural or spiritual sites. Adequate analysis requires recognition that many of the impacts of the proposed expansion are uniquely harmful to the Walker River Paiute Tribe and other surrounding tribes, acknowledgment of that differing perspective, and evaluation of impacts as they will be felt by tribal communities.

For example, the DEIS evaluates noise impacts based on a largely physical response—asking whether the noise will regularly disturb sleep, reach noises loud enough to drown out education, or rattle windows in houses. The DEIS largely assumes that noises without such dramatic physical impacts are not significant. However, the noise analysis does not address impacts to life outdoors, to a community that treasures silence and quiet contemplation as part of its experience of its homelands. The noise analysis is also based on broad-based methodology with respect to what level of noise is irritating and disruptive, without analyzing impacts to Tribal members who are likely more sensitive to lower levels of sound.

Similarly, the DEIS fails to analyze the effects of use of live munitions and high explosives in the withdrawn training areas. While to some people, bombing the desert may seem inconsequential, to the Tribe, these explosions are attacking and degrading the Tribe's history and way of life. The impacts of live munitions, which include distribution of trash and debris, damage to land, and potential exposure of remains. Since the 1940s, the Walker River Paiute Tribe has lived with and continues to live with over 6,000 acres of tribal land contaminated with live and inert munitions.

Improper and Premature Assessment of Impacts to Cultural, Sacred and Historic Sites

Impacts from live munitions are particularly concerning with respect to sites and landscapes of cultural, religious, sacred, and historic value to the Tribe and its members. The DEIS does not adequately analyze impacts to those sites because it fails to account for the many unidentified sites associated with the Tribe and Tribal members' ancestors within the proposed expansion area. Instead, the cultural resources section of the DEIS relies on existing surveys of varying intensity and comprehensiveness. See DEIS Section 3.11.2.5.1. These surveys are not tailored to the proposal, fail to account for traditional cultural landscapes, fail to account for impacts to cultural properties in the vicinity of the expansion that would be adversely impacted by training, are insufficiently detailed, and do not include participation by the affected tribes, including the Walker River Paiute Tribe.

In order to identify sites established over thousands of years of use by Tribal members' ancestors, it is necessary for the Navy and the affected tribes to collaborate on a comprehensive inventory and survey of cultural properties and sites, carried out by members of the affected tribes and mutually agreed-upon

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

archaeological and ethnographic experts. While this process would take time, it is a minimal request given the permanent, adverse impacts of use high explosives at traditional properties.

With respect to analysis of impacts to traditional properties, the analysis fails to recognize that impacts include not only impacts to the sites themselves, but also the ability to experience them for the affected community. For example, while jets training in a traditional cultural landscape may not permanently destroy the landscape, the noise and visual impact adversely impact the landscape by marring its natural state and removing the ability to experience the place.

The impacts analysis is deeply flawed in the repeated conclusion that “the continued use of high explosives in existing target areas would not be considered a source of new ground disturbance, as the areas have been previously disturbed and intact archaeological sites do not exist.” See, e.g., DEIS at 3.11-26. This statement acknowledges that the training permanently destroys cultural sites, furthering the need for a thorough cultural resources survey as described above. It also relies on the premise that bombs and other explosives will be used in the exact same locations, which is contrary to the central theory of the proposed expansion—that new training areas with new weapons are necessary to prepare for new military threats—and contrary to the reality that there will be errant explosions over time. Moreover, absent authorization, the use of explosives would cease in 2021. The “continued use” of explosives past that time must be fully analyzed (see discussion of environmental baseline above for more detail on this point).

Finally, the impacts analysis for new construction and training is flawed in that it relies on the conclusion that “when possible” “targets and convoys would be placed away from eligible or unevaluated sites.” See, e.g., DEIS at 3.11-26. This empty standard provides no mitigation at all. The Navy states that when such avoidance is not possible it will consult with SHPO. Consultation must occur with the affected tribes to be meaningful.

Environmental Justice: DEIS Fails to Consider Facts that Tribes will Bear Disproportionate Impacts

One means of properly accounting for impacts to the Tribe would be with a robust analysis from an environmental justice perspective. Federal agencies such as the Navy are required to consider disproportionate impacts to minority groups such as the Tribe, based on President Clinton’s Executive Order 12898 on environmental justice and related policies. Environmental justice requires “fair treatment” of different groups, which according to the DEIS means “that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies.” DEIS 3.15-1.

Here, the Tribe plainly bears a “disproportionate share of the negative environmental consequences” of the proposed withdrawal and expansion. The Reservation is in extremely close proximity to NAS, which means that virtually every training mission is audible to Tribal members at some point during the flight. The proposed expansion areas overlap considerably with sacred sites where Tribal members gather medicine and perform ceremonies, and where generations of Tribal ancestors are buried.

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

The Navy must provide meaningful involvement to the Tribe in the EIS decisions. Meaningful involvement means that:

- People have an opportunity to participate in decisions about activities that may affect their environment or health.
- The public's contribution can influence the regulatory agency's decision.
- Their concerns will be considered in the decision-making process, and
- The decision makers seek out and facilitate the involvement of those potentially affected

The Tribe requests that the Navy conduct environmental justice analysis that accurately reflects the Tribe's status as a disproportionately affected minority community, and that the Navy include mitigation that avoids and reduces impacts to the Tribe and its members.

Airspace:

Reservation residents will be negatively affected with the increased noise pollution due to the increased jet traffic and sonic booms which will happen on a 24/7 basis (24 hours a day, every day); this will disrupt the peaceful livelihood and sleep patterns of our people.

The Navy will increase the use of airspace over the reservation limiting future development on the reservation such as the Interstate 11 highway expansion in Western Nevada. The proposed I-11 Route is projected to go through the reservation directly under the proposed airspace. The impacts on drivers subjected to low flying jets has not been addressed under this EIS. These are different and disproportionate impacts relative to the general public and must be taken into account.

The EIS has noted the increased uses of airspace, the supersonic activities and the weapons release training and need for expanded range areas and increased air pollution. We oppose any increase in these uses. The Tribe, as a sovereign Nation, has total control and ownership of all airspace over our Reservation and will NOT allow these extended uses. The Tribe's jurisdiction includes all of the territories encompassed by the exterior boundaries of the Reservation. The reservation has cultural sites (Sister Mountains, etc.) that will be impacted with the constant air traffic, air pollution and spiritual trespass. **The Tribe hereby asserts that taking of airspace and continued use of airspace over the reservation is a violation of our jurisdiction.**

Federal Requirements Not Addressed

The Navy has failed to adhere to/or with minimal implementation of the following documents that they provided to the Tribe. All of these need to be reviewed by Naval officials. The EIS cannot be finalized until Tribes are included in discussions and decisions regarding the EIS, working with Tribes and cultural sites. **These documents are attached:**

*MOU Among the DOD, DOI, DOA, DOE and the Advisory Council on Historic Preservation Regarding Interagency Coordination and Collaboration for the Protection of Indian Sacred Sites (to improve the protection of and tribal access to Indian sacred sites through enhances and improved interdepartmental coordination and collaboration).

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

*Presidential Documents/Executive Order 13007 of May 24, 1996 (accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites; also maintain the confidentiality of sacred sites).

*Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments (collaboration with Tribal officials).

*Department of Defense Plan of Action to Implement the Policies and Directives of Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments – January 2010 (continually improve on policies and practices designed to promote effective consultation with Federally recognized tribes on a government-to-government basis), and

The U.S. Navy has failed to hold a public meeting on our reservation during the EIS process which is against the intent of the NEPA in getting stakeholder input. The timeframe for public meetings on impacted reservations and for comments needs to be extended for at least another 120 days. The Navy has not taken steps to protect tribal trust resources. While the Navy held several public meetings, it never held a public meeting on the Reservation to allow tribal members an opportunity to voice their concerns relative to the proposed action.

Trust Responsibility- Tribal Trust Resources

The United States owes a solemn trust responsibility to Indian tribes. All agency representatives of the federal government must uphold this duty. The Navy's actions must not only merely meet the minimal requirements of administrative law, but must also pass scrutiny under the more stringent standards demanded of a fiduciary. The same responsibility to uphold the United States' trust responsibility to Indian tribes that applies to the Secretary of the Interior applies to the Secretary of the Navy as a representative of the federal government. It is not clear whether the Navy consulted with the Bureau of Indian Affairs (BIA) regarding the proposed action. If the Navy did not consult with the BIA regarding the proposed action, it violated NEPA: "the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact invoice". 42 U.S.C. ss4332(C). In light of the Navy's trust responsibility to the Tribe, it is an outrage that the Navy allows both live and inert ordnance to fall on Reservation lands. The Navy would never drop ordnance on private, non-Indian lands without being subject to severe consequences, see Eyherabide v. United States. The apparent lack of consultation with the BIA and the Tribe regarding the proposed withdrawal contributes to the Navy's breach of its trust responsibility to the Tribe. As a result, the EIS violates federal law and proposed withdrawal threatens to breach the United States' trust responsibility to the Tribe.

According to Executive Order 12898 (February, 1994) (PDF)(5 pp, 19 K), "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (EO 12898) directs each Federal Agency to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations," including tribal populations.

The Presidential Memorandum accompanying EO 12898 emphasizes the importance of using the NEPA review processes to promote environmental justice. It directs Federal agencies to analyze the environmental effects, including human health, economic, and social effects, of their proposed actions on

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

minority and low-income communities when required by NEPA. The Memorandum calls for agencies to address significant adverse environmental effects on these communities in mitigation measures outlined or analyzed in the environmental documents; Environmental Assessments (EAs), Findings of No Significant Impact (FONISs), Environmental Impact Statements (EISs) and Records of Decision (RODs). The proposed impacts identified in the EIS would further cause loss of revenue to our reservation and community of Schurz. The Navy is proud to state on their website that there has been a \$517 million dollar economic impact to Churchill, Lyon and Washoe Counties. The Tribe has asked for years for compensation for damaged lands and has received nothing. We have requested that the Navy enter into a lease agreement for the contaminated lands; the FNAS has refused to make a decision. The Fallon representatives continually say that they are not the ones to make the decisions, so nothing has been decided. The Tribe has received zero compensation and no positive economic impact. We have identified very few tribal members that have been employed at the FNAS (less than 5). That would be an economic benefit to them, but not to the Tribe.

Proposed Mitigation

As detailed in a previous comment letter (dated December 1, 2016) and discussed in meetings with the Navy, the Tribe opposes the expansion of FNAS and has deep concerns about increased loss of access to its ancestral lands. For those areas the visual and auditory impacts of the training would impair use of those sites.

If expansion goes forward, the Tribe suggests the following process:

1. The Navy should fund and facilitate a comprehensive cultural resources survey of the expansion area and the immediate vicinity, in collaboration with the affected tribes.
2. Based on that survey, the Navy and tribes should identify traditional properties that must be protected.
3. Traditional properties outside the expansion area should be treated as “sensitive receptors,” with flyovers and nearby training avoided.
4. Traditional properties inside the expansion area should be identified and considered for removal from the expansion. If they must stay within the expansion, those areas should be off-limits for use with ground-disturbing activities, such as construction or practice with munitions.
5. For traditional properties within the expansion area, the Navy and tribes should negotiate an MOU which allows for access at agreed upon times throughout the year, so that discretionary and individual permission is not required. The visits should not include accompaniment by Navy officials, which is impermissible in many tribal cultural practices, such as religious ceremonies, gathering of foods and medicines, and visits to ancestors’ remains.

These procedures should be developed in coordination with the tribes, before finalization of the FEIS. Absent finalization of access rights and other issues, the FEIS and Section 106 consultation will not

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

adequately address environmental impacts and impacts to traditional properties, because the extent of those impacts will be unknown.

Finally, the Tribe suggests that, to the maximum extent possible, the Navy use training munitions that are not live. It is unclear that training truly requires actual explosives to be effective, and the impacts of the explosives on the land and the surrounding community are consequential, permanent and intense.

In closing, the Walker River Paiute Tribe is totally against the Fallon Range Training Complex Modernization and any alternative, other than the “no action” alternative. The Tribe is requesting that should Congress move forward with approving this EIS and any other alternative that the Tribe be awarded compensation for the “Legacy Issue” for past damages in an amount of \$60,000,000.00, land lease compensation for the current 6,000 acres of damaged lands, Walker Lake and identified lands requested. The Walker River Paiute Tribal Council passed a Tribal Resolution, WR-19-2019 (**attached**), noting its opposition to the Fallon Range Training Complex Modernization EIS as well as identifying what the Tribe would accept to finalize the “Legacy” issue.

The Tribe is also requesting support from Honorable members of Congress to compensate our Tribe and deal with the “Legacy” issues – **over 70 years of trespass, contamination of lands, use of airspace and zero compensation is a travesty to our Tribe and Reservation lands.**

Thank you for your serious review of our comments.

Sincerely,



Amber Torres, Tribal Chairman
WALKER RIVER PAIUTE TRIBE

Attachments

cc: Senator Catherine Cortez Masto
204 Russell Senate Office Building
Washington, DC 20510

Senator Jacky Rosen
G12 Dirksen Senate Office Building
Washington, DC 20510

Congressman Steven Horsford
1330 Longworth House Office Building
Washington, DC 20515

Congresswoman Dina Titus
2464 Rayburn House Office Building
Washington, DC 20515

Congressman Mark Amodei
104 Cannon House Office Building
Washington, DC 20515

Congresswoman Susie Lee
522 Cannon House Office Building
Washington, DC 20515

Walker River Paiute Tribe

FALLON RANGE TRAINING COMPLEX MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS) COMMENTS

ATTACHMENTS:

1. Walker River Paiute Tribal Council Resolution WR-19-2019
2. Memorandum of Understanding Among the Department of Defense, Department of the Interior, Department of Agriculture, Department of Energy and the Advisory Council on Historic Preservation Regarding Interagency Coordination and collaboration for the Protection of Indian Sacred Sites
3. Executive Order 13007- Indian Sacred Sites
4. Executive Order 13175- Consultation and Coordination with Indian Tribal Governments
5. Department of Defense Plan of Action to Implement the Policies and Directives of Executive Order 13175
6. EIS Cumulative impacts
7. EIS Cultural Resources
8. EIS Air Quality
9. EIS Noise
10. EIS Weapons Release Training and Airspace Training Need
11. EIS Supersonic Activities
12. EIS Special Use Airspace Modifications

F.5.1.6.1 Response

Thank you for participating in the NEPA process. Regarding impacts from munitions and unexploded ordnance, 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 off-range ordnance 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 response to potential future off-range ordnance incidents (e.g., notification and coordinating access to reservation lands) was signed on May 14, 2007. A Memorandum of Agreement between the Indian Tribe and Navy was signed on May 24, 2017, updating and clarifying procedures for addressing any future off-range ordnance incidents on the Reservation. The Navy is actively working with the Tribe to seek a mutually-agreeable resolution for the issue of historical off-range ordnance present on the Reservation. An effort to locate and clear historic ordnance was conducted and the Navy implemented measures that seek to eliminate (or at least dramatically reduce) the possibility of off-range ordnance near the southern boundary of training range B-19.

Per Navy policy (OPNAVINST 3710.7 [Series]), the release of any air-to-surface ordnance should be accomplished within Restricted Airspace and all such releases should impact on Navy land. As required by the Department of Defense Military Munitions Rule Implementation Procedures (April, 2017), ordnance that inadvertently lands outside Navy property would be retrieved as soon as possible once the Navy learns that it has landed off range. NAS Fallon has conducted cleanup operations in the past and repaired facilities in accordance with tribal wishes, and is planning to conduct additional cleanup operations in the near future.

Resolution of legacy off-range munitions will continue to be addressed with the Walker River Paiute Tribe as a separate issue from the FRTC Modernization EIS. Since the Navy's requirements do not call for an expansion of B-19, legacy off-range ordnance is beyond the scope of this EIS and therefore is discussed only for purposes of background information.

Regarding the comment on deficient environmental baseline use, in accordance with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, Department of Defense policies, the National Historic Preservation Act, and Navy instructions, the Navy engaged in Tribal consultations during scoping and following the public release of the Draft EIS. The Navy invited culturally affiliated Indian Tribes to participate in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Indian Tribes to (1) participate in project meetings, (2) provide additional information related to cultural resources, (3) provide internal document review (e.g., the Class III Cultural Resources Inventory Report), and (4) review the draft reports in order to provide additional information regarding site locations during the development of the EIS to assist the Navy in making the final determinations of eligibility of sites for listing on the National Register of Historic Places. The Navy respectfully contends that it has consistently complied with the federal requirements identified by the Tribe, as evidenced by the discussion of Navy outreach efforts for the proposed action above.

The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Indian Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake

Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach conducted by the Navy and official correspondence.

The Navy abides by stipulations found within the current 2011 PA between Nevada State Historic Preservation Office (SHPO), BLM, and the Advisory Council on Historic Preservation (ACHP) with respect to withdrawn lands. The Navy has completed cultural resources surveys in B-16, 17, and B-20 where there is a reasonable expectation of direct impact from the placement of targets and in construction areas. Additionally, the Navy conducted cultural resource inventories in potential target areas on B-16 and B-17 to provide some latitude for the placement of targets should there be a conflict between targets and eligible cultural properties. The Navy is consulting with Indian Tribes on the identification of any additional known cultural resources and associated potential direct and indirect impacts from the Proposed Action.

Under the withdrawal and acquisition, the Navy acknowledges that it would be restricting access to cultural resources to a considerable extent; however, consistent with Executive Order 13007, *Indian Sacred Sites*, the Navy will continue to work with Indian Tribes to develop protocols for access to cultural resources through the creation of an MOU. The Final EIS was updated with information in Section 3.11 (Cultural Resources) regarding Navy Section 106 consultation with the Nevada SHPO, ACHP, and Indian Tribes, including the proposed amendment of the 2011 PA to establish protocols for the future management of historic properties and any MOUs with Indian Tribes in association with the Proposed Action.

The Navy included the “status quo” alternative as an “Alternative Considered but Not Carried Forward for Detailed Analysis” in Section 2.5.1 (Continue Training at the Fallon Range Training Complex in the Current Configuration). This alternative, also known as the “status quo” alternative, would renew the existing FRTC land withdrawals as currently configured. The Navy would not withdraw or acquire any additional land, and there would be no changes to existing restricted airspace at the FRTC. In their comments during the scoping period, Churchill County, Eureka County, Nevada Association of Counties, and other members of the public recommended that the Navy consider this alternative in this EIS. The Navy considered this alternative but did not carry it forward for detailed analysis in the EIS. It would not meet the purpose of and need for the project, nor would it satisfy the realistic training environment and safety screening factors.

The Navy did use a “No Action Alternative,” as requested in this comment for comparison to the action alternatives. Under this proposal, taking “no action” would mean that Congress would not extend the current land withdrawal, which expires in November 2021. Therefore, the land withdrawal would expire and FRTC lands would be reverted back as described under the No Action Alternative.

If the Secretary of the Interior concludes that decontamination is not practicable or economically feasible of all or part of the former FRTC or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the proposed land for relinquishment.

Regarding comments on the failure to consider impacts to the Tribe and its members, the Navy analyzed impacts to tribes throughout the EIS as members of the human population and as required under the implementation of the NEPA and other applicable rules and regulations. Regarding impacts to sites that are unknown, in cases where avoidance of historic properties is not possible, the appropriate process outlined in 36 CFR 800.6 (resolution of adverse effects) would be followed. With current management practices of avoidance of cultural sites and management practices for inadvertent discovery, there are no new proposed mitigation programs. However, the Navy acknowledges that there may be impacts that have yet to be defined and that it would continue to develop and incorporate mitigation measures as necessary.

Regarding the use of explosives rather than inert munitions, the Navy uses explosives and needs to continue to use explosives during training for many reasons. The first of which is to maintain the realism of the training for the operators. The second is to maintain the training of the weapons handlers through loading of the weapon to the successful deployment of the weapon.

Regarding Environmental Justice and claimed disproportionate impacts, the Navy used the Environmental Protection Agency's Environmental Justice Screening and Mapping Tool (EJSCREEN) to initially screen for areas with minority and low-income populations, potential environmental quality issues, and environmental and demographic indicators. Data was also pulled from the U.S. Census Bureau's 2010 Census and 2012-2016 American Community Survey to characterize minority and Hispanic or Latino populations and to define low-income populations. Populations associated with Indian Tribes are included in the county populations. The Fallon Paiute Shoshone Tribe identified themselves as a minority community. Based on the analysis of all action alternatives, minority and low-income populations are present within the affected area. However, implementation of any of the action alternatives would not cause disproportionately high or adverse human health or environmental effects on minority and low-income populations. The approach to analysis is further discussed in Section 3.15 (Environmental Justice), specifically Section 3.15.1.3 (Approach to Analysis) of the Final EIS.

Regarding the mitigation measures suggested by the Tribe, the Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range "buffer" areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current Programmatic Agreement they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.

Regarding airspace and noise impacts, noise modeling presented in Section 3.7 (Noise) included 24 representative locations throughout the FRTC that could be considered a sensitive receptor. These areas include Austin, Kingston, the Yomba Tribal area, Reese River Valley, Antelope Valley, and Lander County. Austin, Kingston, and the Yomba Tribal Settlement currently are defined as Noise Sensitive Areas that include a 5-nautical-mile radius and ground surface to 3,000 feet AGL avoidance buffer. The modeling used for noise analysis in the Draft EIS was chosen per OPNAVINST 11010.36C, NOISEMAP is to be used for developing DNL contours. Noise exposure in DNL contours is typically analyzed within contour bands, or ranges of DNL exposure, which cover the land areas between two contour lines. Per DoD Instruction

4165.57 (U.S. Department of Defense, 2017), DNL noise contours are used for recommending land uses that are compatible with aircraft noise levels. Studies of community annoyance in response to numerous types of environmental noise show that DNL correlates well with impact assessments (Schultz, 1978). A consistent relationship exists between DNL and the level of annoyance experienced (refer to Supporting Study – Noise Study available at <http://www.frtcmodernization.com>). DoD recommends land use controls beginning at the 65 dB DNL level. Research has indicated that about 87 percent of the population is not highly annoyed by outdoor sound levels below 65 dB DNL (Federal Interagency Committee on Noise, 1992). Most people are exposed to sound levels of 50 to 55 DNL or higher on a daily basis. Therefore, the 65 dB DNL contour helps determine compatibility of military aircraft operations with local land use, particularly for land use surrounding airfields, and is the lower threshold for this analysis. However, the Navy acknowledges that there may be impacts (which could lessen the overall atmosphere and experience of silence within the FRTC, to include on tribal lands) that have yet to be defined and would continue to develop and incorporate mitigation measures as necessary.

While the DNL noise metric is the federal standard for analyzing the cumulative noise exposure from all aircraft operations, the DoD has developed additional metrics to supplement the noise analysis. These supplemental metrics and analysis tools provide more detailed noise exposure information for the decision process and improve the discussion regarding noise exposure. The DoD Noise Working Group technical bulletin Using Supplemental Noise Metrics and Analysis Tools was used to determine the appropriate metrics and analysis tools for this EIS.

Regarding federal requirements not addressed, as discussed above in the comment response, the Navy did work with tribal participants throughout the NEPA process.

Regarding the trust responsibility of the of the United States, the Navy notes its various consultation and other outreach efforts described above. The Navy's evaluation of cultural resources includes archaeological and architectural resources, cemeteries, and traditional cultural properties-- particularly those that are historic properties (i.e., those listed or eligible for listing on the National Register of Historic Places). Archaeological surveys (Class III) were conducted on proposed target areas within the lands requested for withdrawal or proposed for acquisition and literature search (Class I) evaluation was performed for all lands requested for withdrawal or proposed for acquisition (see Supporting Study: Cultural Resources Investigation, available at <http://www.frtcmodernization.com>).

Regarding the construction of targets, the Navy would continue to meet with tribes regarding these construction activities. Procedures as outlined in the Programmatic Agreement would be followed for construction activities.

Regarding the mitigation measures suggested by the Tribe, the Navy will continue to meet with the Tribe to discuss the creation of an MOU and other potential collaborations between the Navy and the Tribe. The Navy is working with the Nevada SHPO and ACHP to amend the current Programmatic Agreement they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of any newly withdrawn and acquired lands after any ultimate Congressional decision.

F.5.2 Oral Comments

F.5.2.1 Bobb, J. (Western Shoshone National Council) Comment 1

**Public Meeting - Gabbs - 12/10/2018
Fallon Range Training Complex Modernization**

1 So I think you should add a status quo alternative to
2 this.

3 I've been to certain areas around here, it's
4 more of a recreational thing to me. The Monte Cristo
5 Range, the Clan Alpine range, and I don't think this
6 should expand. I actually think this should remain
7 public. I think the military has a lot of land, and I'd
8 like to see the access remain open here.

9 So thank you.

10 MS. TURNER: Thank you so much.

11 Next is Mr. Johnnie L. Bobb, followed by
12 Mr. Robert Bastien.

13 MR. BOBB: My name is Johnnie L. Bobb.
14 Remember the traditional and the cultural. Traditional
15 way, we always pray for the land and everything else
16 that's sacred on this Mother Earth.

17 I support the Navy, I support our people
18 that's doing the longest walk across America, I support
19 the people that having ceremonies here today and
20 tonight, and whenever it comes to that situation where
21 things feel hurt inside of them.

22 These buttons I'm wearing, you know, we all
23 together as a native people to do whatever we can to do
24 our prayers for our ceremonies. Fire, everything else.

25 My country here on our treaty land. I

Public Meeting - Gabbs - 12/10/2018
Fallon Range Training Complex Modernization

1 belong to the Western Shoshone National Council. Also
2 chief of this nation, Shoshone Nation.

3 I have a lot of respect for my family. I
4 have a lot of respect for my people. I have a lot of
5 respect for our nature, culture, and everything else
6 that revolves in your thoughts when you go up in the
7 mountains or down in the valley, and everything else
8 that we do here on this land. We all have respect for
9 our Navy people, but that comes down to our treaty.

10 Our treaty is still in full force and
11 effect. We have responsibility, because we're a
12 sovereign nation. We abide by under God how this nature
13 put us together. Everything here is beautiful. If you
14 look at that, the nature, how it's built, everything so
15 perfect, that's what we pray for. That's what we use
16 our water to wash it, clean it, pray with it, take care
17 of it.

18 Our treaty is in full force effect. Our
19 treaty has that ability for our nation to -- for our
20 Shoshone people to continuing on doing their work with
21 the nature. Treaty stands strong in our way where it's
22 a territory here that it belongs to our people as who we
23 are.

24 We, the people here today, wondering how we
25 could keep the Air Force from flying low, because our

Public Meeting - Gabbs - 12/10/2018
Fallon Range Training Complex Modernization

1 creatures, whatever else kind of birds out there,
2 whatever we do when we ride our horses, they get scared.

3 So thank you. And there's more to -- more
4 on that. More to say. We're not going to stop. Thank
5 you.

6 MS. TURNER: Thank you for your comment.

7 Mr. Bastien.

8 MR. BASTIEN: My name is Rob Bastien,
9 B-a-s-t-i-e-n. I'm a Carson City resident. And I'm
10 just going to read this through.

11 First of all, I want to thank our military
12 personnel for their service and protecting our country
13 and our democracy. And that also goes for any vets out
14 there.

15 The only alternative that I, that I support
16 is the no action alternative. All other options are not
17 acceptable.

18 Expanding naval training areas in Nevada
19 seems quite redundant, considering how much is currently
20 allocated to the military for training in the state of
21 Nevada. Withdrawing public land from the owners, the
22 public, and no longer allowing the public to access said
23 land, particularly that land outside the existing B-16,
24 B-17, and B-19 areas, is not necessary and it is
25 ridiculously greedy of the Navy.

Public Meeting - Gabbs - 12/10/2018
Fallon Range Training Complex Modernization

1 wildfires, both east and west of us.

2 I'm bringing that up because in that
3 expansion we were promised there would be really good
4 accuracy, there would be a .1 million chance that the
5 bombs would be off target.

6 I'm bringing that up because in 2004 I
7 watched one of their military flares come down in the
8 meadow about a half-mile from our place. And so
9 wildfires, I think, should really be of concern to a lot
10 of people when we're talking about expanding areas and
11 bombing areas.

12 Thank you.

13 MS. TURNER: Thank you very much.

14 Any last comments? Yes, please. And then
15 we'll have you speak, sir. Thank you.

16 MR. BOBB: Again, my name is Johnnie Bobb.
17 B-o-b-b, my last name.

18 That place over there going towards Fallon,
19 East Gate, I think it was, but there was a family over
20 there, McKay family. Remember the McKay family that was
21 forced off of their property and their land, and their
22 cattle was taken by the BLM, and everything was plowed
23 over after awhile when they were forced off the land.
24 The McKay family, I don't even know what happened to
25 them after that.

Public Meeting - Gabbs - 12/10/2018
Fallon Range Training Complex Modernization

1 But just making sure Naval Air Station, what
2 they might do to some of us that has property around
3 where they want to do their maneuvering or taking over
4 the bombing range for themselves to continuing on
5 experimenting.

6 Anyway, we have big, big site over down
7 towards -- Nevada Test Site. And I thought this place
8 over here in Fallon was going to be just a training
9 area. Just a place where they going to park and rest
10 their equipment and fly over to Nevada Test Site and do
11 their bombing and, and do experimenting on things over
12 there.

13 But that's the way it went with the McKay
14 family. Sorry that they lost their land, they lost
15 their kids over it, and they lost themselves over it,
16 because it hurted their people, too. It hurted
17 themselves right here.

18 Thank you for everything. Bye. Good night.

19 MS. TURNER: Yes, please.

20 MR. LYMAN: Good evening, everyone. Tom
21 Lyman, L-y-m-a-n. I work here in town at the high
22 school. I'm a math teacher.

23 You know, I'm a, I'm a retired Air Force
24 guy. I was in the Twelfth Air Force. I'm very familiar
25 with what we're talking about here. I get it. Don't

F.5.2.1.1 Response

Thank you for participating in the NEPA process. Regarding the Nevada Test and Training Range (NTTR) Military Land Withdrawal at Nellis Air Force Base and the FRTC Modernization EIS, these areas are distinct and separate actions based on their mission, type of training activities, and training schedules.

The Proposed Action for NTTR was evaluated in Chapter 4 (Cumulative Impacts) in the Final EIS. There would be no overlap between the residents or resources affected by aircraft noise in the FRTC range areas and those affected by aircraft noise in the areas surrounding the NTTR (see Figure 4-1, 4-2, and 4-3). However, the Navy determined based on the analysis in the Final EIS that Nye County would experience a significant impact on recreation and economic resources due to the cumulative nature of the NTTR Proposed Action (see Chapter 4 [Cumulative Impacts], Sections 4.4.12 [Recreation] and 4.4.13 [Socioeconomic Resources]) and the FRTC Preferred Alternative and the loss of lands for recreation activities such as hunting, which generate economic resources for the county (see Section 3.13 [Socioeconomic Resources]). The Navy is working and will continue to work with Nye County and other impacted counties to avoid, minimize, and mitigate impacts when feasible and consistent with the Navy's authority.

F.5.2.2 Bobb, J. (Western Shoshone National Council) Comment 2

Public Meeting - Austin - 12/11/2018
Fallon Range Training Complex Modernization

1 loudly and clearly so that we can hear you. And then
2 every speaker will have three minutes. If you -- if we
3 have extra time, you may -- we may be able to allow some
4 extra time, considering we'll be here until 1:00 today.

5 And then Breanna is going to try to help
6 keep track of the time with some helpful cards. Here
7 we have the green card for one minute remaining, yellow
8 for 30 seconds, and then red is when your three minutes
9 are up. And if you just wanted to complete your train
10 of thought, your sentence, and then we'll go ahead and
11 call the next person.

12 So is there anyone else that might want to
13 give a comment that hasn't yet?

14 Okay. So our first speaker is Mr. Johnnie
15 Bobb, and then will be followed by Mr. Richard --
16 Potashin?

17 MR. POTASHIN: Perfect.

18 MS. TURNER: Oh, thank you.

19 Okay. Mr. Bobb.

20 MR. BOBB: Good morning. My name is Johnnie
21 Bobb, B-o-b-b, last name. Everyone calls me Johnnie
22 Bobb.

23 Cultural traditions is something that we
24 always have, our ceremonies with our arrowheads, and we
25 pick it up, we leave it. We always put it back.

Public Meeting - Austin - 12/11/2018
Fallon Range Training Complex Modernization

1 Archeologists and the government will say: You can't
2 take it. You can't pick it up. You can't do anything.

3 And the places where we always go to have
4 ceremonies, we always have good feeling about our water,
5 good feeling about our air, good feeling about
6 everything out there that leads to the life, and the
7 life to our Mother Earth. Mother Earth is all about the
8 water. We respect all the of the nature here, and all
9 our nature. We have a lot of respect for Mother Nature.

10 But this low flying aircraft, low flying
11 aircraft always disturbs nature. Disturbs trying to
12 continue with our ceremony. But you see -- but my
13 thoughts about our aircraft and however low flying
14 planes, is real, real sensitive to our ears, real
15 sensitive to our ceremonies, sensitive to our people.

16 We people don't like what we see, what we
17 do, how we feel about it. It all depends on our people.
18 Flying up higher is good. Flying away from our
19 reservation is good. Flying in the area where we can't
20 see you, it's good. That's how we feel about it.

21 But I'll have more to talk about probably
22 tomorrow in Fallon at the convention center. So that's
23 all I have to say.

24 But, you know, welcome on our free land of
25 1863. Ruby Valley is something that we always respect

Public Meeting - Austin - 12/11/2018
Fallon Range Training Complex Modernization

1 with our cultural and our traditional ways of our
2 ceremonies.

3 Thank you.

4 MS. TURNER: Thank you, Mr. Bobb.

5 Mr. Potashin. And again, nice and loud if
6 you can. I think it's a little bit louder now, but I
7 appreciate that.

8 MR. POTASHIN: I want to thank you for the
9 opportunity to speak to you today. My name is Richard
10 Potashin. I'm a resident of Kingston, Nevada. We get
11 some overflights from you guys a little bit, and I'm
12 kind of wondering about that, but I'll get to my
13 comments here.

14 I do not support the expansion of the Fallon
15 training complex and its preferred alternative that's
16 proposed. This is an all-out attack on our public lands
17 in the name of national security, not to mention another
18 huge land grab by the federal government, affecting
19 rural counties, which already reel from enough of
20 Washington in their lives.

21 I ask you, hasn't the State of Nevada made
22 enough sacrifices to national security? The expansion,
23 Navy officials say, would help pilots and other
24 personnel conduct missions and better simulate realistic
25 conditions.

F.5.2.2.1 Response

Thank you for participating in the NEPA process. Regarding noise complaints, as stated in Section 3.7.3.5 (Proposed Management Practices, Monitoring, and Mitigation), the Air Operations Office logs noise complaints at Naval Air Station Fallon. The office records information about the time, location, and nature of the complaint; and initiates investigation of what if any Navy airspace operations were being conducted by the Navy at the FRTC. If the caller requests, range personnel will follow up with a return phone call to explain the resolution of the complaint. The Navy may be contacted for noise complaints and operational suggestions at 775-426-2419.

F.5.2.3 Bobb, J. (Western Shoshone National Council) Comment 3

**Public Meeting - Fallon - 12/12/2018
Fallon Range Training Complex Modernization**

1 recreation. For example, it's habitat for wildlife and
2 for hunters. I mean, hunting is recreation, but it also
3 provides the critical -- the habitat is necessary, that
4 wilderness provides, is necessary for hunting.

5 Now, another thing I wanted to just mention,
6 it's sort of a very technical thing, and it seems like
7 the amount of land that was chosen was based upon a
8 99.99 percent certainty of containment. I think I heard
9 that earlier. I'm wondering if -- I mean, this is very,
10 very sparsely developed, sparsely occupied country. Is
11 it necessary to go to 99.99 percent?

12 Could -- I mean, what are the chance -- I
13 mean, even if, even if something does end up out of
14 containment, what are the chances of someone actually
15 being affected by that? I mean, there are occasional --
16 you know, I hate to say it, but there are occasional
17 crashes that occur -- and I just ran out. I was going
18 to say, 99 percent, correct? Do a comparison and see
19 what the difference would be. Thank you.

20 MS. TURNER: Thank you, Mr. Myers.

21 Mr. Bobb, Mr. Johnnie Bobb.

22 MR. BOBB: My name is Johnnie Bobb, B-o-b-b.
23 I'm from Austin, way up Reese River. Born and raised
24 on, on that valley.

25 And living on down by the Indian reservation

Public Meeting - Fallon - 12/12/2018
Fallon Range Training Complex Modernization

1 where the aircraft always flying low over the houses,
2 scaring horses, scaring my kids, scaring things out
3 there like sage-grouse and other kind of birds, eagles.

4 But in my traditional way, I would listen to
5 the sounds of the wind that's coming, because it tells
6 me that our spiritual people is worried about this
7 aircraft, it's worried about what it's going to do. Is
8 a war going to began? Is a war going to start? Is a
9 war out there that our predator not going to control it
10 because other country hates what's going on in this
11 country?

12 Well, anyway, in my way, the traditional
13 way -- I always speak out for our traditional way. We
14 are here on this land to learn and -- in our cultural
15 with younger children, and the kids and their family.
16 And their family, they don't know how to cooperate with
17 our nature and our cultural. And we always have that
18 responsibility -- I have the responsibility to learn and
19 teach these children, and these people that know their
20 way. They're lost. They've being taken away from the
21 home because of the schooling that they have to learn.

22 But in our way, this is our second language,
23 English. We go on for many thousands of years back
24 about our traditional ways. We have respect out there
25 to connect with our nature. We talk about water and we

Public Meeting - Fallon - 12/12/2018
Fallon Range Training Complex Modernization

1 talk about environmental things, and cultural, and
2 aspects of our airspace and, and the water that we
3 always pray with and connect with.

4 But there's more to it than -- we should be,
5 you know, looking at in our traditional ways. This, our
6 Mother Earth, is one. One water, one fire, one air.
7 One of everything. We have to do our prayers with it.
8 Our church is out there. Our belief is out there. Our
9 sacred things is out there. We don't want it destroyed.
10 We keep -- keeping a way where we always going to be
11 there to pray for it. Thank you.

12 MS. TURNER: Thank you, Mr. Bobb.

13 Next is Jami J. Bullock.

14 MS. BULLOCK: Hi. My name is Jami Bullock,
15 B-u-l-l-o-c-k. I want to thank you for being here.
16 Thank you for your time.

17 So the EIS you offered had a lot of
18 information on it, and I want to thank you for that.
19 However, I do want to state that the environment that
20 we're affecting isn't everything, and -- first of all,
21 this isn't private property that we're talking about
22 here. And you did work with numerous agencies, and I
23 want to commend you for that.

24 And I did want to shed some light on some
25 quick statistics on this subject just to give some

F.5.2.3.1 Response

Thank you for participating in the NEPA process. The purpose of the NEPA process is to ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The Navy analyzed the potential environmental effects of the Proposed Action and alternatives, and the analysis is documented in the EIS. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate.

F.5.2.4 Brady, J. (Yomba Shoshone Tribe)

Public Meeting - Lovelock - 12/13/2018
Fallon Range Training Complex Modernization

1 have an outstanding facility and good training, but
2 we think that there is some possible compromise that
3 they could consider making.

4 Thank you.

5 MS. TURNER: Thank you, Mr. McDougal.

6 Next, I'm going to apologize right now,
7 because I'm having some trouble reading, is this
8 your -- from the Yomba Shoshone Tribe, please come
9 up, and again please provide your name and spell your
10 last name.

11 Thank you.

12 MR. BRADY: I'm John Brady from the Yomba
13 Shoshone Tribe. Coming here we've heard the speech
14 before. A couple of my issues are you guys write
15 down things like consultation. This is not a
16 consultation with the people. This is not a
17 consultation with the tribes. The reason why I say
18 that is I don't know how many people leaders are
19 here, but I've got one tribal leader here.

20 Our council consists of six people, six
21 members, six leaders. We only have one. He can't
22 say yes or no any more than I can say yes or no to
23 any of the things that you agree or disagree to. So
24 I would like to see wording changed on that, because
25 it's not until you guys have a meeting with the

Public Meeting - Lovelock - 12/13/2018
Fallon Range Training Complex Modernization

1 tribes and the leaders, which I know that you guys
2 provide meetings and tribal representatives show up.
3 They can't speak for the tribes any better than I
4 can. You have to talk to our leaders, you know.
5 That's one of importance.

6 Another thing is several of these land
7 expansions, I don't know when it's going to be
8 enough. This year X amount. Next time it's X-1.
9 You're pushing little tribes. You're pushing little
10 towns, little communities, little homes. You're
11 adding how many more miles on that 361 highway? I've
12 already got to go 80 miles to go to Fallon to buy my
13 groceries. You know, it's an extra hardship and I
14 just want you guys to understand that.

15 We support you. We agree that we need
16 military. We understand that you need this training.
17 I always feel bad when I see a helicopter go down and
18 it's like, man, did they get all the training that
19 they needed, you know. It's a horrible thing. We
20 all respect you guys. We all know that you guys need
21 this, but you're stewards on the land, you know.

22 There are things that aren't respected.
23 You guys dump your bombs. Does somebody go out there
24 and clean them up? Somebody take care of all that
25 mess that you guys make? I don't know how long you

Public Meeting - Lovelock - 12/13/2018
Fallon Range Training Complex Modernization

1 guys are going to be here, you know. Us Native
2 Americans, we've been here since the beginning.
3 We'll be here long after everyone has left. If we
4 keep treating the land bad, bad, bad, bad, everyone
5 is going to have to go somewhere, you know.

6 I don't know. That's all I feel. I just
7 wanted to share that with you guys. You know -- I
8 don't know. I don't even know how to word it to
9 everyone so you guys can understand, you know, but so
10 I just wanted to share that with you guys today.

11 MS. TURNER: Thank you, Mr. Brady. I
12 appreciate your comments.

13 Is there anyone else who would like to
14 speak at this time? Please, sir, come right up, and
15 if you could again state your name and spell your
16 last name, please.

17 MR. MARTIN: My name is Douglas Martin,
18 last name is M-a-r-t-i-n.

19 I'm a new tenant of about five miles
20 north of Lovelock, just bought some property there
21 essentially to get away from the Navy because I moved
22 up from Fallon, but that is beside the point.

23 The point here I'm trying to make is that
24 the FAA was remiss in their airspace usage. They
25 have decided to, what they call, MOA, Military

F.5.2.4.1 Response

Thank you for participating in the NEPA process. Regarding the comment on consultation, in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments; DoD policies; the National Historic Preservation Act; and Navy instructions, the Navy engaged in Tribal consultations during scoping, during the public comment period for the Draft EIS, and following release of the Draft EIS. The Navy invited culturally affiliated Tribes to take part in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Tribes to (1) participate in project meetings, (2) provide additional information related to cultural resources, and (3) provide internal document review (e.g., of the Class III Cultural Resources Inventory Report) during the development of this Draft EIS.

The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach performed by the Navy and copies of official correspondence.

To clarify Alternative 3 (Preferred Alternative), would potentially reduce the length of State Highway 361 to 11.5 miles along the notional relocation corridor that data was collected for during this NEPA process. Any proposed rerouting is still conceptual in nature and would be evaluated prior to any closure of the route. Follow-on NEPA analysis would be conducted for the potential relocation of State Route 361 if Alternative 3 were to be selected. See Chapter 2, specifically Section 2.3.4.2.4 (Road and Infrastructure Improvements to Support Alternative 3) for further details. If Alternative 3 were to be selected, the Navy would transfer any funds appropriated for relocating the road to the Federal Highway Administration, which in turn would make these funds available to NDOT for planning, design, NEPA-documentation, permitting and construction of the replacement road to meet state standards.

In accordance with the OPNAV M-5090.1, Environmental Readiness Program Manual, the Navy meets the requirements of Department of Defense Instruction (DoDI) 4715.14 by implementing the Range Sustainability Environmental Program Assessment (RSEPA) and Water Range Sustainability Environmental Program Assessment (WRSEPA) Programs. RSEPA is conducted to: (1) ensure range operations comply with existing environmental laws and regulations; and (2) ensure that munitions constituents (MC) are not migrating off-range, or that munition constituents do not present an unacceptable risk to human health or the environment. A Range Condition Assessment has been performed for the FRTC and is updated on a recurring basis (every 5 years) to ensure conditions have not changed since the last update.

F.5.2.5 Harry, B. (Western Shoshone) Comment 1

Public Meeting - Fallon - 12/12/2018
Fallon Range Training Complex Modernization

1 I have yet to see a Navy personnel vehicle
2 out on that land cleaning, which is a mess. I don't
3 know if you guys have been out there lately.

4 Also, you said that we could go ahead and
5 use the Simpson Road route to access our recreational
6 land, which is right outside my door. This route would
7 be very difficult to do, obviously.

8 But I would like you to consider not using
9 the Lone Tree and Solias route for your current and
10 further training out there. All right?

11 Thank you.

12 MS. TURNER: Thank you, Ms. Berry.

13 So at this time everyone who has signed up
14 to speak has had a chance to speak. Oh, please come up.
15 I'm sorry. Please come right up.

16 Is it there anyone else who now would like
17 to provide a comment, an oral comment?

18 Ms. Beverly Harry; correct?

19 MS. HARRY: Good evening. My name is
20 Beverly Harry. I thank you for the opportunity to speak
21 tonight and to address the indigenous community's
22 concerns.

23 I think -- we have to go back a little bit
24 to realize exactly what the impacts to indigenous
25 territories has been, and I know that a lot of

Public Meeting - Fallon - 12/12/2018
Fallon Range Training Complex Modernization

1 individuals didn't get proper history lessons, and the
2 way that, that native communities, indigenous
3 communities, were impacted by the federal government was
4 something that really, really, really should have been
5 taught the right way to express to the outlying
6 communities, and the new communities that we're dealing
7 with, is that we really, really need to work together in
8 respecting the land.

9 And so when I see this really, really large
10 EIS, and we think about the, you know, the enormous
11 budget that has been developed, I have to think why
12 aren't we spending more money on peace opportunities and
13 peace strategies and global peace.

14 I don't think it sits good with any of the
15 mothers here who have to continue to raise their
16 children and look out for their grandchildren, and we
17 still have, we still have a ways to go with our, our
18 civilization. We're not just looking at, you know, this
19 Christmas cycle and then, you know, the next few
20 generations, we're looking at seven generations and
21 beyond.

22 And within 100 years, if you look back and
23 if you can look at how much impact there has been to
24 Nevada and within the indigenous territories that we
25 have, you can see how we're not working at protecting

Public Meeting - Fallon - 12/12/2018
Fallon Range Training Complex Modernization

1 our, our lands the way that, that we should.

2 We really need to be addressing water
3 protection concerns, drought protection, we need to
4 think about air quality, and we also need to think about
5 our land resources, to work together to see how we can
6 develop the, the interest of the people to keep people
7 safe with, with peace strategies.

8 So I thank you very much. I hope you will,
9 you know, flip back to your history books and look for
10 the right books to help educate. Thank you.

11 MS. TURNER: Thank you, Ms. Harry.

12 All right. I will ask one more time, is
13 there anyone else that would like three minutes?

14 Please, come up. Sir? Come up. And again,
15 just if you could state your name and spell your last
16 name. Thank you.

17 MS. ARTHUR: Hello. My name Hannah Arthur.
18 That's A-r-t-h-u-r. I would like to thank you for
19 allowing me to speak.

20 As I -- I have to admit, the U.S. military
21 will do as they please. They have been pushing my
22 people away and wherever they want from its origin of
23 this country.

24 So my question that I want to relay to you
25 guys is how are we going to keep them accountable for

F.5.2.5.1 Response

Thank you for your participation in the NEPA process. The purpose of the NEPA process is to ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The Navy analyzed the potential environmental effects of the Proposed Action and alternatives, and the analysis is documented in the EIS. The Navy has reviewed and considered all comments received and have updated the analysis where appropriate.

F.5.2.6 Harry, B. (Western Shoshone) Comment 2

**Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization**

1 Ms. Beverly Harry.

2 MS. HARRY: Good evening. My name is
3 Beverly Harry, H-a-r-r-y.

4 Historically I just want to remind
5 everybody that the indigenous people such as the
6 Western Shoshone, the Goshute, the Washoe, and the
7 Northern and Southern Paiutes were driven from their
8 lands. This is -- this is the truth and we really,
9 really need to continue to work on this type of
10 education for all of the people.

11 The lands under this particular project
12 belong to the Paiutes and the Shoshones. These lands
13 have been changed. The tribes were directed from
14 their lands and the federal government ended up
15 taking ahold of these lands and it transferred into
16 what they call public lands, and now the public lands
17 are being seized by the military again. So those
18 lands continue to be indigenous lands.

19 The lands that supported the Paiute
20 people and the Shoshone people produced pine nuts,
21 medicines. They produced amazing hunting and
22 different types of areas where people could go and
23 conduct their ceremonies on where they could be one
24 with the land, and this is not something that native
25 people can just, you know, simply share with anybody

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 in order to make that connection, and I'm sure the
2 air -- the people that work with the Navy that fly
3 those jets have made those connections with those --
4 those airs up above, and it's really, really
5 interesting when people are captivated in different
6 scenarios in different places they can make
7 connections with water. They can make connections
8 with air, and they know how beautiful that -- that
9 area is, and I'm really pleased that there -- that
10 they can make the connection, but we have made the
11 connection with the land and we need to make sure
12 that we maintain that.

13 The tribes are wanting to make sure that
14 the sacred sites aren't taken away from them, that we
15 continue to practice our traditions and connect with
16 the land and this is a concern for all the indigenous
17 people.

18 In this project it's possible that Nevada
19 could be the largest militarized area in the country
20 and in the world with pushing for more expanded
21 areas. What does this project bring to Nevada? The
22 military proposes a large budget and Tom Cruise and
23 Top Gun don't do anything for depressed communities.
24 I have worked in long lines, the Food Bank lines over
25 at Hawthorne and I know how hungry those people are,

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 and so we need to continue to think about how we're
2 making our communities better, and these people that
3 are in those Food Bank lines they have veteran on
4 their hats and they are proud to wear them.

5 So let's continue to work with our
6 military, let's continue to have them work with the
7 native communities and also the people that are
8 saluting to you to make sure that they are well taken
9 care of after they leave the military.

10 MS. TURNER: Thank you.

11 Next is Mr. Larry Johnson.

12 MR. JOHNSON: Thank you.

13 My name is Larry Johnson. I'm president
14 of Coalition for Nevada's Wildlife. Johnson,
15 J-o-h-n-s-o-n.

16 Of all the proposals we do oppose the
17 B-17 expansion. Sportsmen in partnership with the
18 Nevada Department of Wildlife have invested hundreds
19 of thousands of dollars and tens of thousands of
20 volunteer man hours in restoring our wildlife
21 resources to this area. Our state animal, the
22 bighorn sheep, was extirpated from the area, as was
23 antelope, as was a number of wildlife.

24 Everything we hunt today, you realize, in
25 the State of Nevada would have been on the endangered

F.5.2.6.1 Response

Thank you for participating in the NEPA process. Regarding working with Indian Tribes, in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments; DoD policies; the National Historic Preservation Act; and Navy instructions, the Navy engaged in Tribal consultations during scoping, during the public comment period for the Draft EIS, and following release of the Draft EIS. The Navy invited culturally affiliated Tribes to take part in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Tribes to (1) participate in project meetings, (2) provide additional information related to cultural resources, and (3) provide internal document review (e.g., of the Class III Cultural Resources Inventory Report) during the development of this Draft EIS.

The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach performed by the Navy and copies of official correspondence.

F.5.3 Website Comments

Please see the Navy's responses to comments provided by County Agencies on the project website during the public commenting period on the Draft EIS in the following tables and sub-sections.

F.5.3.1 Caligiuri, S. (Yomba Shoshone Tribal Chairman)

First	Last	Comment	Response
Sarah	Caligiuri	Please see attached document from the Yomba Shoshone Tribal Chairman submitted by Sarah Caligiuri, Environmental Director.	Thank you for participating in the NEPA process. Please see the Navy's responses to your comments that were attached.



YOMBA SHOSHONE TRIBE

November 20, 2018

Michael Baskerville
NAS Fallon
4755 Pasture Road
Fallon, NV 89406

Re: Draft Environmental Impact Statement

On Wednesday November 14, 2018, Yomba Shoshone Tribe, Naval Air Station Fallon representatives, and local Indian Tribes within the proposed APE, met to discuss the identification of cultural sites and overall concerns regarding the proposed NAS Fallon expansion. The pretense of the meeting was to identify concerns and cultural areas in order to protect these areas from the impacts of the proposed bombing locations. During that meeting it was revealed that the DEIS was due to be released on Friday, November 16, 2018, two days after the meeting scheduled with Indian Tribes. This clearly indicates that the Naval Air Station Fallon will not be including tribal input derived from that meeting into the DEIS. The release of the DEIS is premature without input from Indian Tribes and project analysis on effects the APE will have on Native American communities. The proposed renewal and expansion will impact Indian Tribes by encroaching on traditional territories that include rangeland, natural resources, sacred and cultural sites, food gathering areas, and funerary areas. Since the proposed project may significantly impact Western Shoshone and Paiute ways of life, concerns and input must be taken into account.

Yomba Shoshone Tribal concerns include;

1. **Noise Pollution** currently is a concern for the Yomba Shoshone Tribe. Noise pollution affects our cattle production, interferes with hunting wildlife, and disrupts our quality of life with regular sonic booms. The sounds of war are psychologically triggering to our veterans with PTSD, frightening to our children, and damages tribal property.
2. **Correction of past wrongs.** The Yomba Shoshone Tribe has brought the effects of sonic booms to the attention of NAS Fallon on many occasions and to date there continues to

be sonic boom disturbance. The Yomba Shoshone Tribe requires solutions to issues regarding current NAS Fallon encroachment into Western Shoshone territories to enter into meaningful collaborative dialogue regarding the NAS Fallon proposed expansion and APE. Yomba Shoshone Tribe proposes corrections for NAS Fallon related noise pollution, cattle production, effects on wildlife and livestock, and correction of psychological impacts on the Yomba Shoshone People.

3. **Effects of Sonic Booms on Cattle and Wildlife Production.** The Yomba Shoshone Tribe is concerned with the effects of sonic booms and low flying aircrafts on cattle and wildlife production. Yomba Shoshone Indian Reservation is comprised of cattle ranchers and hunters who rely on healthy animal production for economic development and for their livelihood, respectively. Animals and humans can become alarmed by a sonic boom which results in elevated stress levels activating a “flight or fight” reaction which can cause increased blood pressure, available glucose, and blood levels of corticosteroids. Severe or prolonged exposure to sonic booms can exhaust an animal into demise. Stampingeding due to increased noise levels can endanger the lives of our ranchers. Yomba Shoshone Tribe proposes a study on these issues be included in the EIS.
4. **Effects on Neighboring Tribes.** The Fallon Paiute Shoshone Tribe has stated the expectation to receive a response from NAS Fallon regarding ethnographic and cultural studies, identification of areas subject to bombing, a schedule of upcoming events, and MOA between the Fallon Tribe and NAS Fallon. Walker River Indian Reservation Chairwoman, Amber Torres, stated the requirements for corrections from NAS Fallon for past violations including the desecration and destruction of the Mother and Father cultural site.

While Yomba Shoshone Tribe does not speak for neighboring Indian Tribes, we are in support of their expectations from NAS Fallon.

Respectfully,



Ronnie Snooks
Chairman
Yomba Shoshone Tribe

F.5.3.1.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. Regarding Tribal Participation in the NEPA process, the Navy has been working with Tribes throughout the Draft EIS process. In accordance with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*; DoD policies; the National Historic Preservation Act; and Navy instructions, the Navy engaged in Tribal consultations during scoping, during the public comment period for the Draft EIS, and following release of the Draft EIS. The Navy invited culturally affiliated

Tribes to take part in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Tribes to (1) participate in project meetings, (2) provide additional information related to cultural resources, and (3) provide internal document review (e.g., of the Class III Cultural Resources Inventory Report) during the development of this Draft EIS.

The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach performed by the Navy and copies of official correspondence.

Regarding noise pollution comments, the Navy has an established process for noise complaints. As stated in Section 3.7.3.5 (Proposed Management Practices, Monitoring, and Mitigation), the Air Operations Office logs noise complaints at NAS Fallon. The office records information about the time, location, and nature of the complaint; and initiates investigation of what if any Navy airspace operations were occurring by the Navy at the FRTC. If the caller requests, range personnel will follow up with a return phone call to explain the resolution of the complaint. The Navy acknowledges noise sensitive areas and has established Noise Sensitive Areas (such as around wildlife refuges, incorporated areas, and certain tribal areas) in the past. The Navy is proposing new Noise Sensitive Areas as part of the Proposed Action around the incorporated areas of Crescent Valley and Eureka. The establishment of these Noise Sensitive Areas is considered compatible with military training activities and will include a 5 nautical mile radius and an elevation of 3,000 feet AGL. However, the Navy acknowledges that there may be impacts (which could lessen the overall atmosphere and experience of silence within the FRTC, to include on tribal lands) that have yet to be defined and would continue to develop and incorporate mitigation measures as necessary.

Regarding the effects of sonic booms on cattle and wildlife production comment, livestock grazing has been conducted beneath FRTC SUA for over 70 years. Although some studies find the data to be inconclusive, most of the scientific literature indicates that livestock exhibit some form of behavioral response to aircraft noise. As discussed in Section 3.4 (Livestock Grazing), training noise could elicit a behavioral response from livestock outside of the FRTC ranges. The type of behavioral response depends on many variables (e.g., aircraft's size, speed, altitude, distance, color, and type of engine), but it is typically a temporary startle, freezing, or fleeing response. Some studies have reported other adverse effects to livestock, including reduced milk yields, increased heart rate, and increased respiration; however, these physiological effects have proven difficult to assess, and any such effect would likely be very minor. In general, studies suggest that aircraft noise and sonic booms would not substantially affect livestock production or reproduction, and some studies have demonstrated that domestic animals may adjust to aircraft noise over time. Noise from training activities would be consistent with current noise levels but would be dispersed over a larger area. Modeled training noise associated with Navy activities would not be experienced beyond the range at levels that would significantly affect livestock grazing.

Regarding effects on neighboring tribes, following the EIS process, the Navy would update relevant documents to formalize any recommendation for new safety and noise zones and confirm existing safety and noise zones. The Navy would continue to work with the local counties and municipalities as well as federal property land managers to plan for compatible land use development, which would include the BLM, USFWS, U.S. Forest Service, Bureau of Reclamation, and Churchill, Elko, Eureka, Lander, Lyon, Mineral, Nye, Pershing, and Washoe Counties.

With respect to comments received from other tribes concerning the proposed action—including comments pertaining to allegations of past wrongs—the Navy will respond to such comments as appropriate as part of the Final EIS and/or during follow-on consultations or other communications with the tribes in question.

F.5.3.2 Snooks, R. (Yomba Shoshone Tribe)

First	Last	Comment	Response
Ronnie	Snooks	<p>On Wednesday November 14, 2018, Yomba Shoshone Tribe, Naval Air Station Fallon representatives, and local Indian Tribes within the proposed APE, met to discuss the identification of cultural sites and overall concerns regarding the proposed NAS Fallon expansion. The pretense of the meeting was to identify concerns and cultural areas in order to protect these areas from the impacts of the proposed bombing locations. During that meeting it was revealed that the DEIS was due to be released on Friday, November 16, 2018, two days after the meeting scheduled with Indian Tribes. This clearly indicates that the Naval Air Station Fallon will not be including tribal input derived from that meeting into the DEIS. The release of the DEIS is premature without input from Indian Tribes and project analysis on effects the APE will have on Native American communities. The proposed renewal and expansion will impact Indian Tribes by encroaching on traditional territories that include rangeland, natural resources, sacred and cultural sites, food gathering areas, and funerary areas. Since the proposed project may significantly impact Western Shoshone and Paiute ways of life, concerns and input must be taken into account.</p> <p>Yomba Shoshone Tribal concerns include:</p> <ol style="list-style-type: none"> 1. Noise Pollution currently is a concern for the Yomba Shoshone Tribe. Noise pollution affects our cattle production, interferes with hunting wildlife, and disrupts our quality of life with regular sonic booms. The sounds of war are psychologically triggering to our veterans with PTSD, frightening to our children, and damages tribal property. 2. Correction of past wrongs. The Yomba Shoshone Tribe has brought the effects of sonic booms to the attention of 	<p>Thank you for your participation in the NEPA process. Your comment has been included in the official project record. Regarding Tribal Participation in the NEPA process, the Navy has been working with Tribes throughout the Draft EIS process. In accordance with Executive Order 13175, <i>Consultation and Coordination with Indian Tribal Governments</i>; DoD policies; the National Historic Preservation Act; and Navy instructions, the Navy engaged in Tribal consultations during scoping, during the public comment period for the Draft EIS, and following release of the Draft EIS. The Navy invited culturally affiliated Tribes to take part in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). As Tribal Participants, Tribes were invited to (1) participate in project meetings, (2) provide additional information related to cultural resources, and (3) provide internal document review (e.g., of the Class III Cultural Resources Inventory Report) during the development of this Draft EIS.</p> <p>The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach performed by the Navy and copies of official correspondence. The Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will</p>

First	Last	Comment	Response
		<p>NAS Fallon on many occasions and to date there continues to be sonic boom disturbance. The Yomba Shoshone Tribe requires solutions to issues regarding current NAS Fallon encroachment into Western Shoshone territories to enter into meaningful collaborative dialogue regarding the NAS Fallon proposed expansion and APE. Yomba Shoshone Tribe proposes corrections for NAS Fallon related noise pollution, cattle production, effects on wildlife and livestock, and correction of psychological impacts on the Yomba Shoshone People.</p> <p>3. Effects of Sonic Booms on Cattle and Wildlife Production. The Yomba Shoshone Tribe is concerned with the effects of sonic booms and low flying aircrafts on cattle and wildlife production. Yomba Shoshone Indian Reservation is comprised of cattle ranchers and hunters who rely on healthy animal production for economic development and for their livelihood, respectively. Animals and humans can become alarmed by a sonic boom which results in elevated stress levels activating a "flight or fight" reaction which can cause increased blood pressure, available glucose, and blood levels of corticosteroids. Severe or prolonged exposure to sonic booms can exhaust an animal into demise. Stampeding due to increased noise levels can endanger the lives of our ranchers. Yomba Shoshone Tribe proposes a study on these issues be included in the EIS.</p> <p>4. Effects on Neighboring Tribes. The Fallon Paiute Shoshone Tribe has stated the expectation to receive a response from NAS Fallon regarding ethnographic and cultural studies, identification of areas subject to bombing, a schedule of upcoming events, and MOA between the Fallon Tribe and NAS Fallon. Walker River Indian Reservation Chairwoman, Amber Torres, stated the requirements for corrections from NAS Fallon for past violations including the desecration and destruction of the Mother and Father cultural site.</p>	<p>avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range "buffer" areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.</p> <p>Regarding noise pollution comments, the Navy has an established process for noise complaints. As stated in Section 3.7.3.5 (Proposed Management Practices, Monitoring, and Mitigation), the Air Operations Office logs noise complaints at NAS Fallon. The office records information about the time, location, and nature of the complaint; and initiates investigation of what if any Navy airspace operations were occurring by the Navy at the FRTC. If the caller requests, range personnel will follow up with a return phone call to explain the resolution of the complaint. The Navy acknowledges noise sensitive areas and has established Noise Sensitive Areas (such as around wildlife refuges, incorporated areas, and certain tribal areas) in the past. The Navy is proposing new Noise Sensitive Areas as part of the Proposed Action around the incorporated areas of Crescent Valley and Eureka. The establishment of these Noise Sensitive Areas is considered compatible with military training activities and will include a 5 nautical mile radius and an elevation of 3,000 feet AGL. However, the Navy acknowledges that there may be impacts (which could lessen the overall atmosphere and experience of silence within the FRTC, to include on tribal lands) that have yet to be defined and would continue to develop and incorporate mitigation measures as necessary.</p> <p>Regarding the effects of sonic booms on cattle and wildlife production comment, livestock grazing has been conducted beneath FRTC SUA for over 70 years. Although some studies find the data to be inconclusive, most of the scientific literature</p>

First	Last	Comment	Response
		While Yomba Shoshone Tribe does not speak for neighboring Indian Tribes, we are insupport of their expectations from NAS Fallon.	<p>indicates that livestock exhibit some form of behavioral response to aircraft noise. As discussed in Section 3.4 (Livestock Grazing), training noise could elicit a behavioral response from livestock outside of the FRTC ranges. The type of behavioral response depends on many variables (e.g., aircraft's size, speed, altitude, distance, color, and type of engine), but it is typically a temporary startle, freezing, or fleeing response. Some studies have reported other adverse effects to livestock, including reduced milk yields, increased heart rate, and increased respiration; however, these physiological effects have proven difficult to assess, and any such effect would likely be very minor. In general, studies suggest that aircraft noise and sonic booms would not substantially affect livestock production or reproduction, and some studies have demonstrated that domestic animals may adjust to aircraft noise over time. Noise from training activities would be consistent with current noise levels but would be dispersed over a larger area. Modeled training noise associated with Navy activities would not be experienced beyond the range at levels that would significantly affect livestock grazing.</p> <p>Regarding effects on neighboring tribes, following the EIS process, the Navy would update relevant documents to formalize any recommendations for new safety and noise zones and confirm existing safety and noise zones. The Navy would continue to work with the local counties and municipalities as well as federal property land managers to plan for compatible land use development, which would include the BLM, USFWS, U.S. Forest Service, Bureau of Reclamation, and Churchill, Elko, Eureka, Lander, Lyon, Mineral, Nye, Pershing, and Washoe Counties. Your comment has been included in the official project record</p>

F.5.3.3 Zabarte, I. (Western Bands of the Shoshone Nation of Indians)

First	Last	Comment	Response
Ian	Zabarte	<p>US Department of Defense Fallon Range Training Complex Modernization Draft Environmental Impact Statement Comments of the Western Bands of the Shoshone Nation of Indians Prepared by: Principal Man Ian Zabarte P.O. Box 46301 Las Vegas, NV 89114 Submitted: February 14, 2019 Comments The Western Bands of the Shoshone Nation of Indians submit the following comments on the proposed action in the Fallon Range Training Complex Draft Environmental Impact Statement. Only Neweii speak for the Western Bands of the Shoshone Nation of Indians. The Western Bands of the Shoshone Nation of Indians do not consent to the inclusion of any portion of Indian country defined by the Treaty of Ruby Valley into the boundaries or jurisdiction of Nevada.iii The proposed action violates the norms of peace and friendship defined by the Treaty of Ruby Valley. Shoshone peace and harmony are violated by US weapons of war testing and development. All the burden and environmental degradation fall upon the already vulnerable Shoshone people with no benefit. Billions of dollars in benefits of the proposed action in the form payment in lieu of taxes, grants equal to taxes, payments equal to taxes that result from Western Shoshone treaty defined lands paid to Nevada is environmental racism and money laundering, defrauding the Shoshone people of their property. Because of the Shoshone past exposure to radiation in</p>	<p>Thank you for your participation in the NEPA process. Your comment has been included in the official project record. Regarding Tribal Participation in the NEPA process, the Navy has been working with Tribes throughout the Draft EIS process. In accordance with Executive Order 13175, <i>Consultation and Coordination with Indian Tribal Governments</i>; DoD policies; the National Historic Preservation Act; and Navy instructions, the Navy engaged in Tribal consultations during scoping, during the public comment period for the Draft EIS, and following release of the Draft EIS. The Navy invited culturally affiliated Tribes to take part in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). As Tribal Participants, Tribes were invited to (1) participate in project meetings, (2) provide additional information related to cultural resources, and (3) provide internal document review (e.g., of the Class III Cultural Resources Inventory Report) during the development of this Draft EIS.</p> <p>The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach performed by the Navy and copies of official correspondence.</p> <p>Regarding depleted uranium, the Navy is not proposing to use depleted uranium nuclear weaponry under this Proposed Action. They have been used in the past for training, however, they are</p>

First	Last	Comment	Response
		<p>fallout from US/UK weapons of mass destruction, the Shoshone people cannot endure any increased burden of risk from any source including depleted uranium from military operations site wide at any level. Our position is borne out by the National Academy of Sciences Biological Effects of Ionizing Radiation VII (2005) that the non-linear threshold model is appropriate.</p> <p>The proposed action expands US Department of Defense occupation of property owned by the Western Bands of the Shoshone Nation of Indians, a trespass.</p> <p>Past expansions should not be reauthorized until the US can prove ownership to lands claimed and occupied by the military in the proposed action.</p> <p>US claims to Indian country defined by the Treaty of Ruby Valley are based on religious discrimination by the US Supreme Court Christian Doctrine of Discovery, a violation of the US Constitution.iv Religious bias by the Supreme Court fails to provide the Western Bands of the Shoshone Nation of Indians due process.</p> <p>Cultural resources within the boundaries of the Treaty of Ruby Valley are the property right of the Western Bands of the Shoshone Nation of Indians.</p> <p>Under the doctrine of the US v. Santa Fe Pacific, 314 US 339 (1941) there has been no explicit congressional intent to extinguish Indian title. Ownership of the proposed action is vested in the Western Bands of the Shoshone Nation of Indians and the Department of Defense cannot prove ownership to any portion of Indian Country defined by the Treaty of Ruby Valley free from significant encumbrances by the Western Bands of the Shoshone Nation of Indians.</p> <p>All US cooperating agencies are indistinguishable perpetrators of crimes against humanity by creating systematic processes to dismantle the living lifeways of the Western Bands of the Shoshone Nation of Indians.</p> <p>The US created federally recognized tribes and has taken advantage of the vulnerability of the Native American</p>	<p>not used currently.</p> <p>Regarding other issues brought up in this comment, these are outside the scope of the Proposed Action and are thus not analyzed in the Final EIS. Please see Chapter 2 (Description of Proposed Action and Alternatives) of the EIS for a definition of the scope of the project.</p>

First	Last	Comment	Response
		<p>people and created dependence to manipulate Indians tribes. Tribes are helpless victims unable to give consent in US environmental site assessment processes. It is the US that is wholly responsible for outcomes including genocide that result from the DEIS process.</p> <p>A land disposal moratorium should be put in place and no range expansion until Western Shoshone property rights are protected and a treaty reservation for the Western Bands of the Shoshone Nation of Indians is created.</p> <p>i Treaty of Ruby Valley, 18 Statute 689-692 (1863).</p> <p>ii In Shoshone language, the Shoshone people.</p> <p>iii Nevada Admissions Act 12 Statute 209-214 (1861).</p> <p>iv US Department of State, Reply of the US to Questions from the Committee on the Elimination of Racial Discrimination, Geneva, Switzerland, August 6, 2001.</p> <p>v 18 USC 1091.</p>	

F.6 Non-Government Organizations and Businesses

This section contains comments from non-government organizations and businesses received during the public comment period and the Navy's response to those comments. Letters, written comments, and emails are presented as received by the Navy in picture form with responses immediately following in text after that presentation. Comments submitted on the website are shown in tables and organized alphabetically by commenters names, followed by their comment, with pictures of attachments if applicable, and the Navy's response in the final right-hand column of the table or after the attachment is presented. Enclosures to comments or other background information included along with the public's comments are not pictured in this appendix. Responses to these comments were prepared and reviewed for scientific and technical accuracy and completeness.

F.6.1 Letters, Written Comments, and Emails

F.6.1.1 Group Letter (Patrick Donnelly, Center for Biological Diversity, Las Vegas, NV, Andy Maggi, Nevada Conservation League, Las Vegas, NV, Shaaron Netherton, Friends of Nevada Wilderness, Reno, NV, Bob Fulkerson, Progressive Leadership Alliance of Nevada, Reno, NV, Brian Beffort, Sierra Club, Toiyabe Chapter, Reno, NV, Kevin Emmerich, Basin and Range Watch, Beatty, NV)

December 17, 2018

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

To the Department of the Navy:

We, the undersigned groups, collectively representing tens of thousands of Nevadans and millions of Americans, request a 30 day extension on the comment period for the Fallon Range Training Complex Modernization Draft Environmental Impact Statement (DEIS).

The Navy's proposal is unprecedented in scope, potentially affecting the whole landscape of central Nevada. The DEIS is an extraordinarily complex document, clocking in at over 1,500 pages, and it may be difficult for non-experts to understand.

The Navy provided the public with a 60 day comment period on the DEIS. This 60 day period happens to coincide with Thanksgiving, Hanukah, Christmas, and New Year's Eve and Day. It hardly bears saying that many people choose to travel or spend time with family over the holiday season, rather than poring through enormous and inaccessible environmental review documents.

Therefore, in the spirit of the transparency and public participation which are the hallmarks of a civil democracy, we are requesting a 30 day extension on the comment period. 90 days is a standard comment period for lengthy and complex EISs, so a 30 day extension seems warranted.

Thank you for your consideration of this matter.

Patrick Donnelly
Center for Biological Diversity
Las Vegas, NV

Andy Maggi
Nevada Conservation League
Las Vegas, NV

Shaaron Netherton
Friends of Nevada Wilderness
Reno, NV

Bob Fulkerson
Progressive Leadership Alliance of Nevada
Reno, NV

Brian Beffort
Sierra Club, Toiyabe Chapter
Reno, NV

Kevin Emmerich
Basin and Range Watch
Beatty, NV

CC: Senator Catherine Cortez Masto
Senator Dean Heller
Senator-elect Jacky Rosen
Representative Mark Amodei
Representative-elect Steven Horsford
Representative-elect Susie Lee
Representative Dina Titus
Representative Raul Grijalva
Governor Brian Sandoval
Governor-elect Steve Sisolak
Assembly Natural Resources Committee Chair Assemblywoman Heidi Swank
Nevada Senate Natural Resources Committee Chair Senator-elect Melanie Scheible

F.6.1.1.1 Response

Thank you for your participation in the NEPA process. The Draft EIS was released for public review Nov. 16, 2018, for a 60-day public comment period, 15 days more than the required 45-day public review period under NEPA. The Navy extended the public comment period additional 30 days, to close Feb. 14, 2019, for a total of 90 days for public review of the Draft EIS. Public notices of the comment period extension were published in local newspapers and the *Federal Register*, and the Navy distributed postcards to the project mailing list (including attendees of the Draft EIS public meetings), letters to Indian Tribes, news releases to media, and emails to subscribers on the project website.

F.6.1.2 Alfars, S. D. (Pershing Gold)



February 11, 2019

Naval Facilities Engineering Command Southwest
Code EV 21.SG
1220 Pacific Highway Building 1, 5th Floor
San Diego, CA 92132

also electronically submitted to:
<https://frtcmmodernization.com/Public-Involvement/Submit-Your-Comment>

RE: Comments on the November 2018 Fallon Range Training Complex Draft Environmental Impact Statement

I. Introduction

Pershing Gold Corporation (Pershing Gold) controls over 25,000 acres of land in Pershing County north of the Bravo-20 proposed expansion area within the Fallon Range Training Complex (FRTC). Our land holdings include the Relief Canyon gold and silver mine and numerous highly prospective mineral deposits that we are actively exploring.

Although Pershing Gold supports the Nation's military and the critically important role the military plays in keeping our country safe, we have grave concerns about the size of the proposed expansion and the Navy's proposal to withdraw over 600,000 acres of land from mineral entry, to prohibit other multiple uses, and to reserve these lands solely for military use. We believe the Navy's proposed FRTC expansion will result in seriously adverse impacts to the counties where the proposed expansion areas are located, including Pershing County where we operate. We also believe that the Navy's position that mineral activities are categorically incompatible with the training activities is pre-decisional and incorrect.

As explained below, the DEIS needs to be substantially revised to include a detailed analysis of one or more alternatives to mitigate the "vast irreparable impact" to mineral resources described in the DEIS. We believe the DEIS Action Alternatives do not satisfy NEPA requirements to evaluate alternatives to avoid, minimize, and mitigate adverse impacts to the quality of the human environment; to comply with national policies, including policies that establish the need to increase production of domestic minerals; and to reconcile the alternatives with state and local plans.

II. The Proposed Mineral Withdrawals are not Consistent with the National Materials and Minerals Policy Research and Development Act of 1980 and Executive Order 13817

The list of laws and regulations pertaining to minerals in Section 3.3.1.4 Regulatory Framework is incomplete because it does not include the National Materials and Minerals Policy, Research and

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Development Act of 1980 (30 USC § 1601 *et seq.*, “MMPRDA”). Congress enacted MMPRDA four years after passing the Federal Land Policy and Management act of 1976 (“FLPMA”) to reiterate and reinforce the mineral policies established in FLPMA and the Mining and Mineral Policy Act. (30 USC § 21a).

MMPRDA defines “materials” as: “substances, including minerals, of current or potential use that will be needed to supply the industrial, military, and essential civilian needs of the United States...” In MMPRDA Congress establishes that domestic sources of minerals are critically important to national security:

The availability of materials is essential for national security, economic well-being, and industrial production ... § 1601

[I]t is the continuing policy of the United States to promote an adequate and stable supply of materials necessary to maintain national security, economic well-being and industrial production, with appropriate attention to a long-term balance between resource production, energy use, a healthy environment, natural resources conservation, and social needs. §1602

The President shall: ...coordinate the responsible departments and agencies to...identify materials needs and assist in the pursuit of measures that would assure the availability of materials critical to commerce, the economy, and national security;...promote and encourage private enterprise in the development of economically sound and stable domestic materials industries; and...encourage Federal agencies to facilitate availability and development of domestic resources to meet critical materials needs. § 1602

In response to the reporting directive in MMPRDA § 1604, President Ronald Reagan issued the National Materials and Minerals Program Plan and Report to Congress in April 1982 in which he emphasized “the need to keep the public’s land open to appropriate mineral exploration and development” and expressed concerns about the amount of federal land (then estimated to be 40 to 68 percent) that was closed to mineral exploration and development.

Alternatives 1, 2, and 3 (henceforth called “the Action Alternatives”) do not comply with the MMPRDA or the Mining and Mineral Policy Act, which is referenced in MMPRDA, and ignore President Reagan’s prescient concerns about the amount of land unavailable for mineral exploration and development. Moreover, the DEIS fails to evaluate compliance with these laws or disclose that the proposed mineral withdrawals are not consistent with these laws.

President Trump’s December 2017 Critical Minerals Executive Order (“EO”) No. 13817 (which is mentioned in Section 3.3 of the DEIS), focuses on the need to increase the supply of domestic minerals. Unfortunately, the Action Alternatives in the DEIS conflict with the Administration’s clear policy directives to reduce the nation’s reliance on foreign minerals by increasing the exploration for and development of domestic minerals resources. The DEIS fails to disclose that the impacts of the proposed mineral withdrawals are inconsistent with EO 13817.

EO 13817 specifically recognizes the important role that domestic mineral supplies play in maintaining a strong economy, creating jobs, and improving our national security. In fact, this EO explicitly states that the military is one of the largest users of critical minerals:

“...An increase in private-sector domestic exploration, production, recycling, and reprocessing of critical minerals, and support for efforts to identify more commonly available technological alternatives to these minerals, will reduce our dependence on imports, preserve our leadership in technological innovation, support job creation, improve our national security and balance of trade, and enhance the technological superiority and readiness of our Armed Forces, which are among the Nation’s most significant consumers of critical minerals.” (EO 13817 Findings at 1)

Section 3 of EO 13817 establishes that:

It shall be the policy of the Federal Government to reduce the Nation’s vulnerability to disruptions in the supply of critical minerals, which constitutes a strategic vulnerability for the security and prosperity of the United States. The United States will further this policy for the benefit of the American people and in a safe and environmentally responsible manner, by:

- (a) identifying new sources of critical minerals;
- (b) increasing activity at all levels of the supply chain, including exploration, mining, concentration, separation, alloying, recycling, and reprocessing critical minerals;
- (c) ensuring that our miners and producers have electronic access to the most advanced topographic, geologic, and geophysical data within U.S. territory to the extent permitted by law and subject to appropriate limitations for purposes of privacy and security, including appropriate limitations to protect critical infrastructure data such as those related to national security areas; and
- (d) streamlining leasing and permitting processes to expedite exploration, production, processing, reprocessing, recycling, and domestic refining of critical minerals.

Clearly the proposed mineral withdrawals in the Action Alternatives conflict with the policies and directives in EO 13817. The FRTC expansion proposal needs to be substantially revised to comply with the mineral development directives in the MMPDA and EO 13817 in order to minimize and mitigate conflicts between keeping federal lands open for mineral purposes versus the proposed withdrawal of 618,727 acres on top of the 202,864 acres that are currently withdrawn from mineral entry (an aggregate withdrawal of 821,591 acres). If the Navy is unable to lessen these conflicts,

the DEIS and Final EIS must fully disclose the conflicts and lack of compliance with MMPRDA and EO 13817.

III. The DEIS Does not Satisfy NEPA Requirements

A. Failure to Evaluate National Policies

The Council on Environmental Quality's ("CEQ's") regulations (40 CFR §§ 1500 *et seq*) implementing the National Environmental Policy Act ("NEPA") require a complete analysis of national policy considerations pertinent to the proposed mineral withdrawals under the action alternatives:

An agency shall identify and discuss all such factors including any essential considerations of national policy which were balanced by the agency in making its decision and state how those considerations entered into its decision. 40 CFR § 1505.2(b)

The availability of minerals and the need to reduce our reliance on foreign sources of minerals are established and urgent national policy issues that cannot be ignored and must be discussed in the DEIS. The failure of the DEIS to analyze these issues and disclose how the proposed mineral withdrawals could increase the country's reliance on foreign sources of minerals violates NEPA. The DEIS must include a detailed analysis of the impacts and tradeoffs associated with withdrawing up to 618,727 acres of lands that are currently open to operation of the Mining Law and renewing the withdrawal of the presently withdrawn 202,864 acres within the existing FRTC boundary.

The DEIS' current analysis of the impacts of the proposed withdrawal is deficient because it focuses mainly on economic and socioeconomic impacts and does not evaluate how this withdrawal would affect the availability of domestic sources of the minerals needed for the Nation's economy, security, and to support the manufacturing, energy, health care, and technology sectors as required pursuant to MMPRDA and EO 13817.

The analysis of how the proposed withdrawal would affect the availability of domestic minerals is critically important to the public and to Congress – the ultimate decisionmaker. The Navy must provide Congress with this analysis so that Congress has all of the necessary facts to determine whether the FRTC proposal to withdraw lands with known mineral potential is in the Nation's best interests.

B. The Determination that Mining and the Proposed Expansion are Incompatible is Pre-decisional and Violates NEPA

Prior to conducting this NEPA analysis, the Navy predetermined that future mining of locatable minerals would be incompatible within the proposed FRTC expansion areas and that training and mining are mutually exclusive activities. Based on this premise, the Navy has prematurely concluded that the proposed mineral withdrawals in the Action Alternatives are necessary to achieve the Navy's Purpose and Need. (DEIS at 2-62). The conclusion that mining must be

prohibited within the FRTC is pre-decisional, and therefore violates NEPA, and reflects an incomplete understanding of the scope of mineral exploration and development projects.

The Navy explains this decision as follows:

The Navy would be able to accommodate geothermal development in the DVTA because the laws governing this type of development would afford the Navy an opportunity to work with a developer (and with BLM) to ensure that any geothermal development would be conducted in a manner that would not adversely affect military training. However, the Navy is unable to accommodate exploitation of locatable minerals (e.g., gold) because the laws governing these mining activities would not afford the Navy an ability to impose requirements on how any such exploitation activities would be conducted. Accordingly, Alternative 3 would accommodate development of geothermal and salable mineral resources within the withdrawn area comprising the DVTA. (DEIS at 2-66)

The statement that the Navy would have no influence over how future mineral activities could proceed is incorrect due to the Navy's ability to participate in future NEPA analyses for proposed locatable mineral exploration and development projects on BLM-administered lands within the proposed FRTC expansion areas. Indeed, the Navy could play a significant role in these NEPA processes as a Cooperating Agency during which it would have considerable influence.

Prior to authorizing locatable mineral activities that disturb five or more acres, BLM must prepare a NEPA document to analyze the impacts that would result from the proposed mineral project. As part of this NEPA evaluation, BLM would have to conduct scoping to identify concerns about the project and to determine the range of alternatives that would need to be evaluated to address identified concerns. The 40 CFR § 1501.7(a)(1) scoping requirements mandate that federal agencies seek input from other federal agencies. Pursuant to this requirement, BLM would have to contact the Navy to request comments about a proposed mineral project. In response to issues raised by the Navy during project scoping, BLM's NEPA document would have to examine one or more alternatives specifically designed to respond to the Navy's comments and to evaluate ways to minimize and mitigate potential impacts to the Navy's training operations within the FRTC expansion areas.

The Navy's Preferred Alternative, Alternative 3, describes Required Design Features ("RDFs") to mitigate the impacts associated with geothermal projects including: the use of underground transmission lines where above ground lines would be problematic; compatible lighting with downward facing shades; lighting with frequencies that doesn't "wash out" night-vision devices; and coordinating with the Navy on the frequency spectrum (DEIS at 2-33). These mitigation measures and others should be considered for locatable mineral projects.

The above-cited paragraph on Page 2-66 of the DEIS regarding the laws governing mining is perhaps an acknowledgment of claimants' rights pursuant to the U.S. Mining Law to use and occupy public lands for mineral exploration and development purposes. These Mining Law rights are indeed different than the leasing system that pertains to geothermal projects. However, it is premature and inappropriate for the Navy to conclude that it must categorically prohibit all future

locatable mineral activities in the proposed expansion areas by withdrawing these areas from mineral entry. Mineral projects that incorporate the appropriate mitigation measures like the RDFs for geothermal projects may be compatible within the FRTC proposed expansion areas. This determination should be made on a project-by-project basis in conjunction with the NEPA analysis for each proposed project.

The Navy's premature conclusion that locatable mineral projects are categorically incompatible within the proposed FRTC expansion areas fails to consider that mineral project footprints are typically quite limited. For example, BLM's November 2018 Nevada and Northeastern California Greater Sage-Grouse Proposed Resource Management Plan Amendment and Final EIS¹ clearly demonstrates the limited impact that locatable minerals mining has at a landscape scale.

The 2016 SFA Withdrawal DEIS presents overwhelming documentation of the miniscule impact that mineral activities within the SFAs (Sagebrush Focal Areas) would create over the next 20 years... As documented in the 2016 SFA Withdrawal DEIS, the footprint of mining and mineral exploration activities in the SFAs ... was projected to amount to a mere 2,620 acres across the six SFA states. BLM quantifies these impacts as affecting only about 0.026 percent of the 10 million-acre SFAs. (2016 SFA Withdrawal DEIS at 4-75). The 2016 SFA Withdrawal DEIS also includes important information about the scope of mining impacts under a No Action Alternative (i.e., without the SFA withdrawals)...the total amount of mining related disturbance in sagebrush habitat under the No Action Alternative would be 9,554 acres, or approximately one-tenth of 1 percent of the total withdrawal area... (Greater Sage-Grouse Final EIS at G-67).

The FRTC DEIS must be revised to include a minerals alternative that examines the managed coexistence of mineral activities within the proposed FRTC expansion areas. The alternatives analysis requirements in 40 CFR § 1502.14 require the Navy to evaluate alternatives that minimize mineral withdrawals and impacts to the nation's ability to develop domestic minerals – many of which are necessary for national security. Section 2.5.6.2 presents a cursory explanation of why allowing locatable mineral projects in the proposed expansion areas was an alternative eliminated from further consideration. This discussion is inadequate in light of the limited footprints associated with mineral projects and the geothermal project RDF accommodations in Alternative 3 that could be applicable to mineral projects.

Although the Navy's policy to prohibit mining in active Weapons Danger Zones ("WDZ") may be appropriate in specific and limited circumstances, it should not be applied indiscriminately to over 600,000 acres of lands with known mineral potential without a much more detailed analysis of the impacts of such a large withdrawal and ways in which to mitigate these impacts. Notwithstanding the Navy's policy that categorically excludes locatable mineral projects from WDZ's, the DEIS needs to be revised to include an alternative that takes a hard look at allowing locatable minerals projects with RDFs within the expansion areas. This analysis should consider site-specific analyses of proposed mineral projects designed with appropriate RDFs to mitigate impacts to the Navy's

¹https://eplanning.blm.gov/epl-front-office/projects/lup/103343/163459/199451/2018_NVCA_GRSG_Proposed_RMPA-Final_EIS_508.pdf

training activities, while at the same time minimizing the size of the proposed withdrawals and impacts to mineral resources.

The proposed withdrawal of over 600,000 acres from mineral entry in the Action Alternatives is draconian, unnecessary, and unlawful pursuant to the MMPDA and conflicts with EO 13817. Moreover, it is counter to the Navy's own best interests as is vividly illustrated in the attached USGS document² that shows a shocking reliance on foreign sources for the many minerals that are necessary to manufacture U.S. Navy Seal gear. Implementation of any of the Action Alternatives would exacerbate the Navy's dependency on foreign minerals needed to make Navy Seal equipment and many other items important to national security.

C. NEPA Requires Avoidance, Minimization and Mitigation of Impacts

Table 3.3-2 of the DEIS clearly shows that the proposed withdrawal under all of the Action Alternatives would put numerous known mineral deposits with a high resource potential and high to moderate levels of certainty (Rankings H/D and H/C, respectively) off limits to future exploration and development. The proposed withdrawal areas include high resource potential mineral deposits of three critical minerals: barite, fluorspar, and tungsten (DEIS at 3.3-47). Section 6.3 of the DEIS characterizes the proposed withdrawal with the stunning admission that the withdrawals would have a "vast irreversible impact" on mineral resources and glosses over this impact saying that the lands could be "redistributed as public lands in the future, and almost all of the impacts that this EIS has detailed would no longer exist." (DEIS at 6-8). This "kick-the-can-down-the-road" analysis does not satisfy the NEPA requirements cited below to evaluate alternatives to the Proposed Action that would avoid, minimize, and mitigate this "vast irreversible impact".

40 CFR § 1500.2(e): Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.

40 CFR § 1500.2 (f): Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.

40 CFR §1508.20 Mitigation: "Mitigation" includes:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

² <https://pubs.er.usgs.gov/publication/gip183>

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

The tweak to the Proposed Action in Alternative 3 to minimize impacts to does not satisfy the NEPA alternatives analysis and impact avoidance, minimization, and mitigation requirements because it would still result in a significant impact to mineral resources because it includes an enormous proposed withdrawal of land from mineral entry. The DEIS must be revised to include a detailed analysis of alternatives that would avoid, minimize, and mitigate the impacts to mineral resources and the conflicts discussed above with national policies (e.g., MMPDA and Executive Order 13817 on critical minerals).

Additionally, the Navy must comply with the 40 CFR § 1508.20(e) compensation requirement. Former Nevada Governor Brian Sandoval's December 19, 2018 letter to Captain David Halloran references a Navy proposal that would release 75,000 acres of Wilderness Study Areas ("WSAs") to partially compensate for the significant adverse impacts to mineral and geothermal resources and socioeconomics. Unfortunately, the DEIS did not respond to Governor Sandoval's suggestion.

Releasing WSAs, especially those that BLM has determined are unsuitable for wilderness designation, would provide meaningful compensation for the "vast irretrievable impact" to mineral resources. Pershing Gold believes that the DEIS should be revised to evaluate an acre-for-acre release of WSAs as compensatory mitigation for the "vast irretrievable impact" that would result from the proposal to withdraw 618,727 new acres and to renew the existing withdrawal of 202,864 acres of land. The Navy's Preferred Alternative in the Final EIS should include a request to Congress to authorize the release of 821,591 acres of WSA in the counties impacted by the FRTC proposed withdrawals. If 821,591 acres exceeds the acres of WSAs in the affected counties, other WSAs in Nevada should be released as well to compensate the State for the impacts resulting from the proposed withdrawal.

Additional compensatory mitigation measures should include financial compensation to claim owners within the proposed withdrawal areas regardless of the discovery status of their claims and whether the claim owner has a valid existing right define by a discovery of a mineral deposit that could withstand a validity examination. All claim owners have paid claims maintenance fees and many claim owners have invested substantial resources in exploring and developing their claims. These claim owners have investment-backed expectations that the lands on which their claims are located would remain open to operation of the Mining Law. Consequently they should be fairly compensated for the investments they have made in their claims. No claims within the proposed withdrawal area should be subject to a validity examination to determine whether the claim qualifies for compensatory mitigation.

D. NEPA Requires Disclosing and Minimizing Conflicts with the State and Affected Counties

NEPA documents must reveal potential conflicts that a Proposed Action would create with state and local plans, directing that NEPA documents shall include discussions of:

“Possible conflicts between the proposed action and the objectives of federal, regional, state, and local (and in the case of a reservation, Indian tribe) land use plans, policies and controls for the area concerned. (See §1506.2(d).)” 40 CFR § 1502.16(c)

NEPA also requires federal agencies to describe inconsistencies with state and local plans and to attempt to reconcile a proposed action with state and local plans:

“... environmental impact statements ... shall discuss any inconsistency of a proposed action with any approved state or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.” 40 CFR §1506.2(d)

The DEIS discloses that all of the Action Alternatives would create significant socioeconomic and land use impacts. These impacts will be problematic for the affected counties. The DEIS needs to be revised to evaluate alternatives to reconcile and reduce adverse impacts to state and local plans.

IV. 2015 EIS

In December 2015, the Navy finalized an EIS to increase the level of training activity at the Fallon Naval Air Station³. The Purpose and Need for the Proposed Action in the December 2015 EIS states:

The purpose of the Proposed Action is to provide sustainable and modern airspace, range, maneuver areas, training facilities, and range infrastructure and resources to fully support training activities occurring on the FRTC in accordance with the assigned roles and missions for the Naval Aviation Warfare Development Center (NAWDC) formerly known as the Naval Strike and Air Warfare Center.

The Proposed Action is needed to achieve and maintain military readiness by using the FRTC to support and conduct military readiness activities. In this regard, FRTC furthers the Navy’s execution of its roles and responsibilities under 10 U.S.C. §5062. To comply with its Title 10 (10 U.S.C. §5062) mandates, the Navy needs to:

- maintain current levels of military readiness by enhancing training at the FRTC;
- accommodate possible future increases in training activities at the FRTC;

³ The December 2015 EIS was reviewed at:

<https://frtcmodernization.com/Documents/2015-Military-Readiness-Activities-at-Fallon-Range-Training-Complex-Nevada-Final-EIS>

- accommodate training activities associated with force structure changes; and
- maintain the long-term viability of the FRTC as a military training and testing range.⁴

Although Page 1-29, Section 1.7.7 of the November 2018 FRTC DEIS briefly discusses the 2015 EIS, there is no discussion of what changed between the December 2015 and November 2018 to warrant the Navy's Proposed Action to expand the FRTC by over 600,000 acres and to withdraw these acres from mineral entry. The Navy needs to explain and justify what changed in the space of less than three years to warrant the huge proposed expansion and mineral withdrawal when the Purpose and Need for the 2015 EIS was to "maintain the long-term viability of the FRTC as a military training and testing range."

V. Other Issues

A. Mineral Activities Outside the Proposed Expansion Areas Must Not be Impacted

The environmental consequences to minerals discussed in Section 3.3.4 of the DEIS states for each of the training areas that "Navy training activities would not impact mining activities outside of the proposed withdrawal boundary." (DEIS at 3.3-57, 3.3-58, 3.3-59, 3.3-60, 3.3-61). Pershing Gold wants to emphasize the importance of this commitment. It is imperative that the withdrawal zones be confined to the FRTC expansion areas described in the DEIS and that there will be no buffer zones outside of the withdrawal area in which mineral activities would be restricted or potentially prohibited. The Navy should assure the affected counties, the State of Nevada, and the Nevada mining industry that the Navy will not propose any buffer zones around the proposed expansion areas or request future expansion of the withdrawal areas.

B. The Past, Present and Reasonably Foreseeable Actions Need to be Updated to Evaluate Impacts to Nevada's Renewable Portfolio Standard

The discussion of Past, Present, and Reasonably Foreseeable Future Action is incomplete because it omits the Nevada State Legislature's and Nevada Governor Sisolak's stated intentions to significantly increase the State's Renewable Portfolio Standard (RPS). The proposed expansion areas include one of Nevada's most important known geothermal resource areas that has a high potential for the discovery and development of buried geothermal resources capable of producing electrical power⁵. The DEIS must be revised to evaluate how restricting geothermal development under the Action Alternatives will impact the State's ability to fulfill its increased RPS objectives using geothermal resource development as an important renewable energy source.

VI. Conclusion

Pershing Gold appreciates the opportunity to provide these comments on the DEIS. As described above, we believe that expansion of the FRTC and ongoing mineral exploration and development are not mutually exclusive. We believe the DEIS needs to be substantially revised to include alternatives to avoid, minimize, and mitigate the adverse impacts to minerals.

⁴ December 2015 EIS at 1-3.

⁵ http://www.nbmgnr.edu/_docs/Geothermal/nv-resources.pdf

Thank you for your consideration of these comments. Please do not hesitate to contact me if you have any questions about our comments.

Sincerely yours,



Stephen D. Alfors
Executive Chairman, President, and Chief Executive Officer
Pershing Gold Corporation

Attachment: Globally Sourced Mineral Commodities Used in U.S. Navy Seal Gear

cc: Pershing County Board of Commissioners
The Honorable Governor Steven Sisolak
The Honorable Mark Amodei
The Honorable Catherine Cortez-Masto
The Honorable Jacky Rosen

F.6.1.2.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record.

Regarding comments stating that the Navy is incorrect and pre-decision in the determination that mineral activities are categorically incompatible with training activities, in accordance with Navy policy, mining is not compatible within a surface danger zone of an operational range. The Navy would continue to follow existing operating procedures that prohibit the collection of materials from any mining area and prohibit entry to mine shafts and mines. Navy training activities would not impact mining activities outside of the proposed withdrawal boundaries. Therefore, there is the potential for a loss of access to salable and locatable minerals and mines in the land requested for withdrawal or proposed for acquisition. Closing the property may also affect mineral management by limiting the availability of mineral transport within certain areas. For example, new public roads, railroads, or other rights of way that would transport minerals could not be located within the proposed closed areas of the Bravo ranges, which would limit the availability to access and transport locatable and salable minerals. Closing the property would also limit the available means to transport mineral resources like oil/gas pipelines or geothermal energy transmission lines.

Regarding the comment that the Navy's EIS does not comply with NEPA, Chapter 2 (Section 2.5.3, Alternate Training Locations) of the EIS discusses various alternatives that were considered (including alternatives brought up in public comments). The EIS provides screening criteria in Section 2.2 (Screening Factors) and rationale for specific alternatives considered but not carried forward for full analysis.

Regarding the comment that the withdrawals are not consistent with Executive Order 13817, the Proposed Action is not in conflict with EO 13817, as the EO is more a statement of national strategy/policy with respect to critical minerals and notes that nothing in it creates any right or benefit enforceable at law. Thus, there is no formal cause of action a citizen or state could pursue based on conflict with the EO. It is in the interest of national security to undertake the Navy's Proposed Action.

Regarding the comment that the withdrawals are not consistent with the National Materials and Minerals Policy Research and Development Act of 1980, the National Materials and Minerals Policy, Research and Development Act of 1980 (Public Law 96-479) is much the same as EO 13817 in terms of being a statement of policy, rather than an enforcement of particular regulation. Also, similarly to the EO, 30 U.S.C. 1601 does not establish any formal requirement to refrain from taking certain actions that might tend to reduce the availability of or access to such materials. This law and the EO have been added to the list of regulations considered in the analysis for this EIS.

Regarding failure to satisfy NEPA requirements, due to the failure to evaluate national policies, the Navy underwent a complete and compliant NEPA analysis. The Study Area for the Proposed Action was defined in Chapter 2. Any cumulative impacts to the counties within the Study Area were discussed in Chapter 4 (Cumulative Impacts). An analysis on the impacts of the withdrawal and acquisition on the Nation's reliance on foreign minerals would be too speculative to report.

As stated earlier in this response, in regard to the determination that mining and the Proposed Action are incompatible, is in accordance with Navy policy, mining is not compatible within a surface danger zone of an operational range; this is not pre-decisional as it is Navy policy due to public health and safety

impacts (see Section 3.14 [Public Health and Safety]). The Navy would continue to follow existing operating procedures that prohibit the collection of materials from any mining area and prohibit entry to mine shafts and mines. Navy training activities would not impact mining activities outside of the proposed withdrawal boundaries. Therefore, there is the potential for a loss of access to salable and locatable minerals and mines in the land requested for withdrawal or proposed for acquisition. Closing the property may also affect mineral management by limiting the availability of mineral transport within certain areas. For example, new public roads, railroads, or other rights of way that would transport minerals could not be located within the proposed closed areas of the Bravo ranges, which would limit the availability to access and transport locatable and salable minerals. Closing the property would also limit the available means to transport mineral resources like oil/gas pipelines or geothermal energy transmission lines.

The Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary in order for the Navy to meet necessary training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy is committed to working with the developer on a case-by-case basis and acknowledges that complying with required design features could add cost to a potential geothermal development. This is addressed in Section 3.3 (Mining and Mineral Resources).

The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

With regard to existing patented mining claims, the Federal Government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

The Navy cannot accommodate locatable mining activities in the DVTA due to restrictions in authorities set forth in the Mining Law of 1872. The Draft EIS included an analysis of an alternative that examines

the managed coexistence of mineral activities within the proposed FRTC expansion area. This alternative can be found in Section 2.5.6.2 (Mining on Live-Fire [Bravo] Ranges).

Regarding avoidance, minimization, and mitigation of impacts, requested management practices, monitoring, or mitigation measures have been assessed by the Navy between the Draft and Final EIS. These suggestions have been added in part or in their entirety to Chapter 5, Management Practices, Monitoring, and Mitigation. Chapter 5 (Management Practices, Monitoring, and Mitigation) has been updated with resource specific and a general table of suggestions and Navy responses in the Final EIS. Regarding the suggestion to release WSAs, the Navy is not proposing to release more WSA land than is necessary to fulfill training needs in the DVTA.

Where able, the Navy has added text to the document on the implemented suggestions from the public scoping comments, public comment period, and from the Cooperating Agencies and Tribal Participants.

As such, alternatives for the EIS incorporated actions specifically to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities.

Those alternatives and associated actions were carried forward for analysis and if necessary, based on the level of impacts, additional management practices, mitigation, or other impact avoidance/minimization measures were included to further avoid, minimize, or mitigate impacts.

Regarding payment to claimants, while a mineral withdrawal affects new mining claims, it does not affect existing, valid claims on public lands. The Secretary of the Interior determines the validity of a claim based on this examination. Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. For there to be a valid existing right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value. However, holders of existing claims on public land are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, the value of the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

With regard to patented claims, the Government passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Regarding impacts to the State and affected Counties, the Navy has worked with both the Governor and all affected counties throughout the NEPA process. The counties are included in the EIS as cooperating agencies and were able to meet with the Navy as well as provide comments on the Draft EIS and the Draft Final EIS for refinement of the document.

Regarding the other issues, such as mineral activities outside of the proposed expansion areas, these would not be impacted. Access to active mines would be available outside of the area proposed for the expansion.

The cumulative impacts discussion in Chapter 4 (Cumulative Impacts) does not center on the impacts of the proposed action to the state or other projects but rather, the cumulative impacts of other actions and projects in combination with the Proposed Action on resources analyzed in the EIS. Therefore, the Navy has not added an evaluation of how restricting geothermal development under the Proposed Action would impact the State's ability to fulfill its increased Renewable Portfolio Standard objectives.

Regarding the comment that the Navy should substantially revise the alternatives to avoid, minimize and mitigate impacts, the Navy has reduced the size of the overall area requested and proposed for withdrawal in the Final EIS under Alternative 3 (the Preferred Alternative), to the extent that it could do so consistent with meeting mission requirements. Further, the Navy will seek to acquire the minimum amount of non-federal lands needed to meet its mission requirements.

The Navy has added a figure to the Final EIS that illustrates the area requested and proposed in the Draft EIS and the changes to the Final EIS request and proposal area under Alternative 3.

The Navy has added that the land use plans referenced in the document, would need to be revised after any ultimate Congressional decision was made. The Office of Economic Adjustment could be a resource for the Counties and other impacted parties to use in resolving losses that may occur as a result of any ultimate Congressional decision.

With the implementation of the proposed modernization, the FRTC would be fully capable of supporting the aviation and ground training and readiness requirements for the training missions assigned to the FRTC, into the foreseeable future. In this regard, the Proposed Action fulfills the Navy's execution of its congressionally mandated roles and responsibilities under 10 U.S.C. section 5062 and 10 U.S.C. section 167.

Your comment has been included in the official project record. The EIS provides screening criteria in Section 2.2 (Screening Factors) and rationale for specific alternatives considered but not carried forward for full analysis.

F.6.1.3 Bennett, D. R. (Nevada Mining Association)



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February 12, 2019

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1220 Pacific Highway, Building 1, 5th Floor
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ATN: Ms. Sara Goodwin, EIS Project Manager

RE: Fallon Range Training Complex Modernization, Draft Environmental Impact Statement (DEIS)

Also submitted to: <http://www.FRTCMmodernization.com>

Dear Ms. Goodwin:

The Nevada Mining Association (NvMA) respectfully submits the following comments related to the Fallon Range Training Complex (FRTC) Modernization, Draft Environmental Impact Statement.

Mining is Nevada's foundational industry, which supplies the essential metals and minerals required for economic vitality and military preparedness in this country. Since its inception in 1913, NvMA has represented and advocated for this critical industry, and its membership consists of more than 450 companies that rely, in whole or in part, on this state's foundational industry. These member companies are engaged across the broad spectrum of Nevada's minerals industry from exploration and discovery to development and construction to operation and production to closure and reclamation. NvMA provides a voice for Nevada's mining industry in federal, state, and local policy matters, community engagement, public education, and workforce development.

The members of NVMA appreciate the FRTC's contributions to the preparation of our military men and women and recognize the important role of the training provided at FRTC to our national security. We are also proud of the critical role played by Nevada's mining industry in the production of minerals and metals that provide the foundation for our country's strong military and national defense. Nevada generates approximately 14% of domestically produced minerals. In the absence of domestic metallic and industrial mineral mining, the U.S. must import from foreign sources, thus making Nevada mining a significant contributor to national security. Striking a satisfactory balance of these potentially competing interests is our primary reason for providing the following comments:

1. Approximately 86% of Nevada's land is controlled or managed by agencies of the federal government. At the same time, Nevada has the greatest presence of a wide variety of mineral resources in the country. While gold, silver, and copper are the most recognized materials mined in the state, other essential minerals are also extracted, including lithium, vanadium, molybdenum, magnesium, cobalt, and barite, just to name a few. Nevada currently is the only domestic supplier of these minerals. Four of these minerals—barite, lithium, magnesium, and vanadium—are included in the U.S. Geological Survey's (USGS) recently published list of critical minerals pursuant to Executive Order 13817, "A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals" (FR 83, No. 7, p. 23295, May 18, 2018), and all are critical to the hardware used by the U.S. military. We believe it is not sound policy nor in the national interest to further restrict or eliminate any additional lands from current mineral exploration or future mining.
2. The withdrawal of 600,000 acres of land, which are currently managed under the multiple use concept will significantly impact future opportunities for mineral production, livestock grazing, energy production, recreation, and other economic activities that are important to the local community and to the State as a whole. These impacts will be much greater than those disclosed in the DEIS, which does not adequately assess the proposed withdrawal from multiple use.
3. It is our understanding that the State of Nevada proposed an alternative that allowed the Navy to fulfill its desired mission yet minimized impacts to public and private lands and restrictions on land uses. The NvMA is disappointed that this alternative was summarily dismissed and not included in the DEIS. While the DEIS on Page 2-66 suggests much of the Nevada Alternative was included in Alternative 3, a detailed analysis of acreage, land use restrictions, and the universal and categorical exclusion of all mineral activities indicate otherwise.
4. The Navy offers no compromise or accommodation to allow exploration and mining to occur. Required Design Features (RDF) are proposed for geothermal activities within project boundaries. No such provisions are proposed for locatable minerals. Exploration and mining are accustomed to the application of RFDs or their equivalents in federal land use plans such as those imposed for the greater sage grouse. The NvMA encourages the Navy to revisit the significant impacts to exploration and mining and, should the withdrawal be approved, mitigate those impacts by developing RFDs or their equivalents, thereby allowing mineral exploration and mining to occur. Mineral activity within restricted and controlled airspace has continued for decades at other Navy facilities (such as the Naval Air Weapons Station—China Lake) without notable issue. As such, it should certainly be considered for FRTC.
5. The DEIS fails to mention, reference, or consider the National Materials and Minerals Policy, Research and Development Act of 1980 (Public Law 96-479). Through this Act, Congress found the availability of minerals to be essential for national security, economic well being, and industrial production, and it encouraged federal agencies to facilitate the availability and development of domestic resources to meet critical mineral needs. The lack of consideration of this important piece of legislation represents a significant flaw of the DEIS. The DEIS should be revised to incorporate PL 96-479 into the analysis, revisit the direct, indirect, and cumulative impacts of mineral withdrawal, and the legality of such land use restrictions.

6. The DEIS states "...the Navy is unable to accommodate exploitation of locatable minerals (e.g. gold) because the laws governing these mining activities would not afford the Navy an ability to impose requirements on how any such exploitation activities would be conducted." It is inappropriate for the Navy to propose a wholesale prohibition of mining activities without understanding the extent and scope of a particular project or providing mitigation measures such as RDF. Another option is more surgical and narrow withdrawal of areas that would allow projects to proceed. The determination that mining and the military mission are categorically incompatible is predecisional and in conflict with the National Environmental Protection Act (NEPA). Mineral activity within restricted and controlled airspace has continued for decades at other Navy facilities (such as the Naval Air Weapons Station—China Lake) without notable issue. As such, it should certainly be considered for FRTC. This wholesale dismissal of mineral activity appears to be a path of convenience rather than a genuine consideration of existing laws and regulations. The mining industry—especially NvMA members—have the capacity and demonstrated ability to develop and implement solutions to complex administrative and technical challenges. Engagement with existing resource users should be more deliberate and solution oriented, and NvMA stands ready to participate with you.
7. The mineral assessment that is the basis for the DEIS is dated and incomplete. It does not appear that the Navy followed the recommendation in Section 6.8 of the Mineral Potential Report to conduct field studies to verify the Report's findings. A mineral resource assessment should have been completed for the DEIS by the US Geological Survey (USGS) to ensure, to the greatest extent possible, that all resources within the project areas were identified.
8. Table 2 (Executive Summary), Potential Impacts to Land Use – As a general statement, the NvMA is opposed to any changes or restrictions regarding public access and the impacts it will have to natural resource management and utilization.
9. Table 3 (Executive Summary), Mining and Mineral Resources – As a general statement, the NvMA is opposed to any land use or access restrictions that may adversely impact exploration and mining. The NvMA is, therefore, supportive of the No Action Alternative. While Alternative 3 is less restrictive than Alternatives 1 and 2, the Association cannot support those proposed land use actions. The NvMA also questions the lack of mitigation to private parties and state and local governments for the current and future economic losses incurred by restrictions to exploration and mining.
10. Table 11 (Executive Summary), Potential Impact on Cultural Resources – A number of historic mining features may be present on lands currently under Navy control and on those land proposed for acquisition. The NvMA encourages the Navy to strictly adhere to Section 106 of the National Historic Preservation Act in close coordination with the State Historical Preservation Office and the U.S. Bureau of Land Management (BLM).
11. Table 13 (Executive Summary), Potential Impacts on Socioeconomics – The background language supporting this Table is grossly inadequate in addressing the real impacts to exploration and mining from alternatives with the exception of the No Action Alternative. The analysis of Management Practices, Monitoring, and Mitigation fails to address any mitigation to the exploration and mining industries from the proposed land use restrictions.

12. Throughout Section 1, it is not clear the reason or rationale how the expansion area was derived nor a definitive explanation why certain activities (especially exploration and mining) were excluded.
13. Section 1.6, Page 1-21 – The NvMA takes exception to the level of detail in the DEIS with regard to impacts to exploration and mining resources. The impacts are large, and the details contained in the DEIS on those impacts are inadequate.
14. Section 2.3.2.4.2, Page 2-18 – Abandoned mine features in Nevada are important issues and involve public safety, environmental protection, and cultural resources. It is inappropriate for the Navy to conduct AML remediation or closure without consultation with the Nevada Division of Minerals, the Nevada Department of Wildlife, the Nevada Division of Environmental Protection, and the State Historic Preservation Office.
15. Section 2.5.7, Page 2-66 – What is meant by the term “exploitation”? Is the DEIS using this as a term to include both exploration and mineral extraction? If it is a typographical error and the word should be “exploration,” what constitutes the scope of that activity?
16. Figure 2-5, Page 2-19 does not identify the private lands subject to acquisition. In scoping, a member company whose lands were targeted for acquisition provided comments, which included the request for appropriate engagement concerning the proposed acquisition. To the best of our knowledge, the Navy has not engaged with the landowner. This silence is contrary to current best practice for stakeholder engagement, and NvMA urges the Navy to engage with all potentially affected landowners honestly and transparently.
17. Section 2.3.4.4.1, Page 2-25 – Do the restriction of electromagnetic transmission devices include cell phones or safety devices used by the public?
18. Section 3.1.3.1, Page 31.1- 32 and 31.1-33 – Mining in Nevada is a highly regulated activity at both the state and federal levels and the impacts of waste rock and tailing features, as well as acid mine drainage, are minimized to the greatest extent possible.
19. Section 3.1.3.2.3, Page 3.1-41 – Given the training activities described for B-20 and other areas within the Range, what activities are taken to periodically remove debris, shrapnel, unexploded ordinance, and other materials from the training areas?
20. Table 3.2.8 (Page 3.2-52 through 54), fails to adequately disclose in summary the significant impact to exploration and mining from Alternatives 2 and 3.
21. Section 3.1.3.2.4, Page 3.1-42 – In the absence of a quantitative analysis of the proposed training activities and a specific mining project, it is highly inappropriate to state that soil and ground disturbance would be reduced with the elimination of exploration and mining. It is our understanding that training likely involves live ordinance. Based on the experience of an NvMA member, live-ordnance training disturbs ground on a notable scale. The analysis in this section is clearly inadequate.
22. Section 3.2.1.1, Page 3.2-1 – Are there additional security or other restrictions that currently are, or may be imposed in the future, with regard to the presence of foreign nationals or other individuals that are not U.S. citizens outside of the identified “region of influence” of five miles from the FRTC? If so, this is an incomplete analysis.
23. Section 3.2.3.4.4, Page 3.2-49 (Public Accessibility) – Mineral exploration (recreational or commercial) is not mentioned as a prohibited activity. Will it be allowed? If so, under what circumstances and conditions?
24. Table 3.2-8, Pages 3.2-52 through 54 – Given the restrictions and conditions placed on land use, the acquisition of private lands, and the restrictions placed on exploration and

- mining, the impact conclusions for Alternative 2 and 3 are incorrect. The alternatives have *significant and adverse* impacts on land use.
25. Section 3.3.1.4, Page 3.3-3 – The analysis should identify applicable state laws as well as federal. There is significant coordination and overlap of federal and state mining regulatory and reclamation programs in Nevada.
 26. Section 3.3.3.1, Page 3.3-46 – It is inappropriate to generalize the permitting time frame for a mine in Nevada. It depends on the mine type, design, scope, land status, environmental conditions, and regulatory criteria.
 27. Section 3.3.3.2, Page 3.3-46 – Lithium exploration is ongoing throughout Nevada, and there is much to be learned about the occurrence of the element. It is not appropriate, given the current baseline of knowledge, to state no economic lithium brine concentrations exist in the study area, which includes a significant expanse of playa and is internally inconsistent with the following statement in this section: “Elevated concentrations of lithium have been detected in playa sediments in and adjacent to the proposed withdrawal areas, and a moderate potential exists for lithium-enriched brines within playa areas.”
 28. Table 3.3-7, Pages 3.3-49 through 55 – The percentage of withdrawals of the mining districts in the table underscores the significant impacts to exploration and mining under Alternatives 2 and 3.
 29. Section 3.3.4.2, Page 3.3-56 – Mining must occur where the mineral resource is located. The statement “...operators may choose to relocate outside the proposed boundaries of the public land withdrawal...” is ludicrous and suggest that the authors of the DEIS do not understand geology, exploration, or mining.
 30. Section 3.3.4.2, Page 3.3-56 – Validity exams by the federal land manager are time consuming. What are the criteria for requiring a validity exam, when will it be required, and what is the claim acquisition/compensation process to be used? How will values be determined? This should also be referenced in the Socioeconomic portion of the DEIS.
 31. Section 3.3.4.2.4, Page 3.3-60 – Please detail the procedure currently in place to “prohibit the collection of materials from any mining area and prohibit entry to mine shafts and sites.” The NvMA is not aware of this prohibition on public lands.
 32. Section 3.3.4.3, Page 3.3-61 – Accommodation and mitigation actions are proposed for geothermal resources, which are leasable minerals. Geothermal exploration and extraction are mining activities. The NvMA applauds this action. Why can’t the Navy propose similar mitigation measures for locatable minerals? For example, the release of Wilderness Study Areas that have already been designated as “unsuitable for wilderness status” in Nevada could help mitigate impacts, especially for mineral exploration. For this to occur, the lands must be returned to multiple use management.
 33. Section 3.3.4.3, Page 3.3-61 – RDFs are proposed to mitigate impacts to Navy operations and to allow geothermal development and operations to occur. NvMA again questions why similar RDFs cannot be prepared for mineral exploration and mining.
 34. Section 3.3.4.4, Page 3.3-65 – Alternative 3 would not *potentially* impact the mining industry. It *will* have significant impacts, and the DEIS should be revised to reflect that fact. The analysis throughout Section 3 suggests those impacts.
 35. Table 3.3-9, Page 3.3-66 – The Impact Conclusions for Alternatives 1 and 3 should remove the word “potential.”

36. Section 3.4.3, Page 3.4-20 – “Closing public land that is partially or completely used for livestock grazing has the potential to directly affect opportunities for grazing.” In this context, the impact is not “potential”—it is an *actual* impact.
37. Chapter 3.5 – Transportation – As a general comment, Nevadans and visitors to Nevada appreciate the public lands in the state. One of the great attractions is the ability to travel and recreate on those lands. Closure in any form is detrimental to recreational opportunities and is not in the public interest.
38. Section 3.5.2.2, Page 3.5-4 – It is contingent upon the Navy to identify and categorize any and all roadways that may be impacted. The dismissal of the identification of RS 2477 roadways in the project area is a major flaw of the DEIS.
39. Section 3.9.1.2, Page 3.9-1 – The analysis of regulatory framework fails to identify the Nevada Water Pollution Control Law, which has a strict prohibition of degradation (antidegradation policy) of waters of the state. This is an important tenant in protecting and maintaining ground water quality and is generally not included in the analysis in this section as it should have been.
40. Figure 3.9-1, Page 3.9-4 – The figure of Nevada Water Law: Obtaining Water Rights, is strangely out of place in a discussion of water quality.
41. Figure 3.9-9, Page 3.9-19 – It is our understanding that monitoring wells exist in and around the Shoal Site. While they are not water supply wells, these wells should remain in place and undisturbed for the purpose of monitoring contaminant migration.
42. Figure 3.9-16, Page 39-32 – The decision process outlined in the figure includes Navy acquisition of water rights in some instances. No detail is provided as to how the value of those rights would be determined or the negotiation process with the owner. If a well is to be moved or point of use modified, no mention is made as to the party covering the costs of those actions.
43. Page 3.9-62 – The correct name is the Nevada *Division* of Environmental Protection in bullet 4. The analysis in Section 3.9 should have included the identification and citation of Nevada’s spill reporting requirements as outlined in regulation and policy.
44. Section 3.10.2.4.3, Pages 3.10-68 through 74 – The analysis for the greater sage grouse fails to mention the State of Nevada Greater Sage Grouse Conservation Plan or the Conservation Credit System (CCS) contained in that document. The federal land managers recognize the CCS as a viable approach to the mitigation of greater sage grouse impacts.
45. Section 3.12- Recreation, rock hunting, and geologic exploration are not listed. The land acquisitions and land use restrictions would impact these activities.
46. Section 3.13.1.4, Page 3.13-2 and Section 3.13.3.5.3, Page 3.13-44 – In Section 3.13.1.4 (public scoping), the DEIS notes that a compensation process for the loss of claims, mining exploration and production, and the rights associated with withdrawn lands was identified as a concern. The socioeconomic analysis fails to address this topic until Page 3.13-44 where the idea is dismissed without analysis or meaningful discussion. This is a major flaw of the DEIS.
47. A general comment on Section 3.13 - The identified losses to the exploration and mining sectors under the action alternatives are significant in locatable, saleable, and leasable minerals. The DEIS identified the potential loss of a mine generating 100 to 300 jobs and their associated economic benefits. The analysis seems woefully inadequate, and in places, the DEIS states the economic impacts cannot be determined. The NvMA calls

- upon the Navy to revisit the economic analysis regarding mining and quantify the losses as it has done for other economic categories such as grazing and agriculture.
48. Section 3.14 Public Health and Safety Protection - The DEIS implies that all mining features and hazards have been identified on the project sites. This is likely not the case as some features are remote and undiscovered or expose themselves over time due to natural processes such as erosion. The DEIS should leave open the possibility of the discovery of more features and hazards, and identify a methodology for addressing them in coordination with the Nevada Division of Minerals and Nevada Division of Environmental Protection.
 49. Section 4.3, Page 4-4 – The discussion of Past, Present, and Reasonably Foreseeable Future Action is incomplete because it omits a consideration of future increases in Nevada's Renewable Portfolio Standard (RPS). The DEIS must be revised to evaluate how restricting geothermal development under the Action Alternatives will impact the State's ability to fulfill its increased RPS objectives using geothermal resource development as an important renewable energy source.
 50. Figure 4-2, Page 4-7 – The Coeur Rochester mine is not located correctly on the map. It is on the opposite side of I-80.
 51. Section 4.4.13.3, Page 4-41 – The impact analysis fails to consider the likely loss of a large mining operation (100-300 jobs) and the associated ripple effect of the loss of tax monies to state and local governments, secondary job losses, and other impacts.
 52. Section 5.2 – As stated in comments above, accommodation and mitigation actions are proposed for geothermal resources. Why can't the Navy propose similar mitigation measures for locatable minerals?
 53. Table 6-1, Page 6-3 – As noted above, the table omits, and the DEIS fails to consider, the National Materials and Minerals Policy, Research and Development Act of 1980, and it is unclear how the actions proposed by the Navy in restricting exploration and mineral extraction are not in conflict with the General Mining Law of 1872.

The Nevada Mining Association maintains that the Navy's mission in Fallon and continued exploration and mining in the project areas are compatible land uses, which should have been more thoughtfully and thoroughly considered in the DEIS. The analysis, as presented in the DEIS, woefully understates the environmental and economic effects on local communities and the State of Nevada and requires substantial revision before a final document can be produced. In particular, the DEIS does not comply with NEPA's requirements to evaluate alternatives that would avoid, minimize, and mitigate the impacts to mineral resources, which may be, as the DEIS notes, "vast" and "irreversible." In addition, the DEIS conflicts with national policy most recently emphasized in Executive Order 13817 concerning critical minerals. The Nevada Mining Association is willing to provide any additional background information that might be needed as the process continues.

Thank you for your consideration of these comments.



Dana R. Bennett, PhD
President, Nevada Mining Association

F.6.1.3.1 Response

They Navy appreciates the comments by the Nevada Mining Association. Regarding the item one about Executive Order (EO) 13817, the Proposed Action is not in conflict with EO 13817, as the EO is more a statement of national strategy/policy with respect to critical minerals and notes that nothing in it creates any right or benefit enforceable at law. Thus, there is no formal cause of action a citizen or state could pursue based on conflict with the EO. It is in the interest of national security to undertake the Navy's Proposed Action.

Regarding item two, the Navy acknowledges the potential impacts to mineral production in Section 3.3 (Mining and Mineral Resources), livestock grazing in Section 3.4 (Livestock Grazing), energy production (via geothermal, solar, and wind) in both Section 3.3 (Mining and Mineral Resources) along with Chapter 5 (Management Practices, Monitoring, and Mitigation), recreation in Section 3.12 (Recreation), and other economic activities in Section 3.13 (Socioeconomic Resources). The Navy has analyzed these potential impacts and has worked between the Draft and Final EIS to identify additional processes for valuation of losses, as well as produce required design features for any allowable development of resources in the Dixie Valley Training Area, and to identify other management practices, monitoring, or mitigation measures as authorized.

Regarding item three, the State of Nevada proposed the Governor's Alternative. Most of the components of the Governor's Alternative were considered in the development of Alternative 3. However, some components could not be accommodated due to incompatibility with the Navy's need to provide sufficient land for military training and range safety requirements (see Section 1.4 [Purpose of and Need for the Proposed Action]). A detailed discussion is provided in Chapter 2, specifically Section 2.5.7 (Governor's Alternative ["Nevada Alternative"]).

The Navy is allowing salable and some leasable mining activities to occur in the Dixie Valley Training Area under Alternative 2 and 3 if they follow required design features; however, the Navy cannot accommodate locatable mining activities in the DVTA due to restrictions in authorities set forth in the Mining Law of 1872. The Draft EIS included an analysis of an alternative that examines the managed coexistence of mineral activities within the proposed FRTC expansion area. This alternative can be found in Section 2.5.6.2 (Mining on Live-Fire [Bravo] Ranges).

Regarding item four, the Navy is not restricting mineral development or exploration activities outside of the Bravo ranges or the Dixie Valley Training Area. The Navy would coordinate with the Bureau of Land Management on the proposals for mining exploration or development in the Special Land Management Overlay outside of B-17 under Alternative 3 to ensure that development or exploration would not conflict with training needs.

Regarding item five, the National Materials and Minerals Policy, Research and Development Act of 1980 (Public Law 96-479) is much the same as EO 13817 in terms of being a statement of policy, rather than an enforcement of particular regulation. Also, similarly to the EO, 30 U.S.C. 1601 does not establish any formal requirement to refrain from taking certain actions that might tend to reduce the availability of or access to such materials. This law and the EO have been added to the list of regulations considered in the analysis for this EIS.

Regarding item six, in keeping with the requirements of the National Environmental Policy Act, the Navy used the best available science in its analysis of impacts to mining and mineral resources as a result of

the Proposed Action. The Navy is not authorized to manage mining activities under the General Mining Law of 1872 (30 United States Code [U.S.C.] section 22 et seq.), and therefore cannot allow it on the DVTa with required design features as it can with salable and leasable mineral exploration and development.

Regarding item seven, the Mineral Potential Report was sufficient for compliance with NEPA and for the analysis of potential impacts to mining and mineral resources as a result of the Proposed Action.

Regarding items eight and nine, the Final EIS has been updated to further describe the process by which the Navy would compensate valid mining claims. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

For existing patented mining claims, the federal government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam demonstrating a valuable mineral deposit a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

Regarding item ten, the Navy adheres to Section 106 of the National Historic Preservation Act. The Navy abides by stipulations found within the current Programmatic Agreement between Nevada State Historic Preservation Office (SHPO), BLM, and the Advisory Council on Historic Preservation (ACHP) with respect to withdrawn lands.

The Navy has completed cultural resources surveys in B-16, 17, and B-20 where there is a reasonable expectation of direct impact from the placement of targets and in construction areas. Additionally, the Navy conducted cultural resource inventories in potential target areas on B-16 and B-17 to provide some latitude for the placement of targets should there be a conflict between targets and eligible cultural properties. The Navy is consulting with Indian Tribes on the identification of any additional known cultural resources and associated potential direct and indirect impacts from the Proposed Action.

Under the withdrawal and acquisition, the Navy acknowledges that it would be restricting access to cultural resources to a considerable extent. Consistent with Executive Order 13007, *Indian Sacred Sites*, the Navy will continue to work with Indian Tribes to develop protocols for access to cultural resources through the creation of an MOU.

The Final EIS was updated with information in Section 3.11 (Cultural Resources) regarding Navy Section 106 consultation with the Nevada SHPO, ACHP, and Indian Tribes, including the proposed amendment of the 2011 PA to establish protocols for the future management of historic properties and any MOUs with Indian Tribes in association with the Proposed Action. The Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range “buffer” areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.

Regarding item 11, background language and impacts to the mining industry can be found in Section 3.13 (Socioeconomics) of the Final EIS. Chapter 5 (Management Practices, Monitoring, and Mitigation Measures) has been updated between the Draft and Final EIS and includes further detail on proposed activities as a result of the Proposed Action.

Regarding item 12, as discussed in Section 1.4 (Purpose of and Need for the Proposed Action), the overarching purpose of any military force is to be able to successfully conduct combat operations in support of national policy and security objectives. To accomplish this purpose, the military force must train regularly and with sufficient realism. The purpose of the Proposed Action, therefore, is to provide sustainable and modernized airspace, ranges, maneuver areas, training facilities, and range infrastructure and resources. This will support acceptably realistic air warfare training activities as well as special operations ground training activities in order to meet emergent and future threats. These activities are prescribed by NAWDC, and other Naval Warfare authorities, such as the Naval Special Warfare Command.

Current range configurations do not support realistic training as identified in Ninety Days to Combat. The Proposed Action is needed because the existing FRTC bombing ranges (B-16, B-17, B-19, and B-20) have not changed substantially in size or configuration since the 1990s. As new weapons systems are developed and introduced to the Fleet, and tactics are updated to successfully employ these weapons systems, training requirements also change. Changes to training requirements can, in turn, drive the need to expand or modify training ranges. At the FRTC, new weapons systems have been introduced to the Fleet in recent years (e.g., Joint Direct Attack Munitions) and new systems, including new aircraft (e.g., F-35C, EA-18G), will need to be employed in future training activities.

Regarding item 13, the Final EIS includes a greater level of detail in regard to the process for valuating mining claims that could be impacted by the Proposed Action and includes details on mines impacted due to an impact to access routes.

Regarding item 14, as discussed in Section 3.14 (Public Health and Safety), the Navy would be responsible for abandoned mines in B-16, B-17, B-19 and B-20 and would follow risk-based evaluations and procedures established by the State of Nevada if securing such abandoned mines were required for public health and safety needs. The BLM would be responsible for securing abandoned mines in the DVTA.

Regarding item 15, the use of the term “exploitation” in Chapter 2, when referring to locatable minerals was a typo, it should have been exploration and has been changed in the Final EIS. The scope of that activity is any mining of locatable minerals. This would not be allowed under any alternative in the areas that are proposed for withdrawal or requested for acquisition.

Regarding item 16, because an alternative has not yet been selected by Congress, the Navy has not yet approached any private landowners in the areas proposed for withdrawal or requested for acquisition. After any ultimate Congressional Decision, the private landowners would be contacted. The Navy recognizes the potential socioeconomic impacts on the community. To mitigate these impacts, affected private landowners would receive just compensation for loss of any privately-owned land and all compensable rights associated with that land acquired by the United States.

Prior to issuing any decisions on projects, permits, leases, studies, and other land uses within the two special use zones under Alternative 3 in the Special Land Management Overlay, BLM would be required to consult with NAS Fallon. This consultation would inform the Navy of proposed projects, permits, leases, studies, and other land uses and afford the Navy an opportunity to collaborate with BLM to preserve the training environment.

Further, prior to issuing approval for installation or use of mobile or stationary equipment used to transmit and receive electromagnetic signals in the two special use zones as part of any federal action, BLM would be required to obtain permission from NAS Fallon for use of this equipment. This requirement to obtain Navy permission for the use of this equipment would afford the Navy an opportunity to ensure military and civilian use of the electromagnetic spectrum does not interfere with their respective activities. BLM and the Navy will also enter into a MOU to administer the details of the consultation and approval process.

Therefore, regarding item 17, cell phones and other personal safety devices would not be included in this consultation process between the BLM and the Navy in the Special Land Management Overlay.

Regarding item 18, the safety of the public and military personnel is of utmost importance to the Navy. As discussed in Section 3.14 (Public Health and Safety), the Navy has implemented a strict Hazardous Material Control and Management Program and a Hazardous Waste Minimization Program for all activities. The Navy continuously monitors its operations to find ways to minimize the use of hazardous materials and to reduce the generation of hazardous wastes. Spills would be managed and cleaned up in accordance with applicable state and federal regulatory requirements. If a spill were to exceed reportable quantities as defined by the U.S. Environmental Protection Agency for regulated material, it would be immediately reported to the NAS Fallon Environmental Division for appropriate action per the Integrated Contingency Plan (U.S. Department of the Navy, 2009).

Additionally, the Department of Defense created the Installation Restoration Program to identify, evaluate, and clean up contamination from past operations on military bases. The program was designed to ensure Department of Defense compliance with federal and state environmental laws and regulations.

Lastly, regarding item 19, the Navy complies with Chief of Naval Operations Instruction 3571.4, Operational Range Clearance Policy for Navy Ranges, which establishes the policy and requirements for performing operational range clearance on Navy ranges. Under this program the impact areas are

routinely swept of ordnance and target debris. This debris is disposed of or, if possible, recycled in accordance with all applicable regulations.

Regarding item 20, the summary of impacts to exploration and mining from Alternatives 2 and 3 can be found in Section 3.3 (Mining and Mineral Resources).

Regarding item 21, training activities would be concentrated in target areas on Bravo Ranges, while ground disturbance from mining activities could have occurred throughout the areas that are proposed for withdrawal or requested for acquisition. Therefore, the statement in Section 3.1.3.2.4 is accurate and the analysis is adequate.

Regarding item 22, there are no additional security or other restrictions that are not mentioned in the EIS that would be imposed in the future proposed by the Navy.

Regarding item 23, the section referred to by the comment, Section 3.2.3.4.4, discusses the Special Land Management Overlay and states that these two areas would remain open to public access and would be available for all appropriate uses, including mining for locatable and leasable mineral resources. However, prior to issuing any decisions on projects, permits, leases, studies, and other land uses within the Special Land Management Overlay, BLM would be required to consult with NAS Fallon. This consultation would inform the Navy of proposed projects, permits, leases, studies, and other land uses and afford the Navy an opportunity to collaborate with BLM to preserve the training environment.

Regarding item 24, the impact conclusions for Land Use have been re-evaluated between the Draft and Final EIS and have changed if deemed necessary.

Regarding item 25, state and Federal laws have been identified and added to this list as applicable and appropriate.

Regarding item 26, the Navy has added more detail to the discussion of the valuation of mining claims in the Final EIS.

Regarding item 27, the Navy disagrees that its statements about lithium should be changed, as the statement, "a moderate potential exists for lithium-enriched brines within playa areas," is consistent with the comment provided here.

Regarding item 28 and 29, some of the mineral potential areas occur within and outside of the proposed boundaries of the Bravo ranges and the Dixie Valley Training Area, and therefore, may be able to move outside of the boundaries to access the same mineral.

Regarding item 30, as stated earlier in this response, The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam; including the criteria for requiring a validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

Regarding item 31, the discussion in Section 3.3.4.2.4 is referring to the current procedures on the Bravo Ranges at the FRTC that "prohibit the collection of materials from any mining area and prohibit entry to mine shafts and sites," on the current withdrawal areas.

Regarding item 32, the Navy is not proposing to de-designate Wilderness Study Areas outside of the areas proposed for withdrawal under the Proposed Action. The de-designation of these areas would not be under the authority of the Navy, but rather under the authority of any ultimate Congressional decision.

Regarding item 33, the Navy cannot propose mitigation measures or required design features for locatable mineral exploration for reasons discussed above in this response as the Navy does not have the authority to manage locatable mineral exploration under the General Mining Law of 1872, as amended.

Regarding item 34, the level of significance and methodology used to define it are discussed in each section of the EIS. The approach to analysis, including significance criteria for potential impacts, are presented in the Final EIS for each resource section. The approach to analysis and significance criteria varies but was developed based on applicable laws, regulations, and policies for each resource area. In addition, context, intensity, and relevant thresholds were considered when determining significance.

Regarding item 35, the Navy uses the term “potential” as there has been no any ultimate Congressional decision on the Proposed Action, and therefore it would be pre-decisional to state that there would be an impact without stating that it would be a potential impact.

Regarding item 36, the Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would likely result in the public shifting their recreational activities to other areas.

Regarding item 37, while recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the bombing ranges, these activities could continue to occur in the DVTAs and surrounding areas.

Regarding item 38, the Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.

Regarding item 39 and 40, suggested laws have been added to the document as applicable between the Draft and Final EIS, including the Nevada Water Pollution Control Law.

The discussion in Section 3.9 (Water Resources) covers not only water quality but also water rights. This has been clarified and reinforced in the Final EIS. For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at <https://frtcmodernization.com>.

Regarding item 41, the Navy is not proposing to change the Shoal Site under any action alternative.

Regarding item 42, the Navy has added the valuation process for water rights to the Final EIS. The Navy recognizes the potential impact of the loss of water rights on the community. The Navy would purchase private water rights as real property. Additionally, acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority to assist water rights holders with other water rights actions (i.e. change applications).

Regarding item 43, the correct name has been added as requested by the comment and changed to the Nevada Division of Environmental Protection in bullet 4. The analysis in Section 3.9 has included the identification and citation of Nevada's spill reporting requirements as outlined in regulation and policy.

Regarding item 44, currently, state management plans focus on habitat availability, wildfire, and land-based chronic noise sources.

Greater sage grouse lek location data indicates that they are east of the land areas proposed for withdrawal or acquisition. Sage grouse in these areas would be exposed to noise from aircraft overflights. Available science indicates that short-term noise intrusion does not play a significant role in lek success.

The Navy would work closely with BLM and NDOW to manage sage grouse and other species on land under the Navy's control. The Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Regarding item 45, other recreational activities have been added to the list of activities in the recreation section (Section 3.12) as requested by comments.

Regarding item 46, the valuation and compensation process for mining claims has been added to the Final EIS and can be found in Section 3.3 (Mining and Mineral Resources).

Regarding item 47, the methodology used for the socioeconomic analysis can be found in Section 3.13 (Socioeconomics). This methodology was agreed upon by the Cooperating Agencies and Dr. Harris of the University of Nevada, Reno, who wrote the supporting study, "Socioeconomic Report," which can be found on the frtcmmodernization.com website.

Regarding item 48, as discussed in Section 3.14 (Public Health and Safety), the Navy would be responsible for abandoned mines in B-16, B-17, B-19 and B-20 and would follow risk-based evaluations and procedures established by the State of Nevada if securing such abandoned mines were required for public health and safety needs. The BLM would be responsible for securing abandoned mines in the DVTA. This would include mines that are newly found and have not yet been identified in the section.

Regarding item 49, 50, and 51, the Navy has corrected the location of the Coeur Rochester mine as requested by the comment in the Figure located in Chapter 4 (Cumulative Impacts). The impact analysis of cumulative impacts, assesses the past, present, and reasonably foreseeable future projects; however, the Navy cannot base their analysis on things that may occur but are not proposed currently as it would

be too speculative. Therefore, the Navy cannot analyze the requested “likely loss of a large mining operation,” on such vague terms.

Regarding item 52, the Navy cannot propose mitigation measures or required design features for locatable mineral exploration for reasons discussed above in this response as the Navy does not have the authority to manage locatable mineral exploration under the General Mining Law of 1872, as amended.

Regarding item 53, the Navy has added applicable regulations to the list in Chapter 6 (Additional Considerations) as appropriate including the National Materials and Minerals Policy, Research and Development Act of 1980.

Finally, the Navy did comply with the National Environmental Policy Act in regard to evaluation of alternatives that would avoid, minimize, or mitigate the impacts to resources under the Proposed Action. Chapter 2 (Section 2.5.3, Alternate Training Locations) of the Final EIS discusses various alternatives the Navy considered, including those suggested by the public. The Final EIS provides screening criteria in Section 2.2 (Screening Factors) and rationale for not carrying specific alternatives forward for further analysis. Most of the components of the Governor’s Alternative were considered in the development of Alternative 3, and do serve to avoid, minimize, or mitigate impacts to resources as a result of the Proposed Action. However, some components could not be accommodated due to incompatibility with the Navy’s need to provide sufficient land for military training and range safety requirements (see Section 1.4 [Purpose of and Need for the Proposed Action]). A detailed discussion is provided in Chapter 2, specifically Section 2.5.7 (Governor’s Alternative [“Nevada Alternative”]).

As discussed above in this response, the EIS does not conflict with EO 13817, as the EO is a policy and does not hold any specific regulations or requirements.

F.6.1.4 Brown, H. (The Harry Brown Family Ranch)

Comments from Harry Brown Family Trust

PHILLIPS WELL ALLOTMENT

To Whom It May Concern:

The Navy land withdrawal could take as much as 95% of our Phillips Well, winter grazing allotment. Is this the end of a 100 year waltz? Where the cowboys just ride away into the dusk.. The Brown family has grazed their cattle on the Phillips Well allotment for 5 generations! The family's heritage and legacy will be lost as well as a way of life, that is loved & cherished. For the last 4 years the stress and worry of losing our grazing rights have caused sleepless nights and knots in one's belly.

We may soon know how the Native Americans felt when they lost their land and were placed on reservations. As the Native Americans have lost their way of life being able to forage and hunt for their food is like the Ranchers without land to run their cattle another way of life will be lost.

The Indigenous Shoshone Tribe that currently resides in the Reese River Valley, use to migrate from the Reese River valley through the Shoshone and Toiyabe mountains also traveling through the Smith Creek valley. Spending the Spring and Summer traveling through ^{where they wintered} Lodi and Gabbs valley to the Hot springs and the Jack O'Conner Spring, where they hunted and took Mud baths. With our cattle we follow the same route as they did, across the Smith Creek valley down through Lodi and Gabbs valley across what is now State route 361 down to the Jack O'Conner Spring and to the Phillip's Well allotment. This is an Old west cattle drive traversing fifty miles down the valleys and fifty miles back to our Ranch in the Smith Creek valley.

My Grandfather, Roy Brown Lived to be 98 years old and made the journey countless times during his time. My Father Harry L. Brown is 95 years old, still going strong and had also made the journey for at least 60 years of his life. I am 69 years old and have made this journey for 55 years of my life along with my Father, brothers, and sisters. If we lose our grazing allotment we would not have enough forage of hay at \$150.00/ton. In the last drought, we had to end up buying 500 tons of hay, which end up costing us around \$75,000. We had got lucky that year, as calf prices were at a record high. As of right now calf prices are at a record low point. If we were to have to purchase hay for our cattle every year, our ranch would not survive very long.

If the Navy would purchase Masterpool's south Smith Creek Valley allotment or a similar allotment, and trade for the Phillip's well allotment, we would be satisfied with that and so would the Navy. We thank you in advance for your time and cooperation.

Sincerely,

The Harry Brown Family Ranch

IN RESPONSE TO THE NAVY'S VALUATION OF A A.U.M. AT \$57.00 FOR 1450 AUMS = \$82,650.00. IF ONE CAN FIND PASTURE AUMS ON ANOTHER RANCH IT USUALLY COSTS FROM \$25.00 TO \$35.00 DEPENDING ON IF ITS WITH OR WITHOUT CARE, SO IF YOU PAID \$30.00 FOR 300 COWS IT COULD COST OVER \$10,800. FOR THE SEASON. SO IF THE NAVY PAYS 45 \$82,650.00 WE COULD STAY IN THE ~~GO~~ CATTLE RANCHING, FOR 10 YEARS IF WE WERE LUCKY. IF YOU LEASE THE WHOLE RANCH IT CAN COST AS MUCH AS \$45,000 TO \$50,000, A YEAR. BUT IF YOU BUY US A PERMIT WE CAN GO ON FOR 3 OR 4 MORE GENERATIONS.

Thank you Harry & Brown

F.6.1.4.1 Response

Thank you for your comment and participation in the NEPA process. The Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS (Chapter 2 and Section 3.4 [Grazing]) describes the process proposed by the Navy to determine payment amounts to each affected grazing permit holder for losses resulting from cancellation of their permits. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

The Navy would first consider costs associated with obtaining replacement forage and otherwise restoring/maintaining a permittee's existing operational capacity. Working with BLM and the permittee, the Navy would determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs could include, but would not be limited to, preparing new allotment applications; complying with BLM environmental requirements and water rights studies; procuring private market replacement forage; shipping or transporting forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transferring of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime while restoring and/or relocating operations; and any other costs identified, which would be properly payable under 43 U.S.C. section 315q.

Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy would make a good faith estimate of the financial impact the loss of that individual's permit would be expected to have on his or her ranching operation. The Navy would ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information would be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the information shared is incomplete, the Navy would make an estimate of the value of the losses based on existing information from other sources.

It is possible that a payment amount would be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment would be based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity would first be determined, and the remaining payment amount would then be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.

F.6.1.5 Casey, M. A. (Bell Flat Allotment)

Michael A Casey
PO Box 5184
Fallon, NV 89407

February 12, 2019

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

RE: Comment on Fallon Range Training Complex Modernization Draft EIS

Thank you for the opportunity to provide scoping comments on the Navy's Fallon Range Training Complex (FRTC) Modernization Draft Environmental Impact Statement (DEIS). As owners of the Bell Flat Allotment, Cow Canyon Allotment and various private property parcels near Fallon, we ask that you incorporate the following comments into the proposed action and analyses:

Comments about what we read in the DEIS

Having read as much of the Draft EIS Document and attachments as possible in the time available, we can only conclude that your proposed withdrawal of lands (for the purpose of expanding Navy training areas) will cause us many problems. Your actions will cause problems and cost us a lot of money. At the very least, the proposed actions will frustrate and deprive us of our investment backed expectations for which we expect to be fully compensated. Please consider that this letter serves as notice that if your proposed expansion of the NASFallon training areas is approved by Congress, and we suffer any loss whatsoever, the Navy and the Government of the United States will be required to make us whole.

This Draft EIS Document includes a number of erroneous, misleading, and even false statements and you must correct the statements before your NEPA evaluation will meet the requirements of federal statutes and the CEQ. At this time, your NEPA document fails to be based on facts that are derived from systematic and objective collection of data, followed by decision-making that fully analyzes both technical and economic considerations.

Following is a small example of false or misleading statements. Our primary concern is the effect on our ranch as a business and our source of livelihood. We have depended on reference material but have not cited those sources in the following. This is not intended to be a complete list but it will illustrate the nature of the deficiencies in your EIS document:

Comment on Fallon Range Training Complex Modernization DEIS
Michael A Casey February 12, 2019 Page 2

First, as a technical issue, the authors state without proof that livestock cannot graze on lands with slopes of 30% or greater or that are more than 4 miles from water. Those statements are arbitrary at best, false, and often used by BLM to limit the number of permitted livestock. Our cattle easily travel more than 4 miles from water and there are no areas within our allotment that are not grazed by our cattle that graze within the easements established by traveling and grazing cattle. Livestock have grazed every location within the allotments since the mid 1800s.

Second, economic effects are discussed in general terms regarding the effects on the economies of each County and the State. Your EIS document does not provide detailed analysis regarding the costs to private citizens. The document does not discuss the potential cost of litigating or otherwise enforcing the withdrawal as proposed.

See for example on Page 24 where permanent significant harm to ranchers is dismissed as being of no significant impact:

"Alternative 3 would, however, result in permanent economic impacts associated with lost federal land grazing. While there would be impacts on individual ranchers, there would be no significant impact on the total economic activity within the affected counties."

Inevitably driving a ranch out of business and depriving ranch families of their homes is devastatingly significant to them.

Page 1-29 includes a list of statutes and Executive Orders that fails to include the Regulatory Flexibility Act and associated Executive Orders. Yet the detrimental economic effects have been dismissed by the authors as insignificant in spite of the effects on ranching and mining being well in excess of \$100 million.

The authors simply list grazing as one of several public uses like hunting or other recreation. This simplistic look at livestock grazing on federally controlled lands has resulted in a statement that the only compensation for ranchers will be about \$50 per Animal Unit Month (AUM). Sale of the same ranches would be valued at well over \$300 per AUM and that means well over \$4,000 per Animal Unit or Cow Unit.

Thirdly, the authors fail to analyze the costs of condemnation of what the Federal Land Policy and Management Act (FLPMA) refers to as "existing rights" otherwise called *valid existing rights* by federal agencies. The authors fail to recognize that the private rights owned by ranchers are existing rights protected by federal law. Those protected existing rights include pre-statutory vested water rights, water rights under state law, easements, rights-of-way, forage preference, mineral rights established through mine claims, airspace rights of land owners, and other rights held in equity.

Fourth, it is well established in U.S. Supreme Court decisions that the presence of rights that have become attached to federally controlled lands permanently remove those lands from being public land, federal territory, or federal enclave. With the establishment of *private rights*, as approved by Congress, the jurisdiction of the

Comment on Fallon Range Training Complex Modernization DEIS
Michael A Casey February 12, 2019 Page 3

federal government disappeared and can only be reestablished through lawful cession by the State. This document fails to discuss that legal necessity.

Fifth, relating to jurisdiction, draft EIS proposes that Navy employees will be assigned as security guards but fails to acknowledge the limits on federal law enforcement authority due to lack of cession of jurisdiction. At this time the Sheriff of each county has full jurisdiction within NASFallon properties. That is consistent with the fact that the U.S. Constitution does not make a grant of law enforcement authority to the federal government. For those reasons the Federal Land Policy and Management Act includes authority for federal agencies to pay local law enforcement agencies for their services. NASFallon employees who dress to impersonate law enforcement officers are taking actions under the color of office.

Finally, the EIS fails to discuss the fact that private rights, within the proposed withdrawal areas, will subject the proposed withdrawal to laws governing valid existing rights. The existing rights continue to remain on those lands and must be available to those who own those rights.

Further comments that discuss the topics found in the above statements

We do not object to the Navy's need for training or for increasing your training facilities and welcome any opportunity to work with your authorized representatives to negotiate solutions for any problems your proposals may cause in our business operations.

From what we have learned about your proposals to date, we prefer one of the following outcomes:

1. Take our entire ranch and pay just compensation. That can include Navy purchase of the ranch but allowing our family to continue to use the rangelands for grazing livestock.
2. Leave us alone to operate our ranch as we have for generations. That can include working cooperatively with the Navy and leaving the cattle grazing schedule much like it is today.

Navy will benefit from grazing too. Continuing to graze this very large area with cattle will help reduce the risk of catastrophic wildfires. Our allotments were also traditionally sheep grazing allotments and returning to herded sheep grazing on open range means we can also help prevent wildfires and the herded sheep can be moved fairly quickly away from areas that have been selected for training exercises.

We average two fires per year that are started by Navy activity. Grazing is the most effective way to remove the fuels that allow those fires to burn over large areas.

Since we always try to work cooperatively with agencies and others, below we have indicated our preference for a peaceful negotiation that will result in a sale from willing seller to the U.S. We are sure that everyone would prefer to avoid the expensive and contentious process of condemnation through eminent domain and litigation.

Comment on Fallon Range Training Complex Modernization DEIS
Michael A Casey February 12, 2019 Page 4

As we understand your proposed action, you plan to purchase our patented lands and you propose to withdraw land from our adjudicated grazing allotments which are an integral and essential part of our ranching operation. Ownership of our cattle is only possible when we own and graze these allotments and our private irrigated pastures at the appropriate times of each year. Loss of any portion of the grazing areas effectively eliminates our ability to operate as a ranch.

As indicated below, at the very least the proposed actions will frustrate and deprive us of our investment backed expectations for which we expect to be fully compensated. These actions also jeopardize those who may hold liens on our property.

None of us at the ranch are attorneys or trained in law but we will attempt to use terminology as it is found in statutes and court decisions so everyone will understand what is being discussed. For example investment backed expectations is a phrase recognized by the Supreme Court in "*Penn Central Transportation Co. v City of New York* 438 U.S.104 (1978)" and has been used frequently since that decision. Use of the phrase (Investment backed expectations) by our courts has expanded to include "Taking" that occurs within non-patented lands. The presence of existing rights mentioned below is recognized in the savings clause of such laws as Taylor Grazing Act, NEPA, Rangelands Improvement Act, Federal Land Policy and Management Act (FLPMA) and many more federal and state statutes.

Our allotments contain property we own in the form of existing rights including water rights, easements, and forage preference that comprise a large portion of the valuation of our business. We are confident that the DOD Navy and the USDI BLM will be careful to protect our valid existing rights in accordance with the Federal Land Policy and Management Act (FLPMA) and other statutes. See for example Section VII of Public Law 94-579 Section 701 (h) which directs federal agencies as follows: "(h) All actions by the Secretary concerned under this Act shall be subject to valid existing rights."

Please discuss your recognition of these topics along with your plans to mitigate any actions that affect private rights in detail in the NEPA document you are preparing.

About Our Ranch

We are the owners of patented lands in Dixie Valley, Edwards Creek Valley, Clan Alpine mountain range, and Lahontan Valley. We own patented land acreage and we own existing rights throughout two adjudicated grazing allotments which are regulated by the Bureau of Land Management (BLM). Our grazing allotment areas include Cow Canyon Allotment and Bell Flat Allotment.

At this time forage in our allotments is utilized by cattle we own and by cattle owned by a third party under a lease arrangement. As is the nature of a ranch lease, the Lessee also depends on use of the valid existing rights owned by Michael Casey. Cattle owned by the Lessee also serve as collateral for loans held by the Lessee as a necessary source of funds for operating costs.

Comment on Fallon Range Training Complex Modernization DEIS
Michael A Casey February 12, 2019 Page 5

In addition to the patented lands we hold title in equity to various water rights, rights of way, forage preference, and other existing rights as they exist in the fee lands where they occur including those lands controlled by BLM (Allotments). Water rights and easements (rights-of-way) are a matter of property under state law. Under the Nevada water law, based on the doctrine of prior appropriation and beneficial use, our ranch established grazing rights for a distance of at least three miles from each water source; our water rights holdings are both vested prior to passage of statutory law and appropriated under Nevada statute. Also, as recognized by federal law, our ranch established easements and rights of way for travel throughout our grazing area by our livestock and ourselves as well as for conveyance of water. Range improvements within our grazing allotments are also our property since the construction was completed with money contributed by ranchers into the Range Improvement Fund; a trust fund controlled by Dept of Interior.

Establishment of property held in equity means that claims have attached to the BLM controlled lands and effectively severed our entire allotment areas from the category of public land or federal territory or enclave. Property established by our predecessors in interest has preempted substantial portions of federal regulations regarding public lands. Please keep in mind that property is defined under the laws of the various states and in our case that includes water rights, easements, rights-of-way, forage preference, etc., administered under the substantive and procedural laws of the State of Nevada. The U.S. Supreme Court has supported this idea repeatedly, for example: "What we hold is that following the act of 1877, if not before, all non-navigable waters then a part of the public domain became *public juris*, subject to the plenary control of the designated states ... with the right in each to determine for itself to what extent the rule of appropriation or the common-law rule in respect of riparian rights should obtain; *California Oregon Power co. v. Beaver Portland Cement Co.*, 295 U.S.142, 163 (1935)".

With the creation of the BLM our grazing areas were further severed from the whole through the process of adjudication which recognized a private property known as "forage preference" which is the modern version of grazing right. Adjudication effectively removed the ownership of the surface estate from the federal hands and at this time jurisdiction needed for police powers has not been restored which would seem to limit the solutions to Navy expansion to either negotiation or litigation..

Our ranch is comprised of patented lands, adjudicated BLM controlled allotments, private property such as water rights, rights of way, easements, and forage preference all of which are components of a grazing unit or farm unit under the homestead entry laws.

PLEASE NOTE: Details about the nature, value, and scope of our property rights will be provided to the authorized officer as we negotiate mitigation of the Navy action and/or sale of our ranch.

Comment on Fallon Range Training Complex Modernization DEIS
Michael A Casey February 12, 2019 Page 6

Allotted Grazing and Appurtenant Water Rights and Rights-of-Way Are Private Property

We have relied on reference material for the following discussion that includes: the Eureka County Nevada Master Plan Natural Resources and Land Use Element and the Ph.D. dissertation by Angus McIntosh (2002) "*Property Rights on Western Ranches; Federal Rangeland Policy and a Model for Valuation*".

Financing institutions, whose support is critical to continued livestock grazing and agricultural operations, consider the existence of the permitted grazing of forage preference, and the reasonable expectation of land use which emanates therefrom, as an indispensable factor in determining to extend and continue financial support. Permitted grazing (number of livestock and period of time) is capitalized into the value of a ranch. A decision to purchase a ranch is based on the ability of that ranch to produce and sell livestock. A ranch purchase decision means the buyer essentially pays for livestock production stemming from the private and federally managed lands, as well as additional property in the form of water rights, rights of way, and improvements on both private and federally managed land areas.

The economic value of our ranch is highly dependent upon our permitted grazing on the allotments. We own no large blocks of private land which could be grazed if the forage from BLM allotments was not available. Losing just a portion affects the numbers of livestock and the production of beef for sale throughout the year. For example Bell Flat Allotment provides nearly 30% of our annual forage. If, as indicated by your proposal, we are prohibited from grazing Bell Flat then our entire herd of cattle will have to be reduced by at least a third and possibly by half. That means the remaining cattle would produce all of the products we can sell in each year and we will be forced to fire employees and possibly some of our family members will not be able to remain in the ranch business. It would be a terrible hardship.

Our forage preference, easements, and appurtenant water rights are considered part of the realty (i.e., real, private property). In fact, we hold deeds, liens, and operating loans that consider our grazing preference, permitted use, and water rights on the allotment as private property collateral with real value. The Internal Revenue Service also considers the permit as a taxable property interest.

The grazing on our allotment was recognized by Congress as having the character of a property right interest or investment backed expectation when it enacted that portion of the Taylor Grazing Act which is found in 43 U.S.C § 315 (b) guaranteeing renewal of permits if denial of the permit would "impair the value of the grazing unit of the permittee, when such unit is pledged as security for any bona fide loan." Under the Taylor Grazing Act, a grazing permit is considered private property and is mandatorily attached to private "base property" – land or water

Allotments for grazing in Nevada, including ours, were originally identified and adjudicated on the basis of water right ownership. Our "right to graze" is a property interest appurtenant to livestock watering rights. All property, including water rights, is founded in the power of the State of Nevada, even property existing within lands

Comment on Fallon Range Training Complex Modernization DEIS
Michael A Casey February 12, 2019 Page 7

controlled by federal agencies. The nature of Nevada water rights reflects the split estate concept developed on western lands which was included under Mexican law and continued when our area became Territory of the United States. The interest created in and owned by our predecessors on the allotment is a portion of the "surface estate" of the split estate. McIntosh (2002) further describes this right in terms of the travel by livestock to the place where a livestock watering right is used has established livestock grazing rights-of-way for access to each water source that is based on the normal travel of livestock that are grazing as they approach or leave the water location. The split estate is demonstrated by the stock-watering rights we possess on the allotment.

Our property ownership includes a "bundle-of-rights." McIntosh (2002) quotes a legal dictionary in defining the bundle-of-rights as: "...the collection of rights that constitute fee ownership in an object or realty (or interests in real estate). The bundle-of-rights includes, but is not limited to, the right to: sell, lease, use, give away, exclude others from, and to retain. The bundle-of-rights is the list of options that an owner can exercise over his property." The term "fee" refers to the quality and character of ownership in a property. McIntosh illustrates the bundle of rights as a bundle of "sticks" with each representing a distinctive action available only to a property owner.

"Sticks" within our bundle of rights apply fully to all property rights on our allotment including those rights-of-way established prior to 1976 to allow access to the various infrastructure and water rights on the allotment. This includes Revised Statute (RS) 2477 rights-of-way for travel or access by people and livestock as well as RS 2339 and RS 2340 easements for water storage and rights-of-way for water conveyance (ditches, dams, pipelines, etc.).

There are many other sources not referenced above defining the private property-nature of our grazing allotment, stockwater rights, and rights-of-way on the allotment.

Please adequately analyze, consider and integrate the proposed action's impacts to our ranch's adjudicated forage base, water rights, and rights-of-way.

Mitigation — Take Every Effort to Avoid and Minimize Impacts

We understand that the National Environmental Policy Act (NEPA), under which the EIS is being developed, outlines a general policy of "Avoid, Minimize, and Mitigate." We ask that the Navy work with us to identify and implement all economically and technically feasible options to avoid and minimize impacts to our ranching operation at a ratio of 1:1 (i.e., completely balance negative impacts).

Through close coordination and scheduling, allow us to graze the areas under the allotment;

1. Minimize ground operations when livestock are present to avoid hazing, livestock stress, road degradation, unwanted spreading or moving of livestock, etc.;

Comment on Fallon Range Training Complex Modernization DEIS
Michael A Casey February 12, 2019 Page 8

2. Provide alternate livestock forage (may include seeding and removal of invasive trees such as Pinyon Pine and Utah Juniper) on other federally administered land which the ranch is authorized to graze livestock;
3. Provide alternative livestock watering source(s) on federally administered land which the ranch is authorized to graze at locations where forage was previously unused or underused due to lack of a viable water source;
4. Provide an alternative livestock watering source in any area where forage was previously unused or underused due to lack of a viable water source;
5. Implement a planned Rangeland Improvement Project on federally administered land on which the ranch is authorized to graze livestock that would improve livestock production, forage availability, or rangeland condition (e.g., fencing, weed control, brush management, Pinyon-Juniper control); , vegetation management); and/or

If any of the proposed actions include development of livestock or irrigation water and the appropriation for a water right, the water right must be held in our ranch's name.

Please incorporate adequate avoidance and minimization options in the proposed action and analyze such in the EIS.

Monetary Compensation If Avoidance and Minimization Cannot Fully Mitigate Impacts

Please Note: We wish to keep our ranch intact or sell it in its entirety.

If after closely working with us it is determined that none of the avoidance and minimization measures referred to above can be implemented or the impact is not totally offset by the avoidance and minimization measures, the Navy must mitigate the forage loss, loss of access, and loss of our water rights through direct monetary compensation.

In fact, Congress has mandated compensation for grazing "losses" due to military withdrawals in 43 US Code, Title 43, Chapter 8A, Section 315(q)

"Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be canceled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States. (July 9, 1942, ch. 500, 56 Stat. 654; May 28, 1948, ch. 353, § 1, 62 Stat. 277)."

Comment on Fallon Range Training Complex Modernization DEIS
Michael A Casey **February 12, 2019** **Page 9**

Values of "grazing permits", livestock forage, and water rights within federally controlled lands have been determined in several locations in Nevada and included in federal NEPA documents. There are many examples of precedence in Nevada (and elsewhere) where entities, including the military, have done the right thing and compensated loss of grazing forage, loss of investment backed expectations, and loss of the use of property such as water rights and rights-of-way. As explained above, details about the nature, value, and scope of our property rights will be provided to your representative who has proper delegation of authority to negotiate mitigation of the Navy action and/or sale of our ranch.

Please include detailed and factual analysis of this subject in your EIS. We expect no less from NASFallon as you move towards the "Fallon Range Training Complex Modernization".

Sincerely

A handwritten signature in blue ink that reads "Michael A Casey". The signature is fluid and cursive, with the first name "Michael" and last name "Casey" clearly legible.

Michael A. Casey
For Clan Alpine Ranch

F.6.1.5.1 Response

Thank you for your comment and participation in the NEPA process. Regarding comments on future losses from loss of grazing abilities, the Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

The following information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

Payment for Losses

The Navy would first consider costs associated with obtaining replacement forage and otherwise restoring/maintaining a permittee's existing operational capacity. Working with BLM and the permittee,

the Navy would determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs could include, but would not be limited to, preparing new allotment applications; complying with BLM environmental requirements and water rights studies; procuring private market replacement forage; shipping or transporting forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transferring of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime while restoring and/or relocating operations; and any other costs identified, which would be properly payable under 43 U.S.C. section 315q.

Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy would make a good faith estimate of the financial impact the loss of that individual's permit would be expected to have on his or her ranching operation. The Navy would ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information would be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the information shared is incomplete, the Navy would make an estimate of the value of the losses based on existing information from other sources.

It is possible that a payment amount would be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment would be based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity would first be determined, and the remaining payment amount would then be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.

Payment for Allotment Improvements

Improvements such as corrals, fencing, wells, and other appurtenances that cannot be relocated are considered real property, similar to a building. the Navy would appraise the value of all real property owned by a permit holder and would offer fair market value for the purchase of any such real property. Equipment, such as relocatable water tanks, is not considered real property, and the permit holder would be afforded an opportunity to remove their equipment prior to cancellation of a permit.

Timing of Permit Cancellation

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that the Bureau of Land Management (BLM) cancel any permit would be October 1, 2020.

If the Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.

Regarding the assertion that the Navy has made erroneous remarks in the livestock grazing section regarding restrictions on the analysis, the Navy has added the reasoning for this analysis into Section 3.4 (Livestock Grazing). The reasoning is that these factors were chosen because they are consistent with BLM parameters and are critical factors in determining how livestock will utilize forage in an allotment (Holechek et al., 2011). It is acknowledged that these factors are influenced by the type and class of cattle, and that cattle can graze on slopes greater than 30 percent slope or will travel over 4 miles to water, but are less likely to do so under satisfactory grazing conditions.

Regarding the analysis, land acreages have been revised as a result of reducing acres requested for withdrawal between the Draft and Final EIS under Alternative 3 (Preferred Alternative). AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis with BLM coordination following a revision of water locations that were not included in the original restrictive analysis. Regarding vested water rights, the Navy acknowledges that the loss of water rights could be a factor in determining payments for losses associated with the cancellation of grazing permits. Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex) addresses the valuation of losses due to the cancellation of such permits. This valuation process would also apply to Alternatives 2 and 3.

Regarding the third point of costs of condemnation for grazing (process described earlier in this response), water rights, private lands, and mining claims, the Navy has further defined the valuation processes in the Final EIS for these items described below.

The Navy recognizes the potential impact of the loss of water rights on the community. The Navy would purchase private water rights as real property. Additionally, acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority to assist water rights holders with other water rights actions (i.e. change applications).

For any acquisition of privately-owned property, private landowners would receive just compensation for loss of any privately-owned land acquired by the United States due to the proposed expansion. Just compensation would be determined by calculating the fair market value of parcels in accordance with federal appraisal rules codified in the Uniform Appraisal Standards for Federal Land Acquisitions.

The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

For existing patented mining claims, the federal government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam demonstrating a valuable mineral deposit a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

Regarding the fourth issue, the Navy would offer fair market value for private property and go through a lawful process of acquisition on a case-by-case basis pending any ultimate Congressional decision.

Regarding the fifth point about security guards, to clarify, the Navy is proposing the establishment of two Conservation Law Enforcement Officer positions at NAS Fallon. Part of the duties of these officers would include monitoring of the added fence line. These positions would not be in place unlawfully.

Regarding the final point, the Navy has further described the process by which it proposes to handle existing rights on lands proposed for withdrawal or requested for acquisition in the Final EIS.

Regarding comments to allow grazing on the FRTC ranges, the Navy worked with grazing permittees throughout the Draft EIS process, and though discussions came to the conclusion that grazing would not be compatible with the needs of grazers, nor with training needs on the FRTC ranges. The DVTA would continue to be open for grazing.

Regarding fires, the Navy has and would continue to implement operational and administrative controls to reduce wildfires. The Navy is developing a Wildland Fire Management Plan and, where possible, proposed plan elements and goals are included in the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that the Bureau of Land Management (BLM) cancel any permit would be October 1, 2020.

If any Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.

F.6.1.6 Cefalu, C. J. (Nevada Bighorns Unlimited)

**Non-Profit Tax Exempt
ID 88-0180276**



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February 14, 2019

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

RE: Fallon Range Training Complex Modernization Environmental Impact Statement

Dear U.S. Navy:

The Nevada Bighorns Unlimited – Reno (NBU) is a sportsmen and women's group concerned with the conservation of bighorn sheep as well as other issues impacting various wildlife species throughout Nevada and the West. Our membership represents the largest single chapter of sportsmen and women in the state of Nevada with over 3,400 members. We ask that you strongly consider these public comments during revisions to the Fallon Range Training Complex Modernization Draft Environmental Impact Statement (DEIS).

We acknowledge that from public scoping feedback the United States Navy (Navy) made modifications to the B-17 area to lessen impacts to wildlife and sportsmen; however, upon detailed review of the Preferred Alternative (Alternative 3) included within the DEIS, major wildlife and sportsmen access concerns remain. Our concerns lie within B-17, B-20, the Dixie Valley Training Area, and the proposed modification of airspace. Although the B-16 and B-19 areas will also have negative impacts to wildlife, we have only minor concerns with these areas in comparison to the others.

B-17 AREA

Our concerns with this area relate to big game, small game, and other avian species and their habitat. We also have concerns with the lack of a definitive commitment to allow the Nevada Department of Wildlife (NDOW) and sportsmen access to withdraw areas in perpetuity.

Big Game – The bighorn sheep herds that occur within this area are managed as part of NDOW Management Unit 181, which has a population of approximately 380 animals. It is important to note that bighorn sheep are a special status species listed on the Bureau of Land Management's Sensitive Species list statewide, as well as a Species of Conservation Priority under the Nevada

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Wildlife Action Plan (WAPT, 2012). A number of big game water developments occur within the area proposed for withdrawal. In addition to mule deer and pronghorn antelope tags, a total of 18 desert bighorn sheep tags may be adversely impacted by the withdrawal proposed in this area. These tags provide once in lifetime recreational opportunities to Nevada's sportsmen and women as well as non-residents, and a substantial economic benefit to Churchill County and Nevada. Over the past 30 years, sportsmen, conservationists, and various government agencies have worked tirelessly to develop this into a thriving herd that is now one of the most sought after herds to hunt by sportsmen and women.

Also note, that the Bell Mountain and Bell Flat areas provide important habitat for over 250 pronghorn antelope and that these areas are also of concern for NBU.

Small Game and Other Avian Species – The proposed withdrawal area associated with B-17 overlaps numerous areas of occupied chukar habitat, which also provides significant recreational opportunities to Nevada's sportsmen and women. Additionally, a number of small game water developments occur within the proposed withdrawal area. In addition to avian game species, golden eagles and other raptor species should be considered, as they are federally protected under the Bald and Golden Eagle Protection Act (1940) and the Migratory Bird Treaty Act (1918). Reviews of existing data show that a number of golden eagle nest sites occur within the proposed withdrawal area and these sites have significant potential for negative impacts as a result of the proposed withdrawal.

We request that the Navy include a definitive commitment to allow the Nevada Department of Wildlife (NDOW) and sportsmen access to withdraw areas in perpetuity. We also request that the Navy develop an access management plan (AMP) and allow adequate opportunity for public and cooperating agency involvement in its development. We also request the AMP be included with the FEIS or as a condition of approval for the project. The AMP should also include a significant funding mechanism to ensure that any damage resulting to wildlife habitat and/or water developments from Naval operations are adequately addressed in a timely manner. This funding mechanism should not only provide compensation for damage to habitat and water development structures resulting from Naval operations but should also include conservation funding to improve wildlife habitat within the Naval Complex. NBU would request that the funding mechanism be administered by a working group of interested stakeholders, including but not limited to, wildlife interests, conservation interest, and grazing interests.

DIXIE VALLEY TRAINING AREA

Our concerns with this area relate to big game, small game, and other avian species and their habitat. Please note that although this area has been identified as "open to the public", we have concerns that this may not remain open in perpetuity. The definition of "open to the public" has not been provided and the duration has not been identified. As such, we have reviewed the impacts based on a worst-case scenario. However, it should be noted that even if these areas remain open, there will still be negative impacts to the resources outlined below. We also have concerns with the lack of a definitive commitment to allow the Nevada Department of Wildlife (NDOW) access to withdrawal areas in perpetuity, despite the fact that NDOW has the statutory responsibility for managing Nevada's wildlife across all land ownership classifications. Moreover, alternative

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mechanisms exist to ensure that these areas remain open to public access and achieve the Navy's goals, i.e. National Conservation Areas and/or WSA/Wilderness designations.

Big Game - This area overlaps NDOW Management Units 182 and 183, which have bighorn populations of approximately 340 and 320 animals, respectively. Additionally, a number of big game water developments occur within the area that would be impacted by the proposed withdrawal. It is also important to note that these areas provide significant recreational opportunities, including, but not limited to, big game hunting. In addition to mule deer and pronghorn tags within this area, a total of approximately 32 desert bighorn sheep tags may be negatively impacted by the proposed withdrawal in this area. Significant concerns exist specific to impacts to bighorn sheep lambing as well as impacts to hunters.

Small Game and Other Avian Species - The proposed withdrawal area associated with the Dixie Valley Training Area overlaps numerous areas of occupied chukar habitat, which also provides significant recreational opportunities to Nevada's sportsmen and women. Additionally, a number of small game water developments occur within the proposed withdrawal area. In addition to avian game species, golden eagles and other raptor species should be considered as they are federally protected under the Bald and Golden Eagle Protection Act (1940) and the Migratory Bird Treaty Act (1918). Review shows that golden eagle nest sites occur within the proposed withdrawal area and these sites have significant potential for negative impacts. Concerns also exist relating to impacts to chukar and the sportsmen and women that hunt in addition to potential impacts to nesting golden eagles.

We request that the Navy include a definitive commitment to allow the Nevada Department of Wildlife (NDOW) and sportsmen access to withdrawal areas in perpetuity. We also request that the Navy develop an access management plan (AMP) and allow adequate opportunity for public and cooperating agencies involvement in its development. We also request the AMP be included with the FEIS or as a condition of approval for the project. Furthermore, we request that the FEIS support land designations that ensure public access in perpetuity, i.e. National Conservation Areas and/or WSA/Wilderness designations, or a combination thereof.

B-20 AREA

The primary concern with this withdrawal area is its proximity to the Stillwater National Wildlife Refuge (SNWR), and proximity to and withdrawal of Fallon National Wildlife Refuge lands. Specifically, impacts to those migratory bird species and the sportsmen that utilize them are of issue.

The wetland complex associated with the Stillwater National Wildlife Refuge is Nevada's largest. The Stillwater Marsh area has been a historic stopover point for migratory waterfowl during their spring and fall migration as well as an important nesting site for many waterfowl, marsh, and shorebirds. Peak numbers of 250,000 ducks, 10,000 geese, and 13,000 tundra swans occur during good water years (USFWS, 1985). This wetland complex has been documented and cited in numerous pieces of literature, including but not limited to Garone (1961), Reisner and Bates (1990), and USFWS (1985), as a critically important production area and migratory stopover along the Pacific Flyway. Significant concerns exist associated with interrupting the migration corridor

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leading to and from this wetland complex, negative impacts upon the birds using this area as a stopover as well as negative impacts upon those birds using this area for nesting purposes.

This SNWR also serves as an important area for recreationists such as bird watchers and waterfowl hunters. Great concern exists specific to potential negative impacts upon these individuals utilizing this area.

Noise impacts to the sportsmen community (Stillwater Farms Inc./Canvasback Gun Club) have been demonstrated within the Noise Study but not addressed within this DEIS. Degradation of the waterfowl complex and land values has not been addressed within the DEIS.

Review shows that golden eagle nest sites occur within the proposed withdrawal area and these sites have significant potential of negative impacts.

We request that the Navy explore modifications to lessen noise impacts so they don't increase at the SNWR and Stillwater Farms Inc./Canvasback Gun Club. We also request that the Navy shift the B-20 area one to two miles north so that the bombing area is not immediately adjacent to the Stillwater National Wildlife Refuge. This will not only aid in lessening potential impacts from ordinance but also will allow sportsmen access to waterfowl that often use this flooded area (just north of the current refuge boundary) during wetter years. NBU believes this would be a very minor change to the Navy's current withdrawal request and still fulfill the purpose and need, while avoiding impacts to wildlife and water resources, as well as the public who utilize these resources. Furthermore, we request that the current bird aircraft/animal strike hazard (BASH) of maintaining a minimum 3,000 feet over refuges be adopted as an enforceable Navy regulation over both SWNWR and Stillwater Farms Inc./Canvasback Gun Club.

MODIFICATIONS TO AIRSPACE

We have concerns regarding the proposed expansion of special use air space and the reconfiguration of existing airspace throughout northern Nevada and especially the flight deck at which training operations will take place. Specifically, the potential for adverse impacts to species such as greater sage-grouse and bighorn sheep exist associated with the noise from training activities close to the ground. Impacts to bighorn sheep breeding and lambing, as well as greater sage-grouse breeding and nesting could be detrimental.

Bighorn sheep habitat/lambing areas:

The following bighorn sheep populations appear to correspond directly or adjacent to Points of Interest within the Noise Study and DEIS.

Points within herds:

- Points 14 & 15 – Fairview/Slate Herd: Increase of 0.4 dBA and 0.2 dBA respectively
- Point 21 – Virginia Mountains herd (not applicable to noise increase per the Noise Study)
- Point 16 – Clan Alpines: Increase of 1.5 dBA
- Point 23 – Middle Toiyabes: Increase of 1.0 dBA

Points adjacent to herds:

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- Point 5 – Clan Alpine herd: Increased of 1.7 dBA
- Point 12a – Desotoyas herd: Increase of 1.5 dBA

The bighorn sheep Points of Interest show no significant increase but upon review of the Alternative 3 section of the Noise Study (specifically the data associated with Figure 3.7-40), there are several herds that will have noise increases of at least 10 dBA and others that will increase by 3 and/or 6 dBA. These significant impacts are not acknowledged anywhere in the DEIS. Accordingly, the analysis of bighorn sheep impacts is misleading as the points of interest are not representative of overall impacts (i.e., the DEIS only discusses data for those herds that will have the lowest impacts).

Noise Study shows portions of the following in the 10 dBA increase zone:

- Toiyabe herd,
- Middle Toiyabe herd,
- South Toiyabe herd,
- Mt. Jefferson herd, and
- Gabbs Valley Range herd.

Noise Study shows portions of the following herds in 3 and/or 6 dBA increase zone:

- Gabbs Valley Range herd,
- Monte Cristo herd, and
- Stillwaters herd.

We are unable to determine bighorn sheep impacts clearly from the data presented within this DEIS and no avoidance, minimization, or mitigation has been presented to offset impacts.

Greater Sage-grouse:

Best available science is not included within the analysis. For example: Numerous publications exist that were not cited in the DEIS that have more thorough metrics for analyzing impacts to greater sage-grouse leks. These can be found within the NDOW document titled *Acoustic Impacts and Greater Sage-grouse: A Review of Current Science, Sound Measurement Protocols, and Management Recommendations* (NDOW, 2018).

Noise didn't include sage-grouse lek baseline noise data collection. Current standard for lek noise impacts is 10dBA above baseline (NDOW, 2018), which was not used in this analysis. Furthermore, the modeled baseline values for lek Points of Interest are extremely high. Other studies (including those discussed by NDOW [2018]) show baseline lek values that are upwards of 30 dBA quieter than those modeled within the DEIS.

The Noise Study for the DEIS includes the following Points of Interest that appear to be on or adjacent to leks, though they are not actually called lek points within the DEIS:

- Point 23 Kingston (Kingston lek) – 1 dBA
- Point 12a (Buffalo Hills Lek) – 1.5 dBA
- Point 12b (Silver Creek 4 lek) – 1 dBA
- Close proximity to leks: Point 3 (6 dBA), Point 7 (1.7 dBA)

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Our review of the Noise Study data shows that over 50 leks fall within the zone of a 10 dBA increase, which is not mentioned within the DEIS and is considered a significant impact, subject to mitigation; as per best available science, similar Department of Interior impacts analysis, and NDOW protocols. The analysis of greater sage-grouse impacts appears misleading as the Points of Interest are not representative of overall impacts and the methods used to evaluate impacts are incorrect.

Additionally, cumulative impacts analysis for noise is incomplete. Analysis needs to be included past, present, and reasonably foreseeable future impacts. For example: The noise analysis doesn't include quantitative analysis of cumulative impacts from existing operations plus each alternative.

We are unable to determine greater sage-grouse impacts from the data presented within this DEIS and no avoidance, minimization, or mitigation has been presented to offset impacts. Accordingly, a reasonable range of alternatives have not been presented within the DEIS demonstrating that public concern regarding impacts to the greater sage-grouse have been analyzed.

We request that analysis by a qualified wildlife biologist and specialist wildlife acoustics be included within the FEIS so a minimum flight deck for air operations can developed that does not negatively impact greater sage-grouse and bighorn sheep. We request that this flight deck be seasonal in nature, which would be defined by NDOW and species-specific.

OVERALL

Overall, upwards of 1,000 bighorn sheep have potential for adverse impacts associated with the various withdrawal areas, which represents 10% of Nevada's total population. A total of approximately 50 desert bighorn sheep ram tags have potential for impacts, representing nearly 14% of Nevada's total number of tags statewide. Additionally, NDOW and Nevada's sportsmen have cumulatively invested millions of dollars and tens of thousands of man hours into the numerous water developments on public land that will be withdrawn by the Preferred Alternative. These investments must not be thrown away. The water developments are invaluable to the success of Nevada's wildlife, have uplifted wildlife habitat, and increased populations, while at the same time, creating areas that are irreplaceable. Wildlife managers along with sportsmen must be allowed full access (at all times) to these water developments, the surrounding habitat, and the associated wildlife in perpetuity. The loss of these water developments or further limitations to public access in this region would be the permanent loss of prime areas for wildlife and hunting.

Wildlife Management and Public Access

An Access Management Plan (for all training areas) should be developed as a condition of approval that has gone through the public review process and vetted by cooperating agencies. Additionally, we request stronger language throughout the document that guarantees that the Navy "will" allow access to NDOW and sportsmen in perpetuity, instead of the current "may" allow access language. Without an Access Management Plan included in the Final Environmental Impact Statement (FEIS) that has gone through the public process, NBU will be unable to support the overall project.

Wildfire Management

Fire risk and rehabilitation for Navy-caused fires is not adequately addressed. We would like to see a Fire Management Plan, which includes the following:

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- Dedicated air attack resources (single engine air tankers at a minimum) stationed in Fallon;
- Modified use of flares and electronic equipment that poses as an ignition source within highfire risk areas throughout the year, not just May through October, using National Interagency Fire Center data or equivalent daily fire danger information; and
- A funding mechanism that guarantees the Navy has resources on an annual basis to actively suppress wildfires and to rehabilitate Navy-caused burned areas (within and outside of withdrawal areas).

The Fire Management Plan should be developed (for all training areas) as a condition of approval that has gone through the public review process and vetted by cooperating agencies. Without a Fire Management Plan included in the Final Environmental Impact Statement (FEIS) that has gone through the public process, NBU will be unable to support the overall project.

Mitigation

The Navy's approach to omit mitigation from the DEIS is incomplete, and therefore unacceptable. It is required by the National Environmental Policy Act (NEPA) and is essential for determining overall impacts from the Preferred Alternative, or any other alternative. Specific mitigation needs to be developed through coordination with NDOW and committed to within the NEPA document, prior to the issuance of a FEIS and associated Record of Decision. Without species-specific mitigation included in the Final Environmental Impact Statement (FEIS) that has gone through the public process, NBU will be unable to support the overall project.

NBU strongly supports multiple use management on our public lands. We also support the U.S. Navy and look forward to seeing a revised alternative and NEPA document that allows a reasonable solution for the FRTC's training needs and Nevada's wildlife, wildlife managers, and sportsmen.

Sincerely,



Nevada Bighorns Unlimited

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F.6.1.6.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. In regard to concerns about the B-17 area, the Navy would allow access to B-17 for an annual bighorn sheep hunt. NDOW would be the managing agency and would set quotas and distribute permits, and maintain wildlife habitat. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.

The Navy acknowledges the potential loss of hunting opportunities for species other than bighorn sheep and would conduct an annual review to determine if additional hunts may be feasible and compatible with the Navy mission.

Regarding water developments, the Navy would continue to coordinate with NDOW for access to maintain guzzlers and manage wildlife.

The Navy has reviewed existing data on golden eagles and nest sites, and has performed ecological surveys in the Study Area. These supporting studies are available online at <https://frtcmodernization.com/>. Impacts to biological resources, including eagles are discussed in Section 3.10 (Biological Resources). Potential impacts to bald and golden eagles are analyzed on an individual animal basis (not just on effects to populations). Species protected under the MBTA are analyzed by major taxonomic groups within subcategories (e.g., passerines, shorebirds), and the impact analysis is conducted in terms of potential effects to populations of migratory birds. Based on the impact analysis presented in Section 3.10 (Biological Resources) for wildlife and special-status species, temporary direct impacts to bald and golden eagle populations from proposed aircraft operations and construction activities associated with the implementation of the Proposed Action would not be significant. Therefore, the Navy has determined that implementation of the Proposed Action would not result in the “taking” of bald or golden eagles, their nests, or their eggs as defined by the Bald and Golden Eagle Protection Act.

Regarding “a definitive commitment to allow the Nevada Department of Wildlife (NDOW) and sportsmen access to withdraw areas in perpetuity,” the Navy cannot allow the public to access the Bravo ranges without oversight, due to public health and safety concerns being that the area may contain unexploded ordnance and is within a Weapons Danger Zone and/or a Surface Danger Zone.

Regarding the request for an access management plan and other mitigations, the Navy has developed and proposed specific mitigation for each alternative that can be implemented and would avoid or minimize impacts. As such, alternatives include actions specifically designed to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities. Mitigation measures specifically suggested and adopted can be found in Chapter 5 (Management Practices, Monitoring, and Mitigation).

Regarding impacts to the DVTA, hunting would remain allowable as managed currently by NDOW. NDOW would be allowed to access the area for managing Nevada’s wildlife.

Under the Proposed Action, Congressional legislation would remove the WSA designation of withdrawn portions of the following WSAs: Stillwater Range WSA (approximately 10,951 acres [12 percent]), Jobs Peak WSA (approximately 41,680 acres [47 percent]), and Clan Alpine Mountains WSA (approximately 22,324 acres [11 percent]). The BLM would continue managing the remaining WSA portions of Clan Alpine WSA, Job Peak WSA, and Stillwater Range WSAs as WSAs. The proposed de-designation is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces, along with other non-hazardous training activities (e.g., night vision goggle training, low altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTAs, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed. However, this de-designation would not prohibit the use of these areas by recreationalists. Additionally, if the public is recreating in the area, the Navy would seek an alternate location to train until the area used by the public is available, as is currently done in the existing DVTAs.

The Final EIS includes a thorough impact analysis conducted by qualified wildlife biologists. Potential impacts on wildlife species, including bighorn sheep and greater sage grouse, as well as their habitat are discussed in Section 3.10 (Biological Resources), specifically Sections 3.10.3.3 (Alternative 1), 3.10.3.4 (Alternative 2), and 3.10.3.5 (Alternative 3) of the Final EIS.

Populations of species are distributed throughout current FRTC boundaries. Based on species distribution data, historical coexistence with training activities, and the analysis presented in the Final EIS, populations would not be significantly impacted by proposed training activities. While the analysis indicates a less than significant impact, the Final EIS has been updated to include a discussion of potential impacts on individuals of a species.

The proposed B-16 and B-20 expansion areas are outside of the current mapped range of bighorn sheep and mule deer, and only the eastern portion of the proposed B-20 expansion area overlaps with year-round pronghorn range (Nevada Department of Wildlife (2017a)). However, mule deer were observed within the proposed B-20 expansion area during camera trap surveys conducted in support of this EIS (see Supporting Study: Final Wildlife Remote Camera Trapping Survey Report, available at <http://www.frtcmodernization.com>). In addition, the estimated 60-65 DNL dBA aircraft noise contours within the proposed B-17 expansion area overlies a portion of currently mapped bighorn sheep winter-lambing range (i.e., the flats at the southern end of the Fairview Range) and year-round range within the central Monte Cristo Mountains and southern Sand Springs Range. The estimated 70-75 DNL dBA contours would not appreciably change from existing conditions (see Figures 3.7-9 and 3.7-22). Given the estimated number of bighorn sheep within the vicinity of the existing B-17 and DVTAs range areas are at an all-time high (Nevada Department of Wildlife, 2017a), existing training operations are not having an effect on regional bighorn sheep populations. Therefore, it is expected that proposed training operations conducted within the proposed restricted areas (R-4805A and R4816S Low) and associated expansion areas at the same level as current training operations would not have a significant impact on bighorn sheep populations.

Within the FRTC region of influence, there are over 1 million acres of mapped bighorn sheep year-round range, over 51,000 acres of mapped bighorn sheep winter/lambing range, 5.6 million acres of mapped

year-round pronghorn range, and 52,000 acres of mapped pronghorn crucial summer range. Navy operational doctrine dictates that during transiting, pilots avoid lambing areas. Therefore, impacts to these ungulate ranges would not have a significant or measurable impact to bighorn sheep populations.

Regarding impacts to the B-20 area, to clarify, the Stillwater National Wildlife Refuge (NWR) is not part of the expansion under the Proposed Action and would remain open as it is currently. The USFWS would continue to manage the Stillwater NWR. In addition, the USFWS would need to undertake any public planning required in order to revise the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and associated compatibility determinations, consistent with the National Wildlife Refuge System Administrative Act, as amended (16 United States Code 668dd–668ee).

Again, this expansion does not include the Stillwater National Wildlife Refuge. The USFWS would continue to manage the Stillwater National Wildlife Refuge. NAS Fallon has prepared a BASH Plan to identify potential areas of concern and to establish procedures to mitigate the threat of bird and other animal strikes. Currently three Special Use Airspace (SUA) units overlap the Stillwater and Fallon National Wildlife Refuges: Fallon North 1 MOA, R-4813A, and R-4813B. Under the Proposed Action, there are no proposed changes to the operating altitudes of the SUAs that overlap the Stillwater NWR, no changes in number of aircraft operations, and no changes in the approach and departure tracks of aircraft utilizing targets in B-20. The proposed B-20 expansion area that overlaps the NWRs is for a ground-based safety zone and not due to an increase or change in aircraft operations over the NWRs. Therefore, there would be no change in the BASH potential with implementation of the proposed action.

The following are some general operational changes that are implemented during aircraft operations to reduce threats from bird strikes, mission permitting:

- When practical, reduce low-level flight time.
- Reduce formation flying.
- Reduce airspeeds to allow birds to be seen sooner and lessen damage in event of a strike.
- Avoid areas with known raptor concentrations during summer, especially during 1000–1700 hours due to increased thermals (Naval Air Station Fallon, 2012).

With adherence to the NAS Fallon BASH Plan and use of the Avian Hazard Advisory System, there would be no significant impacts to bird or bat populations as no population-level effects to birds or bats would be expected.

Currently, all state management plans concentrate on habitat availability, wildfire, and land-based chronic noise sources. Greater sage grouse lek location data indicates that usage areas are east of the land areas proposed for withdrawal or acquisition. Sage grouse in these areas would be exposed to noise from aircraft overflights. Available science indicates that short-term noise intrusion does not play a significant role in lek success.

The Navy will work closely with BLM and NDOW to manage the sage grouse and other species on lands under the Navy's control. The Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

The Navy has implemented and would continue to implement operational and administrative controls to reduce the occurrence of wildfires. The Navy is developing a Wildland Fire Management Plan, and where possible, proposed elements and goals of this plan were added to the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

As discussed in Section 3.10 (Biological Resources), the response to sonic booms or other sudden disturbance is similar among many wildlife species. Sudden and unfamiliar sounds usually act as an alarm and trigger a “flight” response; however, reaction to a given noise can vary widely depending on factors such as time of day, physical condition of the animal, physical environment, or whether other physical stressors are present. Although the startle effect of a sonic boom can be stressful to an animal, it is difficult to generalize animal responses to noise disturbances across species. Recent literature suggests a startle is a common response across a variety of species and ultimately leads to habituation. It has been reported that the intensities and durations of the startle response decrease as the number and frequency of exposures increase, suggesting no long-term adverse effects. It is recognized that short term impacts to individual animals may occur from sonic booms, however, overall no long-term adverse effects to populations are expected.

Given the historical use of the airspace and the coexistence of wildlife, animals within the MOA are likely habituated to aircraft overflights and associated noise, such as sonic booms.

Many of the above-listed behavioral and physiological responses to noise are within the range of normal adaptive responses to external stimuli, such as predation, that wild animals face regularly. In many cases, individuals would return to homeostasis or a stable equilibrium almost immediately after exposure to a brief stimulus such as an aircraft overflight or sonic boom. Section 3.10 (Biological Resources), specifically Section 3.10.3.1 (Potential Stressors) of the Final EIS was updated to incorporate the best available science regarding noise and startle effects on wildlife.

Regarding impacts to sportsmen and the community due to noise, the Navy does not anticipate any risk of hearing loss because noise would not rise to a level at which hearing loss would occur. Areas that could experience noise levels of 65 A-weighted decibels (dBA) or greater due to underlying Day-Night Level (DNL) contours above 65 dB are located in Churchill, Lander, Lyon, Mineral, Nye, and Pershing counties. However, with intermittent aircraft operations coupled with the time most people spend indoors, it is very unlikely that individuals would experience noise exposure that would result in hearing loss.

The EIS includes several figures (Figure 3.7-32 and Figure 3.7-40) that depict where changes to noise levels would occur using existing and proposed noise contour data.

Regarding the modifications to airspace comments, the Navy has established Noise Sensitive Areas around wildlife refuges, incorporated areas, and certain tribal areas in the past. As part of the Proposed Action and alternatives, the Navy is proposing new Noise Sensitive Areas around the incorporated areas of Crescent Valley and Eureka. The establishment of these Noise Sensitive Areas is considered compatible with military training activities and will include a 5-nautical-mile radius and an elevation of 3,000 feet AGL.

The Navy is required to train year-round and is unable to restrict flying during certain seasons. Based on available literature and the analysis presented in Section 3.10 (Biological Resources), specifically, Section 3.10.3.1 (Potential Stressors) of the Final EIS, impacts on sage grouse are expected to be minimal. However, the Nevada Department of Wildlife (NDOW) expressed concern regarding increased low-level overflights and requested the Navy undertake a study to further assess potential impacts. The Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the Record of Decision.

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, as currently done. This same approach would also apply to any proposed restricted airspace. Typically, restricted airspace is inactive on weekends and holidays, and when ground ranges are closed for maintenance. Therefore, there would continue to be regular opportunities for general aviation aircraft to transit through inactive restricted airspace). Proposed changes to airspace would not significantly impact recreational/general aviation aircraft. Impacts on general aviation for each alternative are discussed in Section 3.6 (Airspace), specifically in Section 3.6.3 (Environmental Consequences).

The Navy's model for noise impacts included the quantitative analysis of potential cumulative impacts from existing operations (baseline) plus each alternative. See Section 4.4.7 (Noise) for the full cumulative impact analysis from noise. Military and construction activities, such as development of a new facility, demolition or renovation of existing facilities, or road construction/maintenance, make up the majority of past, present, and reasonably foreseeable Navy actions considered as part of the cumulative impacts of noise.

A detailed discussion of noise modeling is found in Section 3.7 (Noise), specifically Section 3.7.3 (Environmental Consequences). The results of the modeling include noise contour maps (see Figure 3.7-39), which provide a visual depiction of areas exposed to different noise levels associated with the Proposed Action. Past, present, and reasonably foreseeable actions where there would be overlap with the Navy's noise contours were noted to account for potential cumulative impacts.

Regarding impacts to bighorn sheep herds in the Study Area, as discussed in Section 3.10 (Biological Resources), the response to sonic booms or other sudden disturbance is similar among many wildlife species – sudden and unfamiliar sounds usually act as an alarm and trigger a “flight” response; however, reaction to a given noise can vary widely depending on factors such as time of day, physical condition of the animal, physical environment, whether or not other physical stressors are present, and others. Although the startling effect of a sonic boom can be stressful to an animal, it is hard to generalize animal responses to noise disturbances across species. Recent literature suggests a fright is a common response across a variety of species, and that this ultimately leads to habituation. It has been reported that the intensities and durations of the startle response decrease as the number and frequency of exposures increase, suggesting no long-term adverse effects.

Given the historical use of the airspace, and the persistence of aircraft operations and wildlife populations, wildlife within the MOA are likely habituated to aircraft overflights and associated noise (e.g., sonic booms).

Many of the above-listed behavioral and physiological responses to noise are within the range of normal adaptive responses to external stimuli, such as predation, that wild animals face on a regular basis. In many cases, individuals would return to homeostasis or a stable equilibrium almost immediately after exposure to a brief stimulus such as an aircraft overflight or sonic boom. The Final EIS has been updated to incorporate the latest information regarding noise and startle effects on wildlife.

Regarding the part of the comment about impacts to leks that fall within the zone of a 10-dBA increase, state management plans use L_{xx} (e.g., L_{10} and L_{90}) metrics for determining impacts on sage grouse. In the absence of this type of data, the Navy applied maximum decibel level (L_{max}), sound exposure level (SEL), the DNL, and equivalent sound level (L_{eq}) metrics to determine potential impacts. The Navy has determined that the analysis presented in the Final EIS is comprehensive and based on the best available science for assessing potential population impacts. The Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Regarding “NDOW document titled Acoustic Impacts and Greater Sage-grouse: A Review of Current Science, Sound Measurement Protocols, and Management Recommendations,” the Navy has reviewed the literature available on sage grouse and has added a more thorough discussion of the available science to the Final EIS.

Regarding noise and cumulative impacts, the Navy’s model for noise impacts included the quantitative analysis of potential cumulative impacts from existing operations (or the baseline) plus each alternative. See Section 4.4.7 (Noise) for the full cumulative impacts’ analysis on impacts from noise. Military activities and construction activities, such as development of a new facility, demolition or renovation of existing facilities, or road construction/maintenance make up the majority of past, present, and reasonably foreseeable Navy actions considered as part of the cumulative impacts of noise.

A detailed discussion of noise modeling is found in Section 3.7 (Noise), specifically Section 3.7.3 (Environmental Consequences). The results of the modeling include noise contour maps (see Figure 3.7-39), which provide a visual depiction of areas exposed to different noise levels associated with the Proposed Action. Past, present, and reasonably foreseeable actions were noted where there would be overlap with the Navy's noise contours to account for potential cumulative impacts.

Regarding the comment requesting that a qualified wildlife biologist and specialist wildlife be involved in the Final EIS, the Final EIS includes a thorough analysis by qualified wildlife biologists. Potential impacts to wildlife species, including bighorn sheep and greater sage grouse, as well as their habitat are discussed in Section 3.10 (Biological Resources), specifically Sections 3.10.3.3 (Alternative 1), 3.10.3.4 (Alternative 2), and 3.10.3.5 (Alternative 3) of the Final EIS.

Viable populations of species are distributed throughout current FRTC boundaries. Based on species distribution data, historical coexistence with training activities, and the analysis presented in the Final EIS, populations would not be significantly impacted by proposed training activities. While the analysis indicates a less than significant impact, the Final EIS has been updated with a discussion regarding the potential for impacts to individuals of a species.

Regarding the overall comment and wildlife management and public access, as the response states above, the Navy is not proposing to create an access management plan for all training areas as requested but rather to enter into a Memorandum of Agreement with NDOW for the Bighorn Hunt Program on B-17. The Navy is also proposing to allow managed access to ranges for wildlife management activities by the USFWS and NDOW. The Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action.

Regarding wildfire management, the Navy has and would continue to implement operational and administrative controls to reduce wildfires. The Navy is developing a Wildland Fire Management Plan and, where possible, proposed plan elements and goals are included in the Final EIS; an outline of the Draft Wildland Fire Management Plan has been added to Appendix D (Memoranda, Agreements, and Plans). For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

Regarding the Navy's approach to mitigation, the Navy has developed and proposed specific mitigation for each alternative that can be implemented and would avoid or minimize impacts. As such, alternatives include actions specifically designed to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities. The Final EIS shows suggested mitigations and the adoption status of these mitigations in tables in Chapter 5 (Management Practices, Monitoring, and Mitigation).

Your comment has been included in the official project record. This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTAs, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed.

F.6.1.7 Danner, R. A. (Gabbs History Project)



**Fallon Range Training Complex Modernization
Environmental Impact Statement (EIS)**

Comment Form

Date: 2-5-2019

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by ^{Feb 14} Jan. 15, 2019 for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at www.FRTCMmodernization.com, or by U.S. Postal Service mail to the address below.

Please Print

Please see attached comments

Naval Facilities Engineering Command Southwest
Code EV21.SG
1220 Pacific Highway
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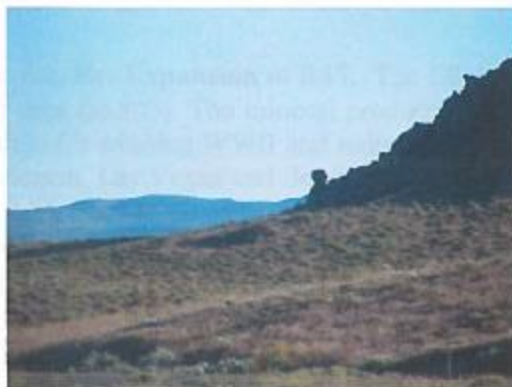
The following comments are regarding the November 2018 draft environmental impact statement for the Navy's proposed expansion of a training range in central Nevada. These comments are in opposition to any further withdrawal to expand Bravo 17.

Geological Resources: (3.1) The draft EIS says that only a desktop literature review was made regarding this topic and no field work was done. (p3.1-1). A complete current field survey would need to be done to understand the unique character of the region. Many of the reports consulted were products of the Navy, introducing a bias to support their request. The conclusions in this study would allow a substantial area of central Nevada to be destroyed without knowing what is there.

The study is a generalization based on reports that were done for another purpose. For example, there are unique petrified wood deposits that might yield important geological information if they were properly studied. The destruction of any of the fossil sites would be detrimental to science.

The University of Nevada has earthquake monitoring equipment located in the tunnel at Kaiser Mine. I lived in Gabbs Valley during the Dixie Valley earthquakes of 1954, and the faults that formed along the front of Fairview Peak are still valuable for access and study. There was also a significant earthquake in 1932 that was felt at the Gabbs Valley Hot Springs. There is much potential for earthquake study in B17 and DVTA.

The rock formation called the little Indian girl needs to be excluded from the withdrawal and protected from military fire.



Little Indian Girl

Land Use (3.2) The land that is proposed for withdrawal for B17 is public land now in multiple use which supports the most utilization by the most people. All of the land needs to be retained in multiple use, and the Wilderness Study Areas released for multiple use. The Fallon National

Wildlife Refuge and associated conservation easements are a unique and irreplaceable resource that needs to be protected at all costs with no change in boundaries.

If private land is ultimately taken for military use, an equal amount of land should be placed back into private ownership to maintain the tax base.

The town of Gabbs is already experiencing an increased military presence, and activities are creeping closer before the fate of the area has been decided. Gabbs needs its airport and a safe way to transport medical emergencies to nearby hospitals. It needs its present highway to Fallon. The cost of moving highway 361 is an unnecessary expense to taxpayers, and a new route will be a travel inconvenience to people from Gabbs and Reese River who travel to Fallon.

The moving of Paiute Pipeline is another unnecessary expense to taxpayers. The pipeline needs to be excluded from B17. Moving it might disturb a potential megafauna site.



Gas pipeline to the kiln at Gabbs

Mining & Mineral Resources. Re: Expansion of B17. The EIS indicates there is no indication of magnesium in the study area (p3.3-25). The mineral production of magnesium-bearing ores at Gabbs was greatly responsible for winning WWII and indirectly responsible for building Boulder Dam and the cities of Henderson, Las Vegas and Boulder City. These magnesium-bearing ores, magnesite and brucite, were shipped to Henderson on the railroad from Luning and turned into many war-time applications. The deposit had been discovered prior to the war so it could be called into war-time use quickly and could be brought into production domestically rather than depending on a foreign supplier. This ore deposit is located at Gabbs and is adjacent to the proposed withdrawal.

Tungsten, fluorspar, and silver/lead have been produced in the B-17 area that will be withdrawn from mining. Nevada Scheelite Mine, within B17 on State Route 839, is a known tungsten producer, and economic ore reserves remain. (p3.3-36). Besides tungsten, the EIS shows this district with a high potential of precious metals; gold etc. A boundary adjustment of the withdrawal could preserve this potential for future needs.

The EIS says that there is “no indication of rare earth mineralization in the study area.(p3.3-26) Rare minerals of the platinum group were discovered on the playa near the Rawhide Hot Springs about 1935 and efforts were made to develop them prior to WWII. (*Gabbs Valley, Nevada Its History & Legend* p132) Modern metallurgy might facilitate the development of this discovery if the area remains open to further exploration.

The Historic Mining District of Broken Hills is within the proposed withdrawal area of B-17. Silver and other metals are shown with a high potential. (p3.3-35)

Livestock Grazing (3.4) The land withdrawal in B17 creates a big injustice to livestock users. In the ranching business, grazing allotments are appurtenant to the base property of a ranch, and ranch loans are based on the total operation, including feed supply. Loss of these rights will cause a financial hardship to the permittee, especially if the loss of a grazing permit makes it impossible to replace the allotments near to his property. The expense of replacing range-land improvements and water on withdrawn land would add to the financial burden to the rancher.

The historic grazing use in some of the affected allotments, Bell Flat, Eastgate and Alpine, dates back to the 1890’s and earlier. Historically, at least before the range fire, the white sage in Bell Flat was some of the best grazing Nevada. Warren Williams and George B. Williams used the area between their ranches at Alpine and Eastgate for grazing and trailing cattle and sheep. The name Bell Flat refers to the Bell family from Reese River who had livestock in Gabbs Valley as early as the mid1870s. The EIS Report says “livestock grazing has been conducted beneath FRTX SUA for over 70 years”. (3.4-27) A compromise needs to be made so that livestock use can continue, and the livestock owners will not be put out of business.

Nevada water rights are recognized on a priority system of “first in time, first in right” and the state recognizes rights before 1905 as vested rights. Many of the water rights in B17 and some in DVTa are vested rights associated with long-time historic use of the water for livestock from central Nevada ranches. Users have to prove beneficial use for the purpose the water right is held. It would be detrimental to the state if these water rights were taken by the Navy and lost to livestock forever. It is unlikely that water rights could be re-established if the Navy later decided to abandon the training area.

Wells and water features for cattle represent an outlay of resources to create them and to maintain them. More wildlife than domestic creatures use the water. If water sources are removed or not maintained, it will affect the whole ecosystem.

Grazing also affects the wildfire dynamic of the range. In the 10 years I lived in Gabbs, Valley, there was only one lightning-caused range fire, and it didn’t spread to a significant acreage because of reduced fuel-load. The cattle had eaten enough forage that the land surface did not have excessive vegetation to contribute to the fire. The range re-bounded the next year with a blanket of wildflowers. Cheatgrass did not re-vegetate the burn. Indian ricegrass was plentiful in the area in the 1950s and 60s. Ignition of wildfires from training activities will destroy vegetation and no-one but the Navy will be able to get into the area to fight the fire. The Navy proposes spraying vegetation to remove it rather than allowing cattle to utilize it.

The EIS section (3.4.2.2) on livestock grazing says that range improvements within Bravo-17 “have not been field verified for accuracy”. This proposed-taking is being decided by someone looking at a map and who doesn’t understand the actual situation on the ground.

Livestock grown in central Nevada, like anywhere else, are produced for food, wool and other human uses. Reduction in food production anywhere in the U.S. endangers the human population and leaves the rest of the food supply subject to competition as a scarcer resource.

The expansion proposal represents an expense to taxpayers for an attempt to compensate livestock growers for their loss, expense of fencing and for signage and policemen to keep the public off the public land.

Transportation: The report says that studies were done on the roads in the proposed withdrawal to determine volume of usage. It does not indicate that weather was taken into account during the study period.

In B-17, replacing highway 361 would create a hardship to the people living in Gabbs, Lone, and Yomba or visitors to the Berlin Park to travel additional distances to get to Highway 50. The relocation of Paiute Pipeline which transports natural gas to the mine at Gabbs could be avoided if the Navy would remove all land in Nye County from its withdrawal proposal. This would result in a savings of Federal funds. Alternative 3 would result in significant impacts on transportation.

Water Resources; Water permits that have been in existence for many years are a resource that is difficult to replace. In B17, if the Navy does not use the livestock water that goes with the grazing permits, they can’t maintain the beneficial use required to hold these permits. It would be a negative impact to the environment if this water and the facilities that deliver it are lost. The use of explosive ordinance for training raises concerns about contamination of the groundwater.

In Dixie Valley, ranches with artesian water and springs were taken out of production when the Navy acquired them. This property sits idle with water not being used to its full potential.

Geothermal exploration needs to continue. America needs to work toward gaining independence from foreign energy. Power production within the area needs to be maintained and expanded.

Biological Resources: The most unique biological event in the B17 area is the annual tarantula migration. Gabbs Valley and surrounding area has a large population of tarantulas who migrate in the fall and need to be protected from degradation of their habitat by weapon strikes. There is a larger than usual population of kit fox west of the airport in Gabbs Valley. They, and all the other living creatures, need protection from weapon strikes. The EIS says the fox is a Nevada Protected Fur-bearing mammal ranked as vulnerable.

The EIS discusses animal behavioral responses to noise and military training activities. (p3.10-112). It speaks of the startle response of wild animals but neglects to mention the startle response of a domestic horse with a rider when pilots chose to approach from the back and do a low

altitude fly-by right over them. This could get someone seriously injured, and is doubtful legitimate training.

Golden Eagles were nesting near highway 361 as early as 1953. The explosions from large weapons would disturb the nests and have a detrimental effect on the eagle population.

The Fallon National Wildlife refuge is a valuable National resource for migratory waterfowl and should be maintained as is.

Cultural Resources: The B-17 proposed expansion near Gabbs Valley is an area within which many of the cultural resources are less-known. A large geoglyph east of Rawhide has been known and protected by the locals for at least 45 years. This large rock alignment shows at least two ages of occupation. Two red rocks are included in each design, possibly to represent the sacred status of Mt. Annie. In historic times prospectors have called the prominent mountain “Red Headed Annie” for its red rock top.



Two red rocks in geoglyph

An early resident of the Gabbs Hot Springs said that the Indians from various tribes used the Gabbs Valley Hot Springs for bathing. She said Mount Annie and the area between there and the hot springs was regarded as a sacred place by the indigenous people. An early prospector claims to have found ancient stone walls in that area. *Gabbs Valley, Nevada, Its History & Legend*, by R. F. Danner, Gabbs History Project 1992.



Rock alignments of unknown origin

The Gabbs Valley Hot Springs was an early freight station, homestead and the site where a cache of documents dating 1827-1865 was discovered. The springs provided a water source for many early activities in Gabbs Valley dating back to the 1860s. Dead Horse Wells was also an early freight station and was surveyed in 1873. (Book A Surveys Churchill County).

Archaeological evidence in Gabbs Valley indicates that early people were distributed throughout the valley. Large convoys on the ground or bombing from the air would destroy the archaeological records of this unstudied area. Destroying these archaeological resources would violate the Federal laws that protect them. To protect these sites, Nye County should be left out of the expansion area.

There are two historic graves near Broken Hills, and the ghost towns of Broken Hills and Quartz Mountain are within the proposed B17 expansion. Public access to them should be preserved.

Clues have been found suggesting the presence of megafauna beneath the soils of Gabbs Valley. This had not been fully explored and might provide a new resource for paleontological study.

B-17, Alternative 3 would close access to the Wellington Road, a historic wagon road and mail route across Gabbs Valley near to the location of the Paiute Pipeline. This road was a significant travel corridor across Gabbs Valley between California (via Wellington) and Grantsville, east of Gabbs, beginning in the 1860s. This was a main travel route, but has been little studied. *Gabbs Valley, Nevada, Its History & Legend*, by R. F. Danner, Gabbs History Project 1992. pp15-17.

Environmental Justice: The EIS says that no group of people should bear a disproportionate share of environmental consequences. (P3.15-1) People who use and live on the land and who are American taxpayers but of no specific protected race or ethnic group are disenfranchised by this EIS. We revere the cultural sites as much as the native people and visit them probably more often. We are now going to be fenced out of the public land forever and are going to watch helplessly from the sideline as these sites are destroyed. No consideration has been made of our desire to use the land. Special interest groups like road race promoters and hunters are going to be allowed to enter the land, but not the people who love it and use it for non-economic reasons. Rock-hunters, photographers, and historians should be given the same consideration.

Recreation: Recreation by the public will be non-existent forever on 361,464 acres of lands the Navy proposes to withdraw for B17. Withdrawal will cause permanent impairment to recreational activities on the training area, and the Navy's proposed use will cause irreversible damage to the lands. Entry for recreation in non-target areas should be allowed when the ranges are not active.

The governor's alternative for increasing acreage in B17 was offered to the Navy without giving the public a chance to give input. (3.12-43) It is unlikely that the governor visited the land he offered to the Navy or that he included any input from the citizens of Gabbs in making his decision.

The closing of a portion of the Fallon National Wildlife Refuge to recreation and other uses is a negative impact to the public and to the State of Nevada. This wetland site is on an international fly-way where birds from other countries stop-over on their journeys across our country. Access

is important for protection of the birds and enjoyment and education of the public. All of the refuge needs to be excluded from military activities.

There are several world-class petrified wood sites on the proposed B-17 expansion near Broken Hills. Rock collectors have enjoyed them for 60 years, and one site could remain open if the withdrawal did not cross highway 361 to the east.

Final Impact. The proposed withdrawal will damage central Nevada forever. Nevada has become the military's "litter box". There are thousands of acres of land already rendered unusable by the military and its contractors. Mineral County has land near Hawthorne that was left unusable by one of its contractors. That land and other military-damaged land needs to be repurposed for the military's use, and the pristine land left for Nevada's future.

Unexploded ordinance will damage the land forever. The soil is contaminated with unexploded ordinance or litter from bombs. The expansion of B-17 will cause bombing on top of one of Nevada's primary earthquake faults. The bombing and convoy movements will destroy the plants and animals of a beautiful valley. This EIS suggests that there will be no attempt at compromise. This study examines economic impact but not quality of life for the people of Gabbs and others who love the desert. If there is no compromise or mitigation on the B-17 expansion, I support the "no action alternative".

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F.6.1.7.1 Response

Thank you for participating in the NEPA process. Regarding your comments on geological resources and land use, it is true that the Navy performed a desktop/literature review of relevant and available published and unpublished reports, journal articles, and historical archives pertaining to topography, geology, and soils. No field work was performed during this effort. Information regarding geological resources within the region of influence were obtained by reviewing available literature and online databases. Geology information was primarily obtained from the Nevada Bureau of Mines and Geology Map Services and Datasets Open Data Page (Nevada Bureau of Mines and Geology, 2018) and U.S. Geological Survey's (USGS) online spatial database for the State of Nevada (U.S. Geological Survey, 2016). Soil data was obtained from the National Resource Conservation Service's (NRCS) Web Soil Survey in October 2017, which is the single authoritative source of soil information in the United States (Natural Resources Conservation Service, 2017a). The Web Soil Survey uses the NRCS Soil Survey Geographic data, which superseded the State Soil Geographic data set published in 1994. Faults were identified using USGS's Quaternary Fault and Fold Database of the United States, which is the basis for the National Seismic Hazards Maps (U.S. Geological Survey, 2017a).

As pointed out by the commenter, the Navy did create reports or supporting studies through the NEPA process in order to better understand the affected environment and to support the environmental analysis in the EIS. These documents are the *Faults and Fault Zones in the Withdrawal Area*, and the

Mineral Potential Report, which can both be accessed via the project website, www.frtcmodernization.com. The Navy evaluated the Proposed Action in accordance with NEPA regulations. A field survey is not required in order for the Navy to comply with the NEPA process when there is information available for the Study Area, as was the case for this area.

As discussed in the Final EIS, the Navy is proposing the following management practices and monitoring under the Proposed Action to minimize potential impacts on geological resources:

- Construction personnel would stay within established corridors.
- Construction personnel would follow posted speed limits. The maximum speed limit on FRTC bombing ranges is 35 miles per hour unless otherwise posted.
- The Paiute Pipeline and State Route 839 (Alternatives 1 and 2) or State Route 361 (Alternative 3) would be placed to avoid prime or unique farmland or farmland of statewide or local importance.
- Pedestrian field surveys would be conducted by a qualified and BLM-permitted paleontologist prior to any surface grading or excavation in areas of high (Class 4), very high (Class 5), or unknown (Class U) fossil yield potential. A partial survey may be conducted by a BLM-permitted paleontologist in areas with moderate potential (Class 3) or in other areas potentially sensitive to fossil resources.
- If there were an unanticipated discovery of a potential paleontological resources, surface-disturbing activities would cease in the immediate area of the discovery until the significance of the discovery can be analyzed, notification to proceed is received, and the appropriate BLM office has been notified. The presence of any found paleontological resources are be managed according to the BLM Instruction Manual. Once the extent and potential significance of the paleontological resources on the site has been determined, appropriate mitigation measures for further site development may be developed.
- A qualified paleontological monitor, would monitor any construction action that requires grading or excavation and is located in an area of high (Class 4) or very high (Class 5) fossil yield potential, or within any area where field surveys have identified fossil occurrences.

Earthquakes could still be studied in areas outside of the proposed bombing ranges and in the Dixie Valley Training Area.

Rock formations that do not have historic or cultural properties associated with them under the law, would not be avoided by the Navy during training activities. Management Practices discussed in Section 3.11.1.2 (Regulatory Framework) would continue to be implemented under any Alternative, if selected. Cultural resources would continue to be managed in accordance with the National Historic Preservation Act, the Archaeological Resources Protection Act, the American Indian Religious Freedom Act, NAGPRA, and appropriate Navy Instructions. NAS Fallon employs one full-time cultural resource manager who regularly monitors the condition of such resources.

The proposed de-designation of portions of Wilderness Study Areas is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces (along with other non-hazardous training activities, such as night vision goggle training and low-altitude flights). However, the Navy is not proposing to request the removal of all of the WSA designated lands under the Proposed Action, but rather only the lands that are required for training under Alternative 1, 2, or 3 in the Dixie Valley Training Area. This expansion

does not include the Stillwater National Wildlife Refuge. The USFWS would continue to manage the Stillwater National Wildlife Refuge. In addition, the USFWS would need to undertake any public planning required in order to revise the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and associated compatibility determinations, consistent with the National Wildlife Refuge System Administrative Act, as amended (16 United States Code 668dd–668ee).

This expansion would include approximately 3,200 acres under Alternative 1 and 2, and 2,720 acres under Alternative 3 (Preferred Alternative) of land currently withdrawn by USFWS as a portion of the 17,848-acre Fallon National Wildlife Refuge. The Navy is not proposing to develop targets in the refuge. Due to the safety concerns associated with being within a WDZ, the Navy proposes to enter into an agreement (MOU) with the USFWS to allow the portion of the Fallon National Wildlife Refuge within B-20 to be closed to all public access, but to continue to be managed as a wildlife refuge (the rest of the refuge, 14,648 acres would remain open to the public and managed by the USFWS).

Regarding comments on the town of Gabbs, the Navy would implement a 3-nautical-mile radius and a surface-to-1,500 feet AGL airspace exclusion zone around the Gabbs airport to allow for safe arrivals and departures, as discussed in Section 3.6 (Airspace).

As discussed in Section 3.5 (Transportation), under Alternative 3, the WDZ would extend over a portion of SR 361. That segment would be closed and rerouted outside of the WDZ due to mission and public safety requirements.

The potential closure and rerouting of SR 361 associated with the expansion of B-17 would only occur if Congress were to select Alternative 3. However, the affected segment of State Route 361 would not be closed unless and until a suitable replacement route is established. Relocation of State Route 361 would not cut off access to Gabbs or Berlin Ichthyosaur State Park. The notional relocation corridor for the potential re-routing of State Route 361 can be found in Section 3.5.3 (Environmental Consequences).

Using funding provided by the Navy, the Federal Highways Administration, in cooperation with the Nevada Department of Transportation, would be responsible for planning, design, NEPA-documentation, permitting and construction of any realignment of State Route 839 or 361. The Navy has submitted a Needs Report to the Surface Deployment and Distribution Command requesting authority to utilize funding through the Defense Access Roads program. If approved, the Navy would coordinate construction execution through the Federal Highway Administration. NDOT would ensure that construction of any new route is complete before closing any portion of the existing State Route 839 or 361, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing State Route 839 or 361 unless and until any such new route has been completed and made available to the public.

Any proposed rerouting is still conceptual in nature and would be evaluated prior to closure of the route. Follow-on NEPA analysis would be conducted for the potential relocation of State Route 361 if Alternative 3 were to be selected. See Chapter 2, specifically Section 2.3.4.2.4 (Road and Infrastructure Improvements to Support Alternative 3) for further details.

Regarding comments on the Paiute Pipeline relocation segment would include the same specifications as the existing pipeline. The Navy would purchase and pay for relocation of that portion of the pipeline that would need to be relocated. Using funding provided by the Navy, the Paiute Pipeline Company

would be responsible for planning, designing, permitting, funding, and constructing any realignment of the pipeline. The real estate process will contain the terms of the agreement between the Navy and the Paiute Pipeline Company. A ROW application submitted to the BLM by the pipeline owner would formally identify any proposed reroute. Site-specific environmental analysis and NEPA planning would be required before any potential relocation of the pipeline could occur, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing pipeline unless and until any such re-routing of the pipeline has been completed and made available to the pipeline owner. The BLM would have decision authority with respect to any proposed final routing subsequent to completion of site-specific environmental analysis.

Regarding mining and mineral resources, including magnesium bearing ores, the Navy states on page 3.3-37 of the Draft EIS, that there are, “No indications of Magnesium in the Study Area; however, there is the potential for Magnesium-enriched brines associate with the playas and geothermal activity in the Study Area.” If the ore referred to in this comment is not within the boundaries of the potential withdrawal or acquisition, it was not mentioned in the EIS as it would not be impacted by the Proposed Action.

The configuration and boundary adjustment of B-17 under Alternative 3 was meant to provide a minimal impact to the mineral potential near State Route 839 as suggested by the commenter.

Regarding livestock grazing, the Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

The following information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

Payment for Losses

The Navy would first consider costs associated with obtaining replacement forage and otherwise restoring/maintaining a permittee’s existing operational capacity. Working with BLM and the permittee, the Navy would determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs could include, but would not be limited to, preparing new allotment applications; complying with BLM environmental requirements and water rights studies; procuring private market replacement forage; shipping or transporting forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transferring of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime

while restoring and/or relocating operations; and any other costs identified, which would be properly payable under 43 U.S.C. section 315q.

Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy would make a good faith estimate of the financial impact the loss of that individual's permit would be expected to have on his or her ranching operation. The Navy would ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information would be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the information shared is incomplete, the Navy would make an estimate of the value of the losses based on existing information from other sources.

It is possible that a payment amount would be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment would be based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity would first be determined, and the remaining payment amount would then be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.

Payment for Allotment Improvements

Improvements such as corrals, fencing, wells, and other appurtenances that cannot be relocated are considered real property, similar to a building. the Navy would appraise the value of all real property owned by a permit holder and would offer fair market value for the purchase of any such real property. Equipment, such as relocatable water tanks, is not considered real property, and the permit holder would be afforded an opportunity to remove their equipment prior to cancellation of a permit.

Timing of Permit Cancellation

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that the Bureau of Land Management (BLM) cancel any permit would be October 1, 2020.

If the Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from

BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.

The Navy acknowledges that the loss of water rights could be a factor in determining payments for losses associated with the cancellation of grazing permits. Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex) addresses the valuation of losses due to the cancellation of such permits. This valuation process would also apply to Alternatives 2 and 3.

Regarding transportation comments, the data for the transportation studies was collected in both December and June, giving the numbers a realistic spread between seasons of the year.

The potential closure and rerouting of SR 361 associated with the expansion of B-17 would only occur if Congress were to select Alternative 3 as discussed earlier in this response.

The Paiute Pipeline relocation segment would include the same specifications as discussed earlier in this response.

Regarding geothermal development, the Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary for the Navy to meet training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy acknowledges that complying with required design features could add cost to a potential geothermal development; however, the Navy is committed to working with the developer on a case-by-case basis. This is addressed in Section 3.3 (Mining and Mineral Resources).

Regarding water resources, the Navy recognizes the potential impact of the loss of water rights on the community. The Navy would purchase private water rights as real property. Additionally, acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority to assist water rights holders with other water rights actions (i.e. change applications). The Navy acknowledges that the loss of water rights could be a factor in determining payments for losses associated with the cancellation of grazing permits. Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex) addresses the valuation of losses due to the cancellation of such permits. This valuation process would also apply to Alternatives 2 and 3.

Regarding biological resources comments, the analysis in the EIS in Section 3.10 (Biological Resources), indicates that there would be no significant impact to the annual tarantula migration or to kit foxes in the Gabbs area as a result of the Proposed Action.

As discussed in Section 3.10 (Biological Resources), the response to sonic booms or other sudden disturbance is similar among many wildlife species. Sudden and unfamiliar sounds usually act as an alarm and trigger a “flight” response; however, reaction to a given noise can vary widely depending on factors such as time of day, physical condition of the animal, physical environment, or whether other physical stressors are present. Although the startle effect of a sonic boom can be stressful to an animal, it is difficult to generalize animal responses to noise disturbances across species. Recent literature suggests a startle is a common response across a variety of species and ultimately leads to habituation.

It has been reported that the intensities and durations of the startle response decrease as the number and frequency of exposures increase, suggesting no long-term adverse effects. It is recognized that short term impacts to individual animals may occur from sonic booms, however, overall no long-term adverse effects to populations are expected

Given the historical use of the airspace and the coexistence of wildlife, including golden eagles, animals within the MOA are likely habituated to aircraft overflights and associated noise, such as sonic booms.

Many of the above-listed behavioral and physiological responses to noise are within the range of normal adaptive responses to external stimuli, such as predation, that wild animals face regularly. In many cases, individuals would return to homeostasis or a stable equilibrium almost immediately after exposure to a brief stimulus such as an aircraft overflight or sonic boom. Section 3.10 (Biological Resources), specifically Section 3.10.3.1 (Potential Stressors) of the Final EIS was updated to incorporate the best available science regarding noise and startle effects on wildlife. Impacts to domestic horses are expected to be similar to impacts to wild animals as discussed in Section 3.10 (Biological Resources).

Regarding cultural resources, the Navy has completed cultural resources surveys in B-16, 17, and B-20 where there is a reasonable expectation of direct impact from the placement of targets and in construction areas. Additionally, the Navy conducted cultural resource inventories in potential target areas on B-16 and B-17 to provide some latitude for the placement of targets should there be a conflict between targets and eligible cultural properties. The Navy is consulting with Indian Tribes on the identification of any additional known cultural resources and associated potential direct and indirect impacts from the Proposed Action.

Under the withdrawal and acquisition, the Navy acknowledges that it would be restricting access to cultural resources to a considerable extent. Consistent with Executive Order 13007, Indian Sacred Sites, the Navy will continue to work with Indian Tribes to develop protocols for access to cultural resources through the creation of an MOU.

The Final EIS was updated with information in Section 3.11 (Cultural Resources) regarding Navy Section 106 consultation with the Nevada SHPO, ACHP, and Indian Tribes, including the proposed amendment of the 2011 PA to establish protocols for the future management of historic properties and any MOUs with Indian Tribes in association with the Proposed Action. The Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range “buffer” areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.

Regarding environmental justice, the Navy used the Environmental Protection Agency’s Environmental Justice Screening and Mapping Tool (EJSCREEN) to initially screen for areas with minority and low-income populations, potential environmental quality issues, and environmental and demographic indicators. Data was also pulled from the U.S. Census Bureau’s 2010 Census and 2012-2016 American Community Survey to characterize minority and Hispanic or Latino populations and to define low-

income populations. Populations associated with Indian Tribes are included in the county populations. The Fallon Paiute Shoshone Tribe identified themselves as a minority community. Based on the analysis of all action alternatives, minority and low-income populations are present within the affected area. However, implementation of any of the action alternatives would not cause disproportionately high or adverse human health or environmental effects on minority and low-income populations. The approach to analysis is further discussed in Section 3.15 (Environmental Justice), specifically Section 3.15.1.3 (Approach to Analysis) of the Final EIS.

Regarding recreation, the Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would likely result in the public shifting their recreational activities to other areas.

While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the bombing ranges, these activities could continue to occur in the DVTa and surrounding areas.

Regarding the governor's alternative, most of the components of the Governor's Alternative were considered in the development of Alternative 3. However, some components could not be accommodated due to incompatibility with the Navy's need to provide sufficient land for military training and range safety requirements (see Section 1.4 [Purpose of and Need for the Proposed Action]). A detailed discussion is provided in Chapter 2, specifically Section 2.5.7 (Governor's Alternative ["Nevada Alternative"]).

Regarding the Fallon National Wildlife Refuge, this expansion would include approximately 3,200 acres of land under Alternative 1 and 2, and 2,720 under alternative 3, currently withdrawn by USFWS as a portion of the 17,848-acre Fallon National Wildlife Refuge. The Navy is not proposing to develop targets in the refuge. Due to the safety concerns associated with being within a WDZ, the Navy proposes to enter into an agreement (MOU) with the USFWS to allow the portion of the Fallon National Wildlife Refuge within B-20 to be closed to all public access, but to continue to be managed as a wildlife refuge (the rest of the refuge, 14,648 acres would remain open to the public and managed by the USFWS).

Regarding the final comment on the military's "litter box," the safety of the public and military personnel is of utmost importance to the Navy. As discussed in Section 3.14 (Public Health and Safety), the Navy has implemented a strict Hazardous Material Control and Management Program and a Hazardous Waste Minimization Program for all activities. The Navy continuously monitors its operations to find ways to minimize the use of hazardous materials and to reduce the generation of hazardous wastes. Spills would be managed and cleaned up in accordance with applicable state and federal regulatory requirements. If a spill were to exceed reportable quantities as defined by the U.S. Environmental Protection Agency for regulated material, it would be immediately reported to the NAS Fallon Environmental Division for appropriate action per the Integrated Contingency Plan (U.S. Department of the Navy, 2009).

Additionally, the Department of Defense created the Installation Restoration Program to identify, evaluate, and clean up contamination from past operations on military bases. The program was designed to ensure Department of Defense compliance with federal and state environmental laws and regulations.

Lastly, the Navy complies with Chief of Naval Operations Instruction 3571.4, Operational Range Clearance Policy for Navy Ranges, which establishes the policy and requirements for performing operational range clearance on Navy ranges. Under this program the impact areas are routinely swept of ordnance and target debris. This debris is disposed of or, if possible, recycled in accordance with all applicable regulations.

F.6.1.8 Delaney, N. J. (Rimbender's Motorcycle Club)

To: Naval Facilities Engineering Command Southwest
1220 Pacific Highway
Building 1- 5th Floor
San Diego, CA. 92132

February 12, 2019.

From: Nathan J Delaney
2888 Hotsprings Rd Minden, NV. 89423

Subject: Comments on the Fallon Naval Air Station Expansion

Please enter my comments and concerns into public record. I am a former Commissioner of the Nevada Off Highway Vehicle Commission, a current member of the Rimbender's Motorcycle Club, member of The Motorcycle Racing Association of Northern Nevada which is made up of more than 3000 likeminded individuals. I am a small business owner, I make parts for dirt bikes and my business relies on the future of the sport. I am also long time Nevadan and outdoor enthusiast who loves all forms of recreation in our great state.

I support Alternative 3, with some additional revisions. I believe your current plan is nothing more than an unnecessary land-grab. This land grab will negatively impact the rural economies of Northern Nevada, which rely heavily on recreation dollars. It negatively effects my family and I as you plan to lock up places which I have camped with my family since I was a young boy. This area holds a highly historic value to many, and it is an asset of great enjoyment to my family. I have ridden my motorcycle in the areas affected by this expansion for more than twenty years. Nevada's rural economy relies greatly on recreation and we have been losing assets at an unacceptable rate. The last creatable impact report was at 1.59 billion dollars of economic impact for Nevada only residents in 2006. This report reflected an economic benefit based on only 20% OHV ownership, a number which is growing. This is a very large group and I can say with confidence they share my opinion.

The major concern of the OHV community is the loss of recreational opportunities connected to the expansion of Bravo 16 and 17. Bravo 16's expansion will eliminate about 60 miles of trails in that area. Special events should have the ability to access this area a few times a year. The Bravo 17 Shift alternative is a welcome option. It would allow continued use of the area around Middlegate Station, a very popular OHV destination. I would suggest the Bravo 17 southern boundaries use existing roads and barriers to mark it clearer. The area around Highway 361 to the east should remain open for OHV access, thus minimizing highway travel. The Bravo 17 Shift alternative would allow for continued access around the Fairview Peak/Earthquake Fault road, at Bell Flat Well approximately one-half mile north of the Churchill County Line. It would be a logical boundary line.

I would like to insist that extra effort be made to insure Middle Gate Station and Gabbs are

supported by including routes and trails officially connecting these locations with Sand Mountain recreation area. I feel the historic Gas Station on 722 should be a staging area and potentially could have bathrooms built in time.

I could support the Navy's need for better training opportunities with these issues fully addressed. I am hopeful that this will not be the cause of the destruction Middlegate station, the only remaining Pony Express Station of its kind. Please note losing recreation opportunities is a loss for all Americans. Please do not further this loss with this unnecessary expansion in its current form.

Thank you for your time in reading and acting on my comments,



Nathan J. Delaney

F.6.1.8.1 Response

Thank you for your comment. The Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would presumably result in the public shifting their recreational activities to other areas. While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the Bravo ranges, these activities could continue to occur in the DVTA and surrounding areas. Off-Highway Vehicles (OHV) use would continue to be allowed within the DVTA. The BLM has proposed to open/un-restrict OHV use in the Sand Mountain and Dead Camel Mountain Special Recreation Management Areas, as well as on the playa north of the DVTA. Continued OHV use would also be allowed in the Special Land Management Overlay and potentially within new areas of the withdrawn portions of the Clan Alpine Mountains, Job Peak, and Stillwater Range Wilderness Study Areas after any removal of Wilderness Study Area designation by Congress. Due to safety reasons, OHV activities would not be allowed within the proposed withdrawal areas associated with B-16, B-17, and B-20.

Topography and OHV trails similar to those in B-17 also occur in the DVTA or other nearby public lands and could be used by recreationists. These areas would not be impacted by the proposed withdrawal or acquisition and would continue to be available for full public use and recreation, as discussed in Section 3.12 (Recreation).

F.6.1.9 Duerr, Herb and Naomi (Desert Pacific Exploration, Inc.)

Herb Duerr, P.G. and Naomi Duerr, P.G.

Desert Pacific Exploration, Inc.
MinQuest, Ltd.
1680 Greenfield Drive
Reno, Nevada 89509

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775-825-8215 (w), 775-771-1420 (cell)

February 14, 2019

BLM Carson City District
Attn: NAS Fallon FRTC
5665 Morgan Mill
Road, Carson City, NV 89701

Submitted Via Email to: BLM_NV_FRTC@blm.gov

**Re: Draft Environmental Impact Statement for Fallon Range Training Complex
Modernization – Code: EV21.SG**

Dear BLM Reviewers:

We are Co-Owners of Desert Pacific Exploration, Inc. (DPE) and MinQuest, Ltd. (MinQuest), two mineral exploration companies located and incorporated in Nevada. We also participate in a number of exploration partnerships. Our comments are provided in response to the Fallon Naval Air Base's (FNAB) request for comment on its Draft Environmental Impact Statement (DEIS) for the proposed Fallon Range Training Complex (FRTC) Modernization/Land Withdrawal to amend and expand the Navy's current land withdrawals within Churchill, Lyon, Mineral, Pershing, and Nye Counties, Nevada. The DEIS will also impact Lander and Eureka Counties under the proposed revised restrictions.

We are writing with concerns and comments regarding deficiencies and flaws we perceive to be associated with the proposed land withdrawals for the Fallon Range Training Complex Modernization in response to the Draft Environmental Impact Statement (DEIS). We also submitted comments to earlier drafts of the proposal in 2016 and 2018.

Our companies' primary mission is to find new mineral resources and assist other companies in bringing them to market. We explore in six western states, primarily in Arizona and Nevada. DPE owns nine unpatented mining claims (about 180 acres) known as Bell Flat located within the Broken Hills Mining District. This area is now included in Alternative 3 (the Preferred Alternative) for additional land withdrawals for the FRTC. We have owned the mineral rights at Bell Flat for over 27 years (since approx. 1992). We also provide consulting services for various

Comments by Herb and Naomi Duerr

Page 1

companies with active exploration projects in portions of the area affected by FRTC's proposed withdrawals.

Before we continue, we would like to note that we strongly support our military and its training. However, we do not believe that proposed changes affecting any individual, group, or company should go unmitigated. We are committed to ensuring that our rights under the 1872 mining law are maintained and these rights are adequately addressed within the FRTC's EIS document. Additionally, as taxpayers we believe the socioeconomic impacts to the Counties and State should also be properly mitigated, and the full cost to withdraw the lands adequately addressed in a spreadsheet where one can view the total cumulative effect - both near term and in the future.

We believe the DEIS is deficient in addressing impacts to individuals and small companies, and to local and state governments, and does not provide an accurate assessment of the true cost of the proposal to the U.S taxpayers. The DEIS also contains inaccurate and misleading statements, leading to faulty conclusions, while using regional statistical data to obfuscate the impacts of the proposal.

The DEIS includes the following statements on page 27 of the Executive Summary:

*"The incremental contribution of Alternative 3, viewed in conjunction with other projects in the area, **would result** in cumulatively significant impacts with respect to land use, mineral resources and mining, grazing, transportation, water resources, noise, and recreation."* (emphasis added).

Further:

"The incremental contribution of Alternative 3 to cumulative impacts on socioeconomics would be appreciable. There would be a potential loss of revenue in some of the counties within the region of influence. However, for most counties these impacts would not rise to the level of significance. Nye County would experience a significant impact on their economic resources due to the cumulative nature of the U.S. Air Force's Nevada Test and Training Range Proposed Action and the Navy's Proposed Action."

"The incremental contribution of Alternative 3 (Preferred Alternative) to cumulative impacts on geological resources, airspace, air quality, biological resources, cultural resources, public health and safety, and environmental justice would not have the potential to contribute meaningfully to any potential significant cumulative impact with respect to these resource areas."

Although the above statements indicate that significant impacts **would** occur as a result of the proposal, it inappropriately minimizes the deleterious effect these impacts will have on local and state governments, as well as individuals and small companies.

We hold nine, unpatented lode mining claims (about 180 acres) known as Bell Flat in the area withdrawn for evaluation in 2016 and the expanded area to be withdrawn under the proposed federal action (Alternative 3). Our investment in these claims over the last 27 years totals over \$500,000, not including holding costs paid to the federal government to maintain our ownership. The holding costs exceed another \$50,000. Our investment has been made with the expectation of future earnings from these claims over the coming decades. This expectation is now severely diminished by the "segregation" or restriction of these lands for mineral entry by the federal government in 2016 and 2018, and the specter of the permanent withdrawal of these lands by the Navy.

Business Model

Mineral exploration is our profession and primary business, not a hobby. We are both professional geologists. We have been engaged in the business for the last 40 years, explore in six states and own many claims.

Like most mineral exploration companies, our business model involves staking claims and initiating exploration with our own funds, and then leasing properties for a fee to third parties for increased - and increasingly expensive - exploration paid for by the lessees. We can earn a royalty if a property goes into production. We also provide professional geologic consulting services, project management, and exploration services to others.

As part of the mining claim lease process, the lessee usually expands a small claim block to a larger size to cover an eventual mining footprint and to provide land for staging, operations, and minerals processing. The number of claims in a particular block typically expand and contract based on market fluctuations, whether the property is leased at the time, and the financial ability of the lessee to explore. The third-party investment typically totals many millions of dollars before a determination can be made as to how significant the subject property may be in terms of its ultimate mineral potential.

Bell Flat Property

Desert Pacific Exploration, Inc. owns the Bell Flat mining claims. The claims are in Churchill County in un-surveyed T14N, R35E and include portions of Sections 9 and 16. The property is located adjacent to and west of Nevada Hwy 361 near the boundary of Churchill and Mineral Counties (see Exhibit 1) and within the withdrawal area covered by the FRTC EA as initially proposed in 2016. It is adjacent to the Bell Mountain and Broken Hills Mining Districts, an area with high potential for mineral production. We have identified potentially economic deposits of gold, silver, copper, lead, zinc, molybdenum, magnesium, antimony and arsenic on the property.

The 2018 expanded land withdrawal moved our property even further within the area to be withdrawn, and places a new, large bombing range in close proximity (See Exhibit 2). In Alternatives 1 and 2, we were still able to access the property, but Proposed Alternative 3 completely eliminates access to our claims.

The Bell Flat property shows evidence of ore-grade values for gold, silver, molybdenum, lead, zinc, and magnesium (a strategic mineral not mentioned in the DEIS). The fact that we have held onto and invested in the Bell Flat property since 1992 indicates our view of its potential. Not only are the mineral grades good, but the property is relatively flat, has room to process ore and is close to an existing highway, adding to its economic viability. Additionally, the high magnesium values with significant calcium grades make for a unique buffering agent for nearby mines facing acid generation on their heaps. This material can generate \$150 per ton. The property currently contains potential for 20 to 25 million tons of this material.

Loss of Earnings During the Six-Year Moratorium

Concurrent with the 2016 Notice of Application for Withdrawal Extension and Expansion for the Naval Air Station, Fallon, Nevada, the federal government instituted a "segregation" or moratorium on staking new mineral exploration claims within approximately 600,000 acres of land proposed for withdrawal by the Navy. This moratorium included our Bell Flat property.

Our Bell Flat property was leased and actively explored through 2015. The 2015 lease for this property included the responsibility of the lessee to pay the holding costs, increase the claim block size to approximately 210 claims (4200 acres), conduct extensive exploration, and pay royalties to DPE at time of production. Because the Bell Flat property was impacted by the moratorium and threatened by the proposed expansion of the withdrawal area, rather than enlarge the claim block, we reduced its size to only nine claims at the end of 2015.

We expected the mineral lands "segregation" to terminate in September 2018, and to be "back in business" after that time. Over the next four years we were planning to once again expand the claim block and conduct trenching, geologic sampling and drilling at the Bell Flat site. However, as of May 2018, the land our claims sit on was further "segregated" from mineral entry for an *additional four years* and thus, our work plans have gone by the wayside.

Not surprisingly, **due to the 2016 federal action**, we lost two prospective investors who had previously expressed great interest in the property, and **all interest from other investors in our Bell Flat property dried up**. The 2018 federal action of extended moratorium further hurt the economic potential of the property and placed us in a real bind. If we want to continue exploration on the Bell Flat property in the future, we must pay to keep our property in good standing through the six-year moratorium on staking new claims *without the ability* to recoup our costs, expand our claim block or realistically explore the property.

The continued segregation of lands from mineral entry and the specter of future permanent withdrawal creates considerable uncertainty. Continued exploration investment in the Bell Flat property at this time would not make business-sense for either DPE or third-party investors. Nevertheless, in case the federal withdrawal proposal fails to move forward, **we must continue to pay the annual filing fees** during the segregation period.

Loss of Future Income if Land Withdrawal Becomes Permanent

If the proposed withdrawal of some 900,000 acres is approved, we will never have the opportunity to expand our claim block, earn professional consulting fees from exploring the claims, or earn the royalty we had expected. Additionally, the resultant income to local communities from sales tax from exploration or mine development activities on the lands is forever lost.

The loss to our company is particularly egregious when future royalties from the Bell Flat claims are analyzed. As previously noted, whenever we lease a property to a third party, the lease includes a provision to expand the claim block, typically for a mile in every direction, with the new claims staked in our name at the lessee's cost. Thus, our nine claims (180 acres) would typically be expanded to at least 210 claims (4200 acres). Should the minerals be proven up and brought to market, our 210 claims would have conservatively netted us a minimum royalty of \$18 million over 20 years (Assumptions: \$25 base price per ton of ore (gold, silver, copper, lead, zinc, molybdenum, magnesium, antimony and arsenic), 3% royalty, average 25 million tons ore total in the 210 claims).

In a nutshell, both our 30-year investment in this property and expectation of future earnings from this property have been permanently impaired by the federal government's 2016 and 2018 "segregation" actions, and the possible permanent withdrawal of lands. Our losses mount every day that we cannot lease, expand or reasonably explore our claim block.

Loss of Future Professional Services Income and Future Claim Income

As discussed, we also provide geologic consulting and exploration services for others. The land identified in the DEIS maps include areas with high potential for minerals. As mentioned in the opening pages of the supporting Mineral Potential report to the DEIS, the proposed withdrawal areas overlie portions or all of 20 different historic mining districts. The primary and most important locatable commodities in the withdrawal area are gold, silver, copper, lead, zinc and tungsten. Commodities of secondary importance include iron, molybdenum, uranium, diatomite, sodium, barite, antimony, optical quartz, mercury, manganese, magnesium, arsenic, fluorite, borates, calcium carbonate, and tin. **Nine of the above listed minerals are designated as critical and strategic minerals by Congress.** The DEIS glosses over this fact by eliminating several of these minerals from consideration and declaring that no mines are actively producing the other minerals within the proposed withdrawal areas.

Our companies explore for all minerals, but especially gold, silver and copper. There is significant potential for mineable deposits in the area proposed for withdrawal. Over the last 40 years, we have conducted exploration for other companies in this area, as well as held mining claims in this area for ourselves in addition to our Bell Flat claims. We certainly expected to stake more claims in this area going forward.

Remedy

The federal actions associated with this land withdrawal have rendered our claims far less valuable than they would be under the "no action" alternative. The federal government should reimburse us and other claim holders for our losses due to the moratorium placed on our property since 2015, and now extended for the next four years until 2022.

If the land should be permanently withdrawn, our future earnings and royalties should be compensated for. This compensation should include repayment of past and future claim fees to the Bureau of Land Management (starting in 1994), all of our expenditures for the improvement and advancement of the Bell Flat project, and loss of future projected lease income, geologic services income, and royalties.

PILT Payments and Appropriate Compensation

Typically, BLM makes Payments in Lieu of Taxes (PILT) to government entities to compensate for the property taxes they would have collected if the land was private. The DEIS reports that PILT payments are capped based on the populations in each county. However, the PILT payments were calculated to offset property taxes on *multiple uses* of the land. This allowed the continued use of the land to provide additional income through mineral production and other uses.

If the lands under evaluation are transferred to the Navy, there will be a potential significant economic impact to local, state and federal governments. This fact is identified in the DEIS but the DEIS fails to calculate the impact of the proposed action on the above government entities over a single year, let alone for the duration of the withdrawal.

The Navy must compensate the local and state governments for their loss of income due to the loss or reduction of private economic use of the public lands. The taxes and fees paid to the Federal government through its regulatory agency, the Bureau of Land Management, should be calculated to address the true cost of Alternatives 1-3 so that Congress can adequately assess the impacts. Further, the federal government should compensate the local and state governments for potential lost production from withdrawn private lands, grazing, mining, geothermal, solar, wind, oil and gas activities and production. We suggest an ongoing fund that pays to the affected counties and State of Nevada for lost opportunities. This could be in lieu of PILT payments.

Deficiencies and Misstatements in the DEIS

We have commented on the Navy's EA and EIS Scoping Documents for the proposed withdrawal of lands at FRTC twice before. This time we have included the monetary impact to ourselves and to the communities that would be affected by the proposed withdrawal. We believe that the Navy has significantly underestimated the monetary impacts for the Proposed Actions. In doing so, the alternative sites rejected in California, Nevada, Utah, New Mexico and elsewhere for monetary reasons should be more skeptically reviewed.

Our review of the DEIS also indicates considerable deficiencies, misstatements and conflicting statements regarding a broad host of topics. This is especially so in the mineral, geothermal and oil sections. Geologists exploring and evaluating mineral resources in the areas of proposed withdrawal are making new discoveries. People familiar with the work can provide much improved and current data to a static report like the DEIS. These various items and new revelations are listed below:

- **Acquisition Costs:** First and foremost, a reasonable expectation by commenters is to be able to ascertain the true cost of a project on all affected parties. The DEIS asserts throughout the document that the government will rely on the fair market value approach to private land acquisition, although no actual values are provided. Additionally, no methodology for other types of compensation is provided. Further, no methodology to determine compensation was offered during discussions with Navy personnel during public meetings. Instead, the various staff at the meetings said they had a plan that would evaluate the various rights on a case-by-case basis.

Private lands, water rights, unpatented mining claims, grazing rights and other rights are prevalent throughout the Proposed Action areas. In order to determine the true cost of the withdrawal, it would seem in the best interest of Congress, taxpayers and the Navy itself to accurately budget the potential costs that have been identified in the DEIS. In order to evaluate and comment accurately and completely on the DEIS, it is vitally important to understand the cost to all affected parties.

- **Lost tax base:** The DEIS proposes acquisition of approximately 100 square miles of private lands. It is assumed that these lands will be removed from the tax base of Churchill, Mineral and Pershing Counties. We do not find this impact properly accounted for in the socioeconomic report or the DEIS. Instead, it is assumed that the land is taxed at a minimum amount, and the lost tax base could conservatively be estimated at \$100,000 annually based on similar lands held by us in different Counties within the State.
- **Lost fees:** Based on the Mineral Potential Report, fees due the Bureau of Land Management (BLM) for unpatented mining claims will be permanently lost when the FRTC either purchases or forces abandonment. The current claims listed within the study area number 1,117. The 2019 cost of claim filing is \$165/claim to the BLM and \$12.50 to the County/State. Based on this data, a total of \$184,305 to the BLM and \$13,963 to the County will be lost annually. The DEIS does not acknowledge this loss nor the potential cost of acquisition of some of these unpatented claims. The loss of grazing fees, geothermal leases and other fees, leases and contributions are not listed. However, we estimate the impact to the federal coffers is conservatively estimated at an additional \$500,000.

- **Lost Production Minerals, Non-metallic Minerals, Geothermal and other mineral products:** The DEIS contractors did not conduct a detailed examination of the mineral and geothermal potential for this area. Rather, they appear to have produced a high school-level book report regarding the area of potential impact. This work appears to include Google searches, BLM reports on leasing and unpatented claim ownership, regurgitation of technical reports from the 1960's to the 1990's, and citation of more recent reports located away from the proposed withdrawal area, but within the air space impact zone.

The lack of hard data in the book report, including detailed sampling and up-to-date geologic mapping to ascertain potential critical and strategic minerals within the boundaries of the proposed withdrawal areas, is a significant flaw. Many of the "tech" driven minerals useful in today's world were not considered economically significant even 15 years ago. Therefore, the use of old data to determine the potential of the 35 minerals designated by Congress as critical and strategic is severely lacking.

The DEIS relies on a Mineral Potential Report submitted by a consulting group located in Arizona. This report cites significant impacts to mining and mineral exploration from all three Proposed Alternatives. The Socioeconomic Report produced by the University of Nevada relies on this limited study to ascertain the potential loss of mining potential. The DEIS relies on the above reports to address the economic impact to local, county and state governments affected by the withdrawals in Proposed Actions 1 through 3.

While the Minerals report identifies significant mineral potential, the Economic report down plays down the economic potential of these minerals and fails to list any value associated with the highlighted mineral potential. The DEIS relies on the Economic report for its findings. The resultant conflicts and failure to calculate potential losses to communities, counties and the State of Nevada provide considerable doubt as to the conclusions reached in the Socioeconomic report findings and the DEIS conclusions.

The Socioeconomic Report states that at least one potential metal mine, hiring from 100 to 300 people, could be lost. The report further states that the initial startup of this mine would involve the hiring of 200 to 600 people in the first 2 years.

Although not stated, secondary employment to service and support the mine could be an additional 100 people or more based on equivalent figures provided in the Grazing and Hunting scenarios in the Socioeconomic report. Based on our experience and the report's data, production from the hypothesized mine can be expected to last from 10 to 30 years, with average production of 90,000 ounces of gold per year. Although the Socioeconomic and Mineral Potential reports support the total production estimate, the report fails to accurately address this loss of income to either the private investors or

the local and state governments. No values have been suggested for acquisition costs for known economic to sub-economic projects like this. It is very likely more than one of these types of deposits exist within the 19 mining districts affected by the Proposed Actions.

Our job is to evaluate and explore for minerals. We have performed economic calculations to numerous exploration and mining companies for some 40 years. As such, we note the following: Mining jobs are some of the highest paying in the State of Nevada. Using an average wage of \$50,000 per employee for the minimum 100 projected employees (Nevada Governor's Office of Economic Development lists the annual average as \$83,000), at a minimum, \$5 million in wages per year would be lost. Another \$1 million could be lost in secondary support jobs. An additional \$2 million or more would be lost to the State and local governments in net profits tax on the production based on the numbers used in the Socioeconomic report. There is also the loss of taxes to the federal government.

These are annual projections and do not address capital expenditures (minimum of \$50 million for the size of deposit estimated) for infrastructure and annual expenditures for operations (minimum of \$10 million). In contrast, the initial loss projected by the Socioeconomic report is a minimum of +200 jobs and \$5 million in taxes to the State and Counties. Annually thereafter, the loss to tax base is \$5 to \$10 million depending on the profitability of the mine. In our professional opinion, the figures in the report are quite low.

The above calculations are for a single mine at the lowest expected rate of production listed in the Socioeconomic Report. We feel the DEIS falls woefully short in their estimation of potential for mining activity over the duration of the proposed withdrawal. Table 3.3-7 of the DEIS (based on the Mineral Resource report) lists six separate mining districts which have 100% High Potential for discovery of and mining of minerals consisting of Gold, Silver, Copper, Lead, Zinc and tungsten. An additional three districts have a 90% or better rating of High Potential in this same table.

We possess detailed files including past production and recent sampling, mapping and drilling for six mining districts which correlate well with the High Potential rankings of the Mineral Resource report. Our data and the Mineral Potential Report suggest up to six districts have exceptional qualities consistent with mine development of the quality suggested in the Socioeconomic report. Using our data and the same method of calculation above, the more likely loss to local and state governments is estimated at 600 to 3000 primary jobs, and 600 to 1000 secondary jobs annually for a period of 10 to 40 years (average mine life depending on commodity). Lost estimated production could be from 6 million to as high as 40 million gold equivalent ounces or in Nevada tax

dollars, \$129 million to \$800 million calculated for life of mine. This estimate in no way indicates the loss to communities, counties or the state from sales tax.

The Mineral Potential and Socioeconomic reports further state that an additional industrial mine with hiring capacity could be lost. Mention of lost Geothermal generation potential is also listed.

We see these rankings as suggesting a high potential for possibly up to 6 mines, not the 1 indicated by the Socioeconomic report. Each mine could employ 100 to 300 people with an average of 10 to 40 years of mine life. The direct and indirect impact to local communities, Counties and the State have not been quantified in this report, nor has the cost of acquisition from the owners of these potential mines.

In comparison to the No Change in personnel indicated by the DEIS for the Fallon Naval Base, the above loss of jobs and new wealth created from mining the resources should be considered in its entirety. Table 3.3-8 and Figure 3.3-6 list an additional high probability of geothermal production available for exploitation within the proposed withdrawal area. There is no calculated cost for this loss or other losses inherent in the Proposed Actions portion. There are no proposed costs of acquisition to mitigate the losses to claim owners in the DEIS. Instead, there are statements that attest to the significant losses that will be incurred. Based on these facts, one must assume that the plan is to take the assets without reimbursement and ignore the harm done to all governmental entities. At one point in the DEIS

Deficiencies in the DEIS regarding mining and exploration are numerous. No mention of the nearby Gabbs Magnesium mine is made within the DEIS even though this mineral is considered critical and strategic (Table 3.3-6) and areas within the proposed withdrawal areas have similar geologic settings (like our Bell Flat claims). In fact, no mention of magnesium occurrences was made despite our previous comments indicating the potential economic presence of the same.

No mention of relatively recent discovery of oil west of Gabbs is made and in fact a very low probability of discovery of oil is given in table 3.3-8. Mention of critical minerals from past mining activities was made. But since these areas are currently idle, an illogical if not self-serving statement was made that the minerals were deemed to be insignificant.

The lack of understanding regarding mineral exploration and exploitation is apparent in the erroneous conclusion that no current mining operations exist for these strategic minerals, therefore there is no potential for additional discovery. Each mining district was found and formed in the mid-19th century to the early 20th century. As knowledge of deposits grows and uses for minerals evolves, the various minerals were mined at

various opportune times. The Rawhide mine is prime example of this statement. Rawhide has been going on and off for over 40 years, and yet was deemed abandoned and worthless prior to 1970. At present there is a critical need for certain minerals. This need will promote additional interest in evaluation and exploitation of those minerals.

The current DEIS provides little data on the mineral potential of the proposed withdrawal areas outside of some references obtained from historical public records. Most of the lands proposed for withdrawal have not been examined for their mineral potential since the mid 1970's and thus, the DEIS requires in-depth study and analysis of the potential for mineral, salable, oil, gas and geothermal resources.

The DEIS authors and contractors failed to approach most if not all stake holders within the withdrawal areas for data to assess the significance and validity of the claims owned. Each claim owner has contact information filed with the BLM. Instead, the consultants, BLM and Navy have decided make representations to Congress and the taxpayers about cost to withdraw these lands and comparing the unknown costs of this exercise to what it may cost to use existing military reservations in this and other surrounding States. This lack of follow through may cost the U.S. taxpayers millions of dollars in acquisition costs, cost the local governments jobs and income, and cost individuals and companies millions of dollars in lost production.

- **National security concerns** should be incorporated into the DEIS. The "Tech Revolution" has changed the nature of mineral exploration and extraction and broadened the number and amount of critical minerals used in everyday life. Recent innovations in technology have created a demand for minerals not previously explored for. Rare earths are considered a critical strategic component to the United States' welfare. Despite this, it is not apparent that work was done to quantify the potential for these minerals in the DEIS. Of note, the Chinese control over 97% of the rare earth minerals currently produced in the world and the only known rare earth site in the U.S. was recently bought by a Chinese consortium. The DEIS also left out several other minerals that exist but were not flagged as significant.
- **Economic and Fiscal Analysis:** Our detailed analysis of the impacts to the local and State governments show a significant impact to the region affected by these proposed withdrawals. In some cases, the DEIS identified lost opportunity costs to the low income and from the Nevada Division of Wildlife. Hunting and job loss due to the curtailment of large areas for grazing were addressed. Although this amounted to nearly \$2,000,000 million annually, the impacts were considered not significant. Our analysis shows that on top of the above amount, the loss of potential income to the State could reach \$5 million in revenues and taxes annually based on the Socioeconomic report. Our calculations suggest this amount is low and could reach \$25 million or more.

The loss of annual fees to the BLM also was not quantified, although it would have been easy to do. The impacts to the Nevada BLM could reach \$700,000 or more a year in lost claim fees, leases and grazing fees. Additionally, the loss of exploration dollars was not even considered worth mentioning in the DEIS. The Nevada Bureau of Mines and Geology compiles statistics for mineral exploration. Given the recent interest in Geothermal exploration as well as mineral exploration, it is likely that these expenditures would exceed \$3 million or more annually.

The cumulative loss of jobs based on the DEIS and other supporting reports is about 150 per year. Lost earnings opportunities within the withdrawal area is estimated between \$5 million \$40 million annually. If the proposed withdrawal is implemented, the US Treasury stands to lose \$1.2 to \$2 million per year in fees and leases. This does not include taxable wages from the above lost jobs and corporate taxes from lost production. No cost projections were made for acquisition of private lands, water rights, unpatented mining claims or grazing rights. The above fiscal impacts were not appropriately identified or itemized in the DEIS. This deficiency could ultimately add tens if not hundreds of millions of dollars to the cost of Proposed Actions.

Further, demanding that individuals, small companies, rural communities, counties and Nevada take the economic brunt of these withdrawals with no economic mitigation is an abuse of the government's powers. We have supplied copies of these comments to our governor and representatives as well. We are hopeful that further detailed review of the proposed withdrawal will be considered.

Finally, those who now generate their livelihood from the use of the public lands need to be acknowledged, and their losses mitigated with appropriate compensation if the plan to withdraw public lands is completed.

Thank you for the opportunity to comment on the FRTC DEIS. Please keep our names on any distribution lists related to the progress of the proposed withdrawal.

Sincerely,



Herb and Naomi Duerr

F.6.1.9.1 Response

Thank you for participating in the NEPA process. Regarding the request for a spreadsheet with all payments, the Navy cannot provide this as it would be pre-decisional as the action would not go forward without any ultimate Congressional decision.

Regarding the quotations from the Executive Summary on impacts to Counties and socioeconomics, please see Chapter 4 (Cumulative Impacts) and Section 3.13 (Socioeconomics) of the Final EIS for a detailed analysis of these topics. Land use, mineral resources and mining, grazing, transportation, water resources, noise, and recreation, are all discussed in detail in Sections 3.2, 3.3, 3.4, 3.5, 3.9, 3.7, and 3.12 respectively.

Regarding impacts to mining claims, The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

For existing patented mining claims, the federal government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam demonstrating a valuable mineral deposit a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

Regarding comments on PILT, a detailed Payment in Lieu of Taxes (PILT) analysis is included in the Supporting Study: Economic Impact Analysis Report, available at <http://frtcmmodernization.com> and discussed in Section 3.13 (Socioeconomics). There would be no change in PILT for Churchill, Mineral, Nye, and Pershing counties, and very little change in PILT for Lyon County. Therefore, there would be no significant impact from lost revenue from reduced PILT under any of the action alternatives.

Regarding the comment to review other locations for training, Chapter 2 (Section 2.5.3, Alternate Training Locations) of the Final EIS discusses various alternatives the Navy considered, including those suggested by the public. The Final EIS provides screening criteria in Section 2.2 (Screening Factors) and rationale for not carrying specific alternatives forward for further analysis.

While it would hypothetically be possible to develop training systems at Nellis Air Force Base, the United States (U.S.) Air Force and U.S. Air Force-sponsored training currently uses nearly all of the complex's

available training capacity (time and space). Shared use of Nellis Air Force Base, as currently configured or as proposed, would not be able to support the intensity of both Navy and Air Force training, and therefore was not carried forward for further analysis.

Regarding the first comment on deficiencies stating that acquisition costs should be explained, the NEPA process does not detail the potential acquisition costs, as doing so would be pre-decisional. A decision on this action has not yet taken place. After any ultimate Congressional decision, the Navy would move forward with allocations and applications for funding, based on any ultimate Congressional decision and any mandates of it.

Regarding lost taxes and fees, these were analyzed in Section 3.13 (Socioeconomics) regarding PILT and impacts to the mineral industry.

Regarding lost production of minerals, non-metallic minerals, geothermal and other mineral products, and the examination thereof, the Navy analyzed these items in compliance with NEPA.

Both the Mineral Potential Report and the Socioeconomics Report were used in the analyses of Section 3.3 (Mining and Mineral Resources), and Section 3.13 (Socioeconomics). The Navy used the best available science for these reports, and the subject matter expertise of the compilers of the reports were extensive, including that of Dr. Tom Harris of the University of Nevada, Reno.

Regarding the Bell Flat project, Bell Mountain has been excluded from the administrative withdrawal and would not be included in the withdrawal under the Preferred Alternative. If Alternative 1 or 2 were chosen by Congress and Bell Mountain is included in the withdrawal, the Navy would adjudicate the claims as described in Section 3.3 (Mining and Mineral Resources). Bell Mountain Exploration Corporation (BMEC) is currently involved in permitting the mining operation and the completion of the BLM EA is expected in 2020. The Navy is working with the BMEC to identify ways in which the Navy's proposed action and BMEC's valid existing mining right and proposed mining operations can be de-conflicted, both for purposes of public safety and so as to leave BMEC's operations and interests unaffected by the proposed withdrawal to the maximum extent achievable consistent with training requirements.

Regarding the Gabbs Magnesium mine, the EIS does not mention it because it is not impacted by Alternative 3. Regarding other areas of mineral exploration and exploitation mentioned in the comment, if they were outside of the Study Area, or the FRTC lands proposed for withdrawal or requested for acquisition, they would not be impacted by the Proposed Action, and were therefore not analyzed for impacts.

Regarding national security concerns, please see Chapter 1 (Purpose and Need) for the Navy's need of the Proposed Action in order to modernize the FRTC for updated training purposes for increased national security.

Finally, regarding the economic and fiscal analysis, the Navy underwent an extensive socioeconomic report which can be found on the frtcmodernization.com website. This report was used in the analysis of impacts to each socioeconomic group that might be impacted by any action alternative and by the No Action Alternative. The Navy recognizes the potential socioeconomic impacts on the community. To mitigate these impacts, affected private landowners would receive just compensation for loss of any privately-owned land and all compensable rights associated with that land acquired by the United

States. Claim holders for mining and water would be compensated as described in Section 3.3 (Mining and Mineral Resources) and Section 3.9 (Water Resources).

Pursuant to the Taylor Grazing Act of 1934, as amended (43 U.S.C. section 315q), as amended, the Navy would make payments to federal grazing permit holders for losses as a result of the withdrawal or other use of former federal grazing lands for war or national defense purposes. Your comment has been included in the official project record.

F.6.1.10 Dunn, A. B. (Paul Plouviez and Bench Creek Ranch, LLC)

A. BLAIR DUNN, ESQ.*

**DORI E. RICHARDS, ESQ.



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LICENSED IN NM AND SD*

**LICENSED IN AZ AND CO

December 4, 2018

VIA EMAIL RETURN RECEIPT REQUESTED AND USPS

The Honorable Richard V. Spencer
Secretary of the Navy
Office of the Secretary of the Navy
1000 Navy Pentagon, Room 4D652
Washington, DC 20350
secnavpa.fct@navy.mil

Anne M. Brennan
Acting General Counsel of the Navy
anne.brennan@navy.mil

*RE: NOTICE OF TUCKER ACT CLAIM AGAINST THE US NAVY FOR TAKING OF REAL
PROPERTY WITHOUT JUST COMPENSATION IN VIOLATION OF THE FIFTH AMENDMENT TO
THE UNITED STATES CONSTITUTION*

Dear Secretary Spencer:

This law firm represents Paul Plouviez and Bench Creek Ranch, LLC from Fallon, Nevada with regard to their ranch that is slated to be impacted by the proposed modernization of the Fallon Range Training Complex. As the Navy is aware, the Bench Creek Ranch is located entirely in the proposed modernization area. As this process has unfolded the Navy's actions have already negatively impacted the quiet enjoyment of Mr. Plouviez of his property. We understand that at the time that planning process is completed and implementation is initiated, that Mr. Plouviez will be completely deprived of the use of his private property rights. Thus, the actions of the United States Navy will be contrary to the 5th Amendment to the United States Constitution and actionable in the United States Court of Federal Claims under 28 U.S. Code § 1491 if Mr. Plouviez is not provided just compensation for the taking of his property. We have secured an expert appraisal to establish the value of the just compensation for the loss of the value of the ranch, and as Mr. Plouviez has already been deprived of an opportunity to sell his property by the actions of the Navy we believe that this is an appropriate juncture to begin negotiation,



so that the Navy can meet its objectives in a timely fashion while allowing Mr. Plouviez to extract himself.

This letter serves to provide NOTICE of intent to pursue these claims against the United States Navy if need be in the Court of Claims and also to provide opportunity or invitation to the Navy to discuss resolution of these claims short of the initiation of litigation. We would appreciate the opportunity to discuss and this with the United States Navy within the next 60 days. We appreciate your consideration of this matter and your service to the United States.

Best Regards,

A handwritten signature in dark ink, appearing to read "A. Blair Dunn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

A. Blair Dunn, Esq.

Cc: client

ManTech International Corporation - Lawrence.Wolski@mantech.com

F.6.1.10.1 Response

Thank you for participating in the NEPA process. The Navy is not proposing to acquire the Bench Creek property nor is it proposing to restrict livestock grazing on the property or in the DVTA.

F.6.1.11 Durk, S. and Pearson, S. (HRH Nevada Resources, LTD.)

Feb. 14, 2019

COMMENTS ON THE FALLON RANGE TRAINING COMPLEX
MODERNIZATION ENVIRONMENTAL IMPACT STATEMENT (EIS)
Attn: Code EV21.SG

COMMENTS SUBMITTED BY:
HRH NEVADA RESOURCES, LTD.
Durk Pearson and Sandra Shakocius
PO Box 3486
Tonopah, NV 89049

TO:
NAVAL FACILITIES ENGINEERING COMMAND SOUTHWEST
Code EV21.SG
1220 Pacific Highway
Building 1, 5th Floor
San Diego, CA 92132
Attn: Code EV21.SG

The U.S. Navy has prepared a 1,536 page Draft Environmental Impact Statement to "assess the potential environmental impacts of the proposed modernization of the Fallon Range Training Complex, located in Northern Nevada."

We comment herein with our concerns with major deficiencies in this Draft EIS, deficiencies that require the Draft EIS to be re-analyzed rewritten.

Introduction: The Draft EIS does not recognize the existence of Wedell Hot Springs and the large

wetlands adjacent to it that constitutes the vast majority of the value of our 80 acres Wedell Hot Springs private property the Navy proposes to acquire. The U.S. Constitution requires that when the government takes private property for a public use, the owners of said private property must receive "just compensation." The definition of "just compensation" is: "Just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken."

Note that adjudication of this proposed taking is subject to both the "just compensation" clause of the 5th Amendment of the U.S. Constitution, but also, because it involves water rights, must be conducted in accord with the Nevada Revised Statutes because of the action of the McCarran Amendment. The McCarran Amendment, 43 U.S.C. 666 (1952) waives the United States' sovereign immunity in suits concerning ownership or management of water rights, as long as they might be affected by the result of the suit. (See our public comments of 12 Dec. 2016, attached for your convenience, for further information on the McCarran Amendment.)

Note, too, that the Nevada Revised Statutes specifies that just compensation for an eminent domain taking be the value of the "highest and best use" of the land and its appurtenant water rights, not the value of its current use.

As our property at Wedell Hot Springs (including the value of our vested water rights) has a high market value, we suggest that you consider moving the boundary

of the Navy's proposed B-17 range expansion by about 2 miles, which would put the Wedell Hot Springs property outside of that boundary, rendering moot the large expense to the Navy of acquiring this valuable piece of property, including land, hot water, and its geothermal energy and associated agricultural and recreational uses, present and future.

The U.S. Navy probably does not realize that the assessed property value of a property by the county tax assessor in Nevada does NOT include the value of the water or the value of the energy contained in the hot water in a spring, hot spring, or geothermal well. Hence, the fair market value of a hot spring property is VERY DIFFERENT AND FAR MORE than the County tax assessor's "value." The value of other hot springs in isolated areas in Nevada is in the range of \$500,000 to \$1,000,000 because of the value of the hot water. Hot springs water is widely used for both greenhouse agriculture and recreation in Nevada. Moreover, the value of hot springs are very high because there are so few of them and they are very rarely for sale.

The federal government already owns about 95% of the State of Nevada. But litigation over water rights in this state still must come under the laws of the state of Nevada. If the NAVY doubts our will and ability to litigate the taking of our property without "just compensation," we suggest that the Navy's attorneys study the case of *Pearson v. Shalala*, U.S. Court of Appeals, District of Columbia Circuit, No. 98-5043, 98-5084, Decided January 15, 1999. Herein, we sued the U.S. Food & Drug Administration for violating the First Amendment to the U.S. Constitution by

prohibiting truthful non-misleading information on the labels of foods and dietary supplements except after receiving FDA permission to do so. Our win in this case which involved years of litigation was a landmark decision.

See EIS page 153 (also called 2-37)

map of area B-17 (preferred Alternative 3 (ALT-3)
by NAVY)

Figure 2-12

This map does not show our 80 acres of private land around our Wedell Hot Springs nor the extensive wetlands created by 120 gallons of hot water per minute from our Hot Springs (60 gallons per minute from each of two adjacent hot springs), which is about 2 miles inside of the proposed B-17 area.

This map also does not show NYE COUNTY'S "Hot Springs Road," an historic RS-2477 right-of-way, that leads to the Wedell Hot Springs from the town of Gabbs, also in Nye County. Nye County's Hot Springs Road is mentioned in passing on EIS page 434, Section 3.5.1.4 "Public Scoping Concerns". This road is the only access to Wedell Hot Springs from the east, and would be closed by the proposed expansion of B-17. The access roads to Wedell Hot Springs from the north, south, and west would also be closed by the proposed B-17 expansion.

NYE COUNTY objected to the proposed closure by the NAVY of Nye County's Hot Springs Road, a RS-2477 right-of-way, in its comments. This is an improved unpaved road capable of passage by the heaviest trucks, heavy

equipment, and the largest well drilling rigs.

Native Americans have long used this road to take advantage of Wedell Hot Springs to perform their religious and cultural ceremonies. Although the Navy contacted Tribal governments in the affected area, these Tribal governments do not represent the interests of all Native Americans living in and using Wedell hot springs since most Western Shoshone in Nevada do not live on a reservation, many being ranchers or farmers.

We, the current owners of Wedell, have allowed free access by the public to use our hot springs. It is one of the few recreational facilities in this low income rural area.

Importantly, the NAVY was informed of the existence of our Wedell Hot Springs in our public comments of 12 Dec. 2016, but the current EIS makes no reference to this important feature, and hence is completely deficient in this respect.

The even earlier public comments of NYE COUNTY regarding their "Hot Springs Road" should have alerted the preparers of the EIS that there was a Hot Springs at the end of "Hot Springs Road." This public road (established under the Mining Act of 1866 under federal law and referred to as an RS-2477 "right-of-way") is missing from Map Figure 2-12. This is mentioned in a cursory manner in EIS PG. 434, also called 3.5.4 in section 3.5.1.4, "Public Scoping Concerns."

No mention is made in the NAVY'S EIS (Environmental Impact Statement) of Wedell Hot Springs,

with its surrounding wetlands being used by migratory birds, desert bighorn sheep, eagles, and other protected species. These "missing" environmentally protected lands and federally protected species in this EIS make the EIS deficient, defective, inadequate, and substantively incomplete.

EIS PG. 624 or 3.9-2 in the section on "Water Resources:"

"State of Nevada Water Law:" This section does not include VESTED water rights, a form of water rights where the water is put to beneficial use BEFORE the establishment of the State Water Engineer, which in Nevada was early in the 20th century. The flow chart (Figure 3.9-1, obtaining water rights under Nevada state water law) on page 3.9-4 does not include VESTED water rights which, in the case of Wedell Hot Springs, were put to beneficial use in the 19th century and, hence, are vested water rights, as they were put to beneficial use before the establishment of the Nevada State Water Engineer.

EIS PG. 627 or 3.9-5 in the section on "Public Concerns," 3.9.1.4

Here the EIS refers to public comments that expressed concerns about water wells on lands the NAVY proposes to eminent domain as part of its range extension. We note that we commented upon the existence of wells, including our Wedell Hot Springs, in our earlier public comment of 12 Dec. 2016.

Quoted from the NAVY EIS, PG. 628 or 3.9-6:

"The Nevada Department of Agriculture, among many individual members of the public, raised specific concerns regarding water rights, as they are held as vested rights in Nevada. Some of these water rights for groundwater or surface water pre-date statutory water law. As 'vested' water rights, the Nevada Department of Agriculture commented that these rights enjoy maximum protection against later appropriations and later statutory provisions."

But this NAVY EIS ignores the statutory difference under the Nevada Revised Statutes between water rights and VESTED water rights, including the protection VESTED water rights have against appropriations. Hence, if the NAVY hopes to eminent domain Wedell Hot Springs from the state of NEVADA, it will find that Wedell Hot Springs is a VESTED water right and is maximally protected against appropriations by the state of Nevada.

EIS PG. 630 or 3.9-8, under "Central Region hydrographic region:"

Quoted from the NAVY EIS, pg. 3.9-8:

"The Central Region hydrographic basin consists of several small, isolated watersheds. Horse Creek in the upper Dixie Valley watershed is a perennial stream. No other continuous surface water flows are found in this region."

Our comment: This is FALSE. There is a

continuous surface water flow of 120 gallons per minute of hot water from Wedell Hot Springs to the large salt marsh wetlands north and west of it that it supplies.

"Water Wells and Water Rights" -- PG 3.9-11

The NAVY EIS states: "The Navy used NDWR [Nevada Department of Water Resources] database archives as the primary sources of information regarding existing water rights and their status." Wedell Hot Springs is in the NDWR database, yet is not mentioned in this EIS. Moreover, we have a 3900+ foot deep permitted and certificated geothermal monitoring well (for which we were required to post a \$10,000 bond) on our Wedell Hot Springs property that does not appear on EIS maps or in this text.

PG 3.9-12 "Water Wells and Water Rights" continued

The NAVY EIS says "...some water rights do not have wells. For example, a holder of a water right may use the water from a spring or surface impoundment."

Our comment: The EIS authors apparently neglected to look at springs and wells in the NDWR database, most of which for springs are vested water rights.

PG 640 or 3.9-18

Our comments referring to Figure 3.9-8:
The underlying U.S. Geological Survey topographic

map shows "Hot Springs" in light blue but the overlying water rights map is deficient and defective because it does not show our vested Wedell Hot Springs water rights or, indeed, ANY vested water rights. It shows only certified and permitted water rights and water rights ready for action.

PG 3.9-20 "Surface Water"

The NAVY EIS claims that "There are no perennial streams are [sic] present in the area and, as such, ephemeral washes around B-17 tend to drain into the Labou Flat."

Our comment: FALSE. There is a perennial stream of about 120 gallons per minute from our Wedell Hot Springs going north and west, supplying the water for a large salt marsh.

"Water Rights and Water Wells"

The NAVY EIS states: "Most of these water rights (15 of the 19 water rights) have certificates of appropriation, with 3 vested water rights and 1 permitted water right."

Our comment: But Wedell Hot Springs and its large wetlands are not listed, described, or considered in this negligently deficient EIS.

PG 654 or 3.9-32

The NAVY EIS states (top of page): "Note: The decision process for the disposition of water rights and associated wells would begin once Congressional approval is obtained and the Navy selects an alternative... The result of this process is either the Navy's acquisition of the water rights or working with the water rights holder to move the point of diversion or place of use so that there is no need for water right acquisition."

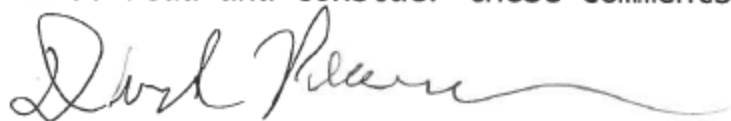

Our comment: Water rights to springs can NOT have their point of diversion moved under Nevada state law -- almost all springs are vested water rights, which has not been considered in this EIS.

Further information on Wedell Hot Springs can be found in "Nevada Bureau Of Mines And Geology, Bulletin 91, Thermal Waters Of Nevada, by L.J. Garside and J.H. Schilling, MacKay School Of Mines, University Of Nevada, Reno, 1979" on pages 47, 48, and 111. Wedell Hot Springs is the largest and hottest hot springs in Mineral County.

Since those who prepared this EIS clearly did not read or consider our comments of 12 Dec. 2016, we have included a copy of these comments and state that they should be considered as part of our comments of 14 Feb. 2019 as well. Please read and consider these comments.

Thank you,
Durk Pearson

Sandra Shakocius, President HRH Nevada Resources, Ltd.

From:
HRH Nevada Resources, Ltd.
Durk Pearson and Sandra Shakocius
PO Box 3486 Tonopah, NV 89049-3486

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

12 December, 2016

Comments on the proposed Fallon Range Training Complex
Modernization EIS

Gentlemen,

We are the owners of 80 acres of private property which includes Wedell Hot Springs and vested water rights to it, which is located inside of the southeastern corner of your proposed expansion of area B-17 at SW1/4 S7 T12N R34E.

We are sympathetic to your need to expand this training area because Durk Pearson is a retired rocket scientist and aerospace weapons physicist (MIT '65) who worked on Polaris, Minuteman, and many other defense projects that have helped to keep our country strong and free.

We believe that our proposed alternative #2A below, a

Section 1031 like-kind property exchange for 80 acres of BLM managed land in Monitor Valley, Nevada, will save the U.S. Navy several hundred thousand dollars in just compensation payments to us. Your only cost would be some paperwork and a survey to mark the property corners.

We are vitally concerned because your document states: "Bravo-16, Bravo-17, Bravo-19, and Bravo-20 are used for air-to-ground munitions delivery, close air support, tactical ground mobility, and live-fire training. These bombing ranges have not substantially changed in size or configuration since the 1990s or, in some cases, earlier.

Modernizing the land ranges would improve both ground and air training by providing a more realistic training environment and acceptable distances and altitudes for the release of weapons. Current training is limited due to inadequate space."

We agree that this is the case.

Your document further states:

"Bravo-17 Range Proposal:

Range expansion primarily to the south of approximately 178,015 acres

Bravo-17 would be closed and restricted from public use."

Our 80 acres Wedell Hot Springs property is described as "Non-Federal Land (Proposed Closed to the Public)" It is located inside of the southeastern corner of the proposed expansion of B-17.

We understand that the proposed expansion of area B-17 is for a legitimate Federal use.

Our 80 acres Wedell Hot Springs property is not only "non-federal land" but is also private property, including its vested water rights. If this private property is to be included in the Fallon Range Training Complex Modernization, eg., to be taken for the stated Federal military use, then we, its owners, must receive just compensation.

Since our Wedell Hot Springs property has a much higher fair market value than you may have anticipated, as explained below, we hope that you will consider one of our following proposed alternatives:

#1 Our most preferred alternative: change the proposed boundary of the southeastern corner of the proposed B-17 expansion:

We request that you move the southern and eastern boundaries of the proposed expansion of B-17 northward and westward a sufficient distance to exclude our 80 acre Wedell Hot Springs (80 acres, location: SW1/4 S7 T12N R34E) property and the roads accessing it from both Gabbs in the east and Rawhide in the west from the proposed B-17 expansion. Please see attached maps.

There are three RS-2477 public right-of-way access roads to our 80 acres Wedell Hot Springs. One access comes in from Rawhide in the west, the other comes in from Nevada Highway 23, just south of the Gabbs Airport, in the east. Both have been improved to provide access by eighteen wheeler semi-trucks. Both of

these roads meet at the site marked "ruins" on the attached maps, and then the access road heads south for slightly more than 2 miles. This road runs N/S from the southeast corner of our 80 acres to the "ruins" where it joins the east and west access roads.

We also suggest that you exclude the Holmgren's Pilot/ Table Mountain grazing allotment; note that the Holmgrens own stockwater rights jointly with us to our Wedell Hot Springs, which would require separate compensation to them if taken.

We understand that this option may not be consistent with your need for expanded training area; if that is the case, please give careful consideration to our Section 1031 like-kind exchange land swap proposals. We strongly prefer a land swap for another hot spring (or hot artesian well) rather than cash compensation;

#2 Our second preferred alternative is a Section 1031 like-kind property exchange for another central Nevada hot springs property:

We request that you acquire another hot spring and 80 acres of land around it and trade it to us as a tax exempt Section 1031 like-kind property exchange.

#2A An acceptable and very economical trade would be for 80 acres which includes an artesian hot well located on the east side of Monitor Valley north of Mosquito Creek in Nye County on land managed by the BLM. This well was drilled by the AEC about half a century ago to explore the suitability of Monitor

Valley for underground nuclear weapons testing. There are no endangered species there, it is not used by tourists, and there are no local residents. We doubt that there would be any public comment objecting to this proposed like-kind land trade, and this trade would save the U.S. Navy a great deal of just compensation money.

#2B Another acceptable trade would be for Golconda Hot Springs which is the only hot springs in Nevada that we could find that is currently for sale. The asking price is \$879,000, and the hot spring characteristics are almost identical to those of our Wedell Hot Springs: Wedell provides ^{2x}60 gallons per minute of water at 144 F, and Golconda provides 50 gallons per minute at 149 F. (Location: SW1/4 NE1/4 S29 T36N R40E)

#2C Another acceptable trade would be for Spencer Hot Springs which is located on BLM managed land in Upper Smoky Valley in southern Lander County, a few miles south of US Highway 50, between Austin and Eureka. (Location: SE1/4 SE1/4 S13 T17N R45E)

#2D Another acceptable trade would be for Diana's Punch Bowl Hot Springs located on private property belonging to BTAZ NEVADA LLC, 224 NORTH PARK AVE, FREMONT, NE 68025-4964 (Location: T14N R47E S22&27, Parcel # 007-191-05) in Monitor Valley in northern Nye County.

#2E Another acceptable trade would be for Pott's Ranch Hot Springs, located on private property on the Potts Ranch in Monitor Valley in northern Nye County, belonging to BTAZ NEVADA LLC, 224 NORTH PARK AVE, FREMONT, NE 68025-4964. (Location: NE1/4 S2 T14N R47E, Parcel # 007-201-04)

#2F Another acceptable trade would be for Darrough's Hot Springs located on private property on the Darrough Ranch in Upper Smoky Valley in northern Nye County. (Location SE1/4 SE1/4 S7, T11N R43E)

Even if your attempts to acquire another 80 acres containing a hot spring to trade to us are unsuccessful, we believe that this would provide you with a useful education as to how valuable hot springs property is and how difficult it is to find a willing seller.

Hot springs are extremely rare and even more rarely for sale, hence we very much prefer a Section 1031 like-kind property exchange rather than a purchase. Our difficulty in purchasing another hot spring is compounded by the fact that the Federal Government owns about 95% of Nevada, including most hot springs. Note that the definition of "just compensation" is: "Just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken." Due to the great difficulty in finding another hot spring for sale, we would very much prefer a like-kind property

exchange.

The only hot spring in Nevada that we have been able to find that is currently for sale is Golconda Hot Springs, at a price of \$879,000. The temperature of Golconda Hot Springs is 149F at 50 gallons per minute, which is almost identical to our Wedell Hot Springs with 144F at 60 gallons per minute. If our proposed alternative #1 (change of B-17 proposed boundary) is unacceptable to the Navy, we very strongly urge the Navy to agree to our alternative #2A, a like-kind property exchange with the BLM for 80 acres of remote land in Monitor Valley with a hot artesian well.

IMPORTANT NOTE: County tax assessors in Nevada do NOT include the value of a hot spring (or any spring) when they appraise and assess the value of a parcel of real estate for property tax purposes. The County Tax Assessor's appraised and assessed values include the improvements and the value of a piece of property of that acreage in that area, but do NOT include the value of the hot spring and its hot water. Hence fair market value of a hot spring property is VERY DIFFERENT AND FAR MORE than the County Tax Assessor's "value". (Another example of such a major departure is the treatment of the value of the minerals in a mining claim, even a patented mining claim: The claim can not be assessed at a value of more than \$500, even if it contains a billion dollars of gold. Improvements such as buildings can be assessed, however, but not mine shafts and tunnels.)

We do not challenge that the Navy's proposed use of our

Wedell Hot Springs property as a bombing and gunnery range is a takings for a public purpose, but we do insist on receiving just compensation for it. We caution you again that this just compensation is far greater than the "value" shown on the County tax assessment because that assessment does NOT include the value of the hot spring on our 80 acres. Please attempt to acquire another hot spring and its surrounding 80 acres to trade to us; you will learn what hot springs are worth.

For example, we turned down an offer of \$500,000 for this property over a decade ago.

Our lease income from our Wedell Hot Springs property over the past 10 years was \$125,000. Dividing that income by interest on the current 10 year Treasury bond, 2%, yields a present fair market value of \$625,000, which is not too far away from the \$879,000 asking price for Golconda Hot Springs, which has almost identical hot water temperature and flow.

#3 NOT preferred but acceptable as an alternative to extended litigation: Purchase of our 80 Acres with Wedell Hot Springs for a fair market value of \$625,000.

Please note that we would much rather have a Section 1031 trade of 80 acres with another hot spring (or artesian hot well) on it than \$625,000 because we do not believe that we could acquire another 80 acres with a hot spring on it for \$625,000, which would mean that the \$625,000 would not really be just compensation which leaves the "property owner in the same position

monetarily as if the property had never been taken."

Last year, before your plans were announced, we were negotiating with a group that was interested in leasing or purchasing our property for use as a health resort with on-site growth of food in greenhouses heated by the hot water. Note that there is a great deal of valuable energy in 60 gallons per minute of hot water at 144 degrees F. Although our Wedell Hot Spring temperature is too low for economic electricity generation, it is ideal for heating greenhouses. The fair market value of this energy can be readily calculated: The cost of natural gas is about \$3.00 per million BTUs, and our hot spring produces 60 gallons per minute at 144 F, for an energy value of \$66,000 per year.

See Nevada Bureau of Mines and Geology "Bulletin 91, Thermal Waters Of Nevada," (1979), pages 47, 48, and 111 for a detailed description of our Wedell Hot Springs and the other hot springs that we have mentioned as potential trades for our property.

As we stated above, our 80 acres with Wedell Hot Springs is very rare and valuable. Rather than pay cash for it, please consider the property exchange described in #2A above.

Thank you for your consideration,

Durk Pearson and Sandra Shakocius, owners of HRH Nevada Resources, Ltd, and Wedell Hot Springs

Map:

https://eplanning.blm.gov/epl-front-office/projects/nepa/12752/19451/19651/Stillwater_Field_Office_Map.pdf

Re: "Just Compensation"

"NRS 37.120 Assessment of compensation and damages:
Date of valuation; exception; just compensation.

3. In all actions in eminent domain, the court shall award just compensation to the owner of the property that is being taken. Just compensation is that sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken."

Just compensation means that we be supplied with a roughly equivalent hot spring via a tax-free Section 1031 like-kind property exchange or sufficient money to purchase such a hot spring after paying long term capital gains income taxes on the compensation paid.

Note that adjudication of this proposed taking is subject to both the just compensation clause of the 5th Amendment of the US Constitution, and also, because it involves water rights, must be conducted in accord with the Nevada Revised Statutes because of the action of the McCarran Amendment:

"The McCarran Amendment, 43 U.S.C. § 666 (1952) waives the United States' sovereign immunity in suits concerning ownership or management of water rights, as long as they might be affected by the result of the suit. It gives others the right to join in such a

lawsuit as a defendant. Prior to the Amendment, sovereign immunity kept the United States from being joined in any suits. The Amendment enabled suits concerning federal water rights to be tried in state courts.[1]

Text

(a) Joinder of United States as defendant; consent is given to join the United States as a defendant in any suit

(1) for the adjudication of rights to the use of water of a river system or other source, or

(2) for the administration of such rights, where it appears that the United States is the owner of or is in the process of acquiring water rights by appropriation under State law, by purchase, by exchange, or otherwise, and the United States is a necessary party to such suit. The United States, when a party to any such suit, shall

(1) be deemed to have waived any right to plead that the State laws are inapplicable or that the United States is not amenable thereto by reason of its sovereignty, and

(2) shall be subject to the judgments, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances: Provided, That no judgment for costs shall be entered against the United States in any such suit.

(b) Service of summons: Summons or other process in any such suit shall be served upon the Attorney General or his designated representative.

(c) Joinder in suits involving use of interstate streams by State: Nothing in this section shall be construed as authorizing the joinder of the United States in any suit or controversy in the Supreme Court of the United States involving the right of States to the use of the water of any interstate stream."

cc: Jonathan Emord. Esq.
Emord & Associates, PC
11808 Wolf Run Lane
Clifton, VA 20214

F.6.1.11.1 Response

Thank you for participating in the NEPA process. Regarding acquisition of private property, for any acquisition of privately-owned property, private landowners would receive just compensation for loss of any privately-owned land acquired by the United States, including Wedell Hot Springs, due to the proposed expansion. Just compensation would be determined by calculating the fair market value of parcels in accordance with federal appraisal rules codified in the Uniform Appraisal Standards for Federal Land Acquisitions.

Regarding water rights, the Navy completed a water resources study after the publication of the Draft EIS. This study includes a discussion of vested water rights. The findings of the study were incorporated into the Final EIS in Section 3.9 (Water Resources), specifically Section 3.9.3 (Environmental Consequences). For a detailed analysis of water rights on existing FRTC lands and lands requested for withdrawal or proposed for acquisition, please see the supporting study, NAS Fallon Water Rights Research and Inventory, on the FRTC Modernization website at <https://frtcmodernization.com>. The Navy does not have the authority to validate vested water rights. Only the State Engineer can validate water rights. However, valid water rights would be treated as real property in the valuation process. The Navy does not plan to use water rights purchased (via negotiated sale or pursuant to eminent domain) for stock water but would instead request to modify the beneficial use, as appropriate, relative to mission requirements.

In the Dixie Valley Training Area (DVTA), the Navy would not seek to acquire existing water rights and these rights could remain with the rights holder for access and beneficial use. Section 3.9 (Water Resources), specifically Section 3.9.3 (Environmental Consequences) of the Final EIS has been updated with a discussion of the evaluation of water rights.

Regarding the comment that Figure 2-12 does not show the “80 acres of private land around our Wedell Hot Springs nor the extensive wetlands created by 120 gallons of hot water per minute from our Hot Springs (60 gallons per minute from each of two adjacent hot springs), which is about 2 miles inside of the proposed B-17 area,” this is true. The private lands shown on Figure 2-17: Fallon Range Training Complex B-17 Expansion Under Alternative 3 does show the private land in pink on the figure.

Regarding the road to the hot springs, the Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.

Regarding lack of discussion of this location in the EIS, the Final EIS added the concern for this area expressed in this comment to the Public Concerns Section of Section 3.12 (Recreation). It also added hot springs to the list of other recreation resources that could be impacted by the implementation of the Proposed Action.

Regarding vested water rights, the water resources section has been updated to include a discussion on vested water rights in the Final EIS (see Section 3.9, Water Resources).

Regarding grazing allotments in your second comment letter, the Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

The following information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

Payment for Losses

The Navy would first consider costs associated with obtaining replacement forage and otherwise restoring/maintaining a permittee’s existing operational capacity. Working with BLM and the permittee, the Navy would determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs could include, but would not be limited to, preparing new allotment applications;

complying with BLM environmental requirements and water rights studies; procuring private market replacement forage; shipping or transporting forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transferring of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime while restoring and/or relocating operations; and any other costs identified, which would be properly payable under 43 U.S.C. section 315q.

Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy would make a good faith estimate of the financial impact the loss of that individual's permit would be expected to have on his or her ranching operation. The Navy would ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information would be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the information shared is incomplete, the Navy would make an estimate of the value of the losses based on existing information from other sources.

It is possible that a payment amount would be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment would be based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity would first be determined, and the remaining payment amount would then be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.

Payment for Allotment Improvements

Improvements such as corrals, fencing, wells, and other appurtenances that cannot be relocated are considered real property, similar to a building. the Navy would appraise the value of all real property owned by a permit holder and would offer fair market value for the purchase of any such real property. Equipment, such as relocatable water tanks, is not considered real property, and the permit holder would be afforded an opportunity to remove their equipment prior to cancellation of a permit.

Timing of Permit Cancellation

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that the Bureau of Land Management (BLM) cancel any permit would be October 1, 2020.

If the Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.

F.6.1.12 Gingerich, M. (Nevada Energy)



Comment Form

Date: 01-04-2019

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by **Jan. 15, 2019**, for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at **www.FRTCModernization.com**, or by U.S. Postal Service mail to the address below.

Please Print

See attached letter

A series of horizontal lines for writing a comment.



January 4, 2019

Naval Facilities Engineering Command Southwest
Code EV21.SG
1200 Pacific Highway
Building 1, 5th Floor
San Diego, CA 92132

To Whom It May Concern:

RE: NV Energy Comments on Fallon Range Training Complex Modernization EIS

NV Energy appreciates the opportunity to submit comments under the National Environmental Policy Act (NEPA) regarding the Fallon Range Training Complex (FRTC) Modernization Environmental Impact Statement (EIS) on the proposed land range expansion through the additional withdrawal of public lands and acquisition of non-federal lands.

NV Energy recognizes the critical role Naval Air Station Fallon plays in keeping our country and its interests safe, and supports its role in maintaining and enhancing the Navy's military readiness.

As you know, NV Energy is the electric service provider for Naval Air Station Fallon and the neighboring communities. As such, the ability for NV Energy to retain its ability to construct, operate, and maintain its electric facilities, such as overhead transmission and distribution power lines, is crucial to providing safe and reliable service to its customers. NV Energy also views its ability to provide safe and reliable electric service to Naval Air Station Fallon as one way of helping to ensure the Navy can reliably meet its commitments in training America's warfighters.

Upon reviewing the Navy's plans for renewal of its current public land withdrawal and further land expansion, NV Energy has the following comments regarding the impact to land use described in the draft EIS for Alternatives 1, 2, and 3:

1. Bureau of Land Management (BLM) grants for existing NV Energy facilities should be converted to easements prior to the land transfer. This would aid NV Energy in its long-term planning to address reliability and future load growth of the electric facilities (a.k.a. "the grid"). If existing facilities are expected to be relocated, as it is noted for the Paiute Pipeline in alternative 1, NV Energy is expected to be reimbursed for the associated expenses.
2. Under alternative 3, there is an area proposed as a "Special Land Management Overlay." While this designation would allow these lands to remain open to the public for uses allowed by the BLM, it would have the added requirement of Navy consultation for any projects, permits, studies, leases, and other land uses on such designated lands. The addition of this requirement into the permitting process will likely affect future expansion needed to meet customer demand (new load growth) – including that of the Navy,

P.O. BOX 98910, LAS VEGAS, NEVADA 89151-0001 6226 WEST SAHARA AVENUE, LAS VEGAS, NEVADA 89146
P.O. BOX 10100, RENO, NEVADA 89520-0024 6100 NEIL ROAD, RENO, NEVADA 89511 nvenergy.com

renewable energy initiatives, and reliability. This may limit, or prevent entirely, NV Energy's and other utilities' ability to adequately serve the local community.

Again, NV Energy appreciates the opportunity to comment on the proposed Fallon Range Training Complex expansion. Please feel free to contact me if you have any questions or need further input on this important process.

Sincerely,



Matt E. Gingerich, PLS
Manager, Land Resources

F.6.1.12.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record.

The Navy has made allowances for potential energy development in the DVTa that is compatible with the Navy mission. Additionally, under Alternative 3 (Preferred Alternative), the Navy reduced the amount of withdrawn land in the DVTa by creating the Special Land Management Overlay areas to allow future energy development pending BLM approval. This Special Land Management Overlay will define two areas (one east and one west of the B-17 range) as Military Electromagnetic Spectrum Special Use Zones and is primarily designated to allow for spectrum separation between military and other activities in the region.


Regarding the NV Energy ROW, the Navy plans to work with NV Energy in the future to provide adequate service to the local community while maintaining the Navy's needs for training requirements. The ROW that goes through the Special Land Management Overlay would remain open for development if needed, pending discussion with the Navy regarding specific design features. The designation of the Special Land Management Overlay should not prevent or limit the ability of NV Energy or other utilities to serve the local community.

F.6.1.13 Glaser, A. (Dusty Miller, LLC)

February 13, 2019

Naval Facilities Engineering Command Southwest
Code EV21.SG
1220 Pacific Highway
Building 1, 5th floor
San Diego, CA 92132-5190

Ms. Sara Goodwin
Please consider the
attached comments
when reviewing your
proposed expansion

Thank you


Submitted by email to <http://frtcmodernization.com/>

Attn: Ms. Sara Goodwin, EIS Project Manager

Re: Comments of Dusty Miller, LLC on Navy Draft Fallon Range Complex
Modernization Environmental Impact Statement (EIS) at Fallon Naval Air Station

Dear Ms. Goodwin,

Dusty Miller, LLC (Dusty Miller) submits these comments on the Department of
Navy's Draft Range Complex Modernization Environmental Impact Statement
(DEIS) at Naval Air Station Fallon, NV.

Dusty Miller is a hard rock and geothermal exploration company with long-
standing operations in the Gabbs Valley and throughout Nevada generally. Dusty
Miller has expended substantial time and effort exploring hard rock and
geothermal targets near Gabbs.

Dusty Miller reviewed the Navy DEIS and additional materials at
<http://frtcmodernization.com>. The DEIS maps and figures are inadequate to allow
Dusty Miller's (and likely other exploration and mining companies and
individuals) identification of mining claims and geothermal leases impacted by the
preferred action and alternatives (excepting the no-action alternative).

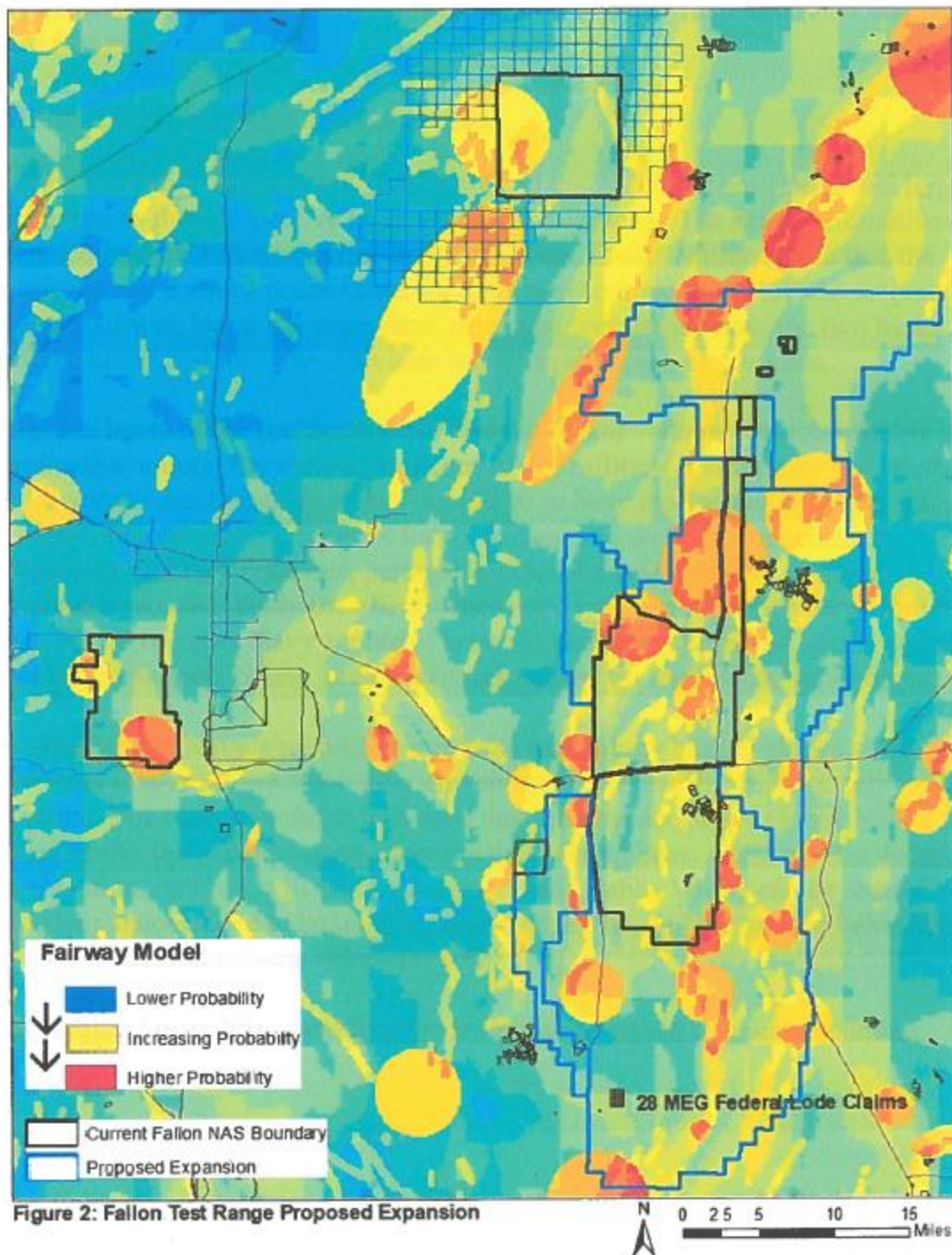
Dusty Miller's claims are located near the areas identified by the preferred action
and alternatives (excepting the no-action alternative). For purposes of these
comments, Dusty Miller presumes Navy included Dusty Miller's mining claims
and geothermal leases in its analysis. Having said that, the Section 3.3 discussion
is so vague and preemptory it is impossible for the public to understand and
comment on the proposed action and for Navy to make an informed decision.

The DEIS failure to disclose the precise areas of withdrawal and the impacts on legally granted exploration and mining rights is particularly problematic since Navy recognizes and repeats many times the likely devastating impact the preferred action and alternatives (excepting the no-action alternative) will have on mineral and geothermal potential within the proposed expansion. While some other uses of areas within the expanded range may be possible, mining and mineral resource uses are almost entirely prohibited by any of the action alternatives.

Adverse Impact of Land Withdrawal Expansion

The attached map outlines the current base perimeter as well as the proposed expansion. Layered with these outlines is the Fairway Project, a study funded by the DOE and completed by the Nevada Bureau of Mines and Geology, that displays geothermal sites—determined by a number of factors—to be of significance (red to orange highlights). One can readily see the number of these geothermal sites within the current Navy base as well as the proposed expansion. These sites beg to be further explored and developed for the benefit of the public as a source of green energy but cannot, and will not, should the Navy close these areas, even temporarily, to such developments.

To further the mineral and geothermal argument against an expansion of this magnitude, the southern portion of the proposed expansion (defined as B-17 by the Navy) goes well into the Gabbs Valley. Gabbs Valley is a very large dilatant (expansion) feature formed by the movement of the Walker Lane Structural Belt (the northmost expression of the San Andreas Fault). Rare dilatant zones, such as Gabbs Valley, form secondary faults that go deep into the earth's crust thereby accessing the heat and geothermal fluids necessary for both geothermal and mineral resources. Ormat's Don Campbell geothermal plant just outside the proposed B-17 expansion tapped into a portion of these deep faults. These heat and mineral accessing faults are throughout Gabbs Valley and Dusty Miller has used several geophysical techniques to locate a number of these structures on the north end of Gabbs Valley. Additional geochemical studies on one of these faults have defined an area containing gold in the soils (MEG claims, Township 13 North, Range 33 East, Sections 20, 21, 28, and 29). The MEG claims could quite possible develop into a gold mine with the accordant benefit of the gainful employment of tax paying miners as well as tax revenue on local, state, and federal levels but the public will be unable to realize this possibility should Navy expand its base over this area.



Dusty Miller asks that the DEIS be withdrawn and revised to address in much more detail the mineral exploration and development that may be lost by the

proposed land withdrawal. The DEIS also should address explicitly the economic lost created by even “temporary” withdrawals as Dusty Miller and other companies await Congressional action.

Purpose of and Need for Proposed Action

As Navy certainly realizes, both the Navy and the Air Force have proposed large expansions to their respective bases (Nellis and Fallon). The action alternatives presented in the DEIS triples the size of the base. Dusty Miller agrees that the security of our country needs bases for a military to hone their skills to prepare for the times of war, but at the same time, one must wonder whether the two bases could be combined into one with both branches sharing a single base.

Often one hears of the problems with “the fog of war” where communications and coordination among the various branches of our military is compromised. Perhaps a good way to ameliorate this “fog” would be to have the various branches train together—on one base. Given the long standing and well-known animosity between our military branches, perhaps it would be best for Navy or some independent counsel study the effectiveness of a single combined base at Nellis. Dusty Miller believes Navy should at least ask these questions and ideally guide a process that protects public lands and saves money for the Federal government.

It is noted in the Navy’s website that missile technology has developed to the extent that longer ranges and higher elevations are necessary to adequately train our pilots. The Navy’s website indicated that the airspace above Gabbs Valley is needed to fire the missiles north, towards the existing base, at the needed distance and elevation. With this in mind, one wonders if Gabbs Valley can be shared—the needed air space above to be used in navy overflights, and the ground below left for geothermal and mineral development?

Dusty Miller hopes Navy will find these comments useful in your up-coming review.

F.6.1.13.2 Response

Thank you for participating in the NEPA process. Regarding comments on the Navy's analysis of mining and mineral resources, The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

With regard to existing patented mining claims, the Federal Government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

Regarding the precise areas of withdrawal and acquisition, the Navy cannot make this distinction until after any ultimate Congressional decision on the action. Regarding the creation of a new alternative that takes mining and mineral resource interest into account, the Navy's alternatives were developed based on the training capability gaps identified in the Ninety Days to Combat Required Training Capabilities Study (U.S. Department of the Navy, 2015b) to help provide the training capabilities needed by Navy and other Department of Defense personnel in order to meet evolving current and future threats. While developing training systems is possible at Nellis Air Force Base, the U.S. Air Force and U.S. Air Force-sponsored training use up nearly all of the complex's available training time. Without terminating the Air Force's existing testing and training activities, the range as currently configured would not be able to support the tempo and level of both Navy and Air Force training.

The Navy received multiple alternatives suggested by the public for consideration in the Final EIS. The Navy has a section in Chapter 2 (Section 2.5.3 Alternate Locations) of the Final EIS that discusses various alternatives that were considered by the Navy (including alternatives brought up in public comments) but have not been carried forward for full analysis in the Final EIS, and gives reasons why such alternatives were not carried forward.

F.6.1.14 Leeson, S. (American Lands Access Association)

AMERICAN LANDS ACCESS ASSOCIATION



Shirley Leeson, 2019 President
American Lands Access Association
P.O. Box 54398
San Jose, CA 95154

February 7, 2019

Naval Facilities Engineering Command Southwest
Code EV21.SG
1220 Pacific Highway
San Diego, CA 92123

Attn: Sara Goodwin – EIS Manager

Re: Fallon Range Training Complex Modernization

Dear Ms. Goodwin

I have been advised by the Reno Gem & Mineral Society, and the Mason Valley Gem & Mineral Club has notified me, as well as some off road organizations that you will be closing large tracts of public lands to expand your Naval Training Range. Our organization represents recreational rockhounds throughout the US and we're concerned with the closing of areas where rockhounds have collected for many years. The B-17 is our prime interest, but there are least fourteen other areas we would like to discuss with you. Al Bolshazy of the Reno Gem & Mineral Society, will be speaking to the Fallon Base Public Affairs Officer regarding this issue.

Over the years many military bases have had recreation centers where rockhound equipment was available to personnel on the base, perhaps on one time there was rockhound equipment at the Fallon Naval facilities.

Veteran Rockhounds were at their strongest right after WWII and into the 1970s, I lived, at that time in San Diego and the San Diego Mineral & Gem Society in Spanish Village, Balboa Park was a magnet for veterans coming home. They brought their skills from their combat days and also the tragic memories of horrible experiences witnessed during the war. At that time many suffered from what is

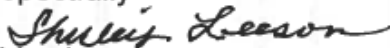
AMERICAN LANDS ACCESS ASSOCIATION

now called PTSD, but it wasn't diagnosed in those days. Many veteran/rockhounds sought the splendor of the desert in Southern California and the comfort of family and friends around a campfire and a day searching for rocks to take back to the Society and cut and polish and share. This also happened after the other wars our military friends experienced and throughout our beautiful country rockhounds went to the public lands of the west searching for rocks and creating a valuable experience for themselves and others out in those remote areas. Rockhounding, I believe, is a state of mind. It allows us, for a few hours, a day or longer to forget all the trials and tribulations of life in the real world.

We are asking you to allow rockhounds to enter B17 when it is not being used for training exercises. We are asking you to consider allowing rockhounding to use the area at the south end of the Slate Mountain range GPS: N39 degrees 5.80 – W118 degrees 15.14. To consider letting us into the area in late Spring and then again in late Autumn when the desert is cool. This is an area of special impact to rockhounds and we are willing to negotiate the other areas if we can just continue the use in this particular area.

We understand that hunting would be allowed in B17, so would you please consider our request for collecting rocks in that area.

Respectfully



Shirley Leeson,

2019 ALAA President

American Lands Access Assn.

a 501-3-4 Non Profit Organization

ALAA is the separate arm of the American Federation of Mineralogical Societies

Our goal: to keep public lands multi-purpose

F.6.1.14.1 Response

Thank you for your participation in the NEPA process. Regarding the request to allow the public to access B-17 when it is not active, the Navy cannot allow other recreational uses beyond the Bighorn Sheep Hunting Program in the B-17 range, due to public health and safety issues, and that it is difficult to control the number of people that would be allowed on the range. Hunters would be issued tags and permits that would only allow a certain number of people to be on the range; these would be issued through the NDOW. There would also be a Memorandum of Agreement between the Navy and the NDOW to coordinate the hunt program on B-17. Hunting is also a population management tool and is important for the biological processes in the B-17 range. The Navy made it part of the EIS because hunting is part of the mission of NDOW, a cooperating agency of the Navy for the EIS and under the hunting program. The bombing range is not safe for unrestricted numbers of recreationalists.

F.6.1.15 Litwin, M. A. (Paiute Pipeline Company) Comment 1



February 13, 2019

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

Re: Paiute Pipeline Company's comments on Draft Environmental Impact Statement Dated
November 2018 (Fallon Range Training Complex Modernization DEIS)

Dear FRTC EIS Project Manager:

In November 2018, the United States Department of Navy (Navy) issued a Draft Environmental Impact Statement (DEIS) for the Fallon Range Training Complex Modernization Project (Project). Paiute Pipeline Company (Paiute) is an impacted party of this proposed Project. Paiute currently operates a high pressure natural gas transmission pipeline across land that would be removed from public use by the Project. Paiute is subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act of 1938 (NGA). In addition, Paiute is subject to the jurisdiction of the United States Department of Transportation's Pipeline and Hazardous Materials Safety Administration.

On pages 2-9, 2-15, 3.2-33, and 3.2-44 of the DEIS, the following statement was made:

The Navy would have responsibility for planning, designing, permitting,
funding, and constructing any realignment of the pipeline.

Paiute believes that under the FERC's jurisdiction and the NGA, Paiute has the responsibility for the planning, designing and constructing the realignment of the pipeline. Paiute also believes that under FERC's jurisdiction and the NGA, Paiute has the responsibility of obtaining any permits required for the construction and operation of the realigned pipeline. However, Paiute anticipates using the Navy's NEPA analysis to meet Paiute's NEPA obligations for the Project; and believes that the alternate routes for the relocated pipeline should be included in the Navy's NEPA analysis. Accordingly, Paiute proposes that the sentence should be modified as follows:

The Navy would have responsibility for funding all costs associated with any
realignment of the pipeline.

Naval Facilities Engineering Command Southwest
February 12, 2019
Page 2

Additionally, the following sentence appears on pages 2-9 and 2-15 of the DEIS:

Site-specific environmental analysis and NEPA planning would be required before any potential relocation of the pipeline could occur, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing pipeline unless and until any such re-routing of the pipeline has been completed and made available to the pipeline owner.

Paiute requests that this sentence be modified as follows:

Site-specific environmental analysis and NEPA planning would be required before any potential relocation of the pipeline could occur, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing pipeline unless and until any such re-routing of the pipeline has been completed and ~~made available to~~ placed into service by the pipeline owner. (emphasis added)

On pages 3.1-40 and 3.1-49, the DEIS estimates that relocating the natural gas pipeline could disturb 219 acres and 146 acres for Alternatives 1 and 3, respectively. However, Paiute estimates that the disturbed acreages for installing the newly relocated pipeline in the DEIS would be 242 acres for Alternative 1 and 177 acres for Alternative 3. Paiute's estimates assume a 75-foot-wide right of way (permanent and temporary) for installing the new pipeline. The new pipeline would be approximately 26 miles in length for Alternative 1 and 19 miles in length for Alternative 3. In addition, Paiute has estimated that construction would also require additional temporary staging areas of five (5) acres and four (4) acres for alternatives 1 and 3, respectively. Paiute also notes that removal of the existing pipeline, if required, would disturb additional acreage that has been previously disturbed.

Paiute appreciates the opportunity to provide comments on the DEIS. If you have any questions, contact me at 702.364.3195 or mark.litwin@swgas.com.

Very truly yours,



Mark A. Litwin
Vice President / General Manager

F.6.1.15.1 Response

Thank you for your comment and participation in the NEPA process. Regarding the segment of pipeline to be relocated, the Navy would coordinate with the Paiute Pipeline Company as appropriate after a Proposed Action has been determined by Congress. The Navy would purchase and pay for relocation of that portion of the pipeline that would need to be relocated. Using funding provided by the Navy, the Paiute Pipeline Company would be responsible for planning, designing, permitting, funding, and constructing any realignment of the pipeline. The real estate process will contain the terms of the agreement between the Navy and the Paiute Pipeline Company. A ROW application submitted to the BLM by the pipeline owner would formally identify any proposed reroute. Site-specific environmental analysis and NEPA planning would be required before any potential relocation of the pipeline could occur, and the Navy would not utilize any portion of an expanded B-17 range (if implemented) that would overlap the existing pipeline unless and until any such re-routing of the pipeline has been completed and made available to the pipeline owner. The BLM would have decision authority with respect to any proposed final routing subsequent to completion of site-specific environmental analysis.

F.6.1.16 Litwin, M. A. (Paiute Pipeline Company) Comment 2



February 14, 2019

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

Re: Correction: Paiute Pipeline Company's comments on Draft Environmental Impact Statement
Dated November 2018 (Fallon Range Training Complex Modernization DEIS)

Dear FRTC EIS Project Manager:

On February 13, 2019, Paiute Pipeline Company (Paiute) filed comments on the Draft Environmental Impact Statement (DEIS) dated November 2018 prepared by the United States Department of the Navy (Navy) related to the Fallon Range Training Complex Modernization. On pages 3.1-40 and 3.1-49, the DEIS estimates that relocating the natural gas pipeline could disturb 219 acres and 146 acres for Alternatives 1 and 3, respectively.

In its February 13, 2019 letter, Paiute requested that the Navy revise the estimated disturbed acreage to 242 acres for Alternative 1 and 177 acres for Alternative 3. However, the estimated disturbed acres and the underlying details for the calculations were reversed for Alternatives 1 and 3 in the letter. Therefore, the estimated disturbed acreage for Alternative 1 should be revised to 177 acres and the estimated disturbed acreage for Alternative 3 should be revised to 242 acres.

Paiute apologizes for any inconvenience or confusion that this may cause. Again, Paiute appreciates the opportunity to provide comments on the DEIS. If you have any questions, contact me at 702.364.3195 or mark.litwin@swgas.com.

Very truly yours,

A handwritten signature in blue ink that reads "Mark A. Litwin".

Mark A. Litwin
Vice President / General Manager

F.6.1.16.1 Response

Thank you for your comment and participation in the NEPA process. The Navy would narrow down the exact acreages to be utilized in the follow-on NEPA process for the relocation of the portion of the pipeline that would be impacted if Alternative 3 were chosen by any ultimate Congressional decision. Your comment has been included in the official project record.

F.6.1.17 Macquarie, A. (Toiyabe Chapter of the Sierra Club)

Toiyabe Chapter, Sierra Club

1 of 11



**SIERRA
CLUB**

Toiyabe Chapter of the Sierra Club
PO Box 8096
Reno, NV 89507

February 11, 2019

Naval Facilities Engineering Command Southwest
Code EV21.SG
1220 Pacific Highway
Building 1, 5th Floor
San Diego, CA 92132
electronic: <https://frtcmmodernization.com>

Re: Comments on the Fallon Range Training Complex (FRTC) Modernization Draft
Environmental Impact Statement (DEIS)

Introduction

On behalf of the Toiyabe Chapter of the Sierra Club and its nearly 6,500 members in Nevada and the Eastern Sierra, we are submitting these comments to the Navy on the FRTC Modernization DEIS. Many of our members live near or recreate on public lands in the Navy's proposed expansion areas and are very concerned about the potential impacts of the proposed Modernization on our public lands and the inability to use these lands after withdrawal.

Like many other public lands users, we are extremely interested in what kind of manager the Navy will be in the future on the additional 606,664 acres of public lands which are proposed to be withdrawn (preferred Alternative 3) from multiple-use management as well as the additional large proposed airspace expansions. We, as public land users, are more familiar with land and resource management by federal and state agencies, and have little to no experience with how military services carry out their stewardship responsibilities. Previously, we prepared extensive scoping comments in order to ensure the best possible EIS is written to address public concerns and specifically those of our membership. The Sierra Club in general supports the training mission of the US Navy, provided it is justified. Our interest is in how the Navy plans to avoid, minimize, mitigate, and compensate for the environmental impacts caused by military activities and for the massive losses of access to our public lands and resources under the proposed Modernization.

General Comments

From thousands of feet up in a jet, it may look like these lands are unoccupied; but that could not be farther from the truth. Nevadans and others make a living on these lands, hunt, hike, camp, explore or otherwise enjoy recreation on these lands; and indigenous peoples are culturally and religiously tied to these lands. Many of our members use the roads, climb the mountains, ride our horses, navigate the backcountry in motor vehicles, enjoy the wildlife, and view the open spaces

Tuiyabe Chapter, Sierra Club

2 of 11

on the public lands proposed to be withdrawn by the Modernization plan. Losing access to the proposed closed areas means we will be unable to continue to do most of these things on most of 800,000 acres in central Nevada when the proposed withdrawal area is added to that currently under withdrawal. Here is a table of the land use for the 4 largest military installations in Nevada (other installations are meaningful in comparison).

unit	acres (millions)	under control
FRTC	0.983	after preferred alternative
NTTR	3.251	after preferred alternative
NNTT	0.870	
Hawthorne	0.147	
total	5.251	

This total area constitutes a significant cumulative spatial impact on the state of Nevada. It can be referenced to the total acreage of Nevada at 71.546M acres. The military control area would then, if both NTTR and FRTC expansions are realized, comprise 7.3% of the state's area. For comparison, the total acreage of designated wilderness in Nevada ([Wilderness Connect](#)) is 3.448M acres (4.8% for the state). Another important comparison is with mining in Nevada. According to BLM's Nevada state office, active claims totaled roughly 3.7M total acres in September 2017 (most recent data available). Very few mining claims are in the exploration/production phase though. More to the point may be the total acreage in the Nevada Department of Environmental Protection (NDEP) permit records for "Plan of Operation", which reflects the amount of disturbance at any point in time in the state for mining. In November 2015 (most recent data available), that amounted to approximately 70,000 acres, about 7% of the area proposed to be withdrawn for FRTC.

One major problem we have with the DEIS is the "No Action" alternative. The "No Action" Alternative presented is not "no action" because it involves ceasing use of the current FRTC. There is considerable discussion of what exactly the "no action" alternative means in the legal literature and court rulings. McCold and Saulsbury argue in a 1998 paper entitled "[Defining the no-action alternative for national environmental policy act analyses of continuing actions](#)" that BOTH continuing the activity without modification AND discontinuing the activity should be analyzed. In the case of this DEIS, only the latter was presented (but hardly discussed); it should be added. In the case of the broad, impactful activity currently at FRTC, it seems reasonable to examine the alternative of continuing the activity without modification as an option between discontinuing it entirely and expanding it.

Specifically, a pragmatic "No Action" alternative that simply keeps the status quo should be one of a "reasonable range of alternatives", one that merely extends the current withdrawal for another 20 years. A complete removal of the FRTC would be harmful to both the Navy and to the local Nevada communities it supports with jobs and purchasing. Section 2.5.3 on "Alternate Training Locations" suggests that the cost of moving elsewhere for the Navy will be in the billions of dollars. The sunk costs in FRTC would certainly be lost. We strongly object that the public was not presented with such an alternative in the DEIS. The alternatives presented leave

us with choosing between a complete abandonment of the FRTC or an enormous expansion of it with no meaningful mitigation. **Thus we cannot support any of the alternatives in the DEIS.**

A second problem we have with the DEIS is the limited span of alternatives (neglecting no-action). Council on Environmental Quality (CEQ) regulations implementing NEPA in 40 CFR 1502.14(a) require agencies to "...rigorously explore and objectively evaluate all *reasonable* alternatives." In explanation, 32 CFR 989.8(b) states "'Reasonable' alternatives are those that meet the underlying purpose and need for the proposed action and that would cause a reasonable person to inquire further before choosing a particular course of action." The action alternatives 1, 2, and 3 in this DEIS do not fully constitute an evaluation of reasonable alternatives. There is little in degree that distinguishes the three action alternatives; for instance, the total acreage to be subjected to withdrawal is 618,727 in Alt. 1, 618,727 in Alt. 2 (same as Alt. 1), and 606,664 acres in Alt. 3. This limitation of the scope of the alternatives is based in Section 2.5 of the DEIS ("Alternatives Considered But Not Carried Forward for Detailed Analysis") where any reasonable alternatives are dismissed because they do not meet the highest requirements of the modernization. This section seems to blithely exclude any and all meaningful alternatives through a rigid and unassailable statement of need. **Why really, we ask, can't the 3.2 million acres in south-central Nevada that is now the NTTR be utilized for Navy training?** The DEIS should have carefully examined the one most likely of the areas named in Section 2.5, or perhaps some combination of them, as an Alternative 4, in order to meet its modernization requirements.

We even went so far in our scoping comments to offer a list of elements of a possible alternative that would be meaningful in comparison to the limited ones offered. Here, from p. 14 again:

1. Reduce the acreage of the proposed closures in Bravo 17 by closing only necessary bombing corridors, not the entire area.
2. Provide for better corridors for general and commercial aviation through the FRTC - to reduce fuel usage and carbon loads of commercial and general aircraft avoiding the existing dangerous corridor.
3. Allow diverse public uses and access to closed areas in Bravo 17 on specific days and times.
4. Maintain the current buffer between Bravo 20 military operations and the northern boundary of the Stillwater NWR.
5. Close Bravo 16 and conduct all necessary remediation before returning these lands to the BOR and re-opening them to the public.
6. Reduce any additional proposed public land withdrawals by providing for NASF training needs at other military-controlled areas in Nevada or other states.

Toiyabe Chapter, Sierra Club

4 of 11

7. Reduce any additional proposed public land withdrawals by providing for any additional training needs of NASF with simulations in advanced 3-D digital-projection training "rooms."
8. Budget for additional NASF staff to adequately meet the increased natural resource management requirements for the expansion lands under Modernization.
9. Provide adequate mitigation and compensation for unavoidable adverse impacts under Modernization on NWRs, rural communities and tribes, and public lands and resources as well as on state and federal management agencies.

Following our argument against the sufficiency of the alternatives in the DEIS, we find a major deficiency: Not considering computer simulation as an alternative to real flight for training. No section or page of the DEIS can be cited here because this is an omission. Again our scoping comments of 12/7/2016 contained this wording on p. 14:

"Reduce any additional proposed public land withdrawals by providing for any additional training needs of NASF with simulations in advanced 3-D digital-projection training 'rooms.'"

The phrase "simulation training" was not found in the DEIS. The word "simulation" was only found once and that was in relation to electronic warfare (Table 2.9 on p. 2-47). The word "simulator" is found only once in the DEIS — p. 2 of Introduction (p. 42 of document) where it states:

"The Navy uses *simulators* to provide early skill repetition and enhance teamwork through classroom learning and computer training; however, there is no substitute for live training in a realistic environment. To reduce the potential for substantial loss of life among US service men and service women in combat, the Navy must train like they will be required to fight. This is achieved by continuously analyzing what occurred during past conflicts and making the changes necessary to improve future warfighting tactics."

This statement is a very inadequate for avoiding consideration of simulation as an alternative. Legal decisions surrounding NEPA require that the EIS preparer take a hard look at alternatives. Here, the DEIS seems to have dismissed the alternative entirely. Although the rationale for doing so may be sound, we, the public, do not know that because of the failure of the DEIS to present it in any detail. In *Natural Resources Defense Council v. Callaway*, 524 F.2d 79 (2d Cir. 1975), the court found that:

"Although there is no need to consider alternatives of speculative feasibility or alternatives which could be changed only after significant changes in governmental policy or legislation, the EIS must still consider such alternatives to the proposed action as may partially or completely meet the proposal's goal and it must evaluate their comparative merits."

The DEIS fails to adhere to this, and many similar, rulings. We do not feel that simulation training is "speculative" because it is already widely used throughout the US military and

because there is already advanced simulation training being conducted at FRTC. There are, in fact, many advantages to simulation training, none of which are mentioned in this DEIS: lower cost, higher safety, more controlled training, and wider variation in battle and bombing scenes. Not the least in this case is that the use of simulations could avoid the need for withdrawing over 600,000 acres of public land from multiple use. The main rationale for the proposed withdrawal is the need to have a true 3-D, 360° (all azimuths), type of training for pilots, as expressed in Section 2.5.4. But this can be easily simulated in 3-D virtual-reality training rooms. Indeed, such simulations, at a remarkably realistic level, are available in commercial software for home computers. We can only imagine how much more complex, sophisticated, and effective military-designed simulations would be.

Aside from the above overarching comments, we find the DEIS to be basically well organized and well written. Our remaining comments here are directed at specific items in the DEIS that are unclear or that we feel are still inadequately addressed.

Specific Comments

2 Description of Proposed Action and Alternatives

p. 2-50, Sec. 2.5.1: "Continue Training...in the Current Configuration" The DEIS argues that the status quo does not begin to meet the requirements. But it is also stated that the requirements have no change "in type or tempo" of training activities. If we understand "type" correctly, there is a very large change in type of training that underpins this proposed action — the 360° requirement. The language therefore seems inconsistent.

3 Analysis of Impacts

Note that there is no major subject heading like "3.0 Analysis of Impacts" such as for major sections 1, 2, 4, 5, 6, 7, and 8. This must be an oversight. It also needs to be added to the Table of Contents on p. iii.

p. 3.2-52 and 53, Table 3.2-8: The DEIS concludes there is "less than significant impacts on land use" for all 3 alternatives. We are baffled by this conclusion when Nevadans face the partial loss of an ACEC, loss of parts of the Fallon NWR, loss of substantial parts of three Wilderness Study Areas (WSAs), and loss of public access to most of the proposed expansion acres. Acquisition of private checkerboard parcels is also of concern.

p. 3.1-15, Sec. 3.1.2.1.5 (Farmland): The DEIS dismisses the capacity of soils in the proposed area of the expansion to support human food or livestock feed production. This is based on current climatic and socioeconomic conditions. Future advances in hybridization, or genetic modification, of seeds may change the assumptions while future climate changes may increase precipitation in the area. Are past, current, and future ordnance explosions liable to contaminate soils to such a degree that they are unusable? Such analysis may belong in the Cumulative Impacts part of the DEIS where it is now not treated with any detail (Sec. 4.4.1.3). No

monitoring of ongoing soil contamination from training exercises is currently taking place, nor any proposed.

p. 3.1-32, Sec. 3.1.3.1: The DEIS says "...target areas are actively managed in the Range Sustainment Program by regularly removing used ordnance and maintaining the landscape to ensure long-term sustainability." Can all used ordnance truly be removed? Exploded ordnance? What is the composition of the explosive ordnances? Any heavy or toxic metals? The analysis here is insufficient to assure the reviewer that no significant impact will result.

p. 3.1-51, Sec. 3.1.3.5.3: This paragraph states that no mitigation measures are warranted. This seems suspect, especially because DEIS doesn't address the level of soil contamination due to exploded ordnance.

p. 3.2-1, Sec. 3.2: Land Use

The removal of all WSA acreage within the proposed withdrawal area is a significant matter. It is not clear to the reviewer why this cannot simply remain WSA for another 20-year withdrawal timespan if Congress awards the Navy its request. In addition, 3,200 acres of Fallon National Wildlife Refuge would be appropriated under joint Navy/USFWS management. Churchill County Conservation Easements (1,920 acres) would also fall into the same category. No mitigation for these losses are proposed. We strongly oppose the appropriation of these wildlife refuge areas. These lands should remain as is and not be included in the expansion, based on the principle of incompatible use. Simply, a wildlife refuge does not belong within a bombing range. Fox Peak ACEC boundary would be changed to eliminate 11,600 acres, a significant loss of cultural lands and of wildlife habitat. The DEIS also states that some "utility planning corridors" would be lost. With regard to the preferred alternative, we do not accept the DEIS conclusion on p. 3.2-51 that "...under Alternative 3, land use impacts within the region of influence would be considered less than significant."

Section 3.3: Mining and Mineral Resources

The word "geothermal" occurs hundreds of times in the DEIS, and so has not lacked attention. Not only are geothermal resources thought to exist within the DVTA but also in many parts of the proposed expansion of the B areas. Many of these areas are described as having "high" geothermal potential in the DEIS. See our comments under Section 3.13 (Socioeconomics). Section 3.8.2.2: In spite of several references to "climate change", the DEIS does not mention the [DoD Climate Change Adaptation Roadmap](#) which, for the DoD, is an important document related to military readiness, robustness, and sustainability. We ask that the final EIS include a discussion of what the expanded FRTC may need to deal with, climate-wise, in the years ahead as Nevada becomes hotter and likely drier.

Section 3.10-1: Biological Resources

It is evident that the DEIS has gathered a great amount of existing data together to support its claims of no significant impact. However it doesn't appear that any of the biological surveys were done in the areas with direct impact, so there's no way to know if impacts are significant or not. In order to determine significance, analysis of the affected environment needs to include:

- Biological surveys for special status species (plants & animals) **within the areas** where land disturbance will take place.
- Appropriately scaled maps that show:
 - special status species within the disturbance areas
 - special status species within the Weapons Danger Zones
 - special status wildlife species within the highest decibel noise contour maps

Since biological surveys were not done for the proposed areas of disturbance, they should be required to be completed prior to land disturbance. Consequently, minimization and mitigation measures need to be included in the final EIS for any special status species associated with the vegetation community of the disturbance area. For example, 3,576 acres of Baileys Greasewood Shrubland will be impacted in B-17. Burrowing owls (USFWS Bird of Conservation Concern) occur in B-16 and B-17 in greasewood vegetation. Will burrowing owl surveys be completed prior to land clearing activities? If owls are found, what measures will be taken to avoid, minimize or mitigate impacts?

p. 3.10-163, Section 3.10.3.1.1: Here it is concluded in Table 3.10-29 that "Implementation of Alternative 3 would not result in significant impacts on biological resources." But, taking the estimate of direct ground disturbance of 5,882 acres for Alternative 3 from p. 21 of the Executive Summary, we maintain that the size of this is a significant impact itself. It's equivalent to 9 square miles – an area roughly the size of the town of Winnemucca, Nevada and twice the size of the town of Fallon, Nevada. Even the largest mine in Nevada, Goldstrike Mine, does not take that much of our public land.

p. 3.12-1, Sec. 3.12: Recreation

In the opening paragraph of this section, the DEIS seems to diminish already the recreation importance of our public lands by saying "... as well as other discernible areas where the public regularly recreates." We emphasize that "discernible" is an inappropriate qualifier. In Nevada much recreation occurs sparsely and may not be "discernible", but this does not lessen the value for the person or persons engaging in recreation. These activities essentially go "under the radar" and leave little to no trace and are often not discussed beyond family and friends. ALL of the proposed withdrawn public lands should be considered recreation area. We maintain that all the withdrawal area overlaps totally with recreation area. All 3 alternatives take well over 300,000 acres out of public use for recreation. The offer of Alternative 3 for a small (temporal and spatial) sheep-hunting season and for possible organized road races is hardly a mitigation of the enormous negative impact.

p. 3-12-2, Sec. 3.12.2: "Nevada ... has one of the smallest populations" is not correct. Currently (<http://worldpopulationreview.com/states/>), Nevada is 32nd in population among US states, with over 3 million people, and is hardly among the smallest.

p. 3.13-1, Sec. 3.13: Socioeconomics

This section concludes that there will be no significant impact to total economic activity within affected counties. This is based on including multiplier effects so that direct, indirect, and induced amounts are taken into account. Some economic loss is considered due to restriction on mining and geothermal energy, but the extent of this loss is unpredictable and assumes no extensive development in both cases.

p. 3.13-19, Sec. 3.13.2.3.6: Geothermal. Geothermal energy production in Nevada is a critical part of the baseload electrical power supply in Nevada due to their 24/7 operations. The DEIS rightly notes that Nevada is #1 in the nation in terms of geothermal energy use per capita and that geothermal energy supplies NVEnergy with more power than either solar or wind sources (2018 data). The closure of large areas to possible geothermal energy production would be a serious impact to the state because geothermal is the major renewable energy source as of 2018. Large tracts of high potential for geothermal exist in affected areas (see Section 3.3). According to the DEIS, the Governor's Office of Energy estimated that the economic benefit of geothermal developments was \$5M per MW of generating capacity, or about \$1.2B overall, to the economy of Nevada. **Is this \$1.2B annual, or cumulative? Please clarify.** Can a similar calculation be made for the economic benefit of the entire FRTC at present? This would be an interesting comparison and would be informative about the Navy's "no-action" alternative.

p. 3.13-31, last paragraph (Leasable): The DEIS indeed states "It is reasonably foreseeable that exploration drilling would occur on all existing geothermal leases and that additional geothermal leases would be sought within the Study Area, including in the proposed Dixie Valley Training Area." In spite of the broad attention given to geothermal in the DEIS, no estimate is given of what the economic impact might be of the proposed withdrawal. Using current rates, say over the last 10-20 years, of geothermal development in the area around the proposed expansion of FRTC, at least a crude estimate could be made of the economic value of potential geothermal energy to the counties and to the state. A range of estimates should be made, from low to high, based on variable assumptions.

p. 3.13-44, Table 3.13-26. In this interesting table, the Navy summarizes the effect of the No Action alternative to be no net economic change overall while Fallon and Churchill County could have significant impact. **Thus, closing FRTC would not necessarily negatively impact the economy of the area? This seems grossly wrong.**

p. 3.14-11, Sec. 3.14.2.1.6: Electromagnetic Energy Safety. It is claimed that "Interference with cell phone signals and Global Positioning System (GPS) devices can occasionally occur during operations...." The extent of that is not estimated or reported here. It is also claimed that "The Navy is not authorized to intentionally jam civilian communication bands." But this does not address *inadvertent* jamming, which may occur frequently, according to anecdotal accounts?

4 Cumulative Impacts

p. 4-1, Sec. 4.1: Cumulative impacts are defined in 40 CFR part 1508.7 as "the impact on the environment that results from the incremental impact of the action when added to the other past,

Toiyabe Chapter, Sierra Club

9 of 11

present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions.”

p. 4-2, Sec. 4.2.1: This EIS delimits the geographic extent for analyzing cumulative impacts to Churchill, Elko, Eureka, Lander, Lyon, Mineral, Nye, Pershing, and Washoe counties. But the proposed expansion of FRTC is synergistic with another expansion currently under consideration at NTTR in Nye County; the two withdrawals must be fully analyzed together for contribution to cumulative impacts. In fact the DEIS must address the cumulative effects of **ALL military operations** in Nevada, including the 301,507 acre expansion of the 2,949,603 acre Nevada Test and Training Range and the extreme environmental effects of operating the Nevada Test Site (~864,000 acres) for nuclear testing for many decades. The Navy’s proposed military acquisition of another 683,880 acres (including 424,466 acres with restricted public access) is cumulative for Nevada residents and visitors, as well as for biological resources at the landscape level.

p. 4-20, Sec. 4.4.1.3: The cumulative impact of exploded munitions in the B areas is not provided in sufficient detail. Decades of training with explosives will disturb and contaminate soils to a high degree and make remediation difficult to impossible in some places. See comment under Section 3.1. The DEIS states “The effects of lead or explosive contaminants on soils from the use of high-explosive munitions would be long term and localized on Bravo ranges.” Lead, and many other toxic materials, have a definite cumulative effect because they are not easily neutralized in their place. How will the Navy assure that all areas can always be remediated?

p. 4.25, Sec. 4.4.5.2: The expansion would severely affect future plans for Interstate I-11 if the I-11 B-1 alternative is preferred by highway planners. See <https://www.nevadadot.com/projects-programs/programs-studies/future-i-11-alternatives-analysis-las-vegas-valley-to-i-80>. FRTC is already greatly impacting Nevada airspace; this expansion would now affect major transportation alignments also, possibly removing optimum alignments from consideration.

p. 4-33, Sec. 4.4.10.2: The DEIS states

“Under the Proposed Action, noise from aircraft and weapons firing, launch, and impact (Section 3.7, Noise; and Section 3.10.3.1.1, Noise) as well as energy stressors like electromagnetic radiation and lasers (Section 3.10.3.1.2, Energy Stressors within the Proposed Expansion Area) may elicit short-term physiological and behavioral responses to wildlife species, including special-status species. Exposed individuals would be expected to quickly recover from these responses, and exposure would be intermittent and infrequent. The short-term behavioral and physiological responses are not expected to affect the fitness of individuals. Therefore, population-level effects to wildlife species would not occur. The intensity of effects of disturbance and strike stressors on wildlife species may be considered minor.”

What is this determination based on? What scientific studies and/or research support these claims?

p. 4-37, Sec. 4.4.12: Recreation. The proposed alternatives 1, 2, and 3 all will withdraw from public use about 600,000 acres of suitable recreation land, which is now being used by hikers; bikers; campers; climbers; OHV, ATV, and motorcycle riders; rockhounds; hunters; anglers; photographers; birders; and more. The concessions offered by Alternative 3 are indeed minimal. A shortened bighorn sheep hunt in a very limited area of B-17 is a small offering to hunters. A promise to allow popular racing events to continue, subject to approvals, is also a small offering. Most OHV, ATV, and motorcycle excursions are done singly or in small groups without organization; the extent of this use is hard to quantify due to its nature. Most of the individuals doing these activities don't have an interest in organized racing events. Certainly, the withdrawal of large tracts will decrease the amount of motorized activities on public land and thereby possibly increase its protection. However, the analysis does not directly compare the degradation of land due to military training to the degradation now occurring due to public motorized activity.

p. 4-39, Sec. 4.4.13.2: Changes in PILT payments are not anticipated in the DEIS, except for Lyon County. The analysis claims "There would be no significant impact associated with lost sales and tax revenues." Where is the analysis to back up this claim? On the contrary, preceding sections have shown that there will be severe negative impacts on the total public use of withdrawn lands; because they are part of the multi-billion per year outdoor recreation industry in Nevada, we cannot accept a claim that there will be no lost revenues when these activities cease on withdrawn lands.

p. 4-45, Sec. 4.4.14.2: "Contaminated Site Management". Over 20 projects are listed that are aimed at remediating contaminated mining, or other, sites. How will activities at these sites be continued and monitored after withdrawal? Whatever agency is handling the project thought that it was important — will these projects just be terminated, thereby threatening air, soil, and water quality?

p. 4-47, Sec. 4.5: In summary, it is claimed that "The incremental contribution of Alternative 1, Alternative 2, or Alternative 3, viewed in conjunction with other projects in the area, would result in cumulatively significant impacts with respect to the following resource areas: land use, mineral resources and mining, grazing, transportation, water resources, noise, and recreation." This is a fairly long list of areas to be impacted and the cumulative effect **across** these categories can't be ignored. The DEIS clearly shows that there are not only significant cumulative impacts in a temporal sense but also cumulative impacts in a spatial sense. Moreover, the broad categories of impacts (15 subsections under Section 4.4 Cumulative Impact Analysis) is also of great concern. We can think of few, if any, NEPA-covered projects in Nevada, including the Yucca Mountain Project, that have had so comprehensive a set of impacts as the FRTC expansion.

5 Management Practices, Monitoring, and Mitigation

p. 5-1, Sec. 5.1.2: The DEIS claims that "In many cases, SOPs [Standard Operating Procedures] result in incidental environmental, socioeconomic, and cultural benefits..." This should really

Toiyabe Chapter, Sierra Club

11 of 11

say “benefits and impacts” because SOPs will surely often involve damage to the environment from training activities, for example.

p. 5-2, Sec. 5.1.4: The DEIS states “Monitoring is an important component of the Navy’s natural resources management strategy....” It refers the reader to the “INRMP for NAS Fallon” for detailed information on monitoring programs. We suggest excising the relevant information from the INRMP and incorporating it as a table here in the text. At the least, a URL link to the INRMP and any updates is needed here. Unless this is done, we have no idea of the scope of the monitoring.

p. 5-3, Sec. 5.2.2.2: Only paleontological monitoring of construction sites is mentioned. We strongly feel that monitoring of soils for toxic chemicals related to exploded ordnances needs to be done on a long-term basis. This monitoring should be done at sites where there is a high concentration of such events.

p. 5-7, Sec. 5.8.2.2: Referring back to Section 3.7.3, the DEIS claims no additional monitoring measures are needed when expanding the airspace and doing training activities which require a much larger use of current plus proposed new airspace. This is difficult to accept. It seems obligatory for the Navy to validate this claim by placing a few noise sensors in spots that will be subject to the highest increases in noise levels. Anecdotal noise reports will surely continue after the proposed expansion — how does the Navy record and track them? Will they be accessible by the public?

p. 5-11, Sec. 5.10.2.2: No new groundwater monitoring programs are proposed, although current monitoring would be extended to new bombing ranges. The 5-year Range Sustainability Environmental Program already has monitoring as a key feature. No mention is made though of what specific contamination tests are made on well samples. What exact chemicals are monitored?

Respectfully submitted,



Anne Macquarie, Chair, Executive Committee
Toiyabe Chapter of Sierra Club

F.6.1.17.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record.

Regarding comments on land management, agency land management responsibilities will be determined by any ultimate Congressional decision on the withdrawal. The Navy's training and testing activities are in compliance with all applicable laws and regulations concerning the impact of explosives and associated chemical constituents in the soils environment both on and off range. Munitions constituents are not considered recalcitrant to biodegradation like some other organic chemicals commonly known as groundwater and soil contaminants at hazardous waste sites. The Navy conducts Range Conditions Assessments as part of the Navy's Range Sustainment Environmental Program Assessment every five years. The most recent Range Conditions Assessment for FRTC was completed in 2015 (U.S. Department of the Navy, 2015b). A team of environmental and operational range experts evaluated the history of range use within FRTC ranges, the types and quantities of munitions or military expended materials used and their chemical constituents, range location, spatial distribution of activities, available environmental data, environmental regulatory requirements, and compliance efforts. The Range Conditions Assessment information and data were derived from site visits, personnel interviews, archive search reports, and document reviews conducted in 2013 and 2014. The review team's findings, based on these data, concluded that the range and training operations are in compliance with environmental laws and policies, and there are no munitions constituents migrating off of the ranges.

Regarding impacts to recreation as the comment mentions, the Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would likely result in the public shifting their recreational activities to other areas.

While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the bombing ranges, these activities could continue to occur in the DVTa and surrounding areas.

Regarding the No Action Alternative comments, under this proposal, taking "no action" would mean that Congress would not extend the current land withdrawal, which expires in November 2021. Therefore, the land withdrawal would expire and FRTC lands would be reverted back as described under the No Action Alternative. If the Secretary of the Interior decides that it is in the public interest to accept jurisdiction over lands proposed for relinquishment, it is authorized to revoke the withdrawal. Should any ultimate Congressional decision be made to revoke the withdrawal, the Secretary of the Interior shall publish in the Federal Register an appropriate order that shall:

1. terminate the withdrawal and reservation;
2. constitute official acceptance of full jurisdiction over the lands by the Department of the Interior; and
3. state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

If the Secretary of the Interior concludes that decontamination is not practicable or economically feasible of all or part of the former FRTC or that the land cannot be decontaminated sufficiently to be

opened to operation of some or all of the public land laws, or if Congress does not appropriate funds for the decontamination of such land, the Secretary of the Interior shall not be required to accept the proposed land for relinquishment.

Regarding comments on reasonable alternatives, alternatives for the EIS incorporated actions specifically to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities. Chapter 2 (Section 2.5.3, Alternate Training Locations) of the Final EIS discusses various alternatives the Navy considered, including those suggested by the public. The Final EIS provides screening criteria in Section 2.2 (Screening Factors) and rationale for not carrying specific alternatives forward for further analysis.

While it would hypothetically be possible to develop training systems at Nellis Air Force Base, the United States (U.S.) Air Force and U.S. Air Force-sponsored training currently uses nearly all of the complex's available training capacity (time and space). Shared use of Nellis Air Force Base, as currently configured or as proposed, would not be able to support the intensity of both Navy and Air Force training, and therefore was not carried forward for further analysis.

Those alternatives and associated actions were carried forward for analysis and if necessary, based on the level of impacts, additional management practices, mitigation, or other impact avoidance/minimization measures were included to further avoid, minimize, or mitigate impacts.

Regarding item 1 of the scoping comments listed, the Navy reduced the size of B-17 to the maximum extent possible between the Draft and Final EIS. However, the Navy cannot allow access to the Weapons Danger Zones around target areas and therefore is requesting that area be withdrawn.

Regarding item 2 of the scoping comments listed, the Navy is working and has worked with the FAA on airspace needs. 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, as currently done. This same approach would also apply to any proposed restricted airspace. Typically, restricted airspace is inactive on weekends and holidays, and when ground ranges are closed for maintenance. Therefore, there would continue to be regular opportunities for general aviation aircraft to transit through inactive restricted airspace). Proposed changes to airspace would not significantly impact recreational/general aviation aircraft. Impacts on general aviation for each alternative are discussed in Section 3.6 (Airspace), specifically in Section 3.6.3 (Environmental Consequences).

Regarding item 3 of the scoping comments listed, the Navy is proposing managed access to B-17 during specific days and times, as discussed under Alternative 2 and 3 for managed access. The Proposed Action would allow access for racing events on B-17. The Navy would also allow hunting on B-17 once a year with permits and required Navy instruction. The Navy cannot allow other recreational uses in the B-17 range, as it is Navy policy that these ranges are generally closed to the public. Allowing hunting and special events would work only as managed access through strict Naval control to ensure public health and safety and scheduling of training events. Hunters would be issued tags and permits that would only allow a certain number of people to be on the range; these would be issued through the NDOW. The same species that occur in the B-17 range area would also occur in the Dixie Valley area and could be seen there by recreationalists. Hunting is a population management tool and is important for the biological processes in the B-17 range. The Navy made it part of the EIS because hunting is part of the

mission of NDOW, a cooperating agency of the Navy for the EIS and under the hunting program. The bombing range is not safe for unrestricted numbers of recreationalists.

Regarding item 4 of the scoping comments listed, the Navy is not proposing to withdraw the Stillwater National Wildlife Refuge. Due to the Weapons Danger Zone, it would not be able to maintain the buffer requested under any of the action alternatives. This expansion does not include the Stillwater National Wildlife Refuge (NWR). The USFWS would continue to manage the Stillwater NWR. In addition, the USFWS would need to undertake any public planning required in order to revise the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and associated compatibility determinations, consistent with the National Wildlife Refuge System Administrative Act, as amended (16 United States Code 668dd–668ee). NAS Fallon has prepared a BASH Plan to identify potential areas of concern and to establish procedures to mitigate the threat of bird and other animal strikes. Currently three Special Use Airspace (SUA) units overlap the Stillwater and Fallon NWRs: Fallon North 1 MOA, R-4813A, and R-4813B. Under the Proposed Action, there are no proposed changes to the operating altitudes of the SUAs that overlap the Stillwater NWR, no changes in number of aircraft operations, and no changes in the approach and departure tracks of aircraft utilizing targets in B-20. The proposed B-20 expansion area that overlaps the NWRs is for a ground-based safety zone and not due to an increase or change in aircraft operations over the NWRs. Therefore, there would be no change in the BASH potential with implementation of the proposed action.

The following are some general operational changes that are implemented during aircraft operations to reduce threats from bird strikes, mission permitting:

- When practical, reduce low-level flight time.
- Reduce formation flying.
- Reduce airspeeds to allow birds to be seen sooner and lessen damage in event of a strike.
- Avoid areas with known raptor concentrations during summer, especially during 1000–1700 hours due to increased thermals (Naval Air Station Fallon, 2012).

With adherence to the NAS Fallon BASH Plan and use of the Avian Hazard Advisory System, there would be no significant impacts to bird or bat populations as no population-level effects to birds or bats would be expected.

Regarding item 5 of the scoping comments listed, the Navy is not proposing to close B-16 as it is necessary for training purposes.

Regarding item 6 of the scoping comments listed, the Navy has reviewed alternatives for training at other locations. Other locations are scheduled such that there would not be room in the schedule for the necessary training that is accomplished at the FRTC to coincide with current training at these other locations.

Regarding item 7 of the scoping comments listed and other following comments on simulations with computers, although virtual training and simulators are an important aspect of naval training, there are numerous ways in which they do not sufficiently re-create fully integrated, real-life situations that may be encountered in a combat environment. For example, as discussed in Chapter 2 of the Final EIS, virtual training and simulators cannot re-create the physical stresses, such as increased heart rates and adrenalin levels, that a live-fire exercise provides.

The FRTC is the only location where an entire carrier air wing, consisting of more than 60 aircraft and associated support crews, can train as a single unit conducting the full arc of the mission, including pre-flight planning, ordnance handling, in-air activities, weapons deployment, and post-flight briefing. This cannot be accomplished via simulations.

Regarding item 8 of the scoping comments listed, the Navy is proposing to establish two Conservation Law Enforcement Officers at NAS Fallon. Part of the duties of these officers would include monitoring of the added fence line. The Navy will adjust staffing needs as necessary pending any ultimate Congressional decision and future needs.

Regarding item 9 of the scoping comments listed, the Navy has developed and proposed specific mitigation for each alternative that can be implemented and would avoid or minimize impacts. As such, alternatives include actions specifically designed to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities.

Regarding specific comments on Chapter 2, in order for the Navy to reach full TTP compliance that would allow air and ground forces to train in a realistic 360-degree combat scenario for all training scenarios, the Navy would need to withdraw or acquire almost double the land as that requested under the Proposed Action (approximately 1.3 million acres), as well as make extensive revisions to special use and civilian airspace. The Navy considered this as an alternative, but did not carry it forward for detailed analysis in the EIS because of potential significant and largely disruptive impacts to the local area. For example, this alternative would necessitate the re-routing of several major U.S. Highways (U.S. Route 50 and U.S. Interstate 80). Additionally, this alternative would greatly increase the amount of public lands that would need to be closed for weapons safety considerations.

Instead, the Navy settled for the minimum 180-degree requirement for realistic training events; and reduced the size of the overall area requested and proposed for withdrawal, to the extent consistent with mission requirements.

The Navy added a figure in Chapter 2 of the Final EIS that illustrates the withdrawal and acquisition lands included in the Draft EIS and highlights additional reductions that have been made to the withdrawal and acquisition lands between the Draft and Final EIS under Alternative 3.

The Navy included the “status quo” alternative as an “Alternative Considered but Not Carried Forward for Detailed Analysis” in Section 2.5.1 (Continue Training at the Fallon Range Training Complex in the Current Configuration). This alternative, also known as the “status quo” alternative, would renew the existing FRTC land withdrawals as currently configured. The Navy would not withdraw or acquire any additional land, and there would be no changes to existing restricted airspace at the FRTC. In their comments during the scoping period, Churchill County, Eureka County, Nevada Association of Counties, and other members of the public recommended that the Navy consider this alternative in this EIS. The Navy considered this alternative but did not carry it forward for detailed analysis in the EIS. It would not meet the purpose of and need for the project, nor would it satisfy the realistic training environment and safety screening factors.

Regarding the analysis of impacts, the approach to analysis, including significance criteria for potential impacts, are presented in the Final EIS for each resource section. The approach to analysis and significance criteria varies but was developed based on applicable laws, regulations, and policies for

each resource area. In addition, context, intensity, and relevant thresholds were considered when determining significance.

Regarding impacts to land use, the Navy analyzed potential social impacts, including impacts on customs and culture, in Section 3.13 (Socioeconomics). In addition, the Navy addresses impacts on resource areas that contribute to customs and culture in separate sections in the Final EIS, such as land use (Section 3.2), mining (Section 3.3), grazing (Section 3.4), cultural resources (Section 3.11), recreation (Section 3.12), and cumulative impacts (Chapter 4). Between the Draft and Final EIS, the Navy re-evaluated impacts and some of the significance determinations may have changed slightly based on public input and best available science.

Regarding comments on soils, the Navy's training and testing activities are in compliance with all applicable laws and regulations concerning the impact of explosives and associated chemical constituents in the soils environment both on and off range.

Regarding the range sustainment program, the safety of the public and military personnel is of utmost importance to the Navy. As discussed in Section 3.14 (Public Health and Safety), the Navy has implemented a strict Hazardous Material Control and Management Program and a Hazardous Waste Minimization Program for all activities. The Navy continuously monitors its operations to find ways to minimize the use of hazardous materials and to reduce the generation of hazardous wastes. Spills would be managed and cleaned up in accordance with applicable state and federal regulatory requirements. If a spill were to exceed reportable quantities as defined by the U.S. Environmental Protection Agency for regulated material, it would be immediately reported to the NAS Fallon Environmental Division for appropriate action per the Integrated Contingency Plan (U.S. Department of the Navy, 2009).

Additionally, the Department of Defense created the Installation Restoration Program to identify, evaluate, and clean up contamination from past operations on military bases. The program was designed to ensure Department of Defense compliance with federal and state environmental laws and regulations.

Lastly, the Navy complies with Chief of Naval Operations Instruction 3571.4, Operational Range Clearance Policy for Navy Ranges, which establishes the policy and requirements for performing operational range clearance on Navy ranges. Under this program the impact areas are routinely swept of ordnance and target debris. This debris is disposed of or, if possible, recycled in accordance with all applicable regulations.

Regarding Wilderness Study Areas (WSAs) and the proposed de-designation, the proposed de-designation of portions of Wilderness Study Areas is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces (along with other non-hazardous training activities, such as night vision goggle training and low-altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTA, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed.

Regarding comments on mining and mineral resources, geothermal, and climate change, the Navy is not proposing to increase the types or levels of training activities under any alternative. Therefore, there would be no increase in greenhouse gas emissions. See Section 3.8 (Air Quality), specifically Sections 3.8.3.2.9 (Greenhouse Gas Emissions), 3.8.3.3.9 (Greenhouse Gases), and 3.8.3.4.9 (Greenhouse Gases) of the Final EIS for more information.

Regarding comments on biological resources, multiple ecological surveys were performed in support of the EIS. These supporting studies can be found on the FRTC project website at, <https://frtcmodernization.com/>. These studies include but are not limited to:

- Avian Survey Report
- Bat Survey Report
- Burrowing Owl Survey report
- Fish Survey Report
- Greater Sage-grouse Survey Report
- Plant Community Surveys and Mapping Report
- Raptor Survey report
- Rare Plants Survey Report
- Small Mammal Survey Report
- Wetland Survey Report
- Wildlife Camera Trap Survey report
- Wildlife Species Documented on Existing Navy-Administered FRTC Lands and Proposed FRTC Expansion Areas, Nevada

Regarding comments on the significance determinations for biological resources, populations of species are distributed throughout current FRTC boundaries. Based on species distribution data, historical coexistence with training activities, and the analysis presented in the Final EIS, populations would not be significantly impacted by proposed training activities. While the analysis indicates a less than significant impact, the Final EIS has been updated to include a discussion of potential impacts on individuals of a species.

Regarding comments on recreation, the Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would likely result in the public shifting their recreational activities to other areas.

While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the bombing ranges, these activities could continue to occur in the DVTAs and surrounding areas.

Regarding comments on Nevada's population, the Navy has updated the text in Section 3.12 to reflect that Nevada's population is ranked as 32nd in the nation.

Regarding comments on Socioeconomics, a detailed Payment in Lieu of Taxes (PILT) analysis is included in the Supporting Study: Economic Impact Analysis Report, available at <http://frtcmodernization.com> and discussed in Section 3.13 (Socioeconomics). There would be no change in PILT for Churchill, Mineral, Nye, and Pershing counties, and very little change in PILT for Lyon County. Therefore, there would be no significant impact from lost revenue from reduced PILT under any of the action alternatives.

Regarding comments on geothermal energy, the Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary for the Navy to meet training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy acknowledges that complying with required design features could add cost to a potential geothermal development; however, the Navy is committed to working with the developer on a case-by-case basis. This is addressed in Section 3.3 (Mining and Mineral Resources).

Regarding comments on the table in the Socioeconomics section, the impacts under the No Action Alternative would be highly speculative. The Navy has reviewed these impact determinations and revised them based on public comments and the best available science as applicable.

Regarding electromagnetic energy safety comments, at the present time, the Navy will not interfere with civilian use of the electromagnetic spectrum, including GPS. Operations on the FRTC purposely avoid broad conflict with civilian systems. NAWDC and NAS Fallon coordinate and will continue to coordinate with infrastructure providers and spectrum users to avoid conflicts.

Regarding cumulative impact comments, Chapter 4 (Cumulative Impacts) lists past, present, and reasonably foreseeable future actions that have had or are expected to have impacts either within, or within distances of up to 30 miles from, the FRTC. This includes the counties of Churchill, Elko, Eureka, Lander, Lyon, Mineral, Nye, Pershing, and Washoe. In determining which projects to include in the cumulative impacts analysis for a given resource area, the Navy made a preliminary determination regarding each past, present, or reasonably foreseeable action. Specifically, using criteria included in Section 4.2 (Approach to Analysis), the Navy determined whether a relationship exists such that the affected resource areas of the Proposed Action (included in this EIS) might interact with the affected resource area of a past, present, or reasonably foreseeable action. If no such potential relationship existed, the project was not carried forward into the cumulative impacts analysis. In accordance with CEQ guidance (Council on Environmental Quality 2005), those actions considered but excluded from further cumulative effects analysis are not catalogued in the Final EIS, because the intent is to focus the analysis on the meaningful actions relevant to inform any ultimate decision making.

The Nevada Test and Training Range (NTTR) Military Land Withdrawal at Nellis Air Force Base and the FRTC Modernization EIS are distinct and separate actions based on their mission, type of training activities, and training schedules.

The Proposed Action for NTTR was evaluated in Chapter 4 (Cumulative Impacts) in the Final EIS. There would be no overlap between the residents or resources affected by aircraft noise in the FRTC range areas and those affected by aircraft noise in the areas surrounding the NTTR (see Figure 4-1, 4-2, and 4-3). However, the Navy determined based on the analysis in the Final EIS that Nye County would experience a significant impact on recreation and economic resources due to the cumulative nature of the NTTR Proposed Action (see Chapter 4 [Cumulative Impacts], Sections 4.4.12 [Recreation] and 4.4.13 [Socioeconomic Resources]) and the FRTC Preferred Alternative and the loss of lands for recreation activities such as hunting, which generate economic resources for the county (see Section 3.13 [Socioeconomic Resources]). The Navy is working and will continue to work with Nye County and other impacted counties to avoid, minimize, and mitigate impacts when feasible and consistent with the Navy's authority.

As discussed previously in this response regarding hazardous materials and wastes, the safety of the public and military personnel is of utmost importance to the Navy. As discussed in Section 3.14 (Public Health and Safety), the Navy has implemented a strict Hazardous Material Control and Management Program and a Hazardous Waste Minimization Program for all activities.

Regarding the I-11 project, the Navy is in contact with the I-11 project managers and would coordinate as necessary if the projects were to need coordination.

Regarding noise and biological resources, as discussed in Section 3.10 (Biological Resources), the response to sonic booms or other sudden disturbance is similar among many wildlife species. Sudden and unfamiliar sounds usually act as an alarm and trigger a “flight” response; however, reaction to a given noise can vary widely depending on factors such as time of day, physical condition of the animal, physical environment, or whether other physical stressors are present. Although the startle effect of a sonic boom can be stressful to an animal, it is difficult to generalize animal responses to noise disturbances across species. Recent literature suggests a startle is a common response across a variety of species and ultimately leads to habituation. It has been reported that the intensities and durations of the startle response decrease as the number and frequency of exposures increase, suggesting no long-term adverse effects. It is recognized that short term impacts to individual animals may occur from sonic booms, however, overall no long-term adverse effects to populations are expected.

Given the historical use of the airspace and the coexistence of wildlife, animals within the MOA are likely habituated to aircraft overflights and associated noise, such as sonic booms.

Many of the above-listed behavioral and physiological responses to noise are within the range of normal adaptive responses to external stimuli, such as predation, that wild animals face regularly. In many cases, individuals would return to homeostasis or a stable equilibrium almost immediately after exposure to a brief stimulus such as an aircraft overflight or sonic boom. Section 3.10 (Biological Resources), specifically Section 3.10.3.1 (Potential Stressors) of the Final EIS was updated to incorporate the best available science regarding noise and startle effects on wildlife.

Regarding the analysis for cumulative impacts and recreation, off-highway vehicles (OHV) use would continue to be allowed within the DVTA. The BLM has proposed to open/un-restrict OHV use in the Sand Mountain and Dead Camel Mountain Special Recreation Management Areas, as well as on the playa north of the DVTA. Continued OHV use would also be allowed in the Special Land Management Overlay and potentially within new areas of the withdrawn portions of the Clan Alpine Mountains, Job Peak, and Stillwater Range Wilderness Study Areas after any removal of Wilderness Study Area designation by Congress. Due to safety reasons, OHV activities would not be allowed within the proposed withdrawal areas associated with B-16, B-17, and B-20.

Topography and OHV trails similar to those in B-17 also occur in the DVTA or other nearby public lands and could be used by recreationists. These areas would not be impacted by the proposed withdrawal or acquisition and would continue to be available for full public use and recreation, as discussed in Section 3.12 (Recreation).

Regarding PILT, a detailed Payment in Lieu of Taxes (PILT) analysis is included in the Supporting Study: Economic Impact Analysis Report, available at <http://frtcmodernization.com> and discussed in Section 3.13 (Socioeconomics). There would be no change in PILT for Churchill, Mineral, Nye, and Pershing

counties, and very little change in PILT for Lyon County. Therefore, there would be no significant impact from lost revenue from reduced PILT under any of the action alternatives.

Regarding contaminated site management, if sites are acquired by the Navy, the Navy would become liable for these sites.

Regarding comments on Chapter 5 (Management Practices, Monitoring, and Mitigation), the Navy has developed and proposed specific mitigation for each alternative that can be implemented and would avoid or minimize impacts. As such, alternatives include actions specifically designed to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities. Suggested measures and the Navy's response to these measures and adoption status have been added to Chapter 5 via tables.

Regarding noise report comments, as stated in Section 3.7.3.5 (Proposed Management Practices, Monitoring, and Mitigation), the Air Operations Office logs noise complaints at Naval Air Station Fallon. The office records information about the time, location, and nature of the complaint; and initiates investigation of what if any Navy airspace operations were being conducted by the Navy at the FRTC. If the caller requests, range personnel will follow up with a return phone call to explain the resolution of the complaint. The Navy may be contacted for noise complaints and operational suggestions at 775-426-2419.

Regarding groundwater, while impact areas have been identified, the Navy has not yet determined specific target placement. The placement of the targets within the impact areas would avoid washes. The Navy has revised sections in the Final EIS, specifically in Chapter 2 (Description of Proposed Action and Alternatives), and Section 3.14 (Public Health and Safety) with this information.

F.6.1.18 Mattinen, P. R. (ProJem Venture Inc.)

ProJem Venture Inc.

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February 4, 2019

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

FRTC Draft EIS Comments

INTRODUCTION

ProJem Venture Inc. is a private, Nevada company that owns a group of lode mining claims in the proposed FRTC, Bravo-17 (B-17) bombing range, expansion. The President of the company, Paul Mattinen, is a Certified Professional Geologist (AIPG: CPG-10823) BSc. Geological Engineering, with more than 40 years in the mining and mineral exploration business. The current (2018) 11 mining claims (220 acres) were once part of a larger group which at one time totaled 189 claims (3780 acres). The original claim locations were in 2002 to cover the King Mine, in the King mining district. The King district is a historic, but limited, gold producer primarily in the 1920s, situated on the west flank of the Monte Cristo Mountains. References are found in W.O. Vanderburg, 1938 and 1939, USGS 17276, 1927 and USBM-IFC 6941, 1926 which describes the geology, mine workings and limited gold production. Further reference is found in the 1963 report by J.H. Wren Consulting Mining Engineers which is available in the district data files of the Nevada Bureau of Mines and Geology. Copies of both documents are appended herewith (Appendix 1). The current 11 claim holdings, which cover the most prospective area, are in Township 13 North, Range 34 east, Sections 4 and 9 MDBM with approximate UTM of 4,318,800 N – 400,000 E (NAD 27). A map of B-17, Alternative 3, with the location of the current ProJem Venture, King Mine, lode claims places them virtually in the center of the proposed expansion (Figure 1, 1a, 1b, 2,).

KING MINE PROPERTY

A 2002 review of historic data by ProJem indicated that the area of the old mine workings warranted a field investigation and geochemical prospect sampling to determine geological setting and potential for an economic mineral deposit i.e. gold and

silver. Surface geology during the field visit showed an area of extensive hydrothermal alteration indicative of the processes that host Nevada style precious metal deposits. The mineralized system can be recognized in a northerly direction over 2 miles where narrow gold-silver-copper veins are present. Geochemical rock sampling of mineralized material showed the presence of multiple high gold values up to 0.85 oz./ton Au (subsequent sampling returned assays up to 1.55 oz./ton Au) which clearly indicates that the King Mine area has significant economic potential and had not been explored utilizing modern, state of the art, geophysical, geochemical technologies and geological modeling. This initial investigation warranted the acquisition of the mining claims.

Several periods of geological mapping and rock sampling for trace elements and whole rock analysis were carried out to define the mineralizing system. The most recent exploration program was carried out between 2012 and 2016. This work involved detail mapping with petrographic studies, geophysical surveys, drilling 19 reverse circulation percussion bore holes totaling 7,170 feet, and trace element geochemical analysis of the drill cuttings on five-foot intervals. This work along with the surface sampling discovered “valuable minerals” that is, gold, copper, lead and zinc. A technical report is attached herewith describing the work program (Appendix 2). Highlights (which are described in the report) detail multiple intersections of gold, copper, zinc and lead and a well mineralized gold zone (up to 16 g/t Au) in several holes which can be projected over 1,500 feet. One drill hole targeting a moderate magnetic anomaly intersected anomalous copper (up to 0.42% over 20 feet). Based on recent detailed mapping (2016), integration of trace element geochemical data from the drilling program, induced polarization / resistivity/magnetic data from the geophysical surveys, the mineralization at the King Mine represents both a gold bearing system and a copper – gold porphyry system lying at depth. Further work is warranted to affect an economic resource. Expenditures on the King Mine claims over ProJem’s tenure, excluding BLM claim location and filing costs and annual BLM rental payments, includes field mapping and sampling, geophysical surveys and drilling/assaying, are approximately \$960,000 USD (Appendix 3). This investment has substantially improved the claims and brought the project to a high-level of confidence for defining a valuable mineral deposit.

BRAVO-17 AREA

As President of ProJem Venture Inc., I attended the Navy information meetings in Reno on October 4, 2016, and June 19, 2018 (BLM) and the draft EIS presentation on December 13, 2018 regarding proposed expansion of the FRTC. Comments based on the information presented at the 2016 meeting were submitted to Naval Facilities engineering, San Diego. As mentioned above, ProJem’s mining claims lie within the proposed expansion of the B-17 bombing range which will have the area closed to the

public and any further mineral exploration and development. At both meetings the argument was given that the current B-17 area was insufficient and weapon danger zone needed to be expanded "allow more room to operate for deployment of the JDAM ordinance". I am very supported of the US Military and accept the need for the proposed "ninety days to combat" necessity. Unfortunately for ProJem Venture the King project mining claims lie within the center of the B-17 range expansion proposal. If the land withdrawal is approved, and following due process, the claims will be subject to a condemnation and taking. Should this be the case, ProJem will be seeking adequate compensation for its loss.

Respectfully submitted,
Paul R. Mattinen, President
ProJem Venture Inc.



P.R. Mattinen C.P. Geo - AIPG

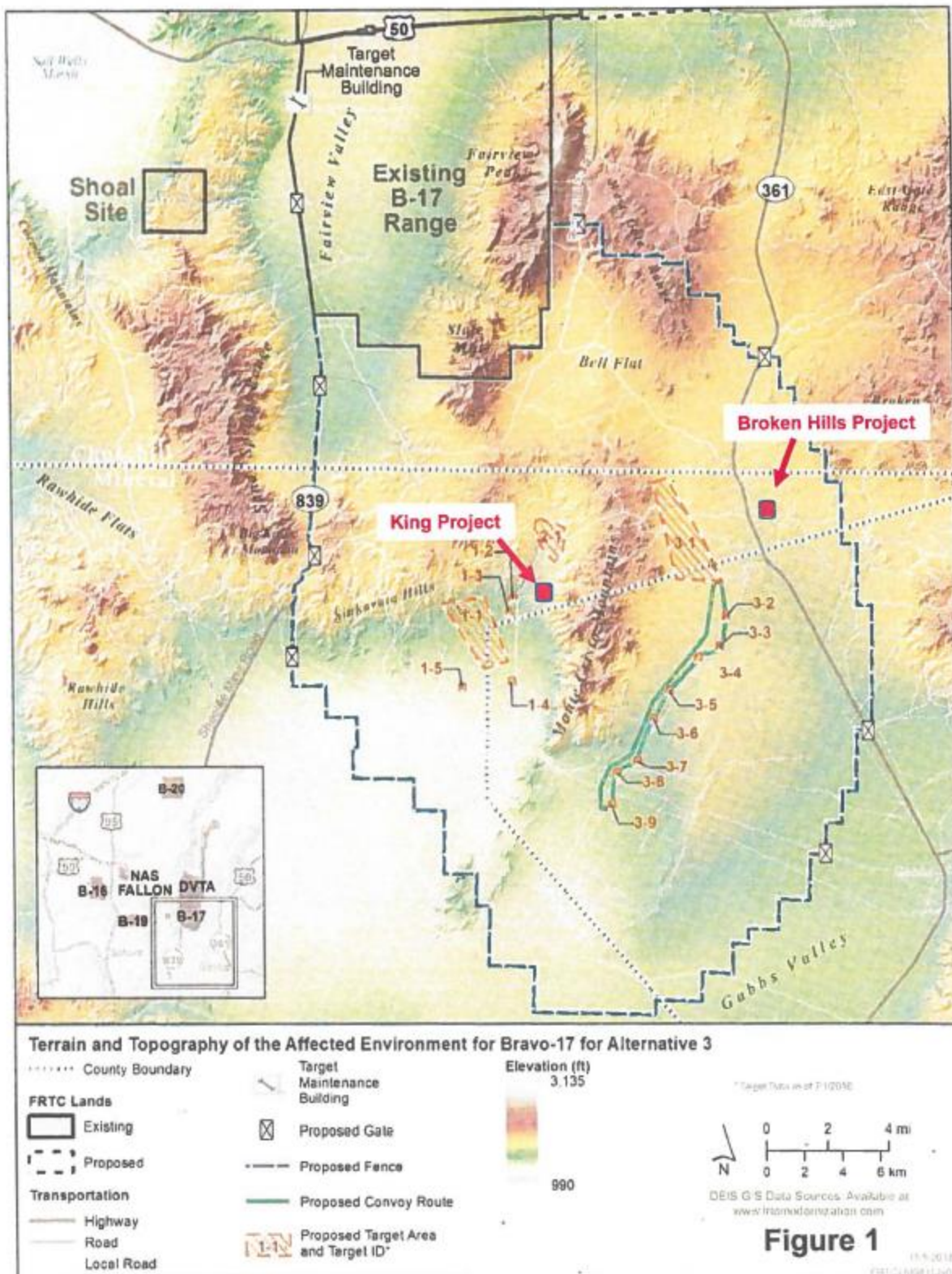
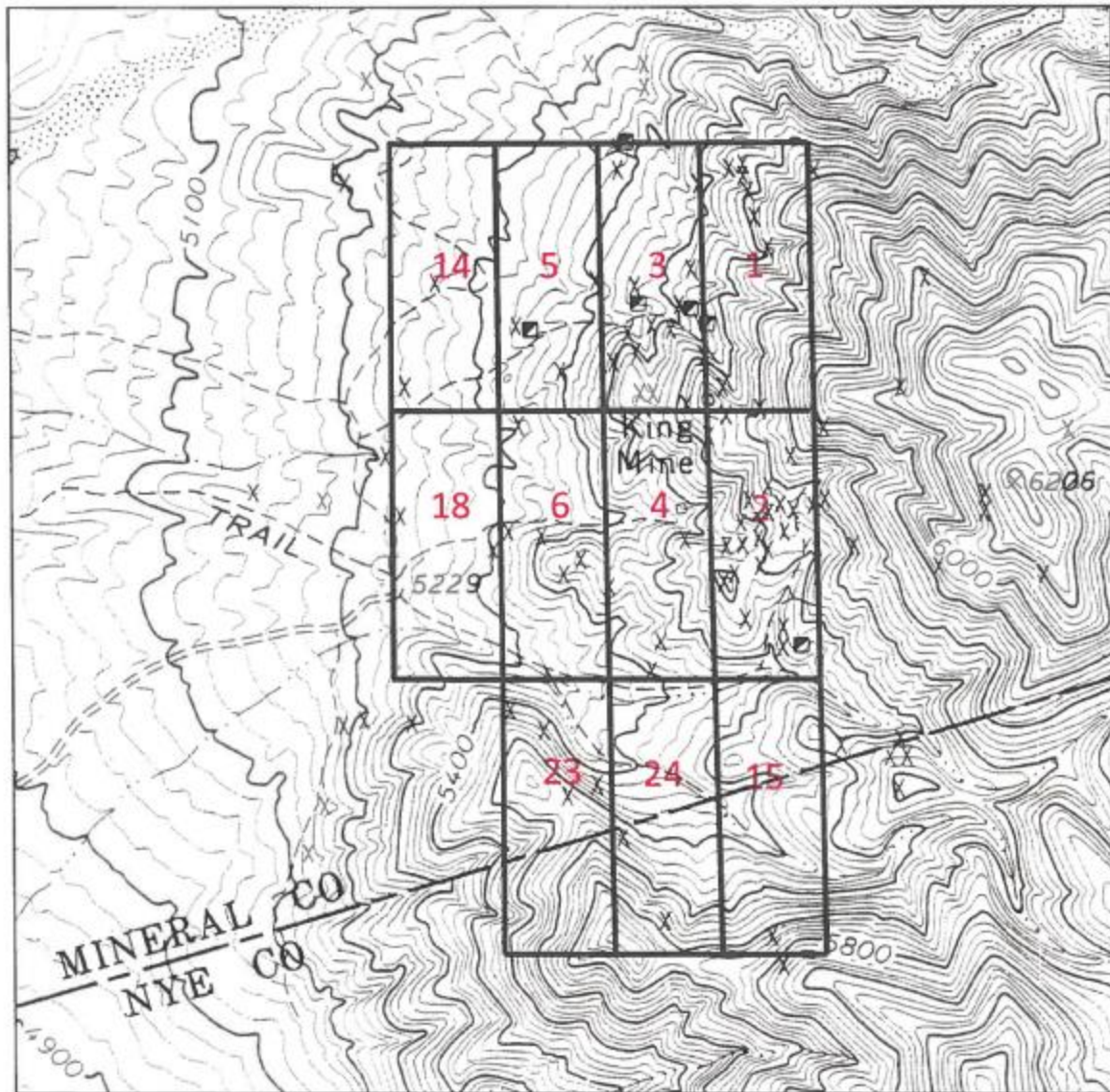


Figure 3.1-13: Terrain and Topography of the Affected Environment for Bravo-17 for Alternative 3



ProJem Venture Inc.
KNG and KM Lode Claims
T. 13 N, R. 34 E. Sec. 4, 9, MDBM
KNG 1 – 6, 15
KM – 14, 18, 23, 24

Figure 1a

EXHIBIT 1
KNG and KM Unpatented Lode Claims
T. 13 N., R. 34 E. Sections 4, 9 MDBM
Mineral and Nye Counties, Nevada

<u>Claim Name</u>	<u>BLM NMC #</u>	<u>Mineral County Document #</u>	
KNG - 1	829081	126333	
KNG - 2	829082	126334	
KNG - 3	829083	126335	
KNG - 4	829084	126336	
KNG - 5	829085	126337	
KNG - 6	829086	126338	
			<u>Nye County Document #</u>
KNG - 15	842625	127516	553633
KM-14	1057658	154682	
KM-18	1057662	154686	
KM-23	1057667	154691	776285
KM-24	1057668	154692	776286
Total Claims:	11	11	3

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Figure 1b

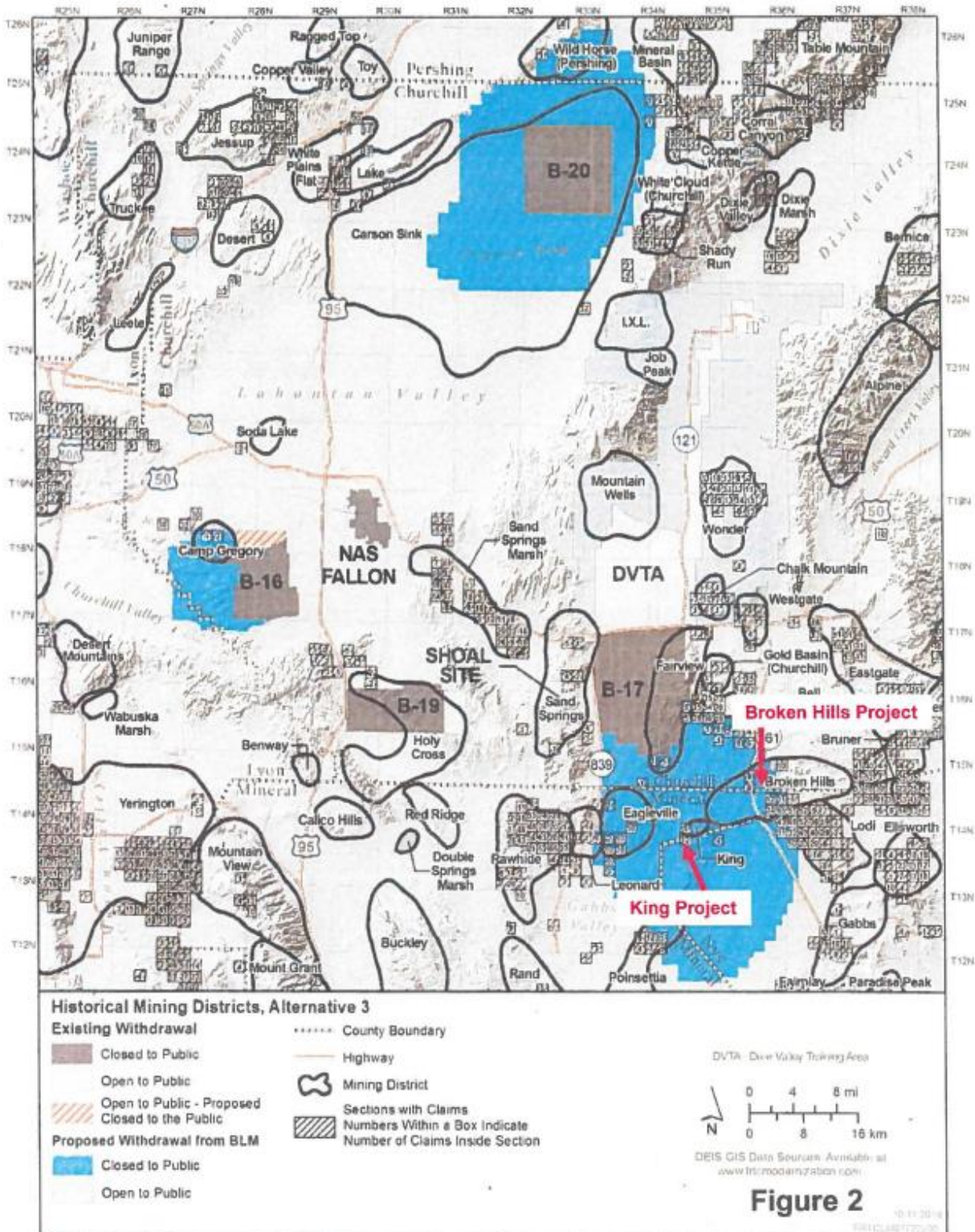


Figure 3.3-2: Historical Mining Districts, Alternative 3

Appendix 1

Appendix 2

Appendix 3

F.6.1.18.1 Response

Thank you for participating in the NEPA process. Regarding adequate compensation for lost mining claims, the Final EIS has been updated to further describe the process by which the Navy would compensate valid mining claims. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

With regard to existing patented mining claims, the Federal Government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

F.6.1.19 Netherton, S. (Friends of Nevada Wilderness)



February 14, 2019

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

www.FRTCModerization.com

RE: Comments on the Fallon Range Training Complex Modernization EIS

Dear Sir or Madam:

Thank you for the opportunity to present comments on the draft EIS. This letter is on behalf of the Board of Directors, staff, volunteers and the 10,000 supporters of Friends of Nevada Wilderness who recreate on public lands in Nevada, including those lands being considered for expansion of the Fallon Range Training Complex. It is also on behalf of the members of The Wilderness Society and the Conservation Lands Foundation. Some of the more popular areas that our collective members have enjoyed for decades include the Clan Alpine Mountains, Job Peak, Stillwater Range and Desatoya Mountains Wilderness Study Areas and the Fallon and Stillwater National Wildlife Refuges.

Overview of Comments

Our comments focus on the following categories:

- The inadequate and erroneous statements about Wilderness and Wilderness Study Areas throughout the document. The Final EIS should correct these errors and expand the analysis on the impacts to Wilderness resources.
- A request that the Final EIS contain a reconfigured alternative for the Dixie Valley Training Area. One that would better serve military needs while protecting Wilderness resources and lessening the amount of land that would need to be withdrawn from public domain.
- Additional comments on other resources and sections of the DEIS.

Wilderness Resources

The DEIS appears to have relied on erroneous information about Wilderness conservation lands. The background information in *Appendix 1* (at the end of these comments) is provided for a better understanding of the history of these Wilderness conservation lands and the status of these lands today. It is important that these inaccuracies in the DEIS be corrected within the FTRC EIS to assure accurate information and credibility of the document. Additionally, the analysis of the impacts to these Wilderness lands as a result of proposed WSA de-designation for military expansion is either incorrect or non-existent.

Wilderness values go far beyond “recreation”. As a reminder, we have included language directly from the Wilderness Act of 1964.

SECTION 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of Wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as "Wilderness areas", and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as Wilderness, and so as to provide for the protection of these areas, the preservation of their Wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as Wilderness; and no Federal lands shall be designated as "Wilderness areas" except as provided for in this Act or by a subsequent Act.

DEFINITION OF WILDERNESS

(c) A Wilderness, in contrast with those areas where man and his works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain. An area of Wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Examples of False or Misleading Statements about WSAs in the Fallon Range Training Complex Modernization DEIS

Land Use [Executive Summary Page 13]

Wilderness Study Area: an area for further study to determine whether it meets criteria to be designated by the U.S. Congress as a Wilderness Area [Executive Summary Page 13 (53)]

This definition of WSAs within the DEIS is false. ALL WSA's meet Wilderness Criteria. See the background information in Appendix 1 for the process that determined the Wilderness qualification of WSAs. All currently existing WSAs meet all the necessary criteria for Wilderness designation. These WSAs are the crown jewels of BLM lands.

3.2 Land Use Bravo-20 [Page 3.2-23]

Stillwater Range WSA

In an evaluation of the Stillwater Range WSA, the BLM determined that the Stillwater Range WSA no longer contains Wilderness characteristics.

This statement in the FTRC DEIS is false, and is a misinterpretation of the 1991 BLM Nevada Statewide Wilderness Report. In fact, the report quoted unequivocally states that "the Wilderness values described in the Section 2(c) criteria of the Wilderness Act of 1964 are present in the WSA" [Nevada BLM Statewide Wilderness Report 1991, VOLUME IV - CARSON CITY and ELY DISTRICTS pg IV-40]. Refer to Appendix 1 background information on the Nevada WSAs for clarification of WSA Wilderness characteristics

Dixie Valley Training Area [3.2-25]

Clan Alpine WSA

The Clan Alpine Mountains WSA is BLM land located east of the DVTA outside of the existing and proposed DVTA area.

This statement is false. Not only are 22,381 acres of the Clan Alpine WSA are within the proposed DVTA expansion, the military proposes that these acres of WSA be eliminated by Congress.

The BLM does not find the northern half of the WSA and the area around the periphery of the WSA suitable for Wilderness.

This statement is misleading as presented, implying there are no Wilderness values in these areas. BLM's recommendations are very old and have limited value in an analysis of impacts on Wilderness Resources.

Job Peak WSA

The BLM has determined that the Job Peak WSA does not contain Wilderness characteristics.

This statement in the FTRC DEIS is false and is a misinterpretation of the 1991 BLM Nevada Statewide Wilderness Report. Refer to Appendix 1 background information on the Nevada WSAs for clarification of WSA Wilderness characteristics. Not only does the entire WSA have Wilderness characteristics, much of it has extensive cultural resource values that were identified by the Fallon Tribes. The Tribes submitted an ACEC proposal to the Carson City BLM about the need to protect these values. The BLM in their draft Resource Management Plan identified a large portion of the WSA as the Fox Peak ACEC.

The boundary of the proposed military withdrawal was drawn to exclude most of the proposed Fox Peak ACEC. It is now unclear if the BLM intends to protect this sensitive cultural area in their final Resource Management Plan.

3.12.3.2.4 Dixie Valley Training Area

Land Withdrawal and Acquisition pg 3.12-31

Though these remaining WSA areas would be managed as WSA, none of them contain Wilderness characteristics. Therefore, there would be no significant impact on recreation because of the withdrawal or acquisition under alternative 1.

Land Withdrawal and Acquisition pg 3.12-46

Though these remaining WSA areas would be managed as WSAs, none of the Stillwater WSA, Job Peak WSA, or the Clan Alpine WSA retain Wilderness characteristics. None of the areas proposed for WSA designation removal contain Wilderness characteristics.

Both of the above statements from the FTRC DEIS are totally false. All of these areas have Wilderness characteristics and requesting the de-designation of nearly 75,000 acres of wilderness study areas along with withdrawing them from public land is in a fact a significant impact to those Wilderness resources.

Lands with Wilderness Characteristics (LWCs)

The mandate for the BLM to identify LWCs comes directly out of FLPMA: [Sec. 201. [43 U.S.C. 1711] (a)] *"The Secretary shall pre-prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values."* Lands with Wilderness Characteristics (outside of WSAs and Designated Wilderness Areas) are an important part of the continuing inventory of resource and other values on public lands.

In 2013 FNW inventoried lands in the Stillwater Range and submitted the information to the Carson City District office in late 2013. The November 2014 Carson City District Resource Management Plan Revision Report on Lands with Wilderness Characteristics found that these areas do indeed meet the requirements for LWC. In the 2014 Carson City District Office Draft RMP, the BLM Preferred Alternative (E) identified two LWCs (Stillwater Additions and Job South) in the vicinity of FTRC Dixie Valley Training Area expansions.

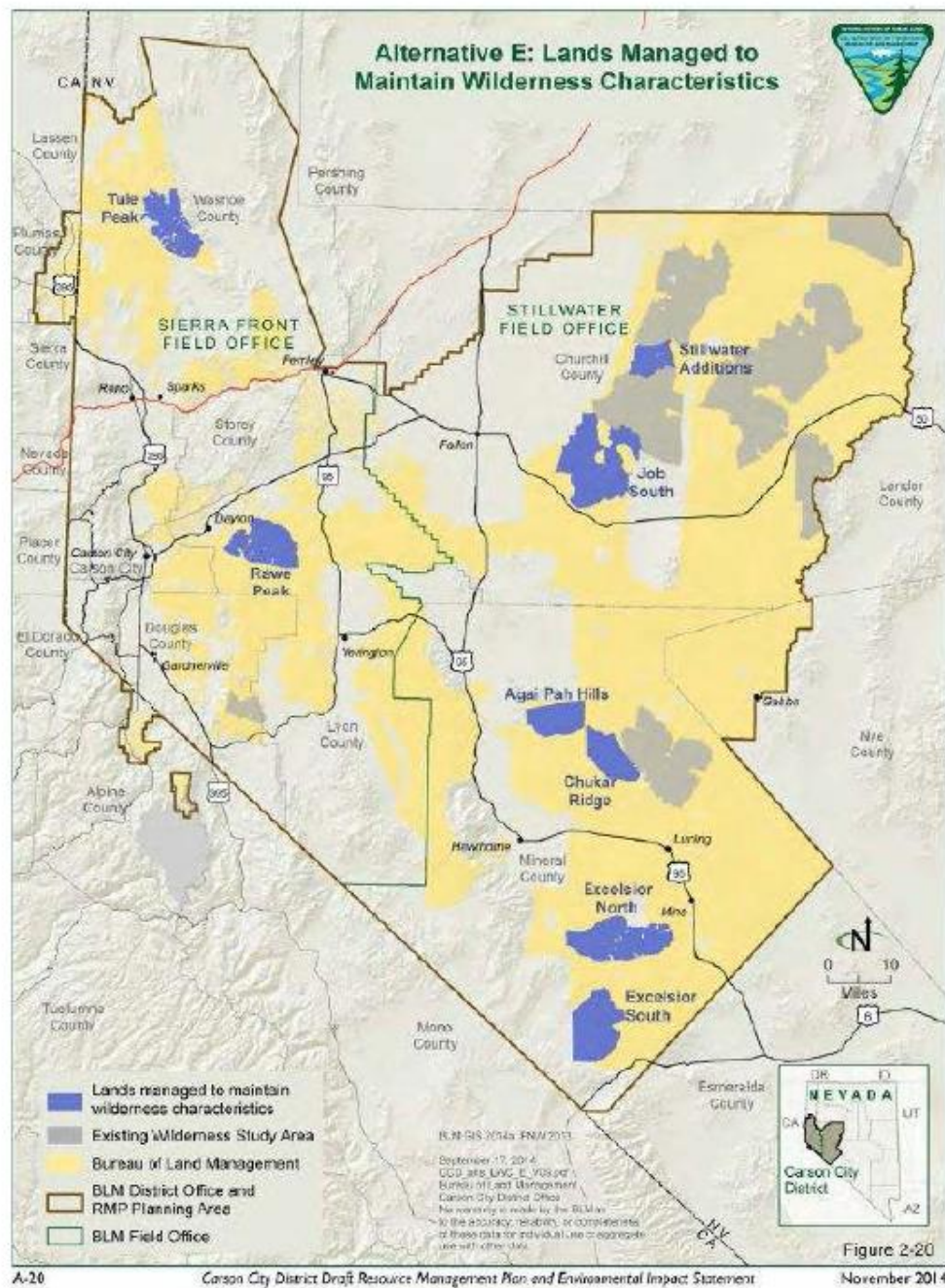
False Information about LWCs the Fallon Range Training Complex Modernization DEIS

Dixie Valley Training Area pg 3.2-25

Although there are no lands with Wilderness characteristics within the DVTA, a recent inventory of BLM land identified four units with Wilderness characteristics. They include the Stillwater Range Subunit, Mountain Well, Diamond Canyon, and Job Peak (subunit B and G). All of these units are in the Stillwater Range west of the existing DVTA and outside of the proposed expansion area (Bureau of Land Management, 2014d).

The statement in the FTRC DEIS about these lands being outside of the DVTA is clearly untrue. The draft EIS does not include maps that show the inventoried lands with Wilderness characteristics but these units are most definitely there. The Preferred Alternative E of the 2014 Draft EIS for the Carson City RMP identified two LWC units (the Stillwater Additions and the Job Peak South) which clearly overlap with the Navy requested withdrawal lands (see map below). The impacts to these LWC lands also needs to be addressed in the analysis of impacts to Wilderness Resources. Cumulatively the military is proposing to withdraw 18,305 acres in the

Stillwater Additions LWC and 12,422 acres of in the South Job LWC for a total of 30,727 acres of additionally impacted Wilderness quality lands.



Conservation Designations and the Dixie Valley Training Areas - A win-win Solution

1.5 Training Needs and the Capabilities Evaluation Process

1.5.4 Non-Weapons Training Need and the Current Range Capability

The existing DVTa is a non-live-fire training area on Navy-managed land that is generally open to public use... Infrastructure, mining, and geothermal development existing near the DVTa has degraded training realism and potentially compromise aircrew safety, particularly in low-altitude, dark, and low-light conditions. If allowed to continue unabated, aircrew and Special Forces personnel would be unable to safely train or train to tactically acceptable parameters within the DVTa.

Through evaluation of the FTRC Modernization DEIS and from conversations with Naval staff and contractors, it is apparent that the Dixie Valley Training Area (DVTa) would not be suitable for Navy training operations today, if the majority of the area surrounding the training area were not protected for Wilderness conservation through formally recognized WSAs and BLM administratively recognized LWCs. The only reason the Navy is able to consider expanding operations into the surrounding areas is because the Wilderness conservation protections have precluded the “infrastructure, mining, and geothermal development” that can “degrade training realism and potentially compromise aircrew safety, particularly in low-altitude, dark, and low-light conditions.” It is also obvious that the reason the Navy wants to expand the DVTa is to assure that the surrounding area will not be compromised by future development. Wilderness designation for the Stillwater Range, Job Peak, Clan Alpine and Desatoya Mountains would provide the strongest assurances for the Navy that the areas surrounding the DVTa would not be compromised in the future by development.

A Conservation Proposal to Support the Military in the Dixie Valley Training Area

We would like the military to consider a conservation proposal that would include a combination of National Conservation Area and Wilderness to provide maximum protection for Wilderness values, wildlife habitat and cultural resources.

We are proposing a National Conservation Area for the Stillwater Range (about 284,000 acres) that would also include Wilderness designation for the Stillwater and Job Peak WSAs. Some of the highlights would include:

- The Stillwater Range would remain undeveloped and available for military training without dangerous developments and low-light conditions.
- The Stillwater Range would remain undeveloped to protect cultural resources and be consistent with ACEC proposals by the Tribes. The Stillwater Range, located along the shore of ancient Lake Lahontan, is extremely important for its cultural values. An excellent source of information about the importance of these cultural resources can be found in the book *In the Shadow of Fox Peak: An Ethnography of the Cattail –Eater Northern Paiute People of Stillwater Marsh* By Catherine S. Fowler
- The Stillwater Range would retain its Wilderness qualities protected either by the National Conservation Area and/or Wilderness proposals.
- The Stillwater Range would retain its high quality wildlife habitat especially for bighorn sheep and other important species.
- The National Conservation Area would still be managed by the BLM and 113,000 acres of public lands would no longer need to be withdrawn from the public domain by the Navy. The Navy could use these

lands and be assured that they would not be developed. However, the public will continue to own them and access would be assured in the future.

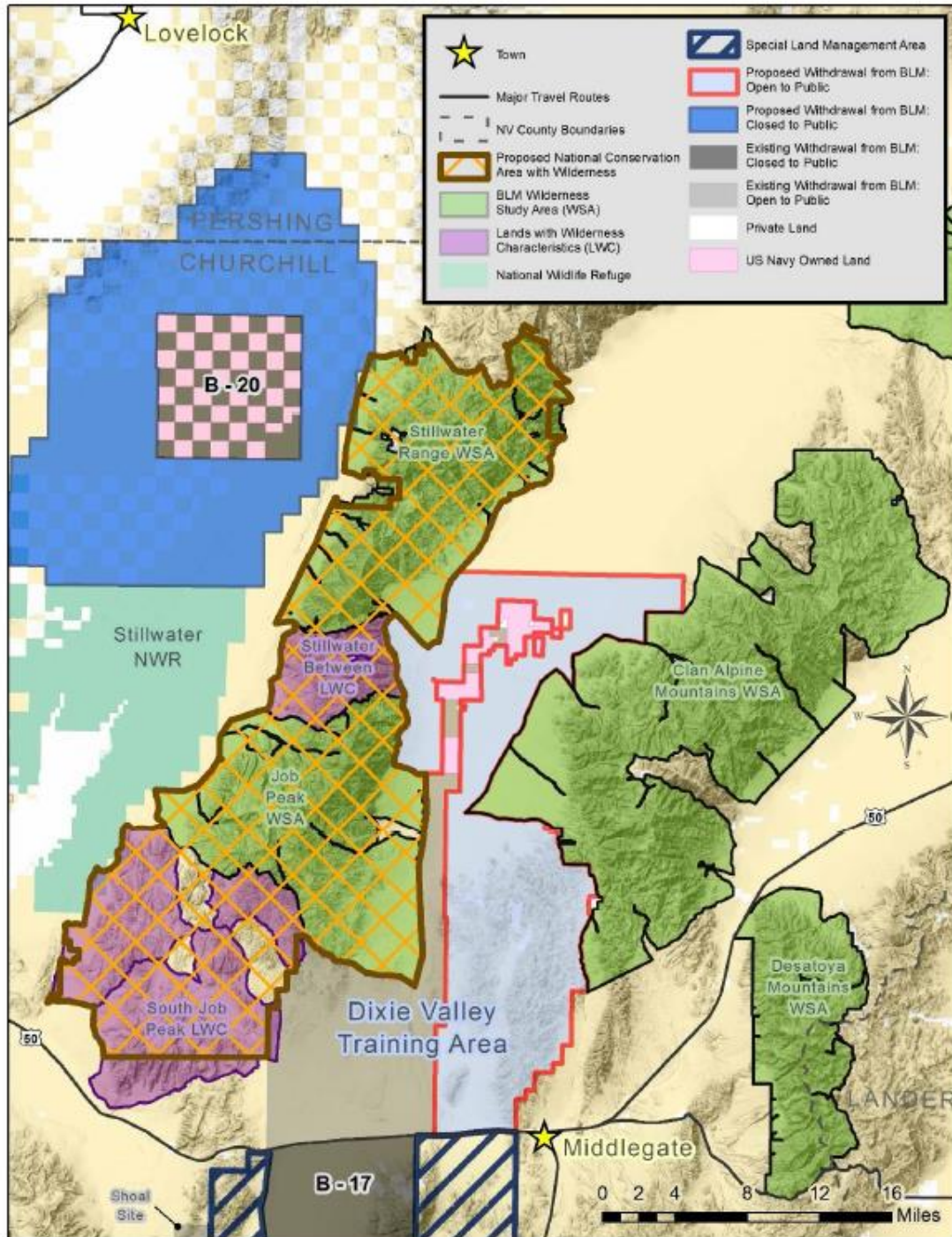
- Currently the Navy is proposing to withdraw about 247,000 acres of public lands in Dixie Valley Training Area and take them out of the public domain. Our proposal would limit the amount of withdrawn land in the DVTA to about 134,000 acres. That would reduce the need for withdrawing 113,000 acres. Additionally, the conservation proposal would be in perpetuity and would not have to be renegotiated through Congress every 20 years.



The Stillwater Range Wilderness Study Area

Additionally, Wilderness designation for the **Clan Alpine Mountains**, **Desatoya Mountains** and **Gabbs Valley Range** would further support the Navy by keeping out developments that might be incompatible with military operations. Wilderness designation will ensure development, encroachments, and obtrusive terrestrial lights will not impact the viability of the DVTA for as long as the Navy needs to conduct training there. We would look forward to working with the Navy and our delegation to ensure any routes and access needs within these proposals are clearly identified.

Conservation Proposal for Dixie Valley Training Area





Jobs Peak Wilderness Study Area



Clan Alpine Range Wilderness Study Area



Other Perspectives on Wilderness and Military Withdrawals

Below is the contracted information from the Rand Corporation commissioned by the US Air Force about proposed military withdrawals for the Nevada Test and Training Range (NTTR). These findings are also applicable for other military withdrawals, including the Navy proposed withdrawal for the Dixie Valley Training Area (DVTA).

The Nevada Test and Training Range (NTTR) and Proposed Wilderness Areas
Issues Affecting the NTTR's Land Withdrawal Renewal- Rand Corporation 2016 pgs 18-20

https://www.rand.org/pubs/research_reports/RR1105.html

Wilderness Can Be a Useful Tool for the [Military]

Wilderness is not always bad for the [Military]. In fact, in some cases, Wilderness areas on other federal lands actually can benefit [Military] testing, training, and other installation and range operations. Wilderness areas can help prevent encroachment and incompatible development near installations and test and training ranges. Wilderness is a tool that could benefit [Military] operations by helping to prevent encroachment on nearby BLM, FWS, and other federal lands.

First, Wilderness status protects an area from human structures being built on it, such as wind farms, solar towers, private homes, and resort developments. All of them are key encroachment concerns for the [Military]. Second, Wilderness areas help protect biodiversity. Loss of biodiversity can be a significant encroachment concern because as biodiversity declines, more species tend to become threatened and endangered species (T&ESs) or other species of concern. This means that their habitat needs special protection, which can restrict military testing and training operations... Wilderness areas on BLM... can help protect the species' habitat and help prevent it from becoming a T&ES.

Thus, ironically, Wilderness on BLM lands and proposed Wilderness areas on the [Military] lands actually benefits the [Military] by helping to prevent encroachment, even though it restricts the [Military] on those lands. Given this situation, the [Military] should try to take advantage of Wilderness as a tool in places where it can help the [Military] and other [training] operations.

Wildlife Concerns

Access restrictions and/or closures

Restricting or closing access hinders efforts of NDOW and non-profit conservation volunteers in managing the wildlife and habitat for which the agency is responsible. NDOW and many conservation partners have invested substantial time and money on habitat improvements and bighorn sheep re-introductions within the proposed withdrawal.

We recommend that the military work cooperatively with NDOW to finalize the "Managed Access Program" for inclusion into the Final EIS/Record of Decision along with an annual review of the Managed Access Program that

provides an opportunity to implement adaptive management strategies and improve access opportunities where possible.

Adverse impacts to wildlife and habitat resources

The impacts of increased noise and munitions, construction of fences and other infrastructure (which impact habitat quality and availability) and OHV use within proposed expanded military airspace and target areas are significant. Of particular concern are low-level flights that have the potential for impacting bighorn sheep lambing areas, Greater Sage-Grouse during lekking/brood-rearing season, and waterfowl breeding and staging habitat. We recommend that the Navy dedicate funding to wildlife and habitat avoidance, minimization, and monitoring activities in the Final EIS/ROD.

Impacts of wildfires (Navy-ignited) and degradation or loss of wildlife habitat

Impacts to wildlife and habitat resources resulting from wildfires caused by live munitions and flares and subsequent conversion to annual grass dominated vegetation communities (cheatgrass) is of primary concern. Past rehabilitation efforts for fires started by Navy activities have been funded by NDOW, BLM, and local conservation groups. A finalized Fire Management Plan was not included within the DEIS and thus, is of significant concern. We recommend that the Navy includes a completed "Fire Management Plan" in the Final EIS/ROD which commits adequate funding and identifies procedures for implementing fire prevention, suppression, and rehabilitation strategies. We would also recommend that the Fallon Range Training Complex maintain a re-load base with a dedicated single engine air attack plane to quickly drop retardant on fires started by military activities.

Lack of mitigation

Mitigation measures within the DEIS relative to potential impacts to wildlife, recreation, wildfire, and access for management activities are lacking. We recommend the Navy incorporates a fully-funded and comprehensive wildlife resource mitigation plan into the Final EIS/ROD. A strategy for forming and enabling a Wildlife Working Group with the objective of enhancing wildlife populations, habitat resources, and rehabilitation strategies.

Again, thank you for the opportunity to provide comments on the draft EIS. We look forward to working with the Navy in the future.

Respectfully Submitted,

Shaaron Netherton
Executive Director
Friends of Nevada Wilderness



FRIENDS of NEVADA WILDERNESS

Paul Spitler
Director of Wilderness Policy
The Wilderness Society



Jocelyn Torres
Nevada Program Director
Conservation Lands Foundation



Conservation
Lands
Foundation
Protecting America's Heritage

Appendix 1

F.6.1.19.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record.

Regarding the statement that the Navy has made inadequate and erroneous statements about Wilderness and Wilderness Study Areas (WSAs), the Navy disagrees. The proposed de-designation is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces, along with other non-hazardous training activities (e.g., night vision goggle training, low altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTa, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed. Any such de-designation would not prohibit the use of the area by recreationalists.

Portions of the following WSAs would be included in Congressional withdrawal legislation, removing the WSA designation: Stillwater Range WSA (approximately 10,951 acres; 12 percent of the WSA), Jobs Peak WSA (approximately 41,680 acres; 47 percent of the WSA), and Clan Alpine Mountains WSA (approximately 22,324 acres; 11 percent of the WSA) (Figure 3.2-8). The de-designation of portions of the WSAs would not reduce a disproportionate share of relevant wilderness characteristics in such a way that it would eliminate the potential for these areas to be designated as wilderness in the future. Management of the remaining WSAs (outside the proposed expansion lands) would continue according to policy and regulations related to the WSAs. The BLM has stated ongoing Navy operations in the SUA over these WSAs diminish solitude opportunities and could adversely impact wilderness designation. Similarly, although the South Stillwater and Clan Alpine Herd Area/Herd Management Areas overlap the DVTa, there would be no change to the current land use or land management of these areas.

Regarding a reconfiguration of the DVTa, the proposed DVTa expansion would overlap 11,600 acres of the BLM's proposed Fox Peak ACEC (24 percent), resulting in the BLM changing the boundaries of the proposed Fox Peak ACEC to remove those areas within the DVTa. The Navy is not proposing to change the management or designated land use within the revised ACEC boundary. The construction of the proposed Job Peak Electronic Warfare Site would be north of the Fox Peak ACEC. There are transmission corridors as well BLM planning and utility corridors within the boundary of the DVTa. Action Alternatives would not affect the current configuration of utilities within the proposed DVTa boundary. However, it would limit the ability to improve existing and proposed transmission lines within the DVTa.

Military Training activities on the DVTa would continue to be compatible with the various activities that may take place on the DVTa because the range would continue to be open to the public.

As noted in Section 2.3.2.4.2 (Public Accessibility), allowable public uses of the lands would not change from current conditions, including hunting, camping, hiking, fishing, off-highway vehicle use, site visits, and grazing. Current utilities and associated ROWs would be allowed to remain; however, there would

be limited public access (Table 2-2. In the event that Congress should approve the proposed land withdrawal, the Navy would determine which ROWs presented in Table 3.2-4 would be compatible with the expanded range and any ROWs that would be acquired by the Navy. The public would not be allowed to access the three proposed electronic warfare sites, and fencing would be installed around these sites (up to 15 acres total).

Regarding specific comments on land use, the Navy has updated this section as necessary for accuracy of information.

Regarding the Stillwater Range comment, this expansion does not include the Stillwater National Wildlife Refuge (NWR). The USFWS would continue to manage the Stillwater NWR. In addition, the USFWS would need to undertake any public planning required in order to revise the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and associated compatibility determinations, consistent with the National Wildlife Refuge System Administrative Act, as amended (16 United States Code 668dd–668ee). NAS Fallon has prepared a BASH Plan to identify potential areas of concern and to establish procedures to mitigate the threat of bird and other animal strikes. Currently three Special Use Airspace (SUA) units overlap the Stillwater and Fallon NWRs: Fallon North 1 MOA, R-4813A, and R-4813B. Under the Proposed Action, there are no proposed changes to the operating altitudes of the SUAs that overlap the Stillwater NWR, no changes in number of aircraft operations, and no changes in the approach and departure tracks of aircraft utilizing targets in B-20. The proposed B-20 expansion area that overlaps the NWRs is for a ground-based safety zone and not due to an increase or change in aircraft operations over the NWRs. Therefore, there would be no change in the BASH potential with implementation of the proposed action.

The following are some general operational changes that are implemented during aircraft operations to reduce threats from bird strikes, mission permitting:

- When practical, reduce low-level flight time.
- Reduce formation flying.
- Reduce airspeeds to allow birds to be seen sooner and lessen damage in event of a strike.
- Avoid areas with known raptor concentrations during summer, especially during 1000–1700 hours due to increased thermals (Naval Air Station Fallon, 2012).

With adherence to the NAS Fallon BASH Plan and use of the Avian Hazard Advisory System, there would be no significant impacts to bird or bat populations as no population-level effects to birds or bats would be expected.

Regarding specific comments for the DVTA, Clan Alpine Wilderness and the Job Peak WSA, the Navy disagrees that the BLM's findings are out of date and limited in value. The Navy must use the best available sources in the analysis and this includes the findings of the BLM.

Regarding the Fox Peak ACEC proposal and Indian Tribes, the Navy is consulting with Indian Tribes on the identification of any additional known cultural resources and associated potential direct and indirect impacts from the Proposed Action.

Under the withdrawal and acquisition, the Navy acknowledges that it would be restricting access to cultural resources to a considerable extent. Consistent with Executive Order 13007, Indian Sacred Sites,

the Navy will continue to work with Indian Tribes to develop protocols for access to cultural resources through the creation of an MOU.

The Final EIS was updated with information in Section 3.11 (Cultural Resources) regarding Navy Section 106 consultation with the Nevada SHPO, ACHP, and Indian Tribes, including the proposed amendment of the 2011 PA to establish protocols for the future management of historic properties and any MOUs with Indian Tribes in association with the Proposed Action. Regarding the mitigation measures suggested by the Tribe, the Navy will continue to engage with all interested Tribes. This engagement will continue past the ROD, as the modernization would be implemented over the coming years. The Navy will avoid and/or minimize impacts on cultural resources wherever possible and follow Section 106 requirements. The Navy is committed to providing access to Tribes to the closed ranges and pushing for funding to conduct surveys in range “buffer” areas. The Navy will work with the tribes to prioritize survey areas. The Navy is working with the Nevada SHPO and ACHP to amend the current 2011 PA they are under for withdrawn lands. The Navy would complete Section 106 consultation on impacts due to loss of access for Tribes prior to the fencing of the newly withdrawn and acquired lands after any ultimate Congressional decision.

Regarding significance determinations for land use changes to WSAs, the Navy has reviewed these determinations and changed them if necessary, in the Final EIS.

Regarding the lands in the DVTA referenced in the comment about the Preferred Alternative E of the 2014 Draft EIS for the Carson City RMP, the Navy has reviewed this alternative and the lands and is working the BLM as a cooperating agency on the Final EIS. The 2014 Draft EIS for the Carson City RMP is discussed in detail in Chapter 4 (Cumulative Impacts) of the Final EIS. The Navy and the BLM would continue to coordinate after any ultimate Congressional decision on areas that overlap with the proposed withdrawal lands.

Regarding the suggestions for changes to the status of the DVTA and proposed land withdrawal area and acquisition areas, the proposed de-designation of portions of Wilderness Study Areas is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces (along with other non-hazardous training activities, such as night vision goggle training and low-altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTA, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed.

To clarify, the Navy is not proposing to de-designate wilderness areas outside of the land proposed for the DVTA, the Navy is not in opposition to wilderness areas around the DVTA.

Regarding the Managed Access Program with NDOW, the Navy currently has an Access Management Memorandum of Understanding with NDOW that would be updated (with a new MOA) after any ultimate Congressional Decision on an action. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft

version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.

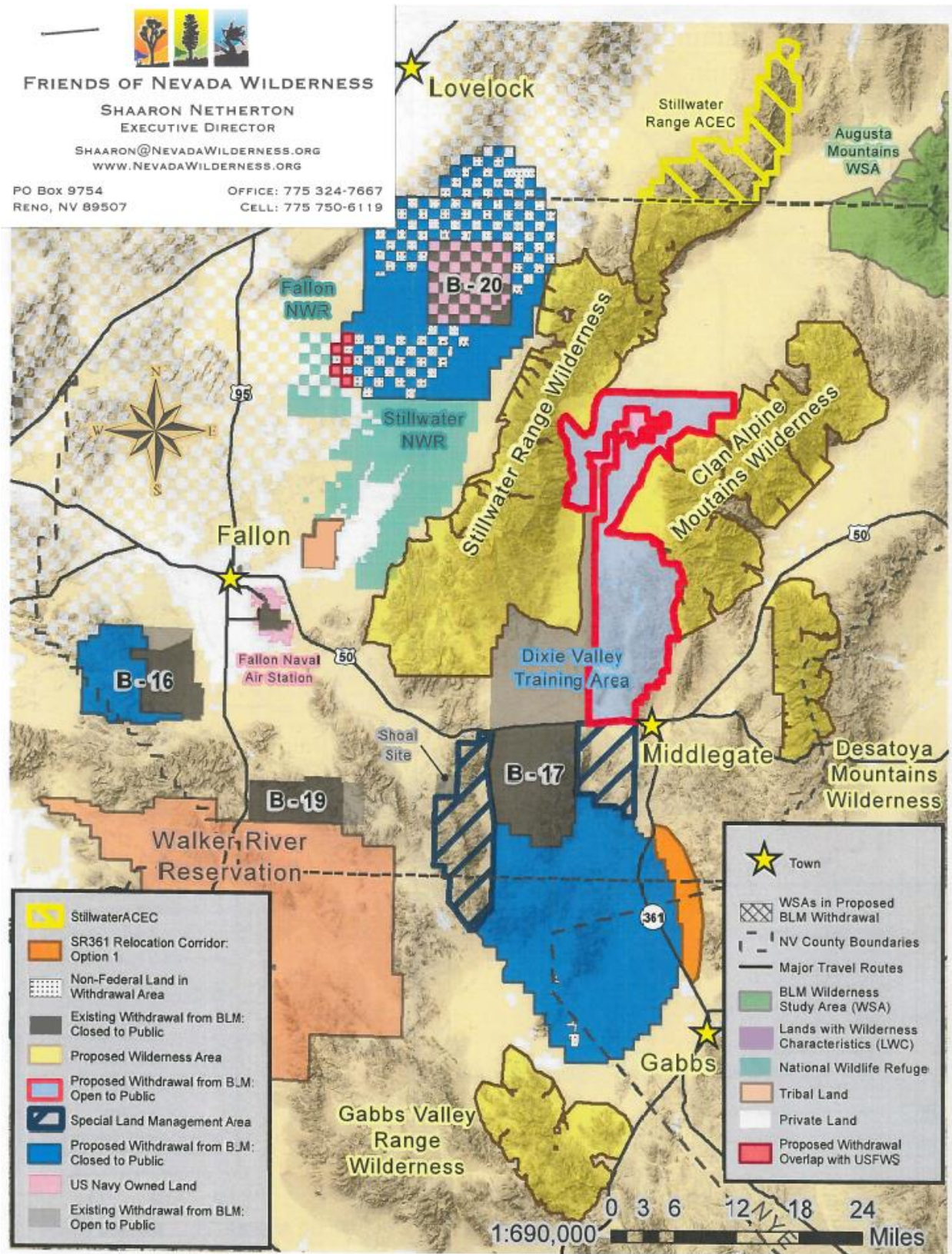
Regarding adverse impacts to wildlife and habitat resources, Navy operational doctrine dictates that during transiting, pilots avoid lambing areas. Regarding impacts to sage grouse, greater sage grouse lek location data indicates that they are east of the land areas proposed for withdrawal or acquisition. Sage grouse in these areas would be exposed to noise from aircraft overflights. Available science indicates that short-term noise intrusion does not play a significant role in lek success.

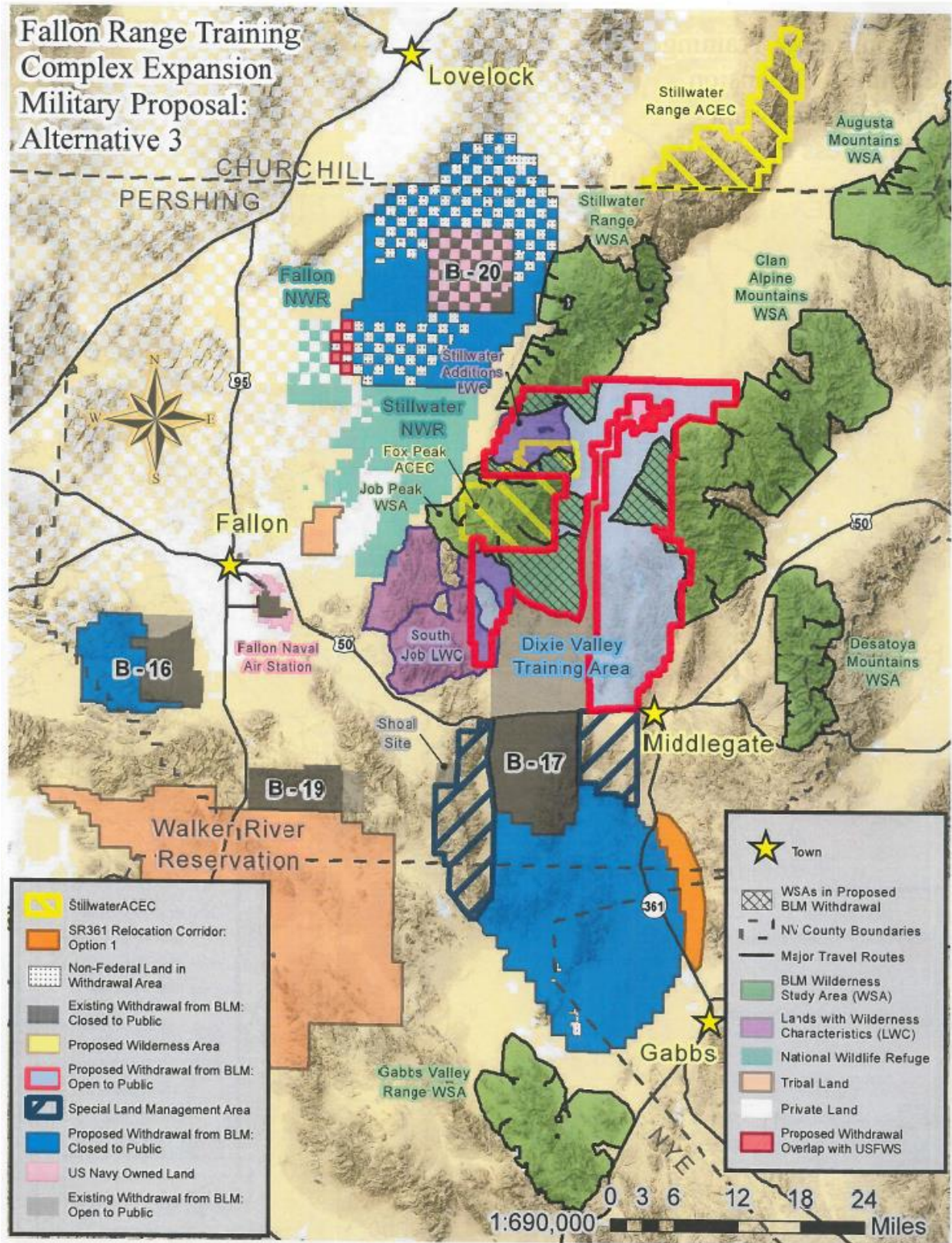
The Navy would work closely with BLM and NDOW to manage sage grouse and other species on land under the Navy's control. The Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision. Regarding migratory bird impacts, species protected under the MBTA are analyzed by major taxonomic groups within subcategories (e.g., passerines, shorebirds), and the impact analysis is conducted in terms of potential effects to populations of migratory birds. The Navy has in place Noise Sensitive Areas around wildlife refuges which reduce impacts to migratory birds.

Regarding the impact of wildfire, the Navy has and would continue to implement operational and administrative controls to reduce wildfires. The Navy is developing a Wildland Fire Management Plan and, where possible, proposed plan elements and goals are included in the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management). An outline of the Wildland Fire Management Plan is included in the Final EIS, in Appendix D (Memorandum, Agreements, and Plans).

Regarding mitigation, the Navy has developed and proposed specific mitigation for each alternative that can be implemented and would avoid or minimize impacts. As such, alternatives include actions specifically designed to avoid, minimize, or mitigate potential impacts, to the extent practicable under existing authorities and consistent with military training activities. In addition to existing management practices or SOPs that would be applied if the analysis identified potential adverse impacts on a resource from implementing the No Action or action alternatives, the Navy identified methods to minimize or mitigate those impacts through coordination with cooperating agencies and Indian Tribes, where appropriate and practicable. Cooperating agencies, Indian Tribes, and other stakeholders were solicited for potential mitigation or management actions through meetings, the public scoping process, and the public comment process on the Draft EIS, and the Navy evaluated the suggestions against compatibility with military training and testing activities and range safety. The Navy conducted several mitigation working group meetings with Cooperating Agencies and Indian Tribes to discuss their concerns as well as the feasibility of their suggested management practices or mitigations. The Navy continued to work with cooperating agencies, tribal participants, and other public stakeholders between the Draft and Final EIS to refine or augment mitigation methods to reduce potential impacts. These suggestions for management practices, monitoring, and mitigation from the Cooperating Agencies, Indian Tribes, and other public during scoping and commenting period on the Draft EIS have been added to the Final EIS in Tables 5-1 through 5-16. General mitigation suggestions are shown in Table 5-1 along with the Navy's response if it was adopted or not; including reasoning for considering but eliminating the suggestion if applicable. Suggestions that were specific to different resource categories are discussed under their respective resource headers in Table 5-2 through Table 5-13, located in Section 5.2 through 5.16.

F.6.1.20 Netherton, S. (Friends of Nevada Wilderness) Figures





F.6.1.20.1 Response

Thank you for your participation in the NEPA process.

F.6.1.21 Petterson, M. (Friends of Nevada Wilderness and Reno Gem and Mineral Society)



**Fallon Range Training Complex Modernization
Environmental Impact Statement (EIS)**

Comment Form

Date: 12/13/2018

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by **Jan. 15, 2019**, for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at **www.FRTCModernization.com**, or by U.S. Postal Service mail to the address below.

Please Print

Nevada is prized for its public lands and natural resources. To give this up is a travesty and disservice to the state and its people. The areas proposed to be taken away from the public are rich in geological history and resources. As an officer of the Reno Gem & Mineral Society, I am appalled that long-standing collecting sites would now be unavailable to our society + its members. How are we supposed to pass on our crafts + knowledge to the next generations if they are wiped out? We criticize the younger generations for not getting outside, yet we continue to take away opportunities for them to explore, learn, grow + appreciate the outdoors. The military is supposed to PROTECT our freedom, not take it away!

F.6.1.21.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. The Navy reviewed and considered all comments received and have updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.

The Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would presumably result in the public shifting their recreational activities to other areas.

While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the Bravo ranges, these activities could continue to occur in the DVTA and surrounding areas. The recreational setting (i.e., wildlife species, terrain) in surrounding areas is the same or similar to that of the Bravo ranges and these areas would remain fully available for public use and recreation. Because these adjacent and nearby lands would remain available for general

recreational activities, the Navy is not proposing any mitigations. The Navy cannot allow other recreational uses in the Bravo ranges, as there are too many recreationalists and it is difficult to control the number or people that would be allowed on range. Hunters would be issued tags and permits that would only allow a certain number of people to be on the range; these would be issued through the NDOW. The same species that occur in the B-17 range area would also occur in the Dixie Valley area and could be seen there by recreationalists. Hunting is a population management tool and is important for the biological processes in the B-17 range. The Navy made it part of the EIS because hunting is part of the mission of NDOW, a cooperating agency of the Navy for the EIS and under the hunting program. The bombing range is not safe for unrestricted numbers of recreationalists.

F.6.1.22 Plouviez, P. (Bench Creek Ranch) Comment 1

SUMMARY OF THE EFFECTS OF THE NASFALLON EXPANSION PROPOSAL

BENCH CREEK RANCH
February 4, 2019
Page 1 of 2

Introduction

Bench Creek Ranch has made substantial efforts in both time and money to participate in the evaluation of the proposed expansion of NASFallon training areas. We have met frequently with Navy and BLM personnel and employed a ranch consultant, an appraiser, and an attorney in order to make sure that our comments and responses are clear and well understood by the agencies.

Bench Creek Ranch includes patented land, the Dixie Valley Allotment, and the Mountain Wells-La Plata Allotment. Within our allotments we own valuable existing rights including water rights, easements (Rights-of-Way), and forage preference. We are confident that the DOD Navy and the USDI BLM will be careful to respect our valid existing rights.

In October 2017, Bench Creek Ranch applied for an allotment boundary change because the northern most portion of Dixie Valley Allotment crosses over the Dixie Valley road into the Stillwater Mountain Range. We requested that northern portion of Dixie Valley Allotment that is west of Dixie Valley road be made a part of the Mt Well/LaPlata allotment. BLM did not complete this change but it would still be an advantage to both Bench Creek Ranch and Navy to have this completed prior to the approval of the Navy proposals. Please encourage or direct the BLM to complete the Allotment boundary changes.

Bench Creek Ranch has submitted comments to the Navy in response to the NEPA process which also serve as constructive notice. We always try to work cooperatively with agencies such as the Navy.

If the Navy proposals meet the approval of Congress, we have indicated our preference for a peaceful negotiation that will result in a sale from willing seller to the U.S. To that end we expect Navy employees who meet with us to have the full delegation of authority to conduct and approve such negotiations

Navy proposed actions will frustrate and deprive us of our investment backed expectations for which we expect to be fully compensated.

SUMMARY OF THE EFFECTS OF THE NASFALLON EXPANSION PROPOSAL

BENCH CREEK RANCH
February 4, 2019
Page 2 of 2

Please consider the following records:

1. All possible surface water rights in Dixie Valley Allotment are filed and qualify as pre-statutory vested water rights (45 total)
2. Map depicting Bench Creek Headquarters and both BLM Allotments was recorded December 2016 in Churchill County Recorder Office that depicts:
 - a. Easements (Rights-of-Way) established prior to 1976 that contain roads or trails used for transportation and trails used for livestock travel to water or when moved by herding.
 - b. Other features including pipelines and ditches for water, reservoirs and

dams, wells, windmills, springs, troughs, and both perimeter and inside fences

3. Appraisal of Bench Creek ranch including existing rights within both Allotments was completed July 6, 2018 by Mr. Mark Finley a qualified Property Rights Appraiser. Our appraisal includes valuation of
 - a. Patented Lands;
 - b. Water Rights;
 - c. Improvement Rights;
 - d. Forage Rights; and
 - e. Access Rights.
4. On 4 December 2018 our attorney sent constructive and actual notice to both Secretary of Interior and Secretary of Navy that Bench Creek Ranch has already been harmed economically in violation of the Fifth Amendment as a result of the Navy announcement of proposed changes.

We offered both Departments 60 days from December 4th to respond and negotiate a settlement of our Taking claim and thereby meet the agency objectives without interruption.

If no response is received from the Department of Navy and Department of Interior we will be forced to file complaints under the Tucker Act in the U.S. Court of Claims.

F.6.1.22.1 Response

Thank you for participating in the NEPA process. The Navy is not proposing to acquire the Bench Creek property nor is it proposing to restrict livestock grazing on the property or in the DVTA.

Regarding the application to the BLM for a boundary change, the Navy cannot create new grazing land and other mitigation procedures are limited. However, it should be noted that the DVTA would remain open for grazing and therefore should not impact the allotment boundary in the northern part of the DVTA.

Regarding the records provided the Navy would consider all applicable legal rights necessary for acquisition as necessary following any ultimate Congressional decision on the action. The Navy has responded to the notice that was sent and is referenced in item 4 of the comment, to both Secretary of the Interior and the Secretary of the Navy in a letter.

F.6.1.23 Plouviez, P. (Bench Creek Ranch) Comment 2

Paul Plouviez
Bench Creek Ranch Co. LLC
943 Edgcliff Drive
Reno, NV 89523

February 12, 2019

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

RE: Comment on Fallon Range Training Complex Modernization Draft EIS

Thank you for the opportunity to provide comments on the Navy's Fallon Range Training Complex (FRTC) Modernization Draft Environmental Impact Statement (DEIS). We ask that you incorporate the following comments into the proposed action and analyses:

Comments about what we read in the DEIS

Having read as much of the Draft EIS Document and attachments as possible in the time available, we can only conclude that your proposed withdrawal of lands (for the purpose of expanding Navy training areas) will cause us many problems. Your actions will cause problems and cost us a lot of money. At the very least, the proposed actions will frustrate and deprive us of our investment backed expectations for which we expect to be fully compensated. Please consider that this letter serves as notice that if your proposed expansion of the NAS Fallon training areas is approved by Congress, and we suffer any loss whatsoever, the Navy and the Government of the United States will be required to make us whole.

This Draft EIS Document includes a number of erroneous, misleading, and even false statements and you must correct the statements before your NEPA evaluation will meet the requirements of federal statutes and the CEQ. At this time, your NEPA document fails to be based on facts that are derived from systematic and objective collection of data, followed by decision-making that fully analyzes both technical and economic considerations.

Following is a small example of false or misleading statements. Our primary concern is the effect on our ranch as a business and our source of livelihood. We have depended on reference material but have not cited those sources in the following. This is not intended to be a complete list but it will illustrate the nature of the deficiencies in your EIS document:

Comment on Fallon Range Training Complex Modernization Draft EIS
Bench Creek Ranch Co. LLC **February 12, 2019** **Page 2**

First, as a technical issue, the authors state without proof that livestock cannot graze on lands with slopes of 30% or greater or that are more than 4 miles from water. Those statements are arbitrary at best and often used by BLM to limit the number of permitted livestock. Our cattle easily travel more than 4 miles from water and there are no areas within our allotment that are not grazed by our cattle that graze within the easements established by traveling and grazing cattle. Livestock have grazed every location within the allotment since the mid 1800s.

Second, economic effects are discussed in general terms regarding the effects on the economies of each County and the State. Your EIS document does not provide detailed analysis regarding the costs to private citizens. The document does not discuss the potential cost of litigating or otherwise enforcing the withdrawal as proposed.

See for example on Page 24 where permanent significant harm to ranchers is dismissed as being of no significant impact:

"Alternative 3 would, however, result in permanent economic impacts associated with lost federal land grazing. While there would be impacts on individual ranchers, there would be no significant impact on the total economic activity within the affected counties."

Inevitably driving a ranch out of business and depriving ranch families of their homes is devastatingly significant to them.

Page 1-29 includes a list of statutes and Executive Orders that fails to include the Regulatory Flexibility Act and associated Executive Orders. Yet the detrimental economic effects have been dismissed by the authors as insignificant in spite of the effects on ranching and mining being well in excess of \$100 million.

The authors simply list grazing as one of several public uses like hunting or other recreation. This simplistic look at livestock grazing on federally controlled lands has resulted in a statement that the only compensation for ranchers will be about \$50 per Animal Unit Month (\$ 56.83 per AUM). Sale of the same ranches would be valued at well over \$300 per AUM and that means well over \$4,000 per Animal Unit or Cow Unit.

Thirdly, the authors further fail to analyze the costs of condemnation of what the Federal Land Policy and Management Act (FLPMA) refers to as "existing rights" otherwise called *valid existing rights* by federal agencies. The authors fail to recognize that the private rights owned by ranchers are existing rights protected by federal law. Those protected existing rights include pre-statutory vested water rights, water rights under state law, easements, rights-of-way, forage preference, mineral rights established through mine claims, airspace rights of land owners, and other rights held in equity.

Comment on Fallon Range Training Complex Modernization Draft EIS
Bench Creek Ranch Co. LLC February 12, 2019 Page 3

Fourth, it is well established in U.S. Supreme Court decisions that the presence of rights that have become attached to federally controlled lands permanently remove those lands from being public land, federal territory, or federal enclave. With the establishment of *private rights*, as approved by Congress, the jurisdiction of the federal government disappeared and can only be reestablished through lawful cession by the State. This document fails to discuss that legal necessity.

Fifth, relating to jurisdiction, draft EIS proposes that Navy employees will be assigned as security guards but fails to acknowledge the limits on federal law enforcement authority due to lack of cession of jurisdiction. At this time the Sheriff of each county has full jurisdiction within NASFallon properties. That is consistent with the fact that the U.S. Constitution does not make a grant of law enforcement authority to the federal government. For those reasons the Federal Land Policy and Management Act includes authority for federal agencies to pay local law enforcement agencies for their services. NASFallon employees who dress to impersonate law enforcement officers are taking actions under the color of office.

Finally, the EIS fails to discuss the fact that private rights, within the proposed withdrawal areas, will subject the proposed withdrawal to laws governing valid existing rights. The existing rights continue to remain on those lands and must be available to those who own those rights.

Further comments that discuss the topics found in the above statements

We do not object to the Navy's need for training or for increasing your training facilities and welcome any opportunity to work with your authorized representatives to negotiate solutions for any problems your proposals may cause in our business operations.

From what we have learned about your proposals to date, we prefer to negotiate an outright sale of the entire ranch. Since we always try to work cooperatively with agencies and others, below we have indicated our preference for a peaceful negotiation that will result in a sale from willing seller to the U.S. We are sure that everyone would prefer to avoid the expensive and contentious process of condemnation through eminent domain and litigation.

As we understand your proposed action, you plan to purchase our patented lands which include our main source of water for farming and for the cattle that graze within the east part of our ranch. That action will make it impossible to continue our ranching operation. You also propose to withdraw land from our two adjudicated grazing allotments which are an integral and essential part of our ranching operation.

As indicated below, at the very least the proposed actions will frustrate and deprive us of our investment backed expectations for which we expect to be fully

Comment on Fallon Range Training Complex Modernization Draft EIS
Bench Creek Ranch Co. LLC February 12, 2019 Page 4

compensated. These actions also jeopardize those who hold liens on our property including a company known as American AgCredit.

None of us at the ranch are attorneys or trained in law but we will attempt to use terminology as it is found in statutes and court decisions so everyone will understand what is being discussed. For example investment backed expectations is a phrase recognized by the Supreme Court in "*Penn Central Transportation Co. v City of New York* 438 U.S.104 (1978)" and has been used frequently since that decision. Use of the phrase (Investment backed expectations) by our courts has expanded to include "Taking" that occurs within non-patented lands. The presence of existing rights mentioned below is recognized in the savings clause of such laws as Taylor Grazing Act, NEPA, Rangelands Improvement Act, Federal Land Policy and Management Act (FLPMA) and many more federal and state statutes.

Our allotments contain property we own in the form of existing rights including water rights, easements, and forage preference that comprise a large portion of the valuation of our business. We are confident that the DOD Navy and the USDI BLM will be careful to protect our valid existing rights in accordance with the Federal Land Policy and Management Act (FLPMA) and other statutes. See for example Section VII of Public Law 94-579 Section 701 (h) which directs federal agencies as follows: "(h) All actions by the Secretary concerned under this Act shall be subject to valid existing rights."

Please discuss your recognition of these topics along with your plans to mitigate any actions that affect private rights in detail in the NEPA document you are preparing.

About Our Ranch

We (Bench Creek Ranch Co. LLC) are the owner of the Bench Creek Ranch in Churchill County NV, located at 43333 Austin Highway. Property we own includes some 306 patented acres and appurtenant existing rights throughout two adjudicated grazing allotments which are regulated by the Bureau of Land Management (BLM). Our two allotment areas include Dixie Valley Allotment (#03018) which currently provides 6,336 Animal Unit Months (AUM) of forage and Mountain Wells-La Plata Allotment (#03039) which currently provides 8,004 AUMs of forage.

Our ranch supports 1250 head of cattle that includes 14,340 AUMs from BLM controlled lands for 12 months a year and 55 of the cattle graze on our deeded land. At this time the Bench Creek Ranch is leased to a third party. As is the nature of a ranch lease, the Lessee has leased the entire ranch including use of the valid existing rights owned by Bench Creek Ranch Co. LLC. Cattle owned by the Lessee also serve as collateral for loans held by the Lessee as a necessary source of funds for operating costs.

**Comment on Fallon Range Training Complex Modernization Draft EIS
Bench Creek Ranch Co. LLC February 12, 2019 Page 5**

In addition to the patented lands we hold title in equity to various water rights, rights of way, forage preference, and other existing rights as they exist in the fee lands where they occur including those and controlled by BLM (Allotments). Water rights and easements (rights-of-way) are a matter of property under state law. Under the Nevada water law, based on the doctrine of prior appropriation and beneficial use, our ranch established grazing rights for a distance of at least three miles from each water source; our water rights holdings are both vested prior to passage of statutory law and appropriated under Nevada statute. Also, as recognized by federal law, our ranch established easements and rights of way for travel through our grazing area by our livestock and ourselves as well as conveyance of water. Range improvements within our grazing allotments are also our property since the construction was completed with money contributed by ranchers into the Range Improvement Fund; a trust fund controlled by Dept of Interior.

With the creation of the BLM our grazing areas were further severed from the whole through the process of adjudication which recognized a private property known as "forage preference" and is the modern version of grazing right. Adjudication effectively removed the ownership of the surface estate from the federal hands and at this time jurisdiction needed for police powers has not been restored which would seem to limit the solutions to Navy expansion to either negotiation or litigation..

Our ranch is comprised of patented lands, adjudicated BLM controlled allotments, private property such as water rights, rights of way, easements, and forage preference all of which are components of a grazing unit or farm unit under the homestead entry laws.

PLEASE NOTE: Details about the nature, value, and scope of our property rights will be provided to the authorized officer as we negotiate mitigation of the Navy action and/or sale of our ranch.

Allotted Grazing and Appurtenant Water Rights and Rights-of-Way Are Private Property

We have relied on reference material for the following discussion that includes: the Eureka County Nevada Master Plan Natural Resources and Land Use Element and the Ph.D. dissertation by Angus McIntosh (2002) "Property Rights on Western Ranches; Federal Rangeland Policy and a Model for Valuation".

Financing institutions, whose support is critical to continued livestock grazing and agricultural operations, consider the existence of the permitted grazing of forage preference, and the reasonable expectation of land use which emanates therefrom, as an indispensable factor in determining to extend and continue financial support. Permitted grazing (number of livestock and period of time) is capitalized into the value of a ranch. A decision to purchase a ranch is based on

**Comment on Fallon Range Training Complex Modernization Draft EIS
Bench Creek Ranch Co. LLC February 12, 2019 Page 6**

the ability of that ranch to produce and sell livestock. A ranch purchase decision means the buyer essentially pays for livestock production stemming from the private and federally managed lands, as well as additional property in the form of water rights, rights of way, and improvements on both private and federally managed land areas. The economic value of our ranch is highly dependent upon our permitted grazing on the allotments. Our ranch is valued or appraised at a higher rate than it would be if no permit existed. Our forage preference, easements, and appurtenant water rights are considered part of the realty (i.e., real, private property). In fact, we hold deeds, liens, and operating loans that consider our grazing preference, permitted use, and water rights on the allotment as private property collateral with real value. The Internal Revenue Service also considers the permit as a taxable property interest.

The grazing on our allotment was recognized by Congress as having the character of a property right interest or investment backed expectation when it enacted that portion of the Taylor Grazing Act which is found in 43 U.S.C § 315 (b) guaranteeing renewal of permits if denial of the permit would "impair the value of the grazing unit of the permittee, when such unit is pledged as security for any bona fide loan." Under the Taylor Grazing Act, a grazing permit is considered private property and is mandatorily attached to private "base property" – land or water

Allotments for grazing in Nevada, including ours, were originally identified and adjudicated on the basis of water right ownership. Our "right to graze" is a property interest appurtenant to livestock watering rights. All property, including water rights, is founded in the power of the State of Nevada, even property existing within lands controlled by federal agencies. The nature of Nevada water rights reflects the split estate concept developed on western lands which was included under Mexican law and continued when our area became Territory of the United States. The interest created in and owned by our predecessors on the allotment is a portion of the "surface estate" of the split estate. McIntosh (2002) further describes this right in terms of the travel by livestock to the place where a livestock watering right is used has established livestock grazing rights-of-way for access to each water source that is based on the normal travel of livestock that are grazing as they approach or leave the water location. The split estate is demonstrated by the stock-watering rights we possess on the allotment.

Our property ownership includes a "bundle-of-rights." McIntosh (2002) quotes a legal dictionary in defining the bundle-of-rights as: "...the collection of rights that constitute fee ownership in an object or realty (or interests in real estate). The bundle-of-rights includes, but is not limited to, the right to: sell, lease, use, give away, exclude others from, and to retain. The bundle-of-rights is the list of options that an owner can exercise over his property." The term "fee" refers to the quality and character of ownership in a property. McIntosh illustrates the bundle of rights as a bundle of "sticks" with each representing a distinctive action available only to a property owner.

**Comment on Fallon Range Training Complex Modernization Draft EIS
Bench Creek Ranch Co. LLC February 12, 2019 Page 7**

"Sticks" within our bundle of rights apply fully to all property rights on our allotment including those rights-of-way established prior to 1976 to allow access to the various infrastructure and water rights on the allotment. This includes Revised Statute (RS) 2477 rights-of-way for travel or access by people and livestock as well as RS 2339 and RS 2340 easements for water storage and rights-of-way for water conveyance (ditches, dams, pipelines, etc.).

There are many other sources not referenced above defining the private property-nature of our grazing allotment, stockwater rights, and rights-of-way on the allotment.

Please adequately analyze, consider and integrate the proposed action's impacts to our ranch's adjudicated forage base, water rights, and rights-of-way.

Mitigation — Take Every Effort to Avoid and Minimize Impacts

We understand that the National Environmental Policy Act (NEPA), under which the EIS is being developed, outlines a general policy of "Avoid, Minimize, and Mitigate." We ask that the Navy work with us to identify and implement all economically and technically feasible options to avoid and minimize impacts to our ranching operation at a ratio of 1:1 (i.e., completely balance negative impacts).

If any of the proposed actions include development of livestock or irrigation water and the appropriation for a water right, the water right must be held in our ranch's name.

Please incorporate adequate avoidance and minimization options in the proposed action and analyze such in the EIS.

Monetary Compensation If Avoidance and Minimization Cannot Fully Mitigate Impacts

Please Note: We wish to keep our ranch intact or sell it in its entirety.

If after closely working with us it is determined that none of the avoidance and minimization measures referred to above can be implemented or the impact is not totally offset by the avoidance and minimization measures, the Navy must mitigate the forage loss, loss of access, and loss of our water rights through direct monetary compensation.

In fact, Congress has mandated compensation for grazing "losses" due to military withdrawals in 43 US Code, Title 43, Chapter 8A, Section 315(q)

"Whenever use for war or national defense purposes of the public domain or other property owned by or under the control of

Comment on Fallon Range Training Complex Modernization Draft EIS
Bench Creek Ranch Co. LLC February 12, 2019 Page 8

the United States prevents its use for grazing, persons holding grazing permits or licenses and persons whose grazing permits or licenses have been or will be canceled because of such use shall be paid out of the funds appropriated or allocated for such project such amounts as the head of the department or agency so using the lands shall determine to be fair and reasonable for the losses suffered by such persons as a result of the use of such lands for war or national defense purposes. Such payments shall be deemed payment in full for such losses. Nothing contained in this section shall be construed to create any liability not now existing against the United States. (July 9, 1942, ch. 500, 56 Stat. 654; May 28, 1948, ch. 353, § 1, 62 Stat. 277)."

Values of "grazing permits", livestock forage, and water rights within federally controlled lands have been determined in several locations in Nevada and included in federal NEPA documents. There are many examples of precedence in Nevada (and elsewhere) where entities, including the military, have done the right thing and compensated loss of grazing forage, loss of investment backed expectations, and loss of the use of property such as water rights and rights-of-way. As explained above, details about the nature, value, and scope of our property rights will be provided to your representative who has proper delegation of authority to negotiate mitigation of the Navy action and/or sale of our ranch.

Please include detailed and factual analysis of this subject in your EIS. We expect no less from NASFallon as you move towards the "Fallon Range Training Complex Modernization".

Sincerely



Paul Plouviez
For Bench Creek Ranch Co. LLC

F.6.1.23.1 Response

Thank you for your comment and participation in the NEPA process. The Navy is not proposing to acquire the Bench Creek property nor is it proposing to restrict livestock grazing on the property or in the DVTA.

Regarding the assertion that the Navy has made erroneous remarks in the livestock grazing section regarding restrictions on the analysis, the Navy has added the reasoning for this analysis into Section 3.4 (Livestock Grazing). The reasoning is that these factors were chosen because they are consistent with

BLM parameters and are critical factors in determining how livestock will utilize forage in an allotment (Holechek et al., 2011). It is acknowledged that these factors are influenced by the type and class of cattle, and that cattle can graze on slopes greater than 30 percent slope or will travel over 4 miles to water, but are less likely to do so under satisfactory grazing conditions.

Regarding the analysis, land acreages have been revised as a result of reducing acres requested for withdrawal between the Draft and Final EIS under Alternative 3 (Preferred Alternative). AUMs per allotment have also been verified during a re-run of the grazing restrictive analysis with BLM coordination following a revision of water locations that were not included in the original restrictive analysis. Regarding vested water rights, the Navy acknowledges that the loss of water rights could be a factor in determining payments for losses associated with the cancellation of grazing permits. Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex) addresses the valuation of losses due to the cancellation of such permits. This valuation process would also apply to Alternatives 2 and 3.

Regarding the third point of costs of condemnation for grazing (process described earlier in this response), water rights, private lands, and mining claims, the Navy has discussed further the valuation processes in the Final EIS for these items described below.

The Navy recognizes the potential impact of the loss of water rights on the community. The Navy would purchase private water rights as real property. Additionally, acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority to assist water rights holders with other water rights actions (i.e. change applications).

For any acquisition of privately-owned property, private landowners would receive just compensation for loss of any privately-owned land acquired by the United States due to the proposed expansion. Just compensation would be determined by calculating the fair market value of parcels in accordance with federal appraisal rules codified in the Uniform Appraisal Standards for Federal Land Acquisitions.

The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

For existing patented mining claims, the federal government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior

determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam demonstrating a valuable mineral deposit a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

Regarding the fourth issue, the Navy would offer fair market value for private property and go through a lawful process of acquisition on a case-by-case basis pending any ultimate Congressional decision.

Regarding the fifth point about security guards, to clarify, the Navy is proposing the establishment of two Conservation Law Enforcement Officer positions at NAS Fallon. Part of the duties of these officers would include monitoring of the added fence line. These positions would not be in place unlawfully.

Regarding the final point, the Navy has further described the process by which it proposes to handle existing rights on lands proposed for withdrawal or requested for acquisition in the Final EIS.

Regarding comments to allow grazing on the FRTC ranges, the Navy worked with grazing permittees throughout the Draft EIS process, and though discussions came to the conclusion that grazing would not be compatible with the needs of grazers, nor with training needs on the FRTC ranges. The DVTA would continue to be open for grazing.

Regarding fires, the Navy has and would continue to implement operational and administrative controls to reduce wildfires. The Navy is developing a Wildland Fire Management Plan and, where possible, proposed plan elements and goals are included in the Final EIS. For further information on wildfire and wildfire mitigation, see Section 3.14 (Public Health and Safety), specifically Section 3.14.2.1.2 (Wildfire Management).

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that the Bureau of Land Management (BLM) cancel any permit would be October 1, 2020.

If the Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.

F.6.1.24 Powell, J. (JP Aerospace)



J P A E R O S P A C E

America's OTHER Space Program

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

January 14, 2019

We have a flight facility at the top edge of the Carson MOA. The border of the moa is on our southern property line.

We have conducted high altitude balloon and airship operations in the area for the past 30 years.

Last October we completed a two year aircraft certification process for a new airship with the Federal Aviation Administration. This was done with close coordination with Fallon Naval Air station as the first series of flights are to be conducted from our site. The first flight was conducted last October.

We have conducted high altitude and airship research and development in high altitude operations for the Air Force and Navy.

In addition to airship flights we conduct high altitude balloon research flights from the site. The landing area for the balloon instruments is throughout Dixie valley in the areas that are proposed to be closed.

The site consists of several buildings and two launch aprons for the airships.

We are concern how the bombing range expansion will impact our operations.

Sincerely,

John Powell
President

jpowell@jp aerospace.com

F.6.1.24.1 Response

Thank you for participating in the NEPA process. To clarify statements from this comment, the DVTA would not be closed to the public. The Navy will continue to coordinate airspace activities with the JP Aerospace program as applicable.

F.6.1.25 Rushing, H. (Nevada Iron LLC)



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

RE: Fallon Range Training Complex Modernization Draft Environmental Impact Statement

Please accept herein the comments of Nevada Iron LLC (NVI) opposing the expansion of the Bravo 20 range north of Pole Line Road located in Churchill and Pershing Counties and opposes all alternatives presented in the Draft EIS, excepting the no action alternative, for failure to adequately identify and analyze impacts to public access, mineral potential, socioeconomic factors, and private property rights.

Nevada Iron LLC (NVI) is the owner of the Buena Vista Mine project located immediately to the north and east of the proposed Bravo 20 Extension straddling the Pershing and Churchill County line. If approved, the expanded Bravo 20 bombing range and the associated withdrawal would prohibit rail access to our project between our rail siding located on state highway 95 and the mine operation, rendering the project non-economical and stranding a world class iron ore resource. Based upon the following and per Attachment 1, NVI requests that the boundaries of the proposed withdrawal be adjusted to accommodate access to our mining project, protect county transportation infrastructure, and allow economic growth through the responsible development of mineral resources. By way of reference, NVI incorporates herein the comments of New Nevada Resources, LLC and New Nevada Lands LLC.

Since 2011, Nevada Iron LLC and Iron Horse Transportation LLC, which is a wholly owned subsidiary of Nevada Iron Holdings, Ltd., have collectively spent more than \$33 million advancing the Buena Vista Mine project to the stage where it is now ready to be developed into a mine producing approximately 2.5Mtpa (Million tons per annum) of premium iron ore for at least 15 years. Full development of the iron ore resource within and adjacent to the Bravo 20 expansion could produce iron for decades. The socioeconomic impacts of an operation of this magnitude are significant and vital to the continued recovery of Nevada and the nation and if fully analyzed demonstrates the need to adjust the proposed withdrawal boundaries and the expansion of the Bravo 20 bombing range.

The Buena Vista Mine project is an iron ore deposit with an indicated mineral resource of 148.7 Mt (Million tons) grading 18.8% total Fe (iron) and an inferred mineral resource of 28.9 Mt grading 19.6% Fe. This is a significant mineral deposit which is near the surface with a very low waste to ore ratio (<0.5:1). The metallurgy of the ore requires a simple course grind which will produce a high grade (67.5%–69% Fe) clean concentrate with extremely low impurities. New Nevada Resources, LLC, the controlling shareholder of NVI and the majority mineral owner within and adjacent to the project, conducted a 145 square mile aero magnetic shoot of the Buena



Vista Valley, and has delineated an area that is a potential 1 billion ton iron ore district. Much which is included in the Bravo 20 expansion area along Pole Canyon Road. See Attachment 3 (Pink or red coloration associated with aero magnetic mapping demonstrates high concentrations of iron present). The Navy was provided this information beginning in 2017 and was the subject of several meetings between NVI and the Navy and yet the Navy still chose to ignore the presence of this major mineral resource and the impacts the expansion will have on the development of iron ore in the region. NVI has clearly demonstrated through discovery and permitting activities that this is a very large, concentrated, and important iron deposit that is ready for production. However, the Draft EIS (Section 3.3 Mining and Mineral Resources) completely ignores this mineral resource with no mention or analysis of iron ore contained within the Bravo 20 expansion area or immediately adjacent thereto. Within Section 3.3.4.2.3, the Draft EIS states:

"For the purposes of this analysis, a significant impact on the mineral resources is considered to be the withdrawal of access to minerals classified as either moderate or high potential." 3.3-58

NVI has clearly demonstrated that iron ore is a mineral with high potential. The Navy, with full knowledge of this resource within and adjacent to the Bravo 20 expansion area has chosen to ignore iron ore as a mineral resource within the Draft EIS. This is a fully permitted mine project which has received substantial investment from its proponents and is ready for commercial production and NVI has the infrastructure in place to get the product to market. Ignoring this resource requires the Navy issue a supplemental Draft EIS which includes a fully analysis of this resource and indeed the impacts if this project is prevented from full development.

The Draft EIS claims that the expansion of the Bravo 20 would "not impact mining activities outside of the proposed withdrawal boundaries." 3.3-59. Additionally, the Draft EIS states: "There would be no significant impacts to the public outside of the proposed withdrawal boundary." 3.3-59. Yet, in the socioeconomic analysis, the Draft EIS states: "Other entities own large mining claims and geothermal opportunities on or adjacent to the proposed withdrawal, and their ability to exploit these claims could be affected by placing the public land into withdrawal status." 3.13-31. The Navy has known for over two years that the expansion of the Bravo 20 range would greatly impact the Buena Vista Mine project and would indeed render this project non-viable due to the inability to construct a rail line from the mine to our rail siding location along Nevada Highway 95. Iron projects require moving vast amounts of ore and trucking is not a viable option given the costs and volumes involved. The Draft EIS must analyze this impact to this operation. The Navy has had copies of NVI permits, and development plans for nearly two years and is fully aware of the impacts on our mine development. Indeed, the Navy proposed alternatives to NVI for the operation of a rail line within the expansion area yet with conditions that are technologically and financially impossible to meet. The Navy must prepare a supplemental Draft EIS to analyze these impacts on "mining activities outside of the proposed withdrawal boundaries" and our "ability to exploit these claims" given the withdrawal of public lands.

Because the Draft EIS fails to recognize the loss of this major iron ore resource, the socioeconomic analysis is also flawed. A Supplemental Draft EIS must be prepared to fully



analyze the socioeconomic impacts of the lost jobs, taxes, and economic growth associated with the development of a billion ton iron ore project. Section 3.13 Socioeconomics is devoid of any mention of the Bravo 20 expansion rendering the Buena Vista Mine uneconomical. The Buena Vista Mine project is a vital economic driver for Churchill and Pershing Counties and Northern Nevada. With a minimum 15 year mine life and providing 200 permanent jobs with wages averaging \$100,000.00 annually, the Buena Vista Mine project is vital to the future of these counties who are in desperate need of economic growth. These are high paying career jobs that support other related businesses and schools, and promote communities. During the construction phase of the project, approximately 500 jobs will be created which will have an enormous impact on local business, employment, and taxes. Adjusting the expansion boundary of Bravo 20 as NVI has suggested will accommodate the creation of these vital jobs and economic growth for these rural counties. According to the Draft EIS, there are 137 people employed in Churchill County and 570 people employed in Pershing County within the mining, quarrying, and oil and gas sectors. Adding 200 full time jobs is a significant change in this demographic that is ignored by the Draft EIS. Moreover, this is one of the highest paying sectors in these communities. While the Draft EIS recognizes that Churchill and Pershing Counties have above national average unemployment, it fails to analyze the socioeconomic impacts of prohibiting the construction and operation of the Buena Vista Mine. The Draft EIS must analyze these impacts and the Navy must present and consider an alternative that would have the northern boundary of the Bravo 20 range terminate at Pole Line Road. The Draft EIS states:

"While social impacts could potentially affect all aspects of people's and communities' way of life, this section focuses specifically on economic condition related to population and demographics, housing occupancy status, employment characteristics, economic activity, and tax revenue. The purpose of this socioeconomic analysis is to assess the potential impacts of the Proposed Action related to these economic conditions. Significance of population and expenditure impacts is assessed in terms of their direct impact on the local economy and related effects on socioeconomic resources." P. 24.

The socioeconomic analysis ignored its own guidance in regard to the presence and development of iron ore within and adjacent to the proposed Bravo 20 expansion.

The Buena Vista Mine project is also a fully permitted project that is ready to be constructed but for the actions of the Department of the Navy. NVI possesses the following permits:

- Water Pollution Control Permit
- Class II Air Quality Operating Permit
- Reclamation Permit
- Water Rights Permit
- Conditional Use Permit from Churchill County



All of these permits were secured prior to the original withdrawal of Bravo 20 lands in 2016. On September 2, 2016, the Bureau of Land Management (BLM) on behalf of the Department of the Navy published a *"Notice of Application for Withdrawal Extension; Notice of Application for Withdrawal Expansion; and Opportunity for Public Meeting; Naval Air Station, Fallon, Nevada"* seeking withdraw for the Navy's use at Fallon Naval Air Station of approximately 604,789 acres of federal lands from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, and the geothermal leasing laws, but subject to valid existing rights. These permits are public record and the BLM and the Navy had full notice of the status of the Buena Vista Mine project yet purposely chose to implement a temporary withdrawal and propose an expansion that would share a boundary with our mine facility and laying within 200 feet of our primary mine pit. The Secretary of Interior issued Public Land Order No. 7873 on August 31, 2018 withdrawing 772,370 acres of public land in Churchill, Lyon, Mineral, Nye, and Pershing Counties from all forms of appropriation under the public land laws, including location and entry under US mining laws and leasing laws for a period of four years. The withdrawal for the Bravo 20 range consists of 61,764 acres of federal land and the withdrawal does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of the mineral or vegetative resources other than under the mining or mineral leasing laws. The Navy must respect and comport all of its actions with Public Land Order 7873 and must not object to these permitted uses until such time as Congress acts to implement a permanent withdrawal for expansion at Fallon.

With the exception of a rail right of way, NVI has secured all necessary access and logistical arrangements to construct and operate the mine and move our iron ore to market. Iron Horse Transportation, LLC, owns a fully engineered 770 acre rail siding and transfer site at Huxley/Parran adjacent to the Union Pacific line running adjacent to Nevada Highway 95. NVI possesses special use permits for Pole Line Road within Churchill County and Bombing Range Road within Pershing County which directly connects the Buena Vista Mine project to Nevada Highway 95. NVI also possesses an executed term sheet with Kinder Morgan to provide in-plant and rail loading services. Kinder Morgan has additionally agreed to design, construct, finance, and operate the concentrate stockpile and truck loading facility at the mine. Kinder Morgan will also design, construct, finance and operate the maintenance building and will additionally design, construct, finance and operate the truck receiving and rail loading facility at the terminal. NVI possesses a shipping contract with the Union Pacific Railroad with agreements in place with the Port of West Sacramento to ship up to 2.4 MM metric tons/year and store up to 90,000 metric tons/month. Just prior to the September 2016 withdrawal, NVI was actively raising funding for construction and preparing to apply to the BLM for a rail line right of way to connect the Buena Vista Mine project to our rail siding.

Due to the September 2016 withdrawal, NVI's ability to attract capital to the project has ceased due to the fact that the withdrawal adds tremendous uncertainty to the building of the rail line. Although the Buena Vista Mine project is connected to Interstate 80 going directly north on Coal Canyon Road, this road traverses a steep pass and our engineering demonstrates that this route is not viable for rail access due to the elevation gradients. Our due diligence also demonstrates that there no other viable rail options other than crossing on the northern end of the Carson Sink.



Iron mine projects require great volumes of ore production and shipment to be economically viable and trucking is only viable in the short term. The Navy's expansion of Bravo 20 and BLM's land withdrawal, which eliminates NVI's ability to construct a rail line, renders the Buena Vista Mine project uneconomical and will be financially devastating to the project and leave stranded over a billion tons of high quality iron ore which could provide critical jobs and economic growth for the area and critical mineral production.

NVI has fully informed the Navy of all information regarding the mine project and have been communicating and meeting with the Navy since the initial temporary withdrawal in 2016, yet the Navy ignores the impacts of the Bravo 20 expansion on the Buena Vista Mine project. Even though the Draft EIS states:

"The Navy proposes to continue to work with right-of-way users to review potentially impacted county-designated access roads and other potential rights-of-way in the lands requested for withdrawal or proposed for acquisition. If appropriate and applicable, on a case-by-case basis, the Navy would look for appropriate replacement routes if appropriate and applicable." P. 16.

This has not been NVI's experience thus far with the Navy's failure to consider or offer reasonable alternatives to insure access to the Buena Vista Mine. NVI has engaged at length with the Navy to analyze alternative routes to accommodate NVI's rail line. NVI spent considerable resources to analyze an alternative route for the rail line that is feasible to construct and operate, albeit at a much higher cost, further north and as far away from the proposed bombing areas as possible. This alternative route is depicted as the blue route on Attachment 2 which is north of the existing county road. While the Navy has indicated that they could accommodate the rail line within the bombing range expansion along the alternative northern route, they demanded conditions which are technically and financially impossible to meet. For example, according to the Navy, the rail line would have to be unmanned, could only operate at the will of the Navy, and NVI would have to indemnify the Navy against any and all claims from damages to property, equipment, or personnel from damages caused by Naval operations. Compliance with these conditions and others required by the Navy are impossible for any mine operator to achieve. Rail lines cost tens of millions of dollars to construct and millions of dollars to operate. It is untenable to think that investors would put capital at risk within a bombing range with no recourse for loss of life or property—nor any ability to insure against any losses. Additionally, the technology for an unmanned train of this length does not reliably exist today. NVI has communicated this to the Navy and have formally requested the Navy consider adjusting the proposed expansion boundary for the Bravo 20 range as depicted on Attachment 1.

The Navy has also insisted that NVI must simply participate in the National Environmental Policy Act process and wait on the Navy's decision. As is evidence of the BLM land withdrawal, this current Draft EIS and the acknowledgement that Congress will ultimately decide whether or not to expand the Bravo 20 range sometime after 2021, the end of this process is still years from completion. In the meantime, NVI is held hostage from furthering the Buena Vista Mine project. NVI is prepared to apply for a right of way for our rail line immediately if



the boundary of the withdrawal area were to be adjusted and allow access to our mine site. The Navy, per the Federal Register Notice, will ultimately be required to secure Congressional approval of any expansion of the Bravo 20 range following a successful completion of the ongoing Environmental Impact Statement process. This will certainly add a great deal of uncertainty of ultimate success of the expansion and will add a great deal of time (perhaps years) to the process before the Navy can expand the Bravo 20 range and BLM lands could be permanently withdrawn for purposes of the Navy. This process will leave NVI without access to the Buena Vista Mine project for years and ultimately will lead to the financial ruin of the project.

Pole Line and Bombing Range Road is a county road and has been part of the Churchill and Pershing County transportation plans for decades and is an important transportation corridor for the Counties. This road is the only public road across the northern portion of Churchill County and connects to paved access in Pershing County. This road is a pre-existing public transportation route that is an RS 2477 route owned by Churchill and Pershing Counties. Nonetheless, the Navy acquired from the BLM an exclusive right of way on this road without the permission or even notice to either County. Extinguishment of these public roads is a serious matter and should not be dismissed lightly. Adjusting the boundary according to NVI's suggestion would preserve Pole Line and Bombing Range Road for the Counties and preserve an important transportation asset for both Counties. The Draft EIS fails to adequately analyze the impacts of this lost transportation route for both Churchill and Pershing Counties.

Section 2.5.4.7 Reconfigure Bravo 20 to Avoid Closing Navy's B-20 Access Road: The Draft EIS dismisses the alternative of reconfiguring the Bravo 20 range south of Pole Line Road with very little analysis. The public is left to simply take what the Navy says as fact because the full extent of their training needs are not shared with the public. It is impossible to assess whether or not the Navy's internal analysis regarding their dismissal of shifting the Bravo 20 to the South is a reasonable conclusion. This alternative should be brought forward and fully analyzed so the public can assess whether the sacrifices of land owners, business owners, and the surrounding communities is justified. There is no support for the conclusory statements made in this section. Again, the reconfiguration alternative of Bravo 20 fails to consider the benefits to the community, economy and mineral security of the nation by allowing the Buena Vista Mine to be developed and the rail line constructed. As opposed to the Navy adjusting its own self-imposed training requirements, the Navy expects local citizens, communities and businesses to absorb the full consequences of this proposed expansion and gives no regard to the full extent of these impacts.

Section 2.5.5.3 Reallocate Training Activities from Bravo 17 to Bravo 20 (or the inverse): The Navy fails to fully inform the public as to why the reallocation of Bravo 20 training to Bravo 17 or other range capacity elsewhere in the region is unacceptable. These are once again conclusory statements that are not justified by the information provided. The Navy must fully analyze and explain why these alternatives do not meet the needs of the Navy. A Supplemental Draft EIS should be prepared to address these shortcomings in the current document.



Cumulative Impacts: The Navy includes the Buena Vista Mine and the adjoining mine rail project in its cumulative impacts analysis in a recognition that this project is "present and reasonably foreseeable" yet has ignored the impacts on the mine project elsewhere in the Draft EIS. Clearly, the Draft EIS is inconsistent in its treatment of the Buena Vista mine project. A Supplemental Draft EIS must be prepared to fully analyze the impacts on mining and minerals as well as the socioeconomic impacts of the loss of this project and its associated mineral potential.

Conclusion:

The Buena Vista Mine project is a fully permitted iron ore project that possesses all of the necessary permits and logistical arrangements for constructing and operating the mine and moving the ore to markets. NVI requests that the Navy adjust the expansion boundary of the Bravo 20 to allow the continued use of Pole Line Road and accommodate rail and road access to the Buena Vista Mine project. Furthermore, the Draft EIS is lacking due to its failure to analyze the presence of a major iron ore resource and the implications of the Navy's proposed actions which will surrender this resource and the Buena Vista mine valueless. Moreover, the socioeconomic impacts of the loss of this project are devastating to the surrounding communities and must be analyzed. The Navy must analyze these issues and prepare a Supplemental Draft EIS before proceeding to a Final EIS. Expansion of the Bravo 20 range north of Pole Line Road imposes disastrous financial impacts on NVI which the Navy has thus far ignored. Waiting on the conclusion of this long process will certainly result in the failure of the Buena Vista Mine project. NVI's proposed boundary adjustment is a reasonable alternative that accommodates the vast majority of the Navy's desires and accommodates this pre-existing mine project. The Navy must present this as an alternative in a Supplemental Draft EIS. This minor adjustment would allow the mine to be developed, produce important ore resources, create hundreds of quality jobs, and benefit the surrounding communities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heath Rushing", with a long horizontal flourish extending to the right.

Heath Rushing,
Managing Member,
Nevada Iron LLC

F.6.1.25.1 Response

Thank you for participating in the NEPA process. Regarding assertions that the Navy did not identify and analyze impacts to public access, mineral potential, socioeconomic factors, and private property, the Navy disagrees. The Navy has identified and analyzed impacts to public access, mineral potential, socioeconomic factors, and private property rights in all resource sections of the Draft and Final EIS, in Section 3.3 (Mining and Mineral Resources), Section 3.13 (Socioeconomics), and Section 3.2 (Land Use) respectively.

Regarding the comment in general, the Navy has been working with the Nevada Iron LTD (Nevada Iron) and the Buena Vista Mine stakeholders to create a solution to this transportation challenge. The Navy will continue to communicate with the interested parties pending any ultimate Congressional decision and implementation of the Proposed Action.

The Navy has written a Technical Report summarizing the impacts to access of mines outside of the withdrawal boundaries between the Draft and Final EIS and has incorporated these findings into the Final EIS. It is the Navy's position that the Buena Vista Mine project could be accessed by alternative routes outside of the B-20 boundaries and may not be impacted to the extent stated in this comment by the Proposed Action. The Navy would like to clarify that it is not prohibiting the construction or operation of the Buena Vista Mine.

Regarding comments on Pole Line road, the Navy defers to the Department of the Interior and/or decisions of courts of appropriate jurisdiction with respect to making RS2477 determinations. In the absence of such determination, the EIS does not take a position with respect to any claimed RS2477 roads. In working with the BLM, no adjudicated RS2477 roads have been identified in the areas requested for withdrawal or proposed for acquisition. The Navy recognizes that there is loss of access to the areas withdrawn or acquired and potentially to non-traditional roads; however, where access to an area would no longer be available, there would be no reason to relocate the road to that area. With respect to areas that would still be open to public access generally even if a certain road would no longer be available, other means of access these areas would remain available, and therefore roads would not need to be relocated in this situation either.

Regarding the assertion that the Navy has not analyzed a different configuration of B-20, as discussed in Chapter 2, Section 2.5.4.7 (Reconfigure Bravo-20 to Avoid Closing Navy's B-20 Access Road), "The Navy was asked to develop an alternative to avoid closing the Navy's B-20 Access Road (known locally as Pole Line Road). This Navy road is accommodated by a ROW issued by the BLM to the Navy for the purpose of maintaining B-20 and is currently open to public access. This alternative would necessitate changing the proposed boundaries of B-20, which would also change the shape of the area available for a WDZ. The Navy considered reducing the shape of the WDZ means that the firing ranges and firing azimuths drop to levels below those listed in the screening factor for air-to-ground tactically acceptable weapons release parameters. Specifically, this alternative would not meet the requirement for the 180° attack azimuth for Joint Direct Attack Munitions, as the WDZ in the suggested configuration would be significantly less than 180°. The reduced width of the WDZ would also decrease the range at which the Navy could employ Joint Direct Attack Munitions, further reducing the training realism. Additionally, reducing the Joint Direct Attack Munitions WDZs means the Navy would need to conduct any training that used the full firing distances for training realism at the already heavily utilized B-17. An increase in training events at B-20 strain the Navy's ability to complete each of the increased number of individual

training events it would be forced to undertake at B-12 under this scenario, which would negatively impact the overall tempo for Advanced Integrated Strike Warfare.

The Navy also considered shifting B-20 to the south and west. This would result in target arrays being located at the bottom of Carson Sink, which frequently is flooded with standing water up to 10 feet deep. The frequency of flooding prohibits the Navy from developing realistic targets. Also, shifting B-20 would require acquisition of additional restricted use airspace, which would affect approaches into Reno International Airport. The Navy considered this alternative but is not carrying it forward for detailed analysis in this EIS. This alternative would not meet the realistic training environment or tempo screening factor.”

As discussed in Chapter 2, Section 2.5.5.3 (Reallocate Training Activities from Bravo-17 to Bravo-20 [or the inverse]), “The Navy received several comments suggesting that training activities at B-17 move to B-20 and B-17 be released back to the public. Other comment suggested the inverse, moving B-20 activities to B-17 and releasing B-20 lands back to the public. Having both of these ranges allows the Navy to design realistic training scenarios in which aviators can “attack” one set of targets while defending themselves from a separate set of anti-aircraft measures. The Navy cannot conduct this exercise with only one of these ranges, which would not meet the realistic training environment screening factor.

Also, having multiple ranges allows for multiple bombing scenarios to run simultaneously on the different ranges. Currently, training activities require the capability for dual/concurrent Large Force Exercises. This requirement means that to maintain training capacity, there must be two separate areas where Large Force Exercises activities can occur at the same time. Having only one Large Force Exercise range would mean a 40-percent loss in training capacity, which would be a critical shortfall. FRTC is already scheduled over capacity and turning away training units; losing existing training areas would result in the FRTC not meeting the tempo screening factor.

Having both B-17 and B-20 available for training would allow the Navy to conduct different training scenarios and classes at the same time without interference or an increase in aviation hazards due to an overcrowded airspace. Implementing this alternative would not meet the safety screening factor that must support the safe operation of multiple aircraft.

The Navy considered this alternative but is not carrying it forward for detailed analysis in this EIS. This alternative would not meet the realistic training environment, safety, or tempo screening factors.”

Screening factors for alternatives carried forward for analysis can be found in Section 2.2 (Screening Factors). The withdrawal footprint presented in the Final EIS is the product of revisions since the Ninety Days to Combat Required Training Capabilities Study and reducing acres requested for withdrawal by the Navy to the maximum extent possible. The Navy used the following primary screening factors to evaluate potential alternatives:

- Provide a realistic training environment that meets tactically acceptable parameters.
- Provide a training environment capable of supporting readiness training, including the use of high-explosive ordnance, in a manner that protects the safety of the public and of military personnel.

- Provide adequate training tempo to support year-round air-to-ground and air-to-air Carrier Air Wing training.

When considering the boundaries of B-20, the Navy also considered terrain features (e.g., mountains), existing civilian infrastructure (e.g., highways), known environmental concerns, and the concerns of local and regional populations in developing potential alternatives. The subsections that follow in Section 2.2 (Screening Factors) describe the screening factors in detail.

Again, it is the Navy's position that the Buena Vista Mine project could be accessed by alternative routes outside of the B-20 boundaries, such as by East County Road, and may not be impacted to the extent stated in this comment by the Proposed Action. The Navy would like to clarify that it is not prohibiting the construction or operation of the Buena Vista Mine.

F.6.1.26 Rushing, H. (New Nevada Lands LLC)



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

RE: Fallon Range Training Complex Modernization Draft Environmental Impact Statement

To Whom It May Concern:

Please accept the comments of New Nevada Lands LLC ("NNL") and New Nevada Resources, LLC ("NNR") (collectively "New Nevada") opposing the Draft EIS and the expansion of the Bravo 20 bombing range north of Pole Line Road located in Churchill and Pershing Counties. New Nevada are the owners of significant land, mineral, and royalty interests, located both inside and immediately adjoining the proposed Bravo 20 expansion area. New Nevada opposes the expansion of Bravo 20 range that impacts our surface and mineral ownership and our royalty interest in the northern portion of the proposed expansion. New Nevada opposes any of the alternatives presented in the Draft EIS as an alternative that moves the northern boundary below Pole Line Road in Churchill and Pershing Counties was dismissed by the Navy without public input or analysis. The Navy has ample opportunities to expand their bombing facilities to the west and south without impacting private lands or minerals. New Nevada urges the Navy to adjust the proposed expansion to exclude all private lands and minerals to facilitate economic development and freedom to fully exercise our property rights. New Nevada herein incorporates the comments of Nevada Iron LLC and supports their comments on the Draft Environmental Impact Statement.

New Nevada owns vast acreage across Nevada in what is locally known as the checkerboard lands which were originally granted to the railroads as part of the completion of the trans-continental railroad that helped settle the West. New Nevada manages these lands for a broad array of uses including mining, industrial, agricultural, energy, and commercial uses. We pay vital property taxes on these lands which account for a large percentage of tax revenue for Churchill and Pershing Counties in support of their school systems. Since September, 2016 our lands and minerals within the proposed expansion and the accompanying withdrawal have been rendered almost valueless because it is impossible to attract capital to invest in these lands with the cloud of uncertainty overhanging the future of the Navy's expansion efforts. New Nevada owns the following holdings and depicted on Attachment 1:

125 Roger Storme Road | Madisonville, LA 70447
Tel: 601-876-7659 | Email: heath@newnr.com

1



Within the Expansion Boundary:

- ☐ Surface & Minerals: 18,292 acres
- ☐ Minerals Only: 4,434 acres
- ☐ Royalty Only: 8,340 acres
- ☐ Access Easements: NNL is currently paid \$50,000/year for access easements by Nevada Iron, LLC, and this would be terminated if access thru the expanded Bravo 20 is prohibited.

Within an Impact Radius Outside of the Expansion Boundary:

- ☐ Surface & Minerals: 8,382 acres
- ☐ Minerals Only: 12,241 acres
- ☐ Royalty Only: 4,490 acres
- ☐ Patented Mining Claims: 10 (~90 net acres or 50% undivided interest)
- ☐ Unpatented Mining Claims: 101 (~2,020 acres)
- ☐ 33.33% ownership in Nevada Iron, LLC and Iron Horse Transportation, LLC
- ☐ NNR's royalty interest (varies from .25% to 2% NSR) in the Nevada Iron, LLC Buena Vista Iron Project which is projected to yield \$1,500,000 to \$2,500,000 annually to NNR

On September 2, 2016, the Bureau of Land Management (BLM) on behalf of the Department of the Navy published a "Notice of Application for Withdrawal Extension; Notice of Application for Withdrawal Expansion; and Opportunity for Public Meeting; Naval Air Station, Fallon, Nevada" seeking withdraw for the Navy's use at Fallon Naval Air Station of approximately 604,789 acres of federal lands from all forms of appropriation under the public land laws, including the mining laws, mineral leasing laws, and the geothermal leasing laws. At that time, our lands and minerals were drastically devalued. Subsequently, the Secretary of Interior issued Public Land Order No. 7873 on August 31, 2018 withdrawing 772,370 acres of public land in Churchill, Lyon, Mineral, Nye, and Pershing Counties from all forms of appropriation under the public land laws, including location and entry under US mining laws and leasing laws for a period of four years. The majority of New Nevada's lands are mineral lands. Because of the checkerboard nature of the ownership pattern, the uses allowed on the BLM managed public lands have a direct and significant impact on the available uses of the adjoining private lands. Development of a commercial scale mine operation can rarely occur on a single isolated 640 acre section. The mining laws however provide the opportunity for the exploration, discovery, and development of locatable minerals on the public lands. Yet, when the public lands are withdrawn from entry, the surrounding private lands and minerals become essentially valueless. This economic impact could not be greater than in the proposed expansion area. New Nevada's focus here as depicted by our mineral ownership and royalty interests is the development of mineral resources. These minerals cannot be reasonably developed without the ability to assemble sufficient adjacent public lands under the mining laws to make commercial development feasible. As stated in the Draft EIS, the Navy intends to condemn our private lands and minerals yet that ability is subject to Congressional approval and available funding—placing our lands in limbo for an even longer period of time. While New Nevada may well receive "just compensation" in the eyes of the law, the real value in these lands is the future development of the minerals, the jobs created, and the economic driver that mining activity can generate for local



communities, the region, and the State of Nevada. In order to realize the true value of these minerals a great deal of exploration, discovery and development must occur and it requires years of diligent efforts to bring these mining projects into production. For most of our lands within the proposed boundary we are still in the exploration and discovery phase and therefore our lands have not yet reached their full value potential through the establishment of commercially viable mineral resources. However, we know the minerals are present and that we have the ability to bring them into production. The Buena Vista Iron Mine project located directly adjacent to the proposed expansion area is a perfect example. These lands are largely owned by New Nevada and we were able to assemble a world class iron deposit that is also being rendered valueless by the withdrawal and expansion actions of the BLM and the Navy. As incorporated in Nevada Iron's comments on the Navy's Draft EIS, we conducted a 145 square mile aero magnetic shoot of the Buena Vista Valley, and we delineated an area that is a potential 1 billion ton iron ore district. Much of that deposit depicted on Attachment 2 is located within the expansion area and occurs on both our lands and BLM managed lands. This enormous resource will be rendered valueless if the withdrawal continues and the Navy's expansion of the Bravo 20 range proceeds. Incorporated herein are the comments of Nevada Iron LLC as New Nevada also owns a royalty interest in the Buena Vista Mine project. The actions of the BLM preventing reasonable access to the Buena Vista Mine project has a tremendous financial impact on New Nevada which is projected to be \$1.5 to \$2.5 million annually in royalty payments. The expansion of Bravo 20 will ultimately result in the condemnation of our private ownership interests which will also be devastating on Churchill and Pershing Counties and their property tax base. For example, 90% of the land in Churchill County is owned by the Federal Government. Of the 10% of private ownership, New Nevada owns the majority of those private holdings. Therefore the ultimate taking of New Nevada's lands and minerals as part of the current process will have an enormous impact on the local tax base and the community. In most of northern Nevada, the Federal Government owns over 90% of the land base, yet in the one area where private ownership is prevalent in these rural counties, namely the checkerboard lands, the Navy has chosen to purchase through condemnation even more lands. Further reducing property taxes to local governments, eliminating the economic growth associated with mineral development, and placing further burdens of Federal ownership on rural counties and their citizens.

Draft EIS Flaws:

Failure to Analyze Iron Ore as a Commercially Viable Mineral: The Buena Vista Mine project, which is directly adjacent to the north east boundary of the Bravo 20 expansion border, is an iron ore deposit with an indicated mineral resource of 148.7 Mt (Million tons) grading 18.8% total Fe (iron) and an inferred mineral resource of 28.9 Mt grading 19.6% Fe. This is a significant mineral deposit which is near the surface with a very low waste to ore ratio (<0.5:1). The metallurgy of the ore requires a simple coarse grind which will produce a high grade (67.5%--69% Fe) clean concentrate with extremely low impurities. New Nevada Resources, LLC, is the controlling shareholder of Nevada Iron and the majority mineral owner within and adjacent to the project. As mentioned herein, our 145 square mile aero magnetic shoot of the Buena Vista Valley has delineated an area that is a potential 1 billion ton iron ore district. Much of this iron deposit is included in the Bravo 20 expansion area along Pole Line Road. See



Attachment 3. (Pink or red coloration associated with aero magnetic mapping demonstrates high concentrations of iron present). The Navy was provided this information beginning in 2017 and was the subject of several meetings between Nevada Iron, New Nevada, and the Navy and yet the Navy still chose to ignore the presence of this major mineral resource and the impacts the expansion will have on the development of iron ore in the region. New Nevada has clearly demonstrated through discovery and permitting activities that this is a very large, concentrated, and important iron deposit that is ready for production. However, the Draft EIS (Section 3.3 Mining and Mineral Resources) completely ignores this mineral resource with no mention or analysis of iron ore contained within the Bravo 20 expansion area or immediately adjacent thereto. This section of the EIS also fails to recognize the expansive ownership of minerals and mining claims held by New Nevada and the impacts of rendering these minerals valueless for the foreseeable future.

Failure to Recognize or Analyze the Socioeconomic Impacts of Expansion on the Future Development and Production of Iron Ore: The Draft EIS fails to recognize the loss of this major iron ore resource and therefore the socioeconomic analysis is also flawed. A Supplemental Draft EIS must be prepared to fully analyze the socioeconomic impacts of the lost jobs, taxes, and economic growth associated with the development of a one billion ton iron ore project, both within and directly outside of the Bravo 20 expansion area. Section 3.13 Socioeconomics is devoid of any mention of the Bravo 20 expansion rendering the Buena Vista Mine uneconomical or of prohibiting the development of these vast iron ore resources. The Buena Vista Mine project is a vital economic driver for Churchill and Pershing Counties and Northern Nevada. With a minimum 15 year mine life and providing 200 permanent jobs with wages averaging \$100,000.00 annually, the Buena Vista Mine project is vital to the future of these counties who are in desperate need of economic growth. These are high paying career jobs that support other related businesses and schools, and promote communities. During the construction phase of the project, approximately 500 jobs will be created which will have an enormous impact on local business, employment, and taxes. Adjusting the expansion boundary of Bravo 20 as Nevada Iron has suggested will accommodate the creation of these vital jobs and economic growth for these rural counties. According to the Draft EIS, there are 137 people employed in Churchill County and 570 people employed in Pershing County within the mining, quarrying, and oil and gas sectors. Adding 200 full time jobs is a significant change in this demographic that is ignored by the Draft EIS. Moreover, mining is one of the highest paying sectors in these communities. While the Draft EIS recognizes that Churchill and Pershing Counties have above national average unemployment, it fails to analyze the socioeconomic impacts of prohibiting the construction and operation of the Buena Vista Mine and associated minerals. The Draft EIS must analyze these impacts and the Navy must present and consider an alternative that would have the northern boundary of the Bravo 20 range terminate at Pole Line Road. The Draft EIS states:



"While social impacts could potentially affect all aspects of people's and communities' way of life, this section focuses specifically on economic condition related to population and demographics, housing occupancy status, employment characteristics, economic activity, and tax revenue. The purpose of this socioeconomic analysis is to assess the potential impacts of the Proposed Action related to these economic conditions. Significance of population and expenditure impacts is assessed in terms of their direct impact on the local economy and related effects on socioeconomic resources."

The socioeconomic analysis ignored its own guidance in regard to the presence and development of iron ore within and adjacent to the proposed Bravo 20 expansion.

Conclusion:

New Nevada opposes the expansion of the Bravo 20 bombing range north of Pole Line Road in Churchill and Pershing Counties. Nevada contains more public land than any other state in the nation yet the Navy has chosen to expand its military needs into an area which has higher than average private ownership for rural Nevada. The minerals owned and developed by New Nevada are important and valuable minerals that have been rendered valueless since September of 2016. The permanent impact on these lands will have significant repercussions on our nation's ability to produce iron ore and will have significant impacts on surrounding communities which are not analyzed in the Navy's Draft EIS. The failure to fully explore and analyze terminating the northern boundary of the Bravo 20 site at Pole Line Road renders the Draft EIS inadequate. A supplemental draft should be produced by the Navy to fully inform the public as to why the Navy's expansion of Bravo 20 north of Pole Line Road is superior to the development of New Nevada's vast mineral assets. We urge the Navy to adjust the boundaries of the proposed expansion area of Bravo 20 to exclude those private and public lands that are in the checkerboard area on the north side of Pole Line Road in Churchill and Pershing Counties.

Sincerely,

A handwritten signature in blue ink, appearing to read "Heath Rushing", with a long horizontal flourish extending to the right.

Heath Rushing,
Managing Member
New Nevada Lands, LLC
New Nevada Resources, LLC

F.6.1.26.1 Response

Thank you for your comments, the Navy has reviewed and considered all comments received and has updated the analysis where appropriate. The Navy is working with impacted parties on a case by case basis to avoid, minimize, and mitigate any impacts if applicable.

Regarding the assertion that the Navy did not analyze an alternative configuration for B-20, Chapter 2 (Section 2.5.3, Alternate Training Locations) of the Final EIS discusses various alternatives the Navy considered, including those suggested by the public. The Final EIS provides screening criteria in Section 2.2 (Screening Factors) and rationale for not carrying specific alternatives forward for further analysis.

Regarding shifting the B-20 range to the west or south, the Navy was asked to develop an alternative to avoid closing the Navy's B-20 Access Road (known locally as Pole Line Road). This Navy road is accommodated by a ROW issued by the BLM to the Navy for the purpose of maintaining B-20 and is currently open to public access. This alternative would necessitate changing the proposed boundaries of B-20, which would also change the shape of the area available for a WDZ. The Navy considered reducing the shape of the WDZ means that the firing ranges and firing azimuths drop to levels below those listed in the screening factor for air-to-ground tactically acceptable weapons release parameters. Specifically, this alternative would not meet the requirement for the 180° attack azimuth for Joint Direct Attack Munitions, as the WDZ in the suggested configuration would be significantly less than 180°. The reduced width of the WDZ would also decrease the range at which the Navy could employ Joint Direct Attack Munitions, further reducing the training realism. Additionally, reducing the Joint Direct Attack Munitions WDZs means the Navy would need to conduct any training that used the full firing distances for training realism at the already heavily utilized B-17. An increase in training events at B-20 strain the Navy's ability to complete each of the increased number of individual training events it would be forced to undertake at B-12 under this scenario, which would negatively impact the overall tempo for Advanced Integrated Strike Warfare.

The Navy also considered shifting B-20 to the south and west. This would result in target arrays being located at the bottom of Carson Sink, which frequently is flooded with standing water up to 10 feet deep. The frequency of flooding prohibits the Navy from developing realistic targets. Also, shifting B-20 would require acquisition of additional restricted use airspace, which would affect approaches into Reno International Airport. The Navy considered this alternative but is not carrying it forward for detailed analysis in this EIS. This alternative would not meet the realistic training environment or tempo screening factor.

Please see the Navy's response to the Nevada Iron LLC for further detail on the response to their comments that you have incorporated by reference.

Regarding private property, the Navy recognizes the potential socioeconomic impacts on the community. To mitigate these impacts, affected private landowners would receive just compensation for loss of any privately-owned land and all compensable rights associated with that land acquired by the United States. Claim holders for mining and water would be compensated as described in Section 3.3 (Mining and Mineral Resources) and Section 3.9 (Water Resources).

A detailed Payment in Lieu of Taxes (PILT) analysis is included in the Supporting Study: Economic Impact Analysis Report, available at <http://frtcmodernization.com> and discussed in Section 3.13 (Socioeconomics). There would be no change in PILT for Churchill, Mineral, Nye, and Pershing counties,

and very little change in PILT for Lyon County. Therefore, there would be no significant impact from lost revenue from reduced PILT under any of the action alternatives.

Regarding mineral losses, The Final EIS has been updated to further describe the process by which the Navy would compensate both valid mining claims and unpatented mining claims with no validity exam. Valid and existing mining rights, existing patented mining claims, and unpatented mining claims are discussed in Section 3.3 (Mining and Mineral Resources).

For there to be a valid existing mining right, the claim holder must demonstrate that the claim contains a discovery of a valuable mineral deposit. Having a valid existing claim would exclude any such claim from any moratorium imposed by the requested withdrawal legislation for development of the claim. Therefore, under the Proposed Action, the Navy would acquire any valid existing claims within the proposed withdrawal at fair market value.

For existing patented mining claims, the federal government has passed the title of these lands to the claimant, making these lands private lands. The Navy would therefore need to acquire any such lands within the proposed FRTC land boundary.

Holders of unpatented mining claims on public lands may conduct a validity exam, which is a formal process that determines whether the claim holder has a valid existing right. The Secretary of the Interior determines the validity of a claim based on this validity examination. However, holders of unpatented mining claims are not required to conduct a validity exam. In instances where a claim holder has not conducted a validity exam, any value associated with the claim is assumed to be nominal. Accordingly, the Navy would offer to claim holders without a validity exam demonstrating a valuable mineral deposit a nominal amount to extinguish the claim. The Navy would consider the investment made by the holder of these unpatented claims when making an offer to extinguish the claim.

Regarding this comment's perceived flaws, "Failure to Analyze Iron Ore as a Commercially Viable Mineral," and "Failure to Recognize or Analyze the Socioeconomic Impacts of Expansion on the Future Development and Production of Iron Ore," as discussed in the Navy's Mineral Potential Report supporting study, found on the frtcmodernization.com website, iron is not actively mined in the areas proposed for withdrawal or requested for acquisition. Therefore, the Navy did not carry iron through the analysis of impacts in the Study Area in the EIS in the Minerals and Mining Section (3.3) or the Socioeconomic Section (3.13). Although the Navy's Proposed Action may impact the current access routes to the area of concern of this comment, it is the Navy's position that the area outside of the proposed withdrawal and requested acquisition lands would still be accessible for mining purposes.

As discussed earlier in this response, the Navy received multiple alternatives created by the public for consideration in the Draft and in the Final EIS. The Navy has analyzed alternatives in Section 2.5 (Alternatives Considered but not Carried Forward for Detailed Analysis) of the Final EIS that discusses the alternatives that were considered but eliminated from further analysis.

F.6.1.27 Salisbury, S. (American Motorcyclist Association)



January 16, 2019

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

To whom it may concern:

The American Motorcyclist Association is pleased to provide the following comments on the Navy's proposed modernization of the Naval Air Station Fallon and the Draft Environmental Impact Statement associated with it.

Founded in 1924, the AMA is a 213,000-member nonprofit organization whose mission is to promote the motorcycle lifestyle and protect the future of motorcycling.

Our members rely heavily on public lands managed by the U.S. Bureau of Land Management and other federal agencies for both off-highway recreational riding and competition events. Any action that proposes a reduction in the amount of land for those purposes, especially in areas with a long-running use history, causes us significant concern. The AMA also recognizes the need to keep our military well-trained and that base boundaries may need to be changed to achieve that goal.

We are aware of recent examples of the military and off-highway riding community working well together and hope that can be accomplished at Naval Air Station Fallon.

In the hopes that further expansion at the Fallon facility can be avoided altogether, leaving current OHV routes intact, the AMA asks that the Navy address the need to expand at the Naval Air Station Fallon instead of using the existing 1.1-million-acre Naval Air Weapons Station China Lake.

After discussions with its local members, the AMA can offer conditional support for the DEIS Option 3, which is also the Navy's preferred option. It minimizes the interruption of off-highway routes, but still creates problems for the motorcycling community. It will only be workable for our members and the economic health of recreation-dependent communities of Middlegate Station, Cold Springs Station, Fallon and Gabbs if two changes are made to Option 3.

First, roads and trails left cherry-stemmed by the expansion must be reconnected to allow for their safe continued use. That could be accomplished in two ways. Constructing a new road on the northeastern boundary to connect remaining sections of existing dirt roads to State Highway 361 would maintain access and safety. Using the existing dirt road that runs southeasterly, connecting the Fairview/Earthquake Fault Road from Bell Flat to State Highway 361 as the new northern boundary of the base also would work.

The latter would be consistent with use of Nevada State Route 839 along the Bravo 17 West boundary and use of the Simpson Road as the southern boundary of the proposed Bravo 16 expansion. Second,

444 North Capitol Street, NW | Suite 837 | Washington, D.C. 20001
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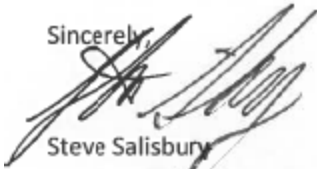
Page 2

January 16, 2019

the Navy must include creation of a Special Recreation Area on the land surrounding the Fallon expansion to codify motorized recreation as a legitimate use.

The AMA appreciates the opportunity to submit these comments and looks forward to remaining involved in the process as it proceeds. Thank you for considering our comments.

Sincerely,



Steve Salisbury
Government Affairs Manager, Off-Highway

F.6.1.27.1 Response

Thank you for participating in the NEPA process. Regarding the request to avoid expansion at Fallon and instead use Naval Air Weapons Station (NAWS) China Lake, in the Mojave Desert near Ridgecrest, California, it is the Navy's largest single land range. NAWS China Lake is not presently equipped or configured to support the kind of realistic and integrated training conducted at the FRTC, as its mission is to support Naval Air Systems Command programs by performing research, development, test, and evaluation; logistics; and in-service support for guided missiles, free-fall weapons, targets, support equipment, crew systems, and electronic warfare. These research, development, testing, and evaluation activities use the majority of available training time; the time available to use the land and airspace for other uses is very limited. NAWS China Lake would not be able to accommodate FRTC training along with its current activities. Converting this range to accommodate such training would not be technically or economically feasible, in light of the extensive difficulties that would be entailed in such a conversion and the tremendous expense that would be involved. The proposed expansion of the FRTC does not require such an extensive "conversion," as the majority of the lands proposed for expansion are for safety purposes. The change in infrastructure on the FRTC is minimal in comparison to the infrastructure already in place and which will continue to be used.


Moreover, even if the Navy were to undertake such a conversion, doing so would not eliminate the scheduling conflicts that would severely impact tempo requirements, and would cause existing training at NAWS China Lake to be displaced elsewhere or perhaps ultimately cancelled, despite being itself of critical importance to national security.

The Navy considered this alternative but did not carry it forward for detailed analysis in this EIS. This alternative would not meet the realistic training environment and tempo screening factors.

Thank you for the conditional support of Alternative 3 (Preferred Alternative). The Navy recognizes that there is loss of access to the areas withdrawn or acquired and to unofficial roads; but these roads are not being relocated. The Navy does not have control of lands outside of the area proposed for withdrawal or requested for acquisition and therefore cannot accommodate this request for a new road

on the northeastern boundary of B-17 nor the creation of a Special Recreation Area on land surrounding the Fallon expansion.

F.6.1.28 Stevenson, D. (Friends of Nevada Wilderness, Sierra Club and Audubon)



**Fallon Range Training Complex Modernization
Environmental Impact Statement (EIS)**

Comment Form

Date: January 14, 2019

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.

Comments must be postmarked or received online by **Jan. 15, 2019**, for consideration in the Final EIS.

Comments may be submitted in person at the public meetings, via the project website at **www.FRTCMmodernization.com**, or by U.S. Postal Service mail to the address below.

Please Print

As a member of the hiking community and a concerned citizen, I
advocate against the proposed expansion and for STATUS QUO!
For the sake of 250 species of birds and wildlife, leave the
STILLWATER NATIONAL WILDLIFE REFUGE and wilderness study areas
alone! Wilderness status is the BEST PROTECTION against development
to KEEP THE NIGHT SKIES DARK for flights and training & lets work
together to keep public lands public and wildlife protected in the
CLAN ALPINE, STILLWATER, and MONTE CRISTO ranges. Nevadans
live here for a reason & WE HAVE TO GO BIRDING, HIKING, CLIMBING,
plus hunting and fishing. Does the navy need to use live bombs?
Keep Hwy 361 open; I use it a lot to access peaks. I want to climb
and to camp in Berlin-Ichthyosaur State Park. I CARE ABOUT THE FUTURE.

F.6.1.28.1 Response

Thank you for participating in the NEPA process. Regarding the comment on the status quo, the Navy included the "status quo" alternative as an "Alternative Considered but Not Carried Forward for Detailed Analysis" in Section 2.5.1 (Continue Training at the Fallon Range Training Complex in the Current Configuration). This alternative, also known as the "status quo" alternative, would renew the existing FRTC land withdrawals as currently configured. The Navy would not withdraw or acquire any additional land, and there would be no changes to existing restricted airspace at the FRTC. In their comments during the scoping period, Churchill County, Eureka County, Nevada Association of Counties, and other members of the public recommended that the Navy consider this alternative in this EIS. The Navy considered this alternative but did not carry it forward for detailed analysis in the EIS. It would not meet the purpose of and need for the project, nor would it satisfy the realistic training environment and safety screening factors.

Regarding concern for wildlife, The Final EIS includes a thorough impact analysis conducted by qualified wildlife biologists. Potential impacts on wildlife species, including bighorn sheep and greater sage

grouse, as well as their habitat are discussed in Section 3.10 (Biological Resources), specifically Sections 3.10.3.3 (Alternative 1), 3.10.3.4 (Alternative 2), and 3.10.3.5 (Alternative 3) of the Final EIS.

Populations of species are distributed throughout current FRTC boundaries. Based on species distribution data, historical coexistence with training activities, and the analysis presented in the Final EIS, populations would not be significantly impacted by proposed training activities. While the analysis indicates a less than significant impact, the Final EIS has been updated to include a discussion of potential impacts on individuals of a species.

Regarding concern for the Stillwater National Wildlife Refuges, this expansion does not include the Stillwater National Wildlife Refuge (NWR). The USFWS would continue to manage the Stillwater NWR. In addition, the USFWS would need to undertake any public planning required in order to revise the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and associated compatibility determinations, consistent with the National Wildlife Refuge System Administrative Act, as amended (16 United States Code 668dd–668ee). NAS Fallon has prepared a BASH Plan to identify potential areas of concern and to establish procedures to mitigate the threat of bird and other animal strikes. Currently three Special Use Airspace (SUA) units overlap the Stillwater and Fallon NWRs: Fallon North 1 MOA, R-4813A, and R-4813B. Under the Proposed Action, there are no proposed changes to the operating altitudes of the SUAs that overlap the Stillwater NWR, no changes in number of aircraft operations, and no changes in the approach and departure tracks of aircraft utilizing targets in B-20. The proposed B-20 expansion area that overlaps the NWRs is for a ground-based safety zone and not due to an increase or change in aircraft operations over the NWRs. Therefore, there would be no change in the BASH potential with implementation of the proposed action.

The following are some general operational changes that are implemented during aircraft operations to reduce threats from bird strikes, mission permitting:

- When practical, reduce low-level flight time.
- Reduce formation flying.
- Reduce airspeeds to allow birds to be seen sooner and lessen damage in event of a strike.
- Avoid areas with known raptor concentrations during summer, especially during 1000–1700 hours due to increased thermals (Naval Air Station Fallon, 2012).

With adherence to the NAS Fallon BASH Plan and use of the Avian Hazard Advisory System, there would be no significant impacts to bird or bat populations as no population-level effects to birds or bats would be expected.

Regarding concerns for recreation loss, the Navy acknowledges the concerns regarding potential closures of some recreational areas and analyzes potential impacts in Section 3.12 (Recreation). Closure of existing recreational areas would presumably result in the public shifting their recreational activities to other areas. While recreational activities such as running, hiking, horseback riding, rock collection, fossil hunting, and sightseeing would not be allowed in the Bravo ranges, these activities could continue to occur in the DVTA and surrounding areas. The recreational setting (i.e., wildlife species, terrain) in surrounding areas is the same or similar to that of the Bravo ranges and these areas would remain fully available for public use and recreation. Because these adjacent and nearby lands would remain available for general recreational activities, the Navy is not proposing any mitigations.

Regarding the proposed relocation of a portion of SR 361, this action is not part of the Proposed Action, nor is it a certainty pending any ultimate Congressional decision on the alternatives proposed for implementation, and therefore has not been analyzed to the same level of detail as other components of the Proposed Action for the FRTC Modernization EIS. Therefore, follow-on NEPA efforts would need to occur for the relocation of this state route in the future to address the concerns of elimination of access to Gabbs, dangerous mountain conditions, access to commercial endeavors, and the access to Berlin Ichthyosaur State Park.

F.6.1.29 Ure, T. A. (Schroeder Law Offices, P.C.)

Laura A. Schroeder
Oregon, Idaho,
Nevada, Washington & Utah

Therese A. Ure
Oregon & Nevada

Sarah R. Liljefelt
Oregon,
California & Utah

William F. Schroeder
(1928 - 2015)



Lindsay M. Thane
Oregon, Washington & Montana

Jakob S. Wiley
Oregon

Wyatt E. Rolfe
Of Counsel
Oregon & Washington

James Browitt
Of Counsel
Idaho & Washington

February 11, 2019

VIA EMAIL and US MAIL

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

RE: FRTC Modernization DRAFT EIS Comments

To Whom It May Concern:

We are writing to submit comments to the Draft Environmental Impact Statement ("DEIS") for the Fallon Range Training Complex Modernization on behalf of David F. Stix.

Mr. Stix and his family hold grazing and water interests within and adjacent to areas under consideration for public land withdrawal, renewal and expansion. Our office provides comment in the interest of protecting Mr. Stix's grazing and water rights as well as range improvements that he has made within two of the affected Department of Interior ("DOI"), Bureau of Land Management ("BLM") Grazing Allotments, Bucky O'Neill and Bass Flat.

Please place Mr. Stix and our office on your list to receive notice and correspondence on all future NEPA documents related to the FRTC Modernization. While information to our office can be sent to our Reno address listed below, please direct information to Mr. Stix to:

David F. Stix
4830 Farm District Road
Fernley, NV 89408

Comment 1:

The EIS should analyze and consider the effects of public land withdrawal and expansion on range land resources, grazing practices, pasture boundaries, access to stock watering sources and reduced forage, with a plan to ensure that any change from the status quo include a means to make the livestock grazer whole.

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com

(P0424925, 0231 27 TALJ)

Naval Facilities Engineering Command Southwest
February 11, 2019
Page 2 of 2

As to the alternatives presented in the DEIS, Mr. Stix prefers an alternative wherein there would be no change to Mr. Stix's public land grazing neighbors on the allotment to the east. Alternative 3 would allow Mr. Stix to remain adjacent to graziers on the east side, and this supports the working relationship Mr. Stix has built with his grazing neighbors. The impacts on the Bucky O'Neill Allotment are of particular concern, being that the proposed range expansion of the Dixie Valley Training Area encroaches onto the allotment's southeastern portion.

Comment 2

The DEIS did not adequately consider range improvements, and the effect of the expansion on range improvements within the affected Grazing Allotments. In cooperation with BLM, Mr. Stix has made substantial investments into range improvements — including development of wells and construction of fence lines. Many public land graziers spend a lot of time and money for construction, repair and maintenance to these range improvements, thus any change to these improvements should include a provision to make the grazer whole.

Comment 3:

Mr. Stix is the holder of permitted water rights that are integral to his grazing operations. Any withdrawal or reduction in water rights as outlined in the DEIS will cause a significant impact on public land graziers. Every effort should be made to make graziers whole, especially those subject to a loss of any water source. If a water source is taken, the Navy should expend every effort to replace that source. Water sources in livestock grazing operations are critical for forage utilization and cattle disbursement on the range. The DEIS does not consider replacement water sources.

In addition to the comments listed above, Mr. Stix specifically adopts the comments made by the Nevada Farm Bureau and the Nevada Cattlemen's Association. We thank you for considering Mr. Stix's comments during the DEIS review process.

Please contact our office at (775) 786-8800 if you have any questions.

Very truly yours,
SCHROEDER LAW OFFICES, P.C.



Therese A. Ure

TAU:lmk

cc: Client – via email only

(P0424925, 0131 27 TAU)

F.6.1.29.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record.

Regarding comment 1, the EIS did analyze and consider impacts to land resources such as grazing, pasture boundaries and reduced forage in Section 3.4 (Livestock Grazing), and to water rights in Section 3.9 (Water Resources). Regarding making grazers whole, the Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

The following information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

Payment for Losses

The Navy would first consider costs associated with obtaining replacement forage and otherwise restoring/maintaining a permittee's existing operational capacity. Working with BLM and the permittee, the Navy would determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs could include, but would not be limited to, preparing new allotment applications; complying with BLM environmental requirements and water rights studies; procuring private market replacement forage; shipping or transporting forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transferring of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime while restoring and/or relocating operations; and any other costs identified, which would be properly payable under 43 U.S.C. section 315q.

Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy would make a good faith estimate of the financial impact the loss of that individual's permit would be expected to have on his or her ranching operation. The Navy would ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information would be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the information shared is incomplete, the Navy would make an estimate of the value of the losses based on existing information from other sources.

It is possible that a payment amount would be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment would be based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity would first be determined, and the remaining payment amount would then be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.

Payment for Allotment Improvements

Improvements such as corrals, fencing, wells, and other appurtenances that cannot be relocated are considered real property, similar to a building. The Navy would appraise the value of all real property owned by a permit holder and would offer fair market value for the purchase of any such real property. Equipment, such as relocatable water tanks, is not considered real property, and the permit holder would be afforded an opportunity to remove their equipment prior to cancellation of a permit.

Timing of Permit Cancellation

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that the Bureau of Land Management (BLM) cancel any permit would be October 1, 2020.

If the Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.

Regarding an analysis of the status quo alternative, the Navy included the “status quo” alternative as an “Alternative Considered but Not Carried Forward for Detailed Analysis” in Section 2.5.1 (Continue Training at the Fallon Range Training Complex in the Current Configuration). This alternative, also known as the “status quo” alternative, would renew the existing FRTC land withdrawals as currently configured. The Navy would not withdraw or acquire any additional land, and there would be no changes to existing restricted airspace at the FRTC. In their comments during the scoping period, Churchill County, Eureka County, Nevada Association of Counties, and other members of the public recommended that the Navy consider this alternative in this EIS. The Navy considered this alternative but did not carry it forward for detailed analysis in the EIS. It would not meet the purpose of and need for the project, nor would it satisfy the realistic training environment and safety screening factors.

To clarify, in regard to the DVTA, grazing would still be allowed in that area and allotment boundaries there would not change.


Regarding comment 2, range improvements have been added to all of the figures in Section 3.4 (Livestock Grazing) of the Final EIS with the data that was available to the Navy and provided by the grazers during the EIS process.

Regarding comment 3, the Navy acknowledges that the loss of water rights could be a factor in determining payments for losses associated with the cancellation of grazing permits. Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex) addresses the valuation of losses due to the cancellation of such permits. This valuation process would also apply to Alternatives 2 and 3. The Navy would purchase private water rights as real property. Additionally, acquisition of water rights would be factored into the processes for valuing grazing and mining-related just compensation or other authorized payments as appropriate. As discussed in Section 3.9 (Water Resources), the Navy does not have the authority to assist water rights holders with other water rights actions (i.e. change applications).

The Navy, as part of the proposed action, would acquire water rights within the proposed withdrawal areas if the water right can be maintained for beneficial use. If a condition of the water right can be modified (e.g., the point of use moved outside of the withdrawal areas), then the water right would not be acquired by the Navy. If wells are associated with the water right, then the Navy will evaluate on a case-by-case basis the disposition of the well (e.g., continued beneficial use or capping of the well). The Navy acknowledges that there may be impacts that have yet to be defined and will continue to develop and incorporate mitigation measures as necessary.

Thank you for your comments, please see the Nevada Farm Bureau and the Nevada Cattlemen's Association comments for the Navy's responses to these comments.

F.6.1.30 Welsh, J. (Zephyr Minerals Inc.)



**Fallon Range Training Complex Modernization
Environmental Impact Statement (EIS)**

Comment Form

Date: Dec 28, 2018

Thank you for your comments on the Fallon Range Training Complex Modernization Draft EIS.
Comments must be postmarked or received online by **Jan. 15, 2019**, for consideration in the Final EIS.
Comments may be submitted in person at the public meetings, via the project website at
www.FRTCMmodernization.com, or by U.S. Postal Service mail to the address below.

Please Print

In our judgement, the northern boundary of the B-20 Bombing Range should be adjusted to the southeast to allow access by the public to Wildhorse Pass in Pershing County. This route could be used to develop railroad access to iron mines in southern Pershing County and northern Churchill County in the future to benefit U.S. steel production for defense purposes.

F.6.1.30.1 Response

Thank you for participating in the NEPA process. Regarding adjustment of the configuration for B-20, Chapter 2 (Section 2.5.3, Alternate Training Locations) of the Final EIS discusses various alternatives the Navy considered, including those suggested by the public. The Final EIS provides screening criteria in Section 2.2 (Screening Factors) and rationale for not carrying specific alternatives forward for further analysis.

Regarding shifting the B-20 range to the west or south, the Navy was asked to develop an alternative to avoid closing the Navy's B-20 Access Road (known locally as Pole Line Road). This Navy road is accommodated by a ROW issued by the BLM to the Navy for the purpose of maintaining B-20 and is currently open to public access. This alternative would necessitate changing the proposed boundaries of B-20, which would also change the shape of the area available for a WDZ. The Navy considered reducing the shape of the WDZ means that the firing ranges and firing azimuths drop to levels below those listed in the screening factor for air-to-ground tactically acceptable weapons release parameters. Specifically, this alternative would not meet the requirement for the 180° attack azimuth for Joint Direct Attack Munitions, as the WDZ in the suggested configuration would be significantly less than 180°. The reduced width of the WDZ would also decrease the range at which the Navy could employ Joint Direct Attack Munitions, further reducing the training realism. Additionally, reducing the Joint Direct Attack Munitions WDZs means the Navy would need to conduct any training that used the full firing distances for training realism at the already heavily utilized B-17. An increase in training events at B-20 strain the Navy's ability

to complete each of the increased number of individual training events it would be forced to undertake at B-12 under this scenario, which would negatively impact the overall tempo for Advanced Integrated Strike Warfare.

The Navy also considered shifting B-20 to the south and west. This would result in target arrays being located at the bottom of Carson Sink, which frequently is flooded with standing water up to 10 feet deep. The frequency of flooding prohibits the Navy from developing realistic targets. Also, shifting B-20 would require acquisition of additional restricted use airspace, which would affect approaches into Reno International Airport. The Navy considered this alternative but is not carrying it forward for detailed analysis in this EIS. This alternative would not meet the realistic training environment or tempo screening factor.

F.6.1.31 Wilson, J. L. (Bell Mountain Exploration Corp.)



BELL MOUNTAIN
Exploration Corp.

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Carson City, NV 89703
Tel: 775-721-5435

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

December 12, 2018

And

Mr. Rob Rule
Naval Air Station Fallon
Community Plans and Liaison Officer
4755 Pasture Road
Building 350
Fallon, NV 89406

RE: Public Comment on Draft EIS
Fallon Range Training Complex Modernization (FRTCM)
Bell Mountain Exploration Corp.

To whom it may concern:

Bell Mountain Exploration Corp. (BMEC), a Nevada corporation, is directly impacted by the proposed expansion of the FRTC. BMEC owns an advanced-stage gold-silver project with a positive Preliminary Economic Assessment and a Plan of Operations filed with the U.S. Bureau of Land Management (BLM) in Carson City, NV. (BLM Case Recordation Serial No. NVN-097205) BMEC continues to advance permitting with the BLM and BMRR. BMEC intends to put the property into commercial production.

Alternative 3: BMEC endorses Alternative 3 in the FRTCM Draft EIS provided minor reconfiguration of the proposed Special Land Management Overlay can be accommodated at the Bell Mountain mine site within the B-17 expansion area.

Proposed Reconfiguration of Special Land Management Overlay (SLMO): Figure 1 shows the Bell Mountain claim block as impacted with the proposed SLMO and adjacent Withdrawal Area. Fifty-six percent of the claim block, including two of our best gold-silver deposits, fall within the immediate Withdrawal Area. BMEC proposes that the SLMO be relocated southward and coincident with the Weapons Danger Zone (WDZ) boundary. Relocation of the SLMO would eliminate the small, irregular Withdrawal Area. This reconfiguration would allow mining operations to advance unencumbered within the expanded SLMO. Reconfiguration would be a win-win situation which would de-conflict mining and Navy operations. In support of this proposal is the following statement from the Navy's Draft EIS listed below.

Section 2.1 Proposed Action; last two sentences (page 2-1): *"However, once an alternative is chosen for implementation, the Navy will strive to minimize the actual withdrawal/acquisition acreage with a goal to track the actual boundary of the WDZ/SDZ and non-live fire training area while considering terrain features and individual parcel characteristics. The Final EIS will contain more refined boundary locations and acreage figures."*

Proposed reconfigured boundary – SLMO: A detail description for the reconfigured southern boundary of the SLMO is presented in Appendix A.

Please consider our proposed reconfiguration of the SLMO as a high-priority item as to the long-term economic viability of the Bell Mountain gold-silver property.

Respectfully Submitted By:
BELL MOUNTAIN EXPLORATION CORP.



Jeffrey L. Wilson
Vice President – Exploration

Date: Dec. 12, 2018

Xc: R. Netolitzky
D. Fortner
M. Hunsaker

Attachment: Appendix A – Description of Reconfigured SLMO Boundary

F.6.1.31.1 Response

The Bell Mountain Exploration Corporation (BMEC) mining claim and their proposed mining operations are unaffected by the withdrawal. The BMEC is currently involved in permitting the mining operation and the completion of the BLM EA is expected in 2020. The Navy is working with the BMEC to identify ways in which the Navy's proposed action and BMEC's valid existing mining right and proposed mining operations can be de-conflicted, both for purposes of public safety and so as to leave BMEC's operations and interests unaffected by the proposed withdrawal to the maximum extent achievable consistent with training requirements.

In accordance with Navy policy, mining is not compatible within a weapons danger zone or surface danger zone of an operational range. The Navy would continue to follow existing operating procedures that prohibit the collection of materials from any mining area and prohibit entry to mine shafts and mines. Navy training activities would not impact mining activities outside of the proposed withdrawal boundaries. Therefore, there is the potential for a loss of access to salable and locatable minerals and mines in the land requested for withdrawal or proposed for acquisition. Closing the property may also affect mineral management by limiting the availability of mineral transport within certain areas. For example, new public roads, railroads, or other rights of way that would transport minerals could not be located within the proposed closed areas of the Bravo ranges, which would limit the availability to access and transport locatable and salable minerals. Closing the property would also limit the available means to transport mineral resources like oil/gas pipelines or geothermal energy transmission lines. The

Navy is continuing and would continue to work with the stakeholder to discuss the minor reconfiguration of the proposed Special Land Management Overlay if possible.

F.6.1.32 Zbinden, E. (Nevada Mineral Exploration Coalition)



**Nevada Mineral
Exploration Coalition**

P.O. Box 13482
Reno, NV 89507
www.nvmec.org

Feb 14, 2019

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

And: [HTTPS://frtcmernization.com/Public-Involvement/Submit-Your-Comment](https://frtcmernization.com/Public-Involvement/Submit-Your-Comment)

Attn: Ms Sara Goodwin, EIS Project Manager
Re: Fallon Range Training Complex Modernization Draft Environmental Impact Statement

Dear Ms Goodwin:

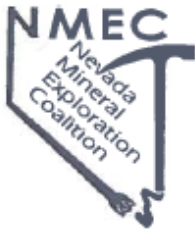
The Nevada Mineral Exploration Coalition (NMEC, or the Coalition) respectfully submits the following comments about the Fallon Range Training Complex Draft Environmental Impact Statement. NMEC is a non-profit, nonpartisan coalition of small businesses and individuals who make their living directly or indirectly by exploring for mineral deposits in the State of Nevada.

We have been following the development of the FRTC Modernization plan with some concern. Our attendance at previous public meetings is on record, and we have submitted previous comments both as an organization and as individuals.

We respect the Navy's need to train personnel; we recognize and are grateful for the important role played by FRTC in national security and our own individual safety and security. At the same time we believe that exploration and mining in Nevada also play a role in national security though the domestic production of metals and other mineral material. We believe it is important not to withdraw land, but instead to leave it open to mineral exploration.

The Coalition works with the Nevada Mining Association and shares many of its goals. The Coalition concurs with the letter submitted by the Nevada Mining Association and incorporates by reference those comments in this letter, especially their items #4, #6, #47, #52.

We wish to emphasize two themes in the comments made by the Nevada Mining Association. The first is that the DEIS greatly underestimates the negative impact the proposed withdrawals would have on mineral exploration. The second is that the writers of the DEIS suffer from a lack of imagination with regard to the possibilities for exploration



Nevada Mineral Exploration Coalition

P.O. Box 13482
Reno, NV 89507
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and mining to share multiple-use land with the Navy, with the use of some accommodations and good will intent to work together. It should not be necessary to withdraw as much land as is proposed in even the least restrictive of the three Alternatives.

One point of negative impact that was completely overlooked in the DEIS has to do with the limitations on investment governed by the Committee on Foreign Investment in the United States (CFIUS: see <https://home.treasury.gov/policy-issues/international/the-committee-on-foreign-investment-in-the-united-states-cfius>). Mineral exploration depends heavily on venture capital investment; it has no income stream until a deposit is found, developed, and in production – in other words, until exploration becomes mining. Much of the venture capital for exploration in Nevada originates from outside the US. Without that foreign investment, exploration is stalled and mining loses its input stream. The Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA) requires the CFIUS to review, among other things, “a purchase, lease, or concession by or to a foreign person of real estate located in proximity to sensitive government facilities”. The FRTC expansion greatly expands not only the withdrawn area, but also the proximity buffer. Although we tend to think of our investors as friendly trade partners, one of NMEC’s members has already lost business on account of this.

As for creative sharing of multiple-use land with FRTC and other users, I repeat some points made in NMEC’s comment letter of Dec 12, 2016 that were inspired by a conversation with a naval officer at a scoping session: The same accommodations that allow grazing or recreation on land used for training can also allow mineral exploration and development on the same land. For example, early-stage exploration involves no lights and no power lines: Surface samples are taken and claims are staked during daylight hours. Mid-stage exploration involves drilling that can, with appropriate planning, be confined to daylight hours. Should the exploration project result in the discovery of a mineral deposit, with proper planning the deposit could be developed into a mine without any cross-country power lines that would interfere with low-altitude flight. I have worked at mines where power is generated on-site using diesel generators. As alternative energy technology improves, other options besides diesel become more viable and the potential for on-site power generation also improves. This is particularly true in the FRTC area which has, as you acknowledge, excellent geothermal prospectivity.

The final point is an argument in favor of leaving land open to mineral exploration, even if it seems today that there are no mineral resources which would be compromised by a withdrawal. You never know what will be invented next, and what commodities will become important. The tale of lithium is an illustration. Before the invention of lithium-ion rechargeable batteries (not so long ago!) the world supply of lithium was adequate for its uses in ceramics, metal alloys, lubricants, pharmaceuticals, and so forth. The Nevada mine



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producing lithium from groundwater brine was certainly interesting, but nobody was looking for more deposits of that geological type, and dry lakebeds were considered completely unworthy of attention by mineral explorers. Now, of course, lithium is the Next Big Thing, the price is up, and dry lakebeds are getting a lot of attention from explorers. Despite the caution on the part of DEIS writers (Table 3.3-6, page 3.3-25) 'isolated occurrences of lithium enrichment' could turn out to be the first clue to the discovery of a lithium resource.

To take another thought from my previous letter, we don't know what commodities will be vital to the next generation of Americans. It would be wonderfully ironic if some strategic element important in a new defense technology formed a deposit in the Stillwater Range but we never knew because we were not allowed to look for it.

Respectfully submitted,

Elizabeth Zbinden
Chair, Public Lands Committee
Nevada Mineral Exploration Coalition
E_Zbinden@geology.reno.nv.us

F.6.1.32.1 Response

Thank you for participating in the NEPA process. Regarding the referenced comments by the Nevada Mining Association, please see the Navy's response to their comments. Regarding the Navy's lack of imagination, in accordance with Navy policy, mining is not compatible within a surface danger zone of an operational range. The Navy would continue to follow existing operating procedures that prohibit the collection of materials from any mining area and prohibit entry to mine shafts and mines. Navy training activities would not impact mining activities outside of the proposed withdrawal boundaries. Therefore, there is the potential for a loss of access to salable and locatable minerals and mines in the land requested for withdrawal or proposed for acquisition. Closing the property may also affect mineral management by limiting the availability of mineral transport within certain areas. For example, new public roads, railroads, or other rights of way that would transport minerals could not be located within the proposed closed areas of the Bravo ranges, which would limit the availability to access and transport locatable and salable minerals. Closing the property would also limit the available means to transport mineral resources like oil/gas pipelines or geothermal energy transmission lines.

The Navy cannot accommodate locatable mining activities in the DVTA due to restrictions in authorities set forth in the Mining Law of 1872. The Draft EIS included an analysis of an alternative that examines the managed coexistence of mineral activities within the proposed FRTC expansion area. This alternative can be found in Section 2.5.6.2 (Mining on Live-Fire [Bravo] Ranges).

Regarding the comment on limitations on investment governed by the Committee on Foreign Investment in the United States, the Navy cannot change the buffer zone mandated by the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA).

Regarding comments on prospecting, the Final EIS further describes the process by which interested parties could pursue compatible geothermal development in a portion of the Dixie Valley Training Area. The proposed required design features are necessary for the Navy to meet training requirements. Development of the required design features affords an opportunity for geothermal development that would otherwise be lost. The Navy acknowledges that complying with required design features could add cost to a potential geothermal development; however, the Navy is committed to working with the developer on a case-by-case basis. This is addressed in Section 3.3 (Mining and Mineral Resources).

F.6.2 Oral Comments

F.6.2.1 Donnelly, P. (Center for Biological Diversity)

**Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization**

1 MS. TURNER: Thank you for your comment.
2 Mr. Donnelly.
3 MR. DONNELLY: Hello, I'm Patrick
4 Donnelly, D-o-n-n-e-l-l-y. I'm the Nevada State
5 Director with the Center for Biological Diversity.
6 The military will tell you a lot about
7 patriotism or about the flag, about readiness or
8 national security, but make no mistake this is about
9 public lands and wildlife. They call it
10 modernization, but let's call it what it is. It's a
11 land grab.
12 They're going to talk about patriotism.
13 Well, public lands are our national heritage.
14 They're a vast federal estate where we can go to
15 recreate, for spiritual renewal, for our local
16 economic development, and most importantly for
17 habitat for our irreplaceable biodiversity and
18 wildlife. Patriotism is throwing my truck into four
19 wheel drive and heading out across a valley and
20 climbing a mountain and watching the sunrise on top
21 and they want to close it off.
22 Patriotism is the intense conservation
23 efforts that have gone into keeping the great
24 sage-grouse off of the endangered species list by
25 many people in this room and they want to take over

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 greater sage-grouse habitat including -- plants.

2 Patriotism is hunting bighorn sheep or
3 even running cattle. These are all activities we do
4 on our public lands and they want to take it all away
5 while they're waving a flag in our faces. The
6 military sucks up 54 percent of discretionary
7 spending in this country so we can prepare for wars
8 over oil in the middle east and now they want our
9 public lands.

10 The military has made it clear they do
11 not give one whit about the voices of the public who
12 so clearly are opposed to this, and as an emblem of
13 this utter disdain for the public they dropped a 1500
14 page EIS on us the week before Thanksgiving. I was
15 going to pick up my niece and nephew at the airport
16 when I got the press release. Here you go, 1500
17 pages, Merry freaking Christmas, and just 60 days to
18 deal with it. It's totally outrageous. It's a slap
19 in the face to the public. You must give a 30-day
20 extension in the sense of the spirit of the laws
21 which govern this process.

22 Frankly it's not the public's fault that
23 you've delayed this NEPA process over and over again
24 and that there has been constant turnover in the
25 environmental department at Fallon and that no one

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 really knows which way is up year after year.

2 Folks are probably aware that this is not
3 the only land seizure going on in this state right
4 now. The Air Force is trying to expand the Nevada
5 Test and Training Range down in southern Nevada into
6 a wildlife refuge no less. The military is
7 attempting to seize almost 2 million acres of your
8 public land to drop bombs on, to industrialize and to
9 turn into a bombing range.

10 Eisenhower warned us about this. That's
11 right, I'm invoking Eisenhower. He said there will
12 be a merging of the high dollar defense industry with
13 the military to create a military industrial complex.
14 We must guard against the acquisition of unwarranted
15 influence by the military industrial complex, he
16 said.

17 Seizing under the banner of patriotism
18 over half a million acres of the Great Basin desert
19 is exactly the unwarranted influence that Eisenhower
20 warned us of. We will resist. We will fight for
21 every acre and the hundred people here represents
22 thousands more who would be turning up in Carson City
23 and turning up in Washington, D.C. to fight this
24 military land seizure.

25 MS. TURNER: Thank you, Mr. Donnelly.

F.6.2.1.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. Regarding impacts to sage grouse, Currently, state management plans focus on habitat availability, wildfire, and land-based chronic noise sources. Greater sage grouse lek location data indicates that they are east of the land areas proposed for withdrawal or acquisition. Sage grouse in these areas would be exposed to noise from aircraft overflights. Available science indicates that short-term noise intrusion does not play a significant role in lek success.

The Navy would work closely with BLM and NDOW to manage sage grouse and other species on land under the Navy's control. The Navy is proposing to fund a study that would be conducted by NDOW (in cooperation with the Navy) to monitor behavior of sage grouse on leks during aircraft overflights. Any commitment by the Navy to undertake a study (or studies) will be addressed in the EIS Record of Decision.

Regarding hunting bighorn sheep, the Navy would allow access to B-17 for an annual bighorn sheep hunt. NDOW would be the managing agency and would set quotas and distribute permits, and maintain wildlife habitat. The Navy is working with NDOW on a MOA for bighorn sheep hunting on the B-17 range, a draft of which is included in Appendix D (Memoranda, Agreements, and Plans). To the maximum extent possible, the Final EIS has been updated with details of this management plan. Details can be found in Chapter 2 and in Section 3.12 (Recreation), and a draft version of the proposed hunting program Memorandum of Agreement can be found in Appendix D (Memoranda, Agreements, and Plans) of the Final EIS.

The Navy acknowledges the potential loss of hunting opportunities for species other than bighorn sheep and would conduct an annual review to determine if additional hunts may be feasible and compatible with the Navy mission.

The Navy would continue to coordinate with NDOW for access to maintain guzzlers and manage wildlife.

Regarding running cattle, the Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

Regarding the comment period, the Draft EIS was released for public review Nov. 16, 2018, for a 60-day public comment period, 15 days more than the required 45-day public review period under NEPA. The Navy extended the public comment period additional 30 days, to close Feb. 14, 2019, for a total of 90 days for public review of the Draft EIS. Public notices of the comment period extension were published in local newspapers and the *Federal Register*, and the Navy distributed postcards to the project mailing

list (including attendees of the Draft EIS public meetings), letters to Indian Tribes, news releases to media, and emails to subscribers on the project website.

Regarding the Nevada Test and Training Range (NTTR) Military Land Withdrawal at Nellis Air Force Base, this project and the FRTC Modernization EIS are distinct and separate actions based on their mission, type of training activities, and training schedules. The Proposed Action for NTTR was evaluated in Chapter 4 (Cumulative Impacts) in the Final EIS. There would be no overlap between the residents or resources affected by aircraft noise in the FRTC range areas and those affected by aircraft noise in the areas surrounding the NTTR (see Figure 4-1, 4-2, and 4-3). However, it was determined based on the analysis in the Final EIS that Nye County would experience a significant impact to their recreation and economic resources due to the cumulative nature of the NTTR Proposed Action and the Navy's Proposed Action at the FRTC. Therefore, the Navy is working and will continue to work with Nye County and other impacted Counties to avoid, minimize, and mitigate impacts when feasible and consistent with the Navy's authority.

F.6.2.2 Etchegaray, F. (Grazing Permittee)

Public Meeting - Eureka - 12/11/2018
Fallon Range Training Complex Modernization

1 you can turn it in at the comment table tonight.

2 So with that, we'll call the first speaker,
3 Mr. Fred Etchegaray.

4 MR. ETCHEGARAY: Fred Etchegaray.
5 E-t-c-h-e-g-a-r-a-y. And I've got a few comments I'd
6 like to make, and I will be making some written comments
7 also.

8 Since the last meeting we had in Fallon,
9 I've see where you've gone to Alternative 3, and I do
10 like Alternative 3 a lot better than the other two.
11 There's less impact on the grazing permit that I run on,
12 and that's one thing.

13 And the fencing would be way easier for you
14 people, because if you come down that fence line, that
15 fence is going to be really tough to maintain. If you
16 go with Alternative 3, your fence is going to be pretty
17 much out on the flat where you guys can maintain it.

18 Another thing, there will be no -- you
19 wouldn't disturb the highway going down through there.

20 And the other thing is there would be less
21 impact to the well. For one thing, wildlife. All of
22 your guzzlers and everything, most of them are on the
23 west side of that highway, so there would be less impact
24 on the wildlife.

25 And I guess last but not least, I'd like to

Public Meeting - Eureka - 12/11/2018
Fallon Range Training Complex Modernization

1 make sure that there's compensation to all of the
2 permittees for what they're going to lose.

3 And I guess that's about all I got to say.

4 Thank you.

5 MS. TURNER: Thank you, sir.

6 Any additional commenters?

7 Okay. Well, this concludes the oral comment
8 portion of the public meeting. We will be here until
9 8:00 tonight. We're going to go back to the poster
10 stations. Again, if you have any further questions that
11 maybe haven't been answered yet, or based on the
12 presentation you saw, please engage our team members,
13 and hopefully they can answer any questions you might
14 have.

15 Again, on behalf of the Navy I want to thank
16 you very much for your participation. And please go
17 ahead and return to the stations.

18 Thank you.

19 (Meeting concludes.)

20 -oOo-

21

22

23

24

25

F.6.2.2.1 Response

Thank you for your participation in the NEPA process. Your comment has been included in the official project record. Alternative 3 is also the Navy's preferred alternative and was designed in coordination with many stakeholders to minimize impacts to resources in the Study Area as outlined by the comment.

The Final EIS discusses the process that the Navy is proposing to use to determine payment amounts to each specific grazing permit holder for losses resulting from implementation of the Proposed Action.

F.6.2.3 Fortner, D. (Bell Mountain Exploration Corporation and Mining Company)

**Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization**

1 provide the first names three at a time. Of course
2 you will speak individually one at a time, but that
3 way if you're in the middle here especially you can
4 start to make your way to the aisle.

5 First we have Del Fortner, followed by
6 Mr. Ian Bigley, and then Mr. Chip Carroon.

7 Okay, so first up, Mr. Fortner.

8 MR. FORTNER: I take it I come up here?

9 MS. TURNER: You sure do.

10 MR. FORTNER: Good evening.

11 My name is Del Fortner and I represent
12 Bell Mountain Exploration Corporation and Mining
13 Company. My last name is spelled F-o-r-t-n-e-r.

14 I want to read my comments tonight
15 because we are going to follow this up in writing so
16 the comments will be the same, but let me just say
17 that it appears that the Navy has what I would call a
18 good neighbor policy and they've been very good for
19 us to work with. We spent millions of dollars
20 exploring and evaluating our gold and silver
21 deposits. So we were a little bit scared when this
22 all began.

23 So let me just read this, Bell Mountain
24 Exploration Corp. is a Nevada corporation, is
25 directly impacted by the proposed expansion of the

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 FRTC. Bell Mountain owns an advanced stage gold and
2 silver project with a positive preliminary economic
3 assessment and a plan of operation, which was filed
4 with the Bureau of Land Management in Carson City.
5 Bell Mountain continues to advance permitting with
6 the BLM and with the state. Bell Mountain intends to
7 put the property into commercial production.

8 Our company supports Alternative 3. We
9 want to endorse it as long as we have an opportunity
10 to mitigate in some areas. The proposed
11 reconfiguration that we offer is for the special land
12 management overlay, and we will provide figures with
13 our comments in writing, within the writing, written
14 statement.

15 The Bell Mountain claim block is impacted
16 with the proposed SLMO and adjacent withdrawal area.
17 In fact, 56 percent of the claim block, including two
18 of our best gold and silver deposits, fall within the
19 immediate withdrawal area. Bell Mountain proposes
20 that the SLMO be relocated southward coincident with
21 the weapons danger zone. So we've provided a metes
22 and bounds description of what that would look like
23 and that will also be in our written comments.

24 This reconfiguration will allow mining
25 operations and advance uncovered within the expanded

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 SLMO. Reconfiguration would be a win-win situation
2 for our mine and for the Navy.

3 There is a section within your own EIS
4 that supports this proposal that we've made, and that
5 is section 2-3, proposed action. The last two
6 sentences, however, once an -- this is your writing.
7 However, once an alternative is chosen for
8 implementation the Navy will strive to minimize the
9 action withdrawal acquisition acreage with a goal to
10 track the actual boundary of the weapons danger zone
11 and on live fire training area. So we think that
12 this language allows us to pull that withdrawal area
13 down to the weapons danger zone and we've provided
14 the metes and bounds description for you.

15 That's our mitigation that we propose.

16 Thank you.

17 MS. TURNER: Thank you, Mr. Fortner.

18 Next is Mr. Ian Bigley, and again then
19 followed by Mr. Chip Carroon and then Ms. Karen
20 Boeger, I believe. Close enough? I apologize.

21 I should just apologize right now, thank
22 you everyone for your understanding. Mr. Bigley?
23 Mr. Bigley? Okay, I will call again.

24 Mr. Carroon.

25 MR. CARROON: My name is Chip Carroon.

F.6.2.3.1 Response

The Bell Mountain Exploration Corporation (BMEC) mining claim and their proposed mining operations are unaffected by the withdrawal. The BMEC is currently involved in permitting the mining operation and the completion of the BLM EA is expected in 2020. The Navy is working with the BMEC to identify ways in which the Navy's proposed action and BMEC's valid existing mining right and proposed mining operations can be de-conflicted, both for purposes of public safety and so as to leave BMEC's operations and interests unaffected by the proposed withdrawal to the maximum extent achievable consistent with training requirements.

In accordance with Navy policy, mining is not compatible within a weapons danger zone or surface danger zone of an operational range. The Navy would continue to follow existing operating procedures that prohibit the collection of materials from any mining area and prohibit entry to mine shafts and mines. Navy training activities would not impact mining activities outside of the proposed withdrawal boundaries. Therefore, there is the potential for a loss of access to salable and locatable minerals and mines in the land requested for withdrawal or proposed for acquisition. Closing the property may also affect mineral management by limiting the availability of mineral transport within certain areas. For example, new public roads, railroads, or other rights of way that would transport minerals could not be located within the proposed closed areas of the Bravo ranges, which would limit the availability to access and transport locatable and salable minerals. Closing the property would also limit the available means to transport mineral resources like oil/gas pipelines or geothermal energy transmission lines. The Navy is continuing and would continue to work with the stakeholder to discuss the minor reconfiguration of the proposed Special Land Management Overlay if possible.

F.6.2.4 Guadio, C. L. (Friends of Nevada Wilderness)

**Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization**

1 Thank you.

2 MS. TURNER: Next we have Carol Lynn, I'm
3 going to spell it, Gaudio, I believe. Then Kris
4 Lemaire, followed by Auguste Lemaire.

5 MS. GAUDIO: Hi, my name is Carol Lynn
6 Gaudio, G-a-u-d-i-o.

7 This is the third meeting I've had to go
8 to this week on agendas which are being pushed at the
9 end of the year because people are too busy with the
10 holidays to show up. I should be spending my
11 evenings fixing up used bicycles for kids for
12 Christmas, but instead I'm here.

13 How many of you have read War and Peace?
14 Good. I mean that was a long book to read. It
15 wasn't an easy read, but War and Peace is only 12 --
16 1,225 pages. This proposal is 1500, which we're
17 expected to digest and comment on over the holidays
18 with everything else going on. The public needs more
19 time to digest your proposal, and I do request the
20 30-day extension.

21 After viewing you're really well done
22 visual aids I am disturbed over the prime wilderness
23 of architectural resources which you want to remove
24 from people who live in Nevada. As military
25 personnel you have no vested interest because you're

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 Only here for months or a few years and then you're
2 moved on to other places. I feel you need to revisit
3 your proposal to preserve the Stillwaters, the Fallon
4 National Wildlife Refuge and other areas.

5 My other concern is the people who will
6 be displaced by this land grab. Most are rural poor,
7 which will never be able to achieve their current
8 quality of life somewhere else. This was proven when
9 you bought out the people in Dixie Valley.

10 In closing, I repeat my request for
11 extending your comment period for 30 more days.

12 Thank you and Merry Christmas.

13 MS. TURNER: Kris Lemaire.

14 MS. LEMAIRE: It's spelled Kris, K-r-i-s,
15 Lemaire, L-e-m-a-i-r-e, and I've got random notes
16 here so they probably may not all make sense, but I'm
17 hoping that we can come to a win-win, and what I
18 didn't see up there is an Alternative 5, and I've
19 heard a lot of comments here tonight that there
20 probably is another alternate.

21 We do need to save our wilderness as
22 Nevada is known for its openness, its recreation, its
23 wilderness, its wildlife, gaming and ranch, mining,
24 the geology, the archaeology, our great Monte Cristo
25 Range, our Jobs Peak. So we do need to save our

F.6.2.4.1 Response

Thank you for your participation in the NEPA process. The Draft EIS was released for public review Nov. 16, 2018, for a 60-day public comment period, 15 days more than the required 45-day public review period under NEPA. The Navy extended the public comment period additional 30 days, to close Feb. 14, 2019, for a total of 90 days for public review of the Draft EIS. Public notices of the comment period extension were published in local newspapers and the *Federal Register*, and the Navy distributed postcards to the project mailing list (including attendees of the Draft EIS public meetings), letters to Indian Tribes, news releases to media, and emails to subscribers on the project website.

Regarding comments on the Stillwater National Wildlife Refuge, please note that this expansion does not include the Stillwater National Wildlife Refuge. The USFWS would continue to manage the Stillwater National Wildlife Refuge. In addition, the USFWS would need to undertake any public planning required in order to revise the Stillwater National Wildlife Refuge Complex Comprehensive Conservation Plan and associated compatibility determinations, consistent with the National Wildlife Refuge System Administrative Act, as amended (16 United States Code 668dd–668ee).

Regarding the Fallon National Wildlife Refuge, due to the safety concerns associated with being within a WDZ, the Navy proposes to enter into an agreement (MOU) with the USFWS to allow the portion of the Fallon National Wildlife Refuge within B-20 to be closed to all public access, but to continue to be managed as a wildlife refuge (the rest of the refuge would remain open to the public and managed by the USFWS).

Regarding comments on rural poor, demographic and economic data low-income populations and communities of comparison as a whole are presented in Table 3.15-2 (Comparison of Low-Income Populations Affected to Projected County Totals for All Action Alternatives). Based on the methodology presented in Section 3.15.1.3.1 (Identifying Minority or Low-income Populations), low-income populations are located in Lyon County (Block Group 1, Census Tract 9602.02), Mineral County (Block Group 1, Census Tract 9708), and Pershing County (Block Group 1, Census Tract 9601). These census tracts qualify as low-income populations because they have a low-income population equal to or greater than that of their respective communities of comparison (Table 3.15-1). Although there are minority and low-income populations within the affected area and significant impacts outlined within this EIS, implementation of the Preferred Alternative would not cause disproportionately high and adverse human health or environmental effects on any minority or low-income populations. For any acquisition of privately-owned property, private landowners would receive just compensation for loss of any privately-owned land acquired by the United States due to the proposed expansion, which includes water rights and present and future mining claims. Just compensation would be determined by calculating the fair market value of parcels in accordance with federal appraisal rules codified in the Uniform Appraisal Standards for Federal Land Acquisitions.

F.6.2.5 Johnson, L. (Coalition for Nevada's Wildlife)

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 and so we need to continue to think about how we're
2 making our communities better, and these people that
3 are in those Food Bank lines they have veteran on
4 their hats and they are proud to wear them.

5 So let's continue to work with our
6 military, let's continue to have them work with the
7 native communities and also the people that are
8 saluting to you to make sure that they are well taken
9 care of after they leave the military.

10 MS. TURNER: Thank you.

11 Next is Mr. Larry Johnson.

12 MR. JOHNSON: Thank you.

13 My name is Larry Johnson. I'm president
14 of Coalition for Nevada's Wildlife. Johnson,
15 J-o-h-n-s-o-n.

16 Of all the proposals we do oppose the
17 B-17 expansion. Sportsmen in partnership with the
18 Nevada Department of Wildlife have invested hundreds
19 of thousands of dollars and tens of thousands of
20 volunteer man hours in restoring our wildlife
21 resources to this area. Our state animal, the
22 bighorn sheep, was extirpated from the area, as was
23 antelope, as was a number of wildlife.

24 Everything we hunt today, you realize, in
25 the State of Nevada would have been on the endangered

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 species list just a hundred years ago if such an act
2 was in vogue.

3 We have expanded viable habitats by
4 building year-round water developments throughout the
5 area. We have over 40 small game, we call them
6 chukars, guzzlers, and we have, I think, 13 big game
7 water developments in the area. I've built every one
8 of those, by the way, over the years, and those
9 developments require constant inspection,
10 maintenance. We need access to them.

11 I take exception with Table 10 within
12 your draft summary. You show that there is no
13 measurable impacts to wildlife from this proposal. I
14 don't think there is a wildlife biologist in the
15 state that would agree with that remotely. I think
16 that you need a serious peer review before any of
17 that data is published.

18 You know, kind of in closing I realize
19 the CIA doesn't talk to the NSA doesn't talk to
20 Homeland Security. I realize that the BLM doesn't
21 talk to the Forest Service doesn't talk to U.S. Fish
22 and Wildlife Service doesn't talk to Bureau of
23 Reclamation. They've all got conflicting
24 regulations, it's no surprise, and this is probably
25 ten years too late, but I would love to see the Navy

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 talking to the Air Force to consolidate your bombing
2 ranges onto areas that are already withdrawn, areas
3 that are larger than many eastern states already.
4 That's what the State of Nevada has already given
5 you.

6 Thank you.

7 MS. TURNER: Thank you, Mr. Johnson.

8 Next is Elizabeth, I believe it's
9 Blanden.

10 MS. BLANDEN: That's me, and I'm
11 withdrawing. I had a question instead of a comment.

12 MS. TURNER: Thank you very much.

13 So I will make one last call for Mr. Ian
14 Bigley. Did Mr. Bigley return or Mr. Roger Heath?

15 Is there anyone who has not had a chance
16 to speak yet that has now decided to? Sir, please
17 come up. Anyone else?

18 Just a reminder to please state your name
19 and spell your last name. Thank you.

20 MR. MAUS: My name is Nicholas Maus,
21 M-a-u-s. I'm a native Nevadan. My great
22 grandparents were born here. My parents were born
23 here.

24 As you can see, public landowner. I am a
25 member of VHA, but I do not speak for them.

F.6.2.5.1 Response

Thank you for participating in the NEPA process. Regarding guzzler maintenance, the Navy would continue to coordinate with NDOW for access to maintain guzzlers on Bravo ranges and to implement wildlife management across the FRTC. Regarding the biological resources, the Final EIS includes a thorough impact analysis conducted by qualified wildlife biologists. Potential impacts on wildlife species, including bighorn sheep and greater sage grouse, as well as their habitat are discussed in Section 3.10 (Biological Resources), specifically Sections 3.10.3.3 (Alternative 1), 3.10.3.4 (Alternative 2), and 3.10.3.5 (Alternative 3) of the Final EIS.

Populations of species are distributed throughout current FRTC boundaries. Based on species distribution data, historical coexistence with training activities, and the analysis presented in the Final EIS, populations would not be significantly impacted by proposed training activities. While the analysis indicates a less than significant impact, the Final EIS has been updated to include a discussion of potential impacts on individuals of a species.

Regarding combining training activities with Nellis Air Force Base, the Nellis Air Force Base Range Complex includes the Nevada Test and Training Range, which is the largest contiguous air and ground space in the United States. Similar to NAWS China Lake, the Nevada Test and Training Range is primarily a testing range and lacks many of the Navy-specific training system capabilities necessary for realistic integrated Navy training, including special warfare training.

While developing training systems is possible at the Nevada Test and Training Range, the U.S. Air Force and U.S. Air Force-sponsored training use up nearly all of the complex's available training time. Without terminating the Air Force's existing testing and training activities, the range as currently configured would not be able to support the tempo and level of Navy training, or the scheduling priorities required by the Optimized Fleet Response Plan. Converting this range to accommodate Navy training would be technically feasible but not economically feasible. Even if the Navy were hypothetically able to undertake such a conversion, doing so would not eliminate the scheduling conflicts.

The Navy considered this alternative but did not carry it forward for detailed analysis in this EIS. This alternative would not meet the realistic training environment and tempo screening factors.

F.6.2.6 Kuznicki, K. (Friends of Nevada Wilderness)

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 about what role simulation would have and maybe
2 why -- I'm perplexed why it was dismissed entirely.

3 MS. TURNER: Thank you for your comment.

4 Next again is Mr. Kurt Kuznicki and then
5 Mr. Larry Dwyer, followed by Pam Dupre.

6 MR. KUZNICKI: First I would like to
7 recognize any First Nation people here tonight. My
8 name is Kurt Kuznicki, K-u-z-n-i-c-k-i.

9 I want to talk about the importance of
10 the entire Stillwater Range for the protection of
11 cultural resources, wildlife habitat and recreation.
12 The Stillwater Range is very significant culturally
13 because it formed the eastern shore of ancient Lake
14 Lahontan. Native people have used this extensively
15 for well over 10,000 years as evidenced by the
16 well-known Grimes Point Archaeological Area, Hidden
17 Cave, Spirit Cave, which is the burial location of
18 the oldest mummy in North America.

19 Additionally, most of the Stillwater
20 Range was recommended as the Fox Peak area of
21 environmental concern to protect the significant
22 cultural resources found there. This was a formal
23 proposal to the Carson BLM as part of their ongoing
24 planning efforts.

25 Additionally, there is a proposal asking

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 the BLM to protect important habitat in the
2 Stillwater Range for the greater sage-grouse. The
3 southern end of the Stillwaters in particular have
4 value for greater sage-grouse. Both the Stillwater
5 and Jobs Peak WSAs are extremely popular hiking areas
6 and can be accessible much of the year. The Sierra
7 Club routinely leads hiking trips in the area and the
8 Rainbow Colored Rocks of the Stillwater Range WSA are
9 popular designations for hikers.

10 In addition to the ACEC proposals for
11 this area, several areas were identified as lands
12 with wilderness characters. These are the
13 Stillwater's additions and the South Job Peak areas.
14 The BLM recognized these two areas in the draft
15 Carson City BLM RMP. The military did not mention
16 these lands with wilderness character in any of their
17 maps or EIS. In fact, they state there are no areas
18 that have lands with wilderness character.

19 The entire Stillwater Range is a
20 beautiful place. The range hosts the Wild Stillwater
21 Range, Job Peak WSA Wilderness Study Areas, and the
22 ACEC proposal for cultural resources and greater
23 sage-grouse and the lands proposed with wilderness
24 character. Collectively it seems that this is an
25 important range that be protected for the future.

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 Protecting the whole range as wilderness
2 would provide long-term protection for the military
3 as well as providing a great development buffer for
4 their operations. We understand the Navy's need to
5 modernize their facilities, but feel rather than
6 trying to eliminate Wilderness Study Areas,
7 wilderness designations could better serve the Navy's
8 needs by preventing encroachment, incompatible
9 development and also light pollution.

10 I thank you for this opportunity to
11 speak.

12 MS. TURNER: Thank you, Mr. Kuznicki.
13 Mr. Dwyer.

14 MR. DWYER: Hello, my name is Larry
15 Dwyer, D-w-y-e-r, and although I'm affiliated with
16 both the Sierra Club and the Friends of Nevada
17 Wilderness I'm not speaking for either of them. I'm
18 speaking as an individual taxpayer.

19 First of all, I want to make note that it
20 appears that some of your maps are inaccurate in the
21 -- how they show the Wilderness Study Areas. In
22 particular, the Job Peak WSA, the Stillwater WSA,
23 there are large portions of their Wilderness Study
24 Areas that do not show on your maps. That obviously
25 needs to be corrected.

F.6.2.6.1 Response

Thank you for participating in the NEPA process. Regarding Indian Tribes and cultural resources, in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, Department of Defense policies, the National Historic Preservation Act, and Navy instructions, the Navy engaged in Tribal consultations during scoping and following the public release of the Draft EIS. The Navy invited culturally affiliated Indian Tribes to participate in the NEPA process as Tribal Participants for this EIS (see Appendix C, Tribal Correspondence). The Navy invited these Indian Tribes to (1) participate in project meetings, (2) provide additional information related to cultural resources, (3) provide internal document review (e.g., the Class III Cultural Resources Inventory Report), and (4) review the draft reports in order to provide additional information regarding site locations during the development of the Draft EIS to assist the Navy in making the final determinations of eligibility of sites for listing on the National Register of Historic Places.

The Navy invited and engaged in Government-to-Government consultations with the Inter-Tribal Council of Nevada and the following federally recognized Indian Tribes: the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (consisting of the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and Yomba Shoshone Tribe. Appendix C (Tribal Correspondence) of the Final EIS was updated to include a summary of all outreach conducted by the Navy and official correspondence.

Regarding the de-designation of portions of WSAs, the proposed de-designation is necessary to meet certain training requirements, such as installing stationary and mobile electronic threat emitters, landing helicopters, and maneuvering by special operations forces, along with other non-hazardous training activities (e.g., night vision goggle training, low altitude flights). This type of training within Wilderness Study Areas is not currently permitted and any de-designation would require Congressional action, as discussed in Section 3.12 (Recreation). The Navy also must maintain control of the area as part of the DVTA, and without withdrawing these portions of the WSAs, it would not have the ability to keep these areas open to training in the way that is needed. Any such de-designation would not prohibit the use of the area by recreationalists.

F.6.2.7 Pursel, D. (Nevada Farm Bureau)

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 takes to fix the problem. A lot of times it was the
2 parts, you know, bad parts from the manufacturers.
3 You never know, but if you blow them up nobody will
4 ever find out what happened.

5 In the future I would like to see both
6 the Navy and the Air Force for every acre they take
7 they need to give one back. I'm a Nevadan. I
8 actually started out as an Alaskan, but I'm a Nevadan
9 now. I've been that way for a long time. I would
10 like to see the test range or the bombing range open
11 Monday through Thursday for the Navy with inert bombs
12 so there's no explosives being dealt with, and then
13 on Friday, Saturday and Sunday be open to the public.
14 That's the only way that we can ever be good
15 neighbors. Other than that this thing will drag out
16 for years. I'll be part of it. So that's the one
17 way that we can make it work.

18 Thank you very much.

19 MS. TURNER: Thank you for your comment.

20 Next Mr. Darrell Pursel, followed by
21 Beverly Harry, then Larry Johnson.

22 MR. PURSEL: Hello, Darrell Pursel. I'm
23 vice-president of Nevada Farm Bureau, and it's
24 P-u-r-s-e-l.

25 And Nevada Farm Bureau has a major

Public Meeting - Reno - 12/13/2018
Fallon Range Training Complex Modernization

1 concern over the grazing rights and the private
2 property just because if it's taken we want it to be
3 reimbursed at an appropriate value. We don't want to
4 see it just your grazing rights are gone, tough luck,
5 buddy. As a fifth generation Nevadan it's tough
6 enough farming as it is without a few extra kicks,
7 but I do have a story about back in probably the
8 '70s, early '80s.

9 I was out feeding the sheep and two Air
10 Force jets from Fallon came -- or not Air Force, but
11 Navy came buzzing my barn and used it as a practice,
12 and I just wish they would come back again and do it
13 and notify me so I could get good pictures, because
14 it was cool and that was out at Sheckler and have
15 them buzz right over the top of you. You're sitting
16 there and they would go right over the top of you.
17 You could see the guy's face. I really enjoyed some
18 of those memories and I hate to see them leave, but
19 you can't see them now because they're way away.
20 They don't come play in our neighborhood any more,
21 they can't.

22 So anyway, but thanks for all their work
23 they do, but I hate to see them take any more land.

24 Thank you.

25 MS. TURNER: Thank you, Mr. Pursel.

F.6.2.7.1 Response

Thank you for participating in the NEPA process. For any acquisition of privately-owned property, private landowners would receive just compensation for loss of any privately-owned land acquired by the United States due to the proposed expansion, which includes water rights. Just compensation would be determined by calculating the fair market value of parcels in accordance with federal appraisal rules codified in the Uniform Appraisal Standards for Federal Land Acquisitions.

Regarding impacts to grazing, the Taylor Grazing Act of 1934 (43 U.S.C. sections 315q) provides the Navy with the authority to make payments for certain grazing-related losses. The Navy would work with grazing permittees on a case-by-case basis to try to minimize losses resulting from the cancellation of a grazing permit. The Final EIS further describes the valuation process by which the Navy would determine payment amounts to holders of grazing permits that would be affected. This process allows for the valuation of the cost of providing replacement forage and/or losses resulting from an inability to provide replacement forage. The process also determines the value of improvements made by permit holders (e.g., value of wells, corrals, fencing, and other real property). The Navy would use this process to determine payments to individuals who may experience losses resulting from the cancellation of grazing permits or other disruption of their livestock grazing operations as a result of implementation of any of the action alternatives.

The following information has been included in Section 3.4 (Livestock Grazing), specifically Section 3.4.3.2 (Alternative 1: Modernization of the Fallon Range Training Complex), and also applies to Alternatives 2 and 3 in the Final EIS.

Payment for Losses

The Navy would first consider costs associated with obtaining replacement forage and otherwise restoring/maintaining a permittee's existing operational capacity. Working with BLM and the permittee, the Navy would determine the costs necessary to replace the area/capacity removed from a grazing permit. These costs could include, but would not be limited to, preparing new allotment applications; complying with BLM environmental requirements and water rights studies; procuring private market replacement forage; shipping or transporting forage, cattle and/or ranch personnel and their horses and equipment; one-time relocation expenses associated with any full or partial transferring of operations to any new location(s); any reasonably anticipated lost profits arising as a result of operational downtime while restoring and/or relocating operations; and any other costs identified, which would be properly payable under 43 U.S.C. section 315q.

Should a permit holder decide not to seek replacement forage in conjunction with restoring operational capacity, or when restoring such capacity is not practicable, the Navy would make a good faith estimate of the financial impact the loss of that individual's permit would be expected to have on his or her ranching operation. The Navy would ask each permit holder to provide recent business operating expenses associated with the permit, their total operating expenses, an estimate of that portion of income believed to be directly related to utilization of the permit, and total income and taxes. This information would be used to determine a payment amount to compensate for losses resulting from permit cancellation, including reasonably anticipated lost profits for what would otherwise have been the duration of the permit. If a permit holder does not wish to share their financial information, or if the

information shared is incomplete, the Navy would make an estimate of the value of the losses based on existing information from other sources.

It is possible that a payment amount would be based both on replacement forage along with other operational restoration-related costs, and on the financial impact the loss of a permit would be expected to have on a ranching operation (i.e., part of the payment would be based on obtaining replacement forage to the extent practicable and the rest based on payment for losses to the extent obtaining replacement forage is not practicable). In those instances, the costs to restore operational capacity would first be determined, and the remaining payment amount would then be determined in accordance with the paragraph above discussing permits holders who may elect not to seek replacement forage capacity.

Payment for Allotment Improvements

Improvements such as corrals, fencing, wells, and other appurtenances that cannot be relocated are considered real property, similar to a building. the Navy would appraise the value of all real property owned by a permit holder and would offer fair market value for the purchase of any such real property. Equipment, such as relocatable water tanks, is not considered real property, and the permit holder would be afforded an opportunity to remove their equipment prior to cancellation of a permit.

Timing of Permit Cancellation

The Navy anticipates issuing its Record of Decision with respect to FRTC modernization in January 2020. However, any Congressional withdrawal of the area currently supporting grazing permits would not be expected until September 30, 2020, or later. Similarly, any Congressional appropriation for implementing the FRTC Modernization action, which would include funds for making payments to grazing permit holders, would not be expected until September 30, 2020, or later. Accordingly, the earliest the Navy would request that the Bureau of Land Management (BLM) cancel any permit would be October 1, 2020.

If the Congressional withdrawal is enacted, and if Congress appropriates funds to implement the FRTC Modernization effort, the Navy would ask BLM to contact each affected permit holder. BLM would coordinate with the Navy on any action to initiate cancellation of a permit. Under 43 CFR Part 4100 Subpart 4110.4-2 (Decrease in Land Acreages), BLM would be required to provide two years advance notice of any permit cancellation. Once a given notification is made, the Navy, with assistance from BLM, would begin discussions with affected permit holders to determine payment amounts in accordance with the processes described herein.