DEPARTMENT OF DEFENSE

Department of the Navy

Notice of the Record of Decision for the West Coast Basing of the MV-22 Aircraft

AGENCY: Department of the Navy, DOD.

ACTION: Notice of Record of Decision.

SUMMARY: The Department of the Navy (DON), after carefully weighing the operational and environmental consequences of the proposed action, announces its decision to introduce up to ten MV-22 squadrons (120 aircraft) on the West Coast and replace nine helicopter squadrons (114 aircraft) currently authorized for basing on the West Coast as part of a U.S. Marine Corps (USMC)-wide process of replacing its aging fleet of medium-lift helicopters with more advanced, operationally-capable aircraft. More specifically, this action will base up to eight MV-22 squadrons at Marine Corps Air Station (MCAS) Miramar, in San Diego, California, and up to two MV-22 squadrons at MCAS Camp Pendleton, north of San Diego. The project will also require construction and/or renovation of airfield facilities at MCAS Miramar and MCAS Camp Pendleton to accommodate and maintain the MV-22 squadrons; and conduct of MV-22 readiness and training operations and special exercise operations to attain and maintain proficiency in the operational employment of the MV-22. All practical means to avoid or minimize environmental harm from the selected alternative have been adopted.

FOR FURTHER INFORMATION CONTACT: Homebasing EIS Project Manager, 1220 Pacific Highway, San Diego, California 92132-5190. Telephone: 619-532-4742.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, 42 United States Code (U.S.C.) Section 4332(2)(c), the regulations of the Council on Environmental Quality (CEQ) for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] parts 1500-1508), the Department of the Navy NEPA regulations (32 CFR part 775), and the Marine Corps Environmental Compliance and Protection Manual, which is Marine Corps Order P5090.2A w/change 2 (MCO P5090.2A), the Department of the Navy (DON) announces its decision to introduce up to ten MV-22 squadrons (120 aircraft) on the West Coast and replace nine helicopter squadrons (114 aircraft) currently authorized for basing on the West Coast as part of a U.S. Marine Corps (USMC)-wide process of replacing its aging fleet of medium-lift helicopters with more advanced, operationally-capable aircraft.

More specifically, this action will include: 1) basing up to eight MV-22 squadrons at Marine Corps Air Station (MCAS) Miramar, in San Diego, California, and up to two MV-22

squadrons at MCAS Camp Pendleton, north of San Diego. The total of 10 squadrons will consist of eight squadrons for employment by the Third Marine Aircraft Wing (3D MAW) to provide medium-lift capability to I Marine Expeditionary Force (I MEF) and two squadrons to provide a West Coast reserve component medium-lift capability; 2) constructing and/or renovating airfield facilities at MCAS Miramar and MCAS Camp Pendleton to accommodate and maintain the MV-22 squadrons; and 3) conducting MV-22 readiness and training operations and special exercise operations to attain and maintain proficiency in the operational employment of the MV-22. Implementation of this action will be accomplished as set out in the Preferred Alternative and described in the Final Environmental Impact Statement (Final EIS) of October 2009.

In addition to NEPA and other environmental laws, the Navy considered applicable executive orders (EO), including the requirements of EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; EO 113045, Environmental Health Risk and Safety Risks to Children; and EO 11990, Protection of Wetlands.

PURPOSE AND NEED: The purpose of the proposed action is to determine the basing location(s) for MV-22 squadrons that will provide medium-lift capability to support I MEF, meet West Coast requirements for reserve component medium-lift capability, and provide for efficient training through ready access to ranges, training areas and airspace. The MV-22 is the replacement for the current fleet of less-capable, 1960s-era, CH-46E medium-lift helicopters. The need for the proposed action is to base the USMC's new medium-lift aircraft where it can best support the I MEF and 4th MAW missions, while making use of existing facilities to the greatest extent practicable and preventing impacts to combat capability and mission readiness. during the transition to meet current and future operational requirements of the USMC. Replacement of CH-46E helicopters with MV-22 aircraft will modernize the USMC medium-lift fleet and improve the operational capabilities of the 3D and 4th MAW squadrons.

PUBLIC INVOLVEMENT: The DON initiated a mutual exchange of information through early and open communications with interested groups and individuals on 6 October 2000, with the publication of a Notice of Intent (NOI) to prepare the EIS. The NOI announced the start of a 30-day public scoping comment period, which officially ended on 1 December 2000. Six public scoping meetings were held between 25 October and 9 November 2000. Public scoping comments were used to identify public concerns to be analyzed in the Draft EIS.

Following the public scoping meetings held in 2000, the MV-22 program and the West Coast Basing EIS were placed on hold due to technical issues that arose during testing and evaluation of the new aircraft. Those technical issues were resolved and the EIS effort moved forward with comprehensive evaluation of potential locations, facility requirements, and air space and training ranges in light of evolving data regarding employment and

operation of this new type of aircraft. The effort culminated in the Draft EIS evaluating environmental impacts for operations at five installations and associated training ranges and air space across two states.

A Notice of Availability (NOA) and Notice of Public Hearing for the Draft EIS were published in the Federal Register (74 FR 7410) and three local newspapers on 17 February 2009. Public comment meetings were held between 24 and 26 March 2009. The Draft EIS was distributed to various federal, state, and local agencies, as well as other interested groups and individual. Forty-nine individuals (including 2 federal agencies; 3 state agencies; 9 local agencies/groups; 3 tribal organizations; and 32 individuals) submitted comments on the Draft EIS during the 45-day comment period from 17 February through 3 April 2009. All oral and written comments were considered in the preparation of the Final EIS.

The NOA for the Final EIS was published in the Federal Register (74 FR 53233) and three local newspapers on 16 October 2009. The Final EIS was distributed to various federal, state, and local agencies, as well as other interested groups and individuals.

ALTERNATIVES CONSIDERED: Alternatives considered included locating the proposed MV-22 squadrons at a single installation (full basing) or splitting the squadrons between two aviation facilities. Evaluations were made of the maximum and minimum number of squadron options at each air station (e.g., maximum partial basing of eight squadrons and minimum partial basing of two squadrons). These include the following five basing alternatives.

- The Preferred Alternative - partial basing at MCAS Miramar (eight squadrons) and MCAS Camp Pendleton (two squadrons).
- Full basing at MCAS Miramar (ten squadrons).
- Partial basing at MCAS Miramar (eight squadrons) and MCAS Yuma, Arizona (two squadrons).
- Partial basing at MCAS Miramar (two squadrons) and MCAS Yuma (eight squadrons).
- Partial basing at MCAS Yuma (eight squadrons) and MCAS Camp Pendleton (two squadrons).

Under all basing alternatives, MCAS Miramar will lose four existing CH-46E helicopter squadrons, MCAS Camp Pendleton three existing CH-46E helicopter squadrons, and Edwards Air Force Base (California), one existing CH-46E and one CH-53 helicopter reserve squadrons, along with associated military personnel. Training and readiness operations at Marine Corps Base (MCB) Camp Pendleton; the Bob Stump Training Range Complex in California and Arizona; Marine Air Ground Task Force Training Command (MAGTFTC), Marine Corps Air Ground Combat Center (MCAGCC), Twentynine Palms, California; and various Military Training Routes (MTRs) are included as part of each basing alternative.

A sixth alternative, the No Action Alternative, assumes no aircraft would be replaced, aircraft operations would continue at the current level, and there would be no construction, demolition, or personnel changes related to basing the MV-22 aircraft on the West Coast. The No Action Alternative maintains the status quo and, therefore, does not change impacts to the existing environment. It is the environmentally preferred alternative. However, it does not meet the purpose and need of the action.
Other alternatives were considered but were dismissed from further consideration based on the screening criteria set forth in the EIS. Alternatives dismissed from further consideration included potential basing options at 12 other air stations or air force bases located within 200 nautical miles of MCB Camp Pendleton, which is the central anchor for West Coast operations.

ENVIRONMENTAL IMPACTS: The DON prepared an EIS to evaluate the potential environmental impacts associated with the implementation of each of the alternatives carried forward for analysis. Impacts were assessed for the following resource areas: airfields and airspace; land use; socioeconomics; community facilities and services; ground traffic and transportation; air quality; noise; infrastructure and utilities; cultural resources; hazardous materials management; topography, geology, and soils; water resources; biological resources; aesthetics and visual resources; safety and environmental health; and environmental justice. Chapter 7 of the Final EIS provides a discussion of impacts and mitigation measures.

The Preferred Alternative (partial basing at MCAS Miramar and MCAS Camp Pendleton) presents no significant impacts to airfields and airspace; land use; socioeconomics; community facilities and services; air quality; noise; infrastructure and utilities; hazardous materials management; topography, geology, and soils; water resources; aesthetics and visual resources; safety and environmental health; and environmental justice. Thus, no mitigation measures are offered for those resources.

Implementation of the Preferred Alternative will result in significant impacts to ground traffic and transportation, biological resources, and cultural resources. In addition, a summary of the Clean Air Act Conformity Analysis is provided below.

Ground Traffic and Transportation

Operations-related traffic from increased military personnel and civilian employees at MCAS Miramar will add to traffic on nearby roadways and will have a significant impact to one road segment. An estimated 867 additional daily trips will represent a relatively small addition to the total traffic volumes for the segment of Miramar Way between Kearny Villa Road and Interstate-15, but the impact is considered significant because of the already-degraded level of service (LOS F) for that roadway segment. This significant traffic impact cannot be mitigated because the additional traffic volume does not meet eligibility criteria for the Defense Access Roads Program (23 U.S.C. § 210), and the DON has no other legal authority for funding roadway improvements outside the installation.

Biological Resources

Construction activities at MCAS Miramar will result in the permanent loss of 4.3 acres (1.8 ha) of mostly disturbed Diegan coastal sage scrub. Approximately 0.098 acres (0.04 ha) of jurisdictional wetland and vernal pool features and approximately 0.11 acres (0.04 ha) of non-wetland Clean Water Act-regulated waters (stream channel), will be impacted. Approximately 0.035 acres (0.014 ha) of vernal pool resources will be removed as part of construction of the fuel pits area. Of this, 0.006 acres (272 square feet) support San Diego fairy shrimp (federally-listed as endangered). Approximately 0.016 acres (0.006 ha) of seasonally-ponded habitat (non-vernal pools) also support San Diego fairy shrimp and will be impacted. Indirect effects on adjacent pools that are not directly subject to removal may include degradation of water quality by construction runoff or change in local runoff regime.

Construction activities at MCAS Camp Pendleton could directly affect federally-endangered arroyo toads. Although no suitable habitat occurs within the MCAS Camp Pendleton construction area, arroyo toads may inadvertently attempt to pass through the area.

Proposed training operations at MCB Camp Pendleton; the Bob Stump Training Range Complex; and MCAGCC will introduce a new factor for consideration with respect to fire potential. When the MV-22 lands vertically, its engine exhaust is directed generally toward the ground. Exhaust deflectors, however, activate upon landing so as to avoid the risk of setting fire to vegetation. Operation of the MV-22 with exhaust deflectors has not been identified as a cause of fires, and pilots are not authorized to land with inoperable exhaust deflectors except in the case of emergency. Therefore, the potential for increased wildland fire associated with MV-22 training is expected to have a less than significant impact on biological resources.

Cultural Resources

Construction activities at MCAS Camp Pendleton fall within the recorded site boundaries of CA-SDI-10156/CA-SDI-12599/H (*Topamai)*, and will be located approximately 200 feet from a recorded locus of dense archaeological material. This site is eligible for listing on the National Register of Historic Places (National Register) and is considered highly sensitive by local Native Americans. Previous excavations within or immediately adjacent to the area of potential effects (APE) have been negative, which suggests that the likelihood of encountering intact cultural deposits within the APE is low, but this possibility cannot be dismissed completely.

Proposed MV-22 training operations at MCB Camp Pendleton; the Bob Stump Training Range Complex; and MCAGCC will occur at previously established landing areas. Unlike the CH-46E aircraft that it will replace, rotorwash from an MV-22 aircraft during landing, take-offs, and hovering immediately above the ground has the potential to disturb artifacts lying on the ground surface in the immediate vicinity of the hovering aircraft, although the extent of this disturbance would depend on local soil characteristics, presence of vegetation, and size/weight of artifacts. Because there is a possibility of unrecorded archaeological sites

within unsurveyed portions of the APE at MCB Camp Pendleton, the Bob Stump Training Range Complex, and MCAGCC and there are known archaeological sites within the APE that have been recommended as eligible for listing on the National Register, there is a potential for rotorwash to impact archaeological resources within the APE.

Air Quality

Construction activities associated with the Preferred Alternative will produce emissions that will remain below all conformity *de minimis* thresholds. Regarding aircraft operations, annual operational emissions of volatile organic compounds (VOC), carbon monoxide (CO), sulfur oxides (SOx), particulate matter less than 10 microns in diameter (PM_{10}), and particulate matter less than 2.5 microns in diameter ($PM_{2.5}$), will either decline or will increase by only a nominal amount within any air basin. Additionally, the proposed increases in nitrogen oxide (NOx) emissions will not exceed the applicable NOx conformity *de minimis* thresholds within the ozone (O_3) nonattainment areas of the Salton Sea and Mojave Desert Air Basins. These net changes in emissions will not produce significant impacts to air quality.

Operational emissions of NOx generated within the San Diego Air Basin will exceed the NOx conformity *de minimis* level of 100 tons per year, therefore a formal General Conformity Determination was prepared. These emissions were determined to conform with the most recent federally-approved O_3 State Implementation Plan (SIP) for the San Diego Air Basin (1-Hour Ozone Maintenance Plan), based on the incorporation in that SIP of a NOx emissions growth increment for military programs.

The Arizona region attains the National Ambient Air Quality Standards (NAAQS) for nitrogen dioxide (NO_2) and O_3. However, O_3 levels in the Yuma metropolitan area approach the national eight-hour O_3 standard (0.075 parts per million). Therefore, increases in NOx emissions were evaluated for whether they may be expected to cause a violation of the O_3 NAAQS. MV-22 operations related to the Preferred Alternative will occur across approximately 5,000 square miles of the R-2301W airspace related to the Barry M. Goldwater Range (West) of the Bob Stump Training Range Complex. Emissions from these dispersed operations would not be localized in any particular area where they might combine with ambient O_3 levels to cause an exceedance of the NAAQS for O_3. The Yuma metropolitan area, which experiences the highest O_3 levels in the project region, is located several miles from the nearest border of R-2301W airspace. Therefore, air quality impacts from the Preferred Alternative within Arizona are expected to be less than significant.

The Clean Air Act general conformity determination and applicability analyses are presented in the Final EIS.

MITIGATION MEASURES: The USMC has identified potential avoidance, minimization, and mitigation measures for impacts to biological resources, cultural resources, and air quality.

Biological Resources

Mitigation measures for impacts to biological resources will be implemented in accordance with the mitigation planning guidance in the MCAS Miramar Integrated Natural Resource Management Plan (INRMP) (2006). Additionally, all reasonable and prudent measures, terms, and conditions of the U.S. Fish and Wildlife Service (USFWS) final Biological Opinion issued on 4 November 2009 (FWS-MCBCP-08B0678-09F0860) will be incorporated into the implementation of the proposed action.

MCAS Miramar: Per the Biological Opinion and the Final EIS, the USMC will incorporate the following avoidance, minimization, and conservation measures into the implementation of the proposed action regarding MCAS Miramar.

- A qualified biological resource monitor will be on site during construction activities to ensure compliance with the conservation measures identified in the Biological Opinion, and to avoid unanticipated impacts to San Diego fairy shrimp. The biological monitor will have a copy of the water quality management plan described below, and contact information for the USFWS.

- The biological monitor will be onsite at all times during clearing and grubbing of vegetation, initial site grading, and use of heavy equipment that occurs within 30 meters (100 feet) of the known watersheds of vernal pools and seasonally-ponded features occupied by San Diego fairy shrimp. Any unanticipated impacts to vernal pools will be reported to the USFWS within 72 hours or 3 business days, whichever is soonest.

- The project footprint surrounding the fuel pits area will be clearly marked and monitored throughout the construction period with flagging, fencing, and/or signposts to minimize the likelihood of unanticipated impacts to the San Diego fairy shrimp and its habitat.

- The USMC will prepare, obtain USFWS concurrence with, and implement a water quality monitoring and management plan to minimize project-related sedimentation and pollution impacts to adjacent San Diego fairy shrimp habitat and ensure that the project has not compromised the hydrology of adjacent vernal pools.

- Post-construction monitoring will be conducted for a period of five normal or greater wet seasons, as measured by local weather stations (e.g., Lindbergh Field).

- Consistent with MCAS Miramar's INRMP, the USMC will restore vernal pools to offset impacts to San Diego fairy shrimp and its habitat. Inoculum will be collected during the dry season from basins supporting endangered species prior to the start of construction.

- Prior to initiating the project on MCAS Miramar, the USMC will prepare a vernal pool restoration/enhancement plan for USFWS review and concurrence. The plan will include restoration/enhancement locations, restoration/enhancement components,

monitoring requirements and time periods, success criteria, and follow-up measures as appropriate.

- Impacts to jurisdictional waters are anticipated with the project. Review and approval by the U.S. Army Corps of Engineers (ACOE) for all jurisdictional impacts will be obtained to determine final Clean Water Act permitting requirements. As part of finalized construction plans, wetlands delineations will be reviewed. Impacts to Clean Water Act-regulated waters that cannot be avoided will compensated for losses at 1:1 for non-wetland streambed, 2:1 for freshwater/riparian wetland, and 3:1 for vernal pool habitat or as required by the permitting agency as a condition of the permit and as described in the Final EIS. Compensatory mitigation for vernal pool resources jointly meets Endangered Species Act and Clean Water Act needs.

MCAS Camp Pendleton: If construction is to occur when federally-endangered arroyo toads are expected to be active, toad-proof silt fencing will be installed surrounding construction areas two weeks prior to construction and monitored by a qualified toad biologist, as described in the Final EIS.

MCB Camp Pendleton: Per the Biological Opinion and Final EIS, the USMC will incorporate the following avoidance, minimization, and conservation measures into the implementation of the proposed action regarding MCB Camp Pendleton.

- The USMC will conduct MV-22 operations in a manner designed to reduce the potential to ignite training-related wildfires, including the following:

    1. Exhaust deflectors on the MV-22 will be employed by operators during landings, takeoffs, hovering, or while on the ground with engines running at unprepared, undeveloped or vegetated landing sites.

    2. Operators will minimize the time on the ground with engines running on unprepared sites, follow standard operating procedures (SOPs), and use developed sites and prepared surfaces during training scenarios to the maximum degree possible.

    3. For training within Drop Zones, operators will touch down only on improved or disturbed, unvegetated surfaces such as paved Landing Zones, fire breaks, and/or training roads.

- The USMC will adhere to the Fire Danger Rating System restrictions when conducting MV-22 operations to minimize the risk of igniting wildfires. The USMC will conduct MV-22 operations during extreme fire hazard days as follows:

    1. MV-22 landings will be limited to developed or improved landing sites, to the maximum extent possible during Red (extreme) Fire Danger Rating conditions. **This restriction does not include emergency actions or selected training scenarios considered essential to completing training required for pending deployment, as**

approved by the MCB Camp Pendleton Fire Department. During Orange (high) Fire Danger Rating conditions or higher, operators and trainers will exercise extreme caution during landings, takeoffs, hovering, or while on the ground with engines running at undeveloped, vegetated sites until such time as sufficient experience with the aircraft demonstrates the risk of fire is low, as identified by the USMC. Exemptions allowing use of any landing areas on MCB Camp Pendleton under Red or Orange Fire Danger Rating conditions will be approved by the MCB Camp Pendleton Fire Department.

2. As a precautionary measure and until more experience has been gained with MV-22 training at MCB Camp Pendleton, the USMC will conduct fire incident reviews following any report of a wildfire ignition related to the MV-22 operations, with results of the fire review transmitted to the Carlsbad Fish and Wildlife Office (CFWO) within three working days after completion of the review. This measure may be modified by the USMC in the future based on fire incident information and experience with the MV-22. The USMC will notify CFWO of any changes to these restrictions.

- The USMC will review and update regulations and SOPs to reflect the potential for MV-22 related wildfire and to incorporate the requirements of the measures listed above as appropriate. Updates to the Range and Training Regulations (RTRs) and SOPs will be published prior to use of unprepared, undeveloped, or vegetated landing sites.

- Within five years of initiating the proposed project, the USMC will prepare a report describing and quantifying MV-22 training incidents that result in wildfire ignitions for all West Coast operations. The report will be used to inform and guide decisions regarding adaptive fire management strategies, including but not limited to, adopting additional training restrictions on the MV-22, if needed. Future revisions to the MCB Camp Pendleton INRMP will evaluate the best available data on fires associated with the MV-22, and incorporate appropriate guidelines and updates to the existing fire management program.

- Prior to completion of the report described above, the USMC will immediately report (within 72 hours) to CFWO any wildfires ignited by MV-22s during operations on MCB Camp Pendleton. If the MV-22 is found to significantly increase the frequency of wildfires ignited during training operations, the USMC will reinitiate consultation with the USFWS to evaluate the effects of those fires on federally-listed species.

- Unless specifically authorized by and coordinated with MCB Camp Pendleton Environmental Security (ES) staff, acting in cooperation with the MCB Camp Pendleton Fire Department and Training Range Management Division (TRMD), the USMC will conduct MV-22 operations on MCB Camp Pendleton during the transition phase (2010-2020) according to the following restrictions:

1. MV-22 operators will exercise extreme caution during landings, takeoffs, hovering, or while on the ground with engines running. They will avoid training in areas with a high fire risk of fire, especially adjacent to riparian corridors. They will also exercise extreme caution when operating over sage scrub communities and vernal pool habitats, particularly between 15 February and 31 August.

2. All MV-22 training activities will comply with terms and conditions of the existing Riparian Biological Opinion.

3. Troops associated with MV-22 training activities will deploy away from riparian corridors, vernal pools, and other sensitive habitats to the maximum extent possible; will follow all restrictions identified on the Environmental Operations Map and the RTRs; and will avoid all areas posted as off-limit.

4. The MV-22 will land only at locations designated in the Final EIS and Biological Opinion. When training within Drop Zones, operators will touch down only on improved or disturbed, unvegetated surfaces where the potential for fire is lowest and landings have been approved, such as paved Landing Zones, fire breaks, and training roads. MV-22 operators will make every effort possible to touch down only at locations greater than 200 meters (650 feet) from riparian corridors and sage scrub communities to minimize fire potential and noise producing activities within habitat occupied by federally-listed species.

5. In known vernal pool areas (e.g., Drop Zone Tank Park), the MV-22 will land on existing roads and will avoid landing in occupied vernal pools to the maximum extent possible. Equipment and vehicles associated with MV-22 operations will be kept on existing roads and will avoid operating in occupied vernal pools and areas posted as off-limits.

The Bob Stump Training Range Complex and MAGTFTC, MCAGCC: The USMC will incorporate similar avoidance and minimization measures into the implementation of the proposed action with regard to training-related fires at the Bob Stump Training Range Complex and MAGTFTC, MCAGCC, as described in the Final EIS. MV-22 training activities will comply with all reasonable and prudent measures, terms, and conditions of the existing Biological Opinions related to these installations.

Cultural Resources

The USMC is nearing completion of negotiations for a Programmatic Agreement (PA) with the California and Arizona State Historic Preservation Offices (SHPO), the Advisory Council on Historic Preservation, and other consulting parties to resolve potential adverse effects from the project under Section 106 of the National Historic Preservation Act. The pre-final PA is currently under review by the California and Arizona SHPOs. The measures contained in the PA will avoid, minimize, or, when necessary, mitigate for impacts on archaeological sites that are eligible for listing on the National Register and/or sites that are

of concern to the Native American community. Pertinent stipulations of the PA will be incorporated into the governing Range Regulations prior to West Coast-based MV-22 operations on Marine Corps Installations West (MCIW) ranges. Subsequently, these provisions also will be included in applicable Integrated Cultural Resources Management Plans (ICRMP).

Air Quality

Although there are no significant impacts to air quality, a Construction Emissions Mitigation Plan will implement measures described in the Final EIS to minimize fugitive dust and construction equipment emissions during construction activities at MCAS Miramar and MCAS Camp Pendleton. The Plan will require the contractor to designate personnel to monitor dust control and order increased watering to prevent transport of dust off site. This monitoring will include weekend and holiday periods.

AGENCY COORDINATION AND CONSULTATION: No cooperating agencies were identified throughout the EIS process; however, the DON initiated consultation with a number of federal and state agencies.

U.S. Fish and Wildlife Service (USFWS): ESA Section 7 Consultation

Informal notification was provided to USFWS in late September 2008, along with initiation of contracted preparation of the requisite Biological Assessment (BA). The subject action encompassed areas of responsibility of two USFWS Regions (2 and 8) and three separate field offices. Formal consultation was initiated via letter on June 1, 2009, and forwarded the supporting BA to the Carlsbad Field Office, which was designated the lead for this regional consultation. The USFWS acknowledged receipt of the Final BA on Jul 30, 2009 and committed to a 135-day consultation period and delivery of the draft Biological Opinion (BO) by October 7, 2009. The Final BO, dated November 4, 2009 (FWS-MCBCP-08B0678-09F0860), provides a No Jeopardy determination to listed species for the proposed action and incorporates best management practices and avoidance and minimization measures that were anticipated and proposed in the BA. Mitigation requirements include wetland and vernal pool enhancement at MCAS Miramar associated with MILCON projects. Fire risk monitoring of the aircraft region-wide is also required along with reinitiation of consultation should the fire potential be greater than anticipated.

National Historic Preservation Act, Section 106 Consultation

The DON notified both the California and Arizona State Historic Preservation Offices (SHPO) of the proposed action and related Section 106 consultation in October 2008. At that time the SHPO staff expressed no concerns or opposition to the use of the Draft EIS as the document to support the Section 106 consultation. In May 2009; however, SHPO staff in both states expressed concern with using the voluminous Draft EIS for this purpose and established the requirement to consult over a Programmatic Agreement (PA) for the

proposed undertaking. An intense, concerted effort ensued to prepare the requisite PA. Formal consultation was initiated on July 21 2009 with submission of a supplemental information package and cover letter to both SHPOs. A pre-final version of the PA was submitted to both SHPOs on November 6, 2009. The PA outlines processes and commitments to complete all outstanding cultural resources surveys and to use only those landing areas that have no potential for adverse effects on historic properties until the provisions (survey, testing, evaluation and recovery) of the PA are completed and SHPO concurrence is obtained.

Coordination and consultation with federally recognized Native American tribes commenced in December 2008. Initial notification of the proposed action was sent to 70 tribes; 50 tribes responded. All tribal governments were invited to face-to-face group meetings with installation cultural resources managers. No substantive issues were identified by these tribal representatives. All expressed desire for ongoing dialogue on Marine Corps activities in the future. All substantive issues identified by the Tribal government representatives have been discussed and addressed directly, in person, and/or via phone calls and emails, and documented per administrative record. All of the Native American tribes that have expressed interest in consultation on the proposed action have been given the opportunity to review and sign the PA.

The Advisory Council on Historic Preservation (ACHP) was notified of the intent to develop a PA on August 4, 2009. ACHP determined it would participate in consultation and development of the PA (ACHP letter of August 17, 2009). No formal comments on the PA have been received to date from the ACHP and no verbal concerns have been expressed. ACHP elected to participate due primarily to the development of a two-state PA. In November 2009, the ACHP indicated no interest in and no request for signature authority on the final PA.

Clean Water Act

The DON is preparing the U.S. Army Corps of Engineers (USACE), Section 404 individual permit application and the San Diego Regional Water Quality Control Board (SDRWQCB) Section 401 certification application for the Preferred Alternative. The USACE will require an individual permit as the Preferred Alternative at MCAS Miramar will be over the thresholds for a nationwide permit.

Clean Air Act Conformity

Operation of the proposed action within the San Diego Air Basin (San Diego County) would generate emissions that would exceed the NOx conformity *de minimis* level of 100 tons per year. Therefore, pursuant to San Diego County Air Pollution Control District (SDCAPCD) Rule 1501, Section 1551.853(b), the DON performed a general conformity determination for the proposed action that would occur within San Diego County. The DON transmitted the draft conformity determination to the SDCAPCD, California Air Resources Board (CARB), EPA Region 9, and San Diego Association of Governments (SANDAG) on June 11, 2009. The DON published a notice of availability of the project Draft Environmental Impact

Statement and draft conformity determination in the San Diego Union newspaper on Jun 15, 2009.

The DON did not receive any comments on the draft conformity determination from the SDCAPCD, CARB, or SANDAG.

The DON published a notice of availability of the project Final Environmental Impact Statement and final conformity determination in the San Diego Union newspaper on October 16, 2009. Approval of this ROD signifies finalization of the project conformity determination. Therefore, pursuant to SDCAPCD Rule 1501, Section 1551.855, the DON will notify the SDCAPCD, CARB, EPA Region 9, and SANDAG within 30 days of approval of this ROD regarding the availability of the final conformity determination.

CUMULATIVE IMPACTS: The Preferred Alternative, when considered with other past, present, and reasonably foreseeable future actions would not, for the most part, result in significant cumulative impacts on the human environment. With the implementation of best management practices and mitigation measures, there would be no notable cumulative impacts on land use, socioeconomics, community facilities and services, noise, infrastructure and utilities, hazardous materials management, aesthetics and visual resources, topography, soils, water quality, biological resources, cultural resources, safety and environmental health, or environmental justice.

The cumulative impacts identified for airfields or airspace from the proposed action, in conjunction with other projects on and in the vicinity of installations associated with the proposed action, would not be cumulatively significant, but will likely require more coordination between regional Federal Aviation Administration (FAA) and military airspace managers. Application of established airspace management procedures, as promulgated in FAA and Department of Defense regulations, ensures that training flight operations are conducted safely and with maximum efficiency. By following these established procedures, the likelihood of airspace conflicts are reduced.

At MCAS Miramar, operational activities, in conjunction with estimated traffic volumes for 2010 and 2020, could result in cumulatively significant impacts to six segments under the Preferred Alternative. Other projects that may increase the number of personnel at the installations beyond those anticipated under the proposed action, such as the introduction of the Joint Strike Fighter and the Grow the Force initiative, may result in an even greater demand on the existing road system, especially in the vicinity of MCAS Miramar. These projects could exacerbate the significant operations-related cumulative impacts to traffic identified above. The Military Housing Project at MCAS Miramar identified significant impacts to two intersections also impacted by the Preferred Alternative: Kearny Villa Road southbound/Miramar Way and Interstate-15 southbound ramps/Miramar Way. However, the PPV entity associated with the MCAS Miramar Military Housing Project will provide a fair-share contribution for the construction of a traffic signal at the intersection of Interstate-15 southbound ramps/Miramar Way and at the Kearny Villa Road southbound ramps/Miramar

Way intersection. Implementation of these mitigation measures by the PPV entity may lessen significant cumulative traffic impacts of the proposed action at these intersections. In general, cumulatively significant construction-related traffic impacts could be mitigated to less than significant by conducting construction activities during off peak hours. Cumulatively significant operations-related traffic impacts cannot be mitigated because the DON is legally prohibited from funding roadway improvements outside the installation.

Proposed operational activities would generate emissions that would exceed the annual conformity *de minimis* threshold for NOx within the San Diego Air Basin (SDAB) project region. The current SDAB SIP (1-Hour Ozone Maintenance Plan) includes a NOx emissions budget for military programs that would grow by 4,161 tons per year between 2005 and 2014, including over 3,285 tons per year for MCAS Miramar and MCB Camp Pendleton. The maximum net change in annual VOC/NOx emissions for any proposed action alternative within the SDAB is -90/+223 tons in year 2017. These emissions would fit within the military programs emissions budget allowed in the SDAB SIP (see the project conformity determination in Appendix B.2 of this EIS). As a result, operational emissions from the proposed actions would conform to the SDAB SIP and would produce less than cumulatively considerable contributions to O3 levels within the SDAB. Under the Preferred Alternative, cumulative impacts to greenhouse gases would not be significant.

RESPONSE TO COMMENTS ON THE FINAL EIS: The DON reviewed and considered all comments that were received during the 30-day no action period (16 October through 16 November 2009) following the issuance of the NOA of the Final EIS. A total of eleven comments were received on the Final EIS, ten from individuals and one request for a copy of the EIS from a public library. The comments from the individuals were similar or identical to comments received on the Draft EIS regarding flight routes, noise, and safety, and therefore were previously considered and addressed in the Final EIS.

CONCLUSION: After careful consideration of the purpose and need for the proposed action, the analysis contained in the EIS, and comments received on the EIS from federal, state, and local agencies, non-governmental organizations, and individual members of the public, I have decided to proceed with the Preferred Alternative, which entails partial basing at MCAS Miramar (eight squadrons) and MCAS Camp Pendleton (two squadrons) for West Coast basing of the MV-22. The Preferred Alternative best meets the fundamental and preferential selection criteria by making use of existing capacity at locations close to the critical mass of I MEF forces and within operating range of key training areas. MV-22 operations will be compatible with other operations at MCAS Miramar and MCAS Camp Pendleton. Both facilities have an existing Marine Aviation Logistics Squadron to support aircraft maintenance. The Preferred Alternative also minimizes adverse effects on biological resources, specifically those located south of the runway at MCAS Miramar.

As discussed in the Final EIS, the MV-22 tilt-rotor is a new type of aircraft for the USMC, with new and different capabilities as compared to the CH-46 helicopter it replaces. The

Final EIS and this Record of Decision are based on the most up-to-date information regarding expected training operations per the MV-22 Training and Readiness Manual. As the USMC collectively gains experience with the MV-22, both in training and in combat, greater understanding of its capabilities and limitations will lead to development changes or different operations and training requirements. The USMC expects to continue updating the MV-22 Training and Readiness Manual and training plans to reflect lessons learned from training evolutions and deployment experience. Due to the evolving nature of these MV-22 training requirements, additional proposals for training areas and air space, on or off DOD-owned lands, likely will emerge as necessary or useful for applying the aircraft's capabilities to ever-changing missions. Environmental impacts associated with such emerging training requirements will be evaluated as appropriate under NEPA, and will include consultations pursuant to the Endangered Species Act and/or National Historic Preservation Act where applicable.

11/18/09

Date

Roger M. Natsuhara
Principal Deputy Assistant Secretary of the Navy
(Installations & Environment)