

Final Legislative Environmental Impact Statement for the Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal



Lead Agency:



U.S. Department of the Navy

Cooperating Agencies:



U.S. Department of the Interior



Bureau of Land Management



Bureau of Reclamation



APRIL 2013

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for the Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal**

Lead Agency: U.S. Department of the Navy, U.S. Marine Corps

Cooperating Agencies: U.S. Department of the Interior, Bureau of Land Management
U.S. Department of the Interior, Bureau of Reclamation

Title of the Proposed Action: Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal

Location of the Proposed Action: State of California, Counties of Imperial and Riverside

For Additional Information Contact: Ms. Kelly Finn
Naval Facilities Engineering Command Southwest
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Building 1, Central IPT
San Diego, CA 92132

Decision Authority: United States Congress

ABSTRACT

This Final Legislative Environmental Impact Statement (LEIS) addresses the proposed renewal of the military land withdrawal and reservation of the Chocolate Mountain Aerial Gunnery Range (CMAGR) in Imperial and Riverside counties, California. The Final LEIS consists of two volumes. The first volume contains public comments on the Draft LEIS, responses to comments, and errata and additions to the Draft LEIS and the second volume is the Draft LEIS. When combined, the two volumes make up the Final LEIS. Further, this LEIS is the detailed statement required by law that will be included in a legislative proposal to Congress and will serve as the basis for public and Congressional debate. Because this is an LEIS and the decision lies with Congress, no Record of Decision (ROD) will be issued.

To support a continuing military need for the CMAGR, renewal of the land withdrawal is required by the California Military Lands Withdrawal and Overflights Act of 1994 (Public Law [P.L.] 103-433) for the approximately 228,465 acres of public land in the CMAGR administered by the Bureau of Land Management (BLM). The remaining federal land in the range (approximately 229,903 acres) is permanently administered by the Department of the Navy (DoN). The renewal of the CMAGR is essential for developing and maintaining the readiness of Marine Corps and Naval aviation forces. The CMAGR also supports the training of Marine Corps and Navy land combat forces; including naval special warfare forces. This LEIS addresses four renewal alternatives in detail. With Alternative 5, the no-action alternative, Congress would not renew the CMAGR land withdrawal. As a consequence, the current withdrawal of BLM land in the CMAGR would expire at the end of October 2014, the BLM land would no longer be available for military purposes, and the remaining DoN land would not provide an adequate restricted land-base to continue tactical aviation training. The effects of the alternatives on range and airspace operations, non-military land use, geological resources, water resources, air quality, biological resources, cultural resources, noise, visual resources, public health and safety, hazardous materials and waste, socioeconomic resources, and environmental justice are discussed.

TABLE OF CONTENTS

1.	INTRODUCTION.....	1-1
1.1	PROJECT BACKGROUND	1-1
1.2	PUBLIC REVIEW OF THE DRAFT LEIS	1-2
1.2.1	Announcements and Publicity.....	1-2
1.2.2	Public Meetings.....	1-4
1.2.3	Distribution of the Draft LEIS.....	1-4
2.	COMMENTS ON THE DRAFT LEIS AND RESPONSES TO COMMENTS	2-1
3.	ERRATA AND ADDITIONS	3-1
3.1	SPECIFIC CHANGES AND ADDITIONS TO THE DRAFT LEIS	3-1
3.2	SPECIFIC CHANGES AND ADDITIONS TO THE DRAFT LEIS APPENDICES ...	3-13
4.0	AGENCIES, ORGANIZATIONS, AND PERSONS RECEIVING FINAL LEIS.....	4-1

LIST OF TABLES

1	Paid Newspaper Advertisements Announcing the Draft LEIS and Public Meetings	1-3
2	Comment and Response Page Number.....	2-2

LIST OF UPDATED AND ADDITIONAL APPENDICES

Appendix E	Navy Record of Non-Applicability for Clean Air Act Conformity
Appendix I	Federal Register Notices for Draft LEIS

LIST OF ACRONYMS AND ABBREVIATIONS

AICUZ	Air Installation Compatible Use Zone
BO	Biological Opinion
CDFW	California Department of Fish and Wildlife (formerly called California Department of Fish and Game)
CVWD	Coachella Valley Water District
MDAQMD	Mojave Desert Air Quality Management District
MRL	Mesquite Regional Landfill
PPV	peak particle velocity
RAICUZ	Range Air Installation Compatible Use Zone

1.0 INTRODUCTION

This Final Legislative Environmental Impact Statement (LEIS) has been prepared by the Department of the Navy (DoN) and the U.S. Marine Corps (hereafter, Marine Corps), in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (42 U.S. Code [U.S.C.] 4321-4370h), to address the potential environmental consequences of renewing an existing withdrawal of approximately 228,465 acres of public land for the Chocolate Mountain Aerial Gunnery Range (CMAGR) in southern California. Renewal of the land withdrawal is needed to support continuing military training at the CMAGR by the DoN, Marine Corps, and other branches of the U.S. armed services. The proposal to renew the land withdrawal also includes sub-proposals for:

- realigning some segments of the CMAGR boundary
- increasing the duration of the proposed land withdrawal compared to the current 20-year duration
- redefining DoN/Marine Corps and U.S. Department of the Interior Bureau of Land Management (BLM) responsibilities for managing the CMAGR
- disposing and managing DoN land that may be released from the CMAGR

The U.S. Congress has reserved the authority for renewing the CMAGR land withdrawal for itself, through the Defense Withdrawal Act of 1958 (43 U.S.C. §§ 155-158)¹ and the California Military Lands Withdrawal and Overflights Act (CMLWOA) of 1994 (Public Law [P.L.] 103-433 § 806(c)), and will make the final decision as to whether or not to renew the CMAGR land withdrawal. This Final LEIS is the detailed environmental statement required by law that will be included in the legislative proposal for the land withdrawal, including the aforementioned sub-proposals. The legislative proposal will be submitted to Congress for consideration and action. The DoN and Marine Corp are requesting that Congress renew the CMAGR land withdrawal, but, because the decision-making authority for this action rests solely with Congress, this Final LEIS does not identify a preferred alternative from among the four alternatives studied that would renew the land withdrawal. Congress will express its decision through its legislative procedures and no administrative Record of Decision will be issued by the DoN.

The DoN/Marine Corps served as the lead agency and the BLM and Bureau of Reclamation (Reclamation) served as reviewing and cooperating agencies for preparing this Final LEIS and the preceding Draft LEIS, which was published in August 2012. The Final LEIS consists of two volumes prepared in accordance with the Council on Environmental Quality regulations for implementing the NEPA at 40 Code of Federal Regulations (CFR) § 1503.4(c). The first volume includes the Final LEIS cover, cover sheet, and abstract; an introduction to the Final LEIS; the comments submitted on the Draft LEIS with lead and cooperating agency responses to those comments; errata and additions to the Draft LEIS prompted by the review comments; and the list of agencies, organizations, and persons receiving the Final LEIS. The second volume is the Draft LEIS. The Draft LEIS that comprises Volume 2 is the August 2012 edition, but that edition is revised in accordance with the list of errata and additions that is provided in Chapter 3 of Volume 1.

1.1 PROJECT BACKGROUND

The CMAGR is a live-fire training range that is essential for developing and maintaining the readiness of Marine Corps and Navy aviators. The range is also vital for training select Marine Corps and Navy land combat forces; including Naval Special Warfare (NSW) forces. The CMAGR was initially established during World War II and has been indispensable for military aviation training ever since. The range

¹ Also referred to as the Engle Act of 1958.

currently supports training by units of the DoN, U.S. Air Force, U.S. Army, U.S. Reserve Components, and U.S. National Guard; however, the Marine Corps is the primary user of this range. Local command for military operation and administration of the CMAGR has been delegated by the Secretary of the Navy to the Commanding Officer, Marine Corps Air Station (MCAS) Yuma, Arizona.

The CMAGR currently includes about 228,465 acres (nearly 357 square miles) of withdrawn federal public land administered by the BLM and about 229,903 acres (359 square miles) of federal land administered by the DoN. Approximately 162 acres (about 0.25 square mile) of land administered by Reclamation is located inside of the CMAGR boundary. The withdrawn public land (hereafter BLM land) in the CMAGR is currently withdrawn and reserved for use as a military range by the CMLWOA. The authority provided by the CMLWOA to use the BLM land within the CMAGR for military purposes will terminate at the end of October 2014. However, the Act also provides that the Secretary of the Navy may request a renewal of the withdrawal if there will be a continuing military need for the range after that date (P.L. 103-433 § 806(a)). The Secretary of the Navy has determined that the CMAGR will be needed to support national defense missions assigned to the Marine Corps and Navy beyond October 2014 and proposes that the CMAGR land withdrawal be renewed.

The Draft and Final LEISs both address the same four alternatives, numbered 1 through 4, for renewing the CMAGR land withdrawal. No comments on the Draft LEIS were received that indicated that changes or revisions to the alternatives were necessary. Alternatives 1 through 4 vary from each other by offering three variations on the alignment of the range boundary, three withdrawal duration choices, and three options for assigning management responsibilities between the DoN/Marine Corps and BLM. All four alternatives, however, share the same basic purpose of and need for renewing the land withdrawal for the CMAGR. With Alternative 5, the no-action alternative, Congress would not renew the CMAGR land withdrawal. As a consequence, the current withdrawal of BLM land in the CMAGR would expire at the end of October 2014, the BLM land would no longer be available for military purposes, and the remaining DoN land would not provide an adequate restricted land-base to continue military training. Military training at CMAGR would end and planning to decommission, cleanup, and potentially reuse the range for non-military purposes would begin. Planning would also have to be initiated to forego training displaced by the closure of the CMAGR or support it at other ranges.

Following the release of the Draft LEIS in August 2012, there was a 90-day comment period in which comments on the Draft LEIS and land withdrawal application were invited from government agencies, private organizations, and the public. Comments received during this 90-day period are addressed in this Final LEIS and will be used by Congress in its decision to renew or not renew the CMAGR land withdrawal.

1.2 PUBLIC REVIEW OF THE DRAFT LEIS

1.2.1 Announcements and Publicity

The *Notice of Public Meetings for the Draft Legislative Environmental Impact Statement for the Proposed Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal, California and the Notice of Availability for EIS No. 20120278, Draft EIS, USN, CA, Legislative—Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal* were published in the Federal Register, Vol. 77/No. 170, on Friday 31 August 2012 at pages 53189 and 53198, respectively (Appendix I). The Federal Register notices announced the availability of the Draft LEIS for public review and comment, the beginning and end of the 90-day period for receiving comments on the Draft LEIS, locations where copies of the Draft LEIS could be obtained or viewed, the time and locations of the four public comment meetings on the Draft LEIS, summary and supplemental information on the Draft LEIS and the proposed renewal of the CMAGR land withdrawal, and a point of contact for requesting additional information. A subsequent Notice of Change of Public Meeting Location for the Draft Legislative Environmental Impact Statement for the Proposed Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal,

California was published in the Federal Register, Vol. 77/No. 195, on Tuesday 9 October 2012 at page 61401 (Appendix I) to announce a change in the location of the 25 October 2012 public meeting previously announced in the 31 August Federal Register notice.

In addition to the Federal Register notices, information on the availability of the Draft LEIS and on the public comment process, period, and meetings was also publicly distributed through the project website, the third project newsletter sent to all parties on the project mailing list, paid advertisements published in seven newspapers from locations near the public meeting sites, and letters to Native American tribes and bands.

The public project website—located at: <http://www.chocolatemountainrenewal.com>—allowed visitors to view or download the Draft LEIS and the materials available at the Draft LEIS public meetings, and to submit comments on the Draft LEIS. The website also informed visitors of the public review and comment schedule and the full LEIS project schedule, and provided information on the scoping process, other project events, published documents, and project maps. Interested visitors could add their names to the project mailing list through the website.

The third project newsletter was mailed on 31 August 2012 to 421 recipients to notify interested parties about the availability of the Draft LEIS and the upcoming public comment process, period, and meetings. The newsletter mailing list included elected officials; Federal, State, and local agencies; American Indian tribes; private property owners whose land could be affected by boundary realignments proposed by Alternatives 2, 3, or 4; persons who participated in the project scoping process; and other interested parties.

Paid advertisements that announced the availability of the Draft LEIS and the locations and times of the upcoming public comment meetings were placed in each of seven newspapers two or three different dates before the public meetings (Table 1).

Table 1. Paid Newspaper Advertisements Announcing the Draft LEIS and Public Meetings

Newspaper	Circulation Area	Publication Dates
Yuma Sun	<i>Arizona:</i> Yuma, Somerton, San Luis, Gadsden, Roll, Dateland, Wellton, and Tacna <i>California:</i> Winterhaven	31 August 2013 4 September 2013 15 October 2013
Desert Warrior	<i>Arizona:</i> Marine Corps Air Station Yuma	6 September 2013 4 October 2013
Imperial Valley Press	<i>California:</i> Imperial Valley—including: Mexicali, Baja, and San Diego County <i>Arizona:</i> Yuma	31 August 2013 7 September 2013 16 October 2013
Baja El Sol	<i>Arizona:</i> Yuma County—Spanish Language Newspaper	31 August 2013 4 September 2013 19 October 2013
Palo Verde Valley Times	<i>California:</i> Blythe <i>Arizona:</i> Quartzsite	31 August 2013 5 September 2013 17 October 2013
Desert Sun	<i>California:</i> Palm Springs	31 August 2013 4 September 2013 16 October 2013
San Diego Union Tribune	<i>California:</i> San Diego County	31 August 2013 4 September 2013 17 October 2013

Native American tribes and bands that had expressed interests in CMAGR issues were notified of the availability of the Draft LEIS, as well as the public comment process, period, and meetings by letter from the Commanding Officer of MCAS Yuma. A copy of the Draft LEIS was enclosed with each letter. A copy of the letter sent by MCAS Yuma to the California State Historic Preservation Officer to initiate consultation in compliance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470f as amended) on the proposed renewal of the CMAGR land withdrawal was also enclosed with the letters to the tribes and bands. Letters were sent to 53 contact persons at 36 tribes and bands.

1.2.2 Public Meetings

Public review and comment meetings on the Draft LEIS were held in four cities, including on:

- 22 October 2012 at the Yuma County Library, 2951 South 21st Drive, Yuma, AZ
- 23 October 2012 at the Southwest High School, 2001 Ocotillo Dr., El Centro, CA
- 24 October 2012 at the Mizell Senior Center, 480 South Sunrise Way, Palm Springs, CA
- 25 October 2012 at the City Council Chambers and Lobby, 330 North Coast Highway, Oceanside, CA

The meetings were conducted in an open house format with display boards illustrating the key features and findings of the Draft LEIS. LEIS project team members were present to provide additional information or clarifications to attendees. Court reporters and language interpreters were available at each meeting to record oral comments on the Draft LEIS that individual attendees wished to submit for consideration in the preparation of the Final LEIS or to facilitate communications. Public attendance at the meetings included 16 at Yuma, 1 at El Centro, 2 at Palm Springs, and 3 at Oceanside.

1.2.3 Distribution of the Draft LEIS

Electronic and/or hard copies of the Draft LEIS were distributed to 10 federal agencies, 36 Native American tribes or bands, 2 Arizona and 8 California state agencies, the U.S. Senators and Governors of Arizona and California, 53 Members of the U.S. House of Representatives from California, and 8 Members of the U.S. House of Representatives from Arizona (see Section 6.5 of the Draft LEIS). As already noted, the Draft LEIS was available for viewing or downloading from the project website. Hard copies of the Draft LEIS were also made available for public review at five public libraries including at:

- Yuma County Library, 2951 South 21st Drive, Yuma, AZ
- El Centro Community Center Branch Library, 375 South 1st Street, El Centro, CA
- Brawley Public Library, 400 Main Street, Brawley, CA
- Palo Verde Valley Library, 125 West Chanslor Way, Blythe, CA
- San Diego Public Library (San Ysidro Branch), 101 West San Ysidro Boulevard, San Diego, CA

2.0 COMMENTS ON THE DRAFT LEIS AND RESPONSES TO COMMENTS

During the 90-day public review and comment period, which concluded 30 November 2012, written comments on the Draft LEIS were received in the forms of letters, submissions through the project website comment application, and comment forms distributed at the public meetings and either submitted at the meetings or later through the mail. Although a court reporter was available at each public meeting to record verbal comments, none were received. Comments were received from 1 federal agency, 1 Native American commission, 1 member of the Arizona House of Representatives, 1 Arizona public college, 2 regional utility agencies in California, 2 California-based nongovernmental organizations, 23 individuals from Arizona, 13 individuals from California, 1 individual from Nevada, and 1 individual from Oregon for an aggregate of 46 comment submissions. Comments were received from these 46 sources via 13 letters, 12 comment forms distributed at the public meetings, and 21 submissions through the project website comment application.

Comments were determined to be either substantive or non-substantive in nature (40 CFR 1503.4 and 46 Federal Register 18026). A standard methodology was used to identify substantive and non-substantive comments. Substantive comments were defined as those that do one or more of the following:

- question, with reasonable basis, the accuracy of information in the Draft LEIS
- question, with reasonable basis, the adequacy of the environmental analysis
- cause changes or revisions to the proposed action or alternatives

Non-substantive comments were judged to be comments that offered only opinions, provided information not directly related to project issues or the impact analyses, or showed general opposition to or support of the proposed action. Non-substantive comments were considered by the planning team, but no response was deemed to be necessary other than to note the comment in the project record.

All substantive comments were reviewed by appropriate resource specialists and provided a response. In appropriate cases, comments prompted corrections, additions, or other clarifications to the LEIS analysis.

Each of the comment letters, forms, and web submissions received on the Draft LEIS is published in this chapter in its original form. Some of the submissions contained only 1 individual comment, some contained between 2 and 10 individual comments, and a few contained more than 10 individual comments. Each individual comment in each submission has been identified with a bracket and a comment number in the margin of the submission. A response to each individual comment has been prepared and coded with the same number as the comment. Each comment submission and the responses to that submission appear together (see Table 2 for a list of the comment numbers and corresponding response page numbers). The comment submissions are provided in the following order:

- federal agency comments
- elected official comments
- Native American comments
- regional agency comments
- educational institution comments
- nongovernmental organization comments
- individual comments

Table 2. Comment and Response Number

Letter Number	Commenter / Agency Name	Response Number	Response Page Number
1	U.S. Environmental Protection Agency, Region IX	1-1 – 1-7	2-5 – 2-6
2	Lynne Pancrazi, Arizona State Representative District 24	2-1 – 2-1	2-7
3	California Native American Heritage Commission	3-1 – 3-2	2-8 – 2-12
4	Imperial Irrigation District	4-1 – 4-4	2-13 – 2-14
5	County Sanitation Districts of Los Angeles County	5-1 – 5-4	2-15 – 2-18
6	Office of the President, Arizona Western College	6-1	2-19
7	Riverside Land Conservancy	7-1	2-20
8	Southwest Defense Alliance	8-1	2-21
9	Floyd Ashbaugh	9-1 – 9-2	2-22
10	Wayne Benesch	10-1	2-23
11	James Blackwell	11-1 – 11-19	2-24 – 2-32
12	Julia Clark	12-1 – 12-73	2-33 – 2-44
13	Theron Dunaway	13-1	2-45
14	Walter Eason	14-1	2-46
15	Julie Engel	15-1	2-47
16	John Everett	16-1 – 16-6	2-48
17	Greg Ferguson	17-1	2-49
18	Makayia Garcia	18-1 – 18-2	2-50
19	Sharon Gardner	19-1	2-51
20	Albert Gerbarer	20-1	2-52
21	Larry A. Gould, PhD	21-1	2-53
22	Stanley Gourley	22-1	2-54
23	Gea Grosse	23-1 – 23-3	2-55 – 2-56
24	Peter Hekman	24-1	2-57
25	Douglas Holbert	25-1	2-58
26	James Howell	26-1 – 26-49	2-59 – 2-64
27	Robert Ingold	27-1	2-65
28	Arthur Jones	28-1	2-66
29	Andrea Lopez	29-1	2-67
30	Russell McCloud	30-1	2-68
31	Lynne Pancrazi, Arizona State Representative	31-1	2-69
32	Barbara Ranshousen	32-1	2-70
33	Ron Rice	33-1	2-71
34	J. Ross	34-1	2-72
35	Robert Schell	35-1	2-73
36	Katherine Scott	36-1	2-74
37	Kenneth Scott	37-1	2-75
38	Nancy Slaff	38-1	2-76
39	William Slaff	39-1	2-77
40	Jim Slater	40-1	2-78
41	Greg Smith	41-1	2-79
42	Michael J. Stafford	42-1 – 42-9	2-80 – 2-83
43	Craig Williams	43-1	2-84
44	Mark Workman	44-1 – 44-2	2-85
45	(no name submitted)	45-1	2-86
46	(no name submitted)	46-1	2-87



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

November 29, 2012

Ms. Kelly Finn
CMAGR LEIS Project Manager
NAVFAC Southwest
1220 Pacific Highway, Building 1 Central IPT
San Diego, CA 92132-5190

Subject: Draft Legislative Environmental Impact Statement (DLEIS) for the Proposed Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal, California (CEQ # 20120278)

Dear Ms. Finn:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document 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. Our detailed comments are enclosed.

The Draft Legislative Environmental Impact Statement (DLEIS) evaluates the potential environmental consequences of renewing the withdrawal of approximately 228,465 acres of public land for continued use as part of the Chocolate Mountain Aerial Gunnery Range (CMAGR) in Imperial and Riverside Counties, California. Public lands in the CMAGR are currently reserved for use by the Secretary of the Navy for testing and training for aerial bombing, missile firing, tactical maneuvering and air support, and other defense-related purposes.

Based on our review, we have rated the DLEIS's Proposed Actions as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions"). We are concerned that the potentially significant loading rates of munitions constituents at almost all of the target sites, as predicted by the Range Environmental Vulnerability Assessment (REVA), could present risks to offsite ecological receptors. The DLEIS does not provide sufficient information to support conclusions that off-range munitions migration is not occurring. The DLEIS does not disclose impacts from lead ammunition and munitions collected during range clearance. Our detailed comments also include recommendations for improving the impact assessment for the desert tortoise, a species that is experiencing significant pressures from large-scale solar energy development. Half of the CMAGR is designated critical habitat for the desert tortoise.

EPA appreciates the opportunity to review this DLEIS. When the Final LEIS is released for public review, please send one copy to the address above (mail code: CED-2). Please note that, as of October 1, 2012, EPA Headquarters no longer accepts paper copies or CDs of EISs for official filing purposes. Submissions on or after October 1, 2012, must be made through the EPA's new electronic EIS submittal tool: e-NEPA. To begin using e-NEPA, you must first register with the EPA's electronic reporting site –

https://cdx.epa.gov/epa_home.asp. If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Office (CED-2)

Enclosure: Summary of EPA Rating Definitions
EPA's Detailed Comments

cc: James Kenna, California State Director, Bureau of Land Management,
Jim Thied, U.S. Fish and Wildlife Service, Palm Springs Office
Chris Schoneman, Refuge Manager, Sonny Bono Salton Sea National Wildlife Refuge

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

EPA DETAILED COMMENTS ON THE DRAFT LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT (DLEIS) FOR THE PROPOSED RENEWAL OF THE CHOCOLATE MOUNTAIN AERIAL GUNNERY RANGE LAND WITHDRAWAL, RIVERSIDE AND IMPERIAL COUNTIES, CALIFORNIA, NOVEMBER 29, 2012

Contamination with Munitions Constituents

Assessment of Off Range Impacts

The DLEIS does not provide sufficient information to support conclusions that off-range munitions migration is not occurring. The Marine Corps uses the Range Environmental Vulnerability Assessment (REVA), a fate and transport modeling/analysis of munitions constituents (MC), which is based on site environmental conditions and estimated loading rates. According to the DLEIS, the REVA performed in 2008 concluded that MC loading rates at 12 of the sites in the Chocolate Mountains Aerial Gunnery Range (CMAGR) North and all 15 of the sites in CMAGR South were found to be potentially significant (greater than 1 milligram per square meter per year)(p. 3-108). Despite this conclusion, no follow-up sampling or analysis was conducted; instead, the Marine Corps concluded that "because surface water in the washes draining from the CMAGR is not used as a potable water source, as an irrigation water source, or for any contact activity, either on range or off range, no human or ecological receptors were identified in the baseline" (p. 3-108). The pathways evaluated for the REVA included both surface water and groundwater. Since no complete exposure pathway was identified, it was assumed that there was no potential risk to human health or the environment.

The DLEIS does not provide any additional information regarding the REVA analysis, so it is unclear how ecological receptors were evaluated and conclusions regarding exposure pathways were determined. The DLEIS identifies a number of wildlife species that utilize desert washes in the area, including the threatened Mojave desert tortoise, the hoary bat, and many others¹, and indicates that numerous ephemeral surface water drainages occur throughout the CMAGR (p. 3-68), flow seasonally, and discharge to the Salton Sea and Colorado River. Figure 3-9 shows military bombing targets located directly in drainages. The Salton Sea appears to be less than 5 miles downstream from bombing targets and contains diverse wildlife, including bird species in the Sonny Bono Salton Sea National Wildlife Refuge.

The DLEIS states that CMAGR Explosives Ordnance Disposal (EOD) staff has reportedly observed submunitions (individual components of ordnance) along various washes within the installation boundary (p. 4-47). It also states that EOD clearances have not demonstrated that any "substantial" migration of MCs has occurred, but does not disclose the extent of migration that has been documented (p. 4-20). There is no discussion of the likely fate and transport properties for the indicator MCs² evaluated. RDX, HMX and perchlorate can persist in the environment for long periods of time and, because they are mobile within the environment, have the highest potential to migrate off range³. The

¹ The DLEIS states that a relatively large number of wildlife species utilize dry desert wash woodlands, including the side blotched lizard (*Uta stansburiana*), western whiptail lizard, zebra-tailed lizard, sidewinder, red-tailed hawk, Gambel's quail (*Callipepla gambelli*), mourning dove, ladder-backed woodpecker (*Picoides scalaris*), verdin (*Auriparus flaviceps*), western flycatcher (*Empidonax difficilis*), cactus wren (*Campylorhynchus burnneicapillus*), warbling vireo (*Vireo gilvus*), Wilson's warbler (*Wilsonia pusilla*), house finch (*Carpodacus mexicanus*), black-tailed gnatcatcher, white-crowned sparrow (*Zonotrichia leucophrys*), canyon bat (*Parastrellus hesperus*), coyote (*Canis latrans*), kit fox, mule deer, white-tailed antelope squirrel (*Ammospermophilus leucurus*), black-tailed jack rabbit, and desert cottontail (p. 3-70).

² Indicator MCs selected for the REVA program include octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine (HMX), hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX), trinitrotoluene (TNT), and perchlorate.

³ Headquarters Marine Corps, *REVA Reference Manual for Baseline Assessments*, May 2009. p. 51

DLEIS does not disclose the MC concentrations at the range boundary predicted by the REVA, nor include monitoring data that confirm the lack of migration of MCs offsite. The DLEIS' conclusion that stormwater and sediment loads are not likely to be transported off range is based primarily on the low precipitation that occurs in the area (p. 4-16). However, while average rainfall amounts are low in the desert, when precipitation does occur, it often results in high velocity flows which are capable of significant sediment and water transport. The DLEIS states that "in most areas", sediment loads from ephemeral drainages do not appear to reach off-range receiving waters (p. 4-20), implying that there are some areas where this does appear to be occurring. Since deposition of munitions has been occurring at CMAGR since World War II, it appears that off range transport of MCs is not an improbability.

1-1 [*Recommendations:* The FEIS should include more information to support its conclusions that off-range contamination by MCs is not occurring. Include details regarding the migration of MCs that has been documented, and the locations where sediment loads are reaching receiving waters. Identify the type and frequency of monitoring activities that occur at CMAGR and will occur in the future under the proposed actions.

1-2 [Details of the REVA should be included in the FEIS and should address the specific wildlife species that utilize the range as ecological receptors. We note that the REVA procedure does not limit ecological receptors to only protected species. EPA recommends that the REVA model conclusions be validated with environmental sampling to confirm that off-range migration of MCs is not occurring, since loading rates were found to be potentially significant and there are valuable biological resources downstream.

Lead and small arms ranges

Potential for increased lead contamination was not assessed in the DLEIS. The CMAGR includes two special warfare training areas (SWAT-4 and SWAT-5) with small arms ranges, and there are rifle and pistol ranges adjacent to Camp Billy Machen (p. 2-9, p. C-3). Lead is the most prevalent (by weight) potentially hazardous constituent associated with small arms ammunition and has the potential to migrate in surface water pathways and be carried off range. Lead is geochemically specific regarding its mobility in the environment and lead migration should be assessed using site-specific conditions (i.e., geochemical properties) obtained by sampling. The DLEIS does not include even a qualitative assessment of lead migration. Lead and lead compounds are used for range activities and reported by the military under the Toxics Release Inventory, with over 40,000 lbs of lead used at CMAGR in reporting year 2010 alone (p. 3-107).

1-3 [*Recommendation:* Include an assessment of the potential for off range lead contamination in the FLEIS. Discuss current lead management and disposal procedures and the environmental impacts of these activities.

Disposal of Range Clearance Munitions

The DLEIS lists the amounts of munitions and range clearance debris cleared from target areas in 2009 through 2011 when funding was made available for these activities (p. 3-27). Over 3,300 tons of munitions and range debris were cleared during this period. The DLEIS does not characterize this waste nor indicate its final disposition, which is necessary in order to determine if the material is still subject to off range migration.

1-4 [*Recommendation:* Indicate the process for classifying recovered material and the final disposition of the 3,300+ tons of cleared munitions from 2009 through 2011, as well as the plan

RESPONSES

[1-1] We do not agree with the U.S. Environmental Protection Agency's (EPA's) extrapolation that munitions constituents (MC) may reach off-range water sources just because sediment in some ephemeral drainages might reach off-range receiving waters (Draft Legislative Environmental Impact Statement [DLEIS] page 4-20). The Legislative Environmental Impact Statement (LEIS) analysis of water resources was discussing the potential for indirect effects (sedimentation) from training activities that disturb soil structure.

The Range Environmental Vulnerability Assessment (REVA) update has been contracted and scheduled for Fall 2013, and will further evaluate the potential for off-range contamination. As discussed in Draft LEIS Section 3.12.3.2, the REVA program evaluates whether there has been a release or substantial threat of a release of MC from an operational range to off-range areas. The 2008 REVA at the Chocolate Mountain Aerial Gunnery Range (CMAGR) was the first comprehensive report on MCs associated with the CMAGR. The 2008 REVA report can be accessed at: www.denix.osd.mil/sri/upload/MCAS-Yuma-2.pdf.

The REVA program uses conservative (e.g., no decay) screening-level transport analyses to predict the potential for off-range transport of MC. The results of the conservative transport analysis are first compared to REVA trigger values, which were developed by the Marine Corps to provide an internal decision point for additional site evaluation. Importantly, the REVA trigger values selected by the Marine Corps represent a median value of analytical method detection limits, indicating if a chemical could be detected during sampling and analysis and representing an extremely low decision threshold. The REVA trigger values are not associated with any actual regulatory or other screening values. Modeling results that exceed a REVA trigger value may warrant further investigation to determine if a release or threat of a release may actually be present, whether there are potential receptors to these chemicals and whether or not they may pose a risk to human health and the environment.

If a REVA trigger value is exceeded and further investigation is deemed necessary, the results are compared to Department of Defense (DoD) Operational Range Assessment Screening Values, which represent a higher decision threshold than REVA trigger values. These screening values are used by all DoD services in their individual range assessment programs to compare their surface water, groundwater and sediment sampling data and assess their meaning. Screening values were selected by a DoD working group from a hierarchy of sources with recognized authority, acceptance and applicability, to include the EPA. Screening values are established for both human and ecological receptors. If sampling exceeds DoD Operational Range Assessment Screening Values, further action may be necessary, to include the potential for further testing and investigation, and possibly cleanup.

[1-2] Section 3.12.3.2 of the Draft LEIS was revised to include specific wildlife species that utilize the range as ecological receptors. These revisions have been added to Chapter 3 of this Final LEIS.

With regard to the recommendation to validate REVA model conclusions, the Marine Corps REVA model has been validated with environmental sampling results at Marine Corps Air Station (MCAS) Beaufort, South Carolina, as described in the REVA Reference Manual, available on DENIX at: www.yuma.usmc.mil/services/environmental/support%5Ccreva.pdf.

Also see response to Comment 1-1.

[1-3] The REVA update that has been contracted and scheduled for Fall 2013 will include a detailed assessment of the potential for off-range lead contamination at small arms ranges operated by the Navy SEALs (Sea, Air and Land) within special warfare training areas (SWATs) 4 and 5.

Routine management and disposal of lead on active DoD ranges are not specifically addressed in any single Federal regulation. However, portions of different Federal regulations can become applicable and are considered under certain situations. On active ranges, lead-containing bullets are fired and eventually fall to the ground at or near the range. Under the Military Munitions Rule, the act of firing ammunition does not, by itself, generate a solid waste under Resource Conservation and Recovery Act (RCRA) because the ammunition is being used for its intended purpose (i.e., it has not been "discarded"). The removal of lead-containing bullets or bullet fragments off-range would be "discarding" and result in the generation of a solid waste subject to RCRA. Lead-containing munitions fragments that would typically be reclaimed/recycled are exempt from regulation as a hazardous waste under the RCRA scrap metal provision found in Title 40 Code of Federal Regulations (CFR) Part 261.6 (a)(3)(ii).

[1-4] All material recovered from the range is handled in accordance with the Military Munitions Rule, applicable sections of the RCRA and governing DoD guidance and policy. All material from the range is segregated, inspected, certified and recycled to the greatest extent practical.

Letter 1 Continued

- 1-4 [to characterize, manage and dispose of munitions cleared in the future.] [The FEIS should include
1-5 [a commitment to meet Resource Conservation and Recovery Act (RCRA) requirements for
managing these materials in the future.]

Biological Resources

Impacts to Desert Tortoise

The DLEIS does not provide a complete assessment of impacts to the federally threatened desert tortoise. Designated critical habitat for the desert tortoise occupies about half of the CMAGR (p. 3-78). The U.S. Fish and Wildlife Service issued a Biological Opinion for military activities at the range in 1996 (p. 4-29). The DLEIS lists the desert protection measures prescribed by the 1996 BO, which include “take” reporting, annual reports, and the establishment of a wildlife management area with limited use zones where military activity is excluded. The DLEIS does not provide any information that was presumably collected pursuant to these protection measures to reflect actual impacts on the tortoise. This information, especially take reporting, is essential to assess impacts to this resource.

The DLEIS concludes that, in aggregate, military use within the low impact part of the range has provided important conservation benefits to desert tortoise and other native species, citing to an article by Stein et al. 2008⁴. This article is an overview of the benefits that some military installations provide endangered species in general. CMAGR is not mentioned, nor is the desert tortoise; therefore, it does not appear to be an appropriate basis for this site-specific conclusion.

The DLEIS does not discuss cumulative impacts to the desert tortoise. This species is experiencing significant cumulative impacts from multiple utility-scale renewable energy projects in the Mojave desert. The site-specific impacts identified for the proposed action should also be disclosed and evaluated in the context of the species as a whole (i.e. cumulative impacts), using an appropriate geographic boundary, such as the species’ recovery plan area.

- 1-6 [*Recommendation:* In the FLEIS, disclose the results of the desert protection measures prescribed by the 1996 BO, including take reporting and monitoring results. Base the impact assessment conclusions on these data and discuss the project impacts to the desert tortoise in the context of the cumulative impacts this species is experiencing and expected to experience from the many renewable energy projects proposed in the Mojave Desert. We recommend consulting with the U.S. Fish and Wildlife Service, as appropriate.

Wildlife Guzzlers

It is not clear whether or not the Marine Corps will continue to maintain or allow the maintenance of the wildlife guzzlers if an alternative that transfers management or ownership of the land to DoD is pursued.

- 1-7 [*Recommendation:* Clarify the commitment and intentions of the Marine Corps regarding the wildlife guzzlers.

⁴ Stein, et al. 2008. “Federal Lands and Endangered Species: The role of military and other federal lands in sustaining biodiversity”. *BioScience* Vol 58 No. 4

Responses Continued

[1-5] The Military Munitions Rule defines when military munitions become waste and how RCRA applies to waste munitions when they are removed from an active range. DoD Manual 6055.09 (*DoD Ammunition and Explosives Safety Standards: Criteria for Unexploded Ordnance, Munitions Response, Waste Military Munitions, and Material Potentially Presenting an Explosive Hazard*, February 29, 2008) provides broad guidance for management of munitions. Section V7.E3.3 (Disposition of UXO and of Other Military Munitions Being Managed as UXO) states “DoD response actions to address UXO must comply with these standards and other applicable DoD policies and with applicable Federal, State, interstate, and local laws and regulations, and any enforceable agreements.” Although not explicitly stated, applicable Federal laws and regulations would include RCRA. See also the response to Comment 1-4.

[1-6] No take has been reported in recent years at CMAGR and take has not exceeded the 1996 Biological Opinion (BO) allowance. The renewal of the CMAGR land withdrawal in accordance with Alternatives 1, 2, 3, or 4 would continue existing military operations and would not expose desert tortoises or their habitat at the range to impacts or threats of impacts that differ from the existing baseline conditions, which are the baseline conditions addressed by the 1996 BO and 2003 revision. The existing BO elaborates fully on the effects of current military operations on desert tortoises. Recent survey and monitoring results are available in the *Range-Wide Monitoring of the Mojave Population of the Desert Tortoise 2010 Annual Report*. Reported density estimates at CMAGR were unusually high compared to other sample sites at 13.8 tortoises per square kilometer. Military training at CMAGR has been shown to be compatible with maintaining a viable, high density tortoise population. The Marine Corps is consulting with the U.S. Fish and Wildlife Service (USFWS), but the conclusion of the LEIS is that renewal of the CMAGR land withdrawal would have little or no direct effects on the desert tortoise and that those effects that may occur would be non-adverse for the continued existence and health of this species’ population. In fact, as discussed in Section 5.3.6 of the Draft LEIS, the cumulative indirect effect of continuing military use of the CMAGR on desert tortoise, tortoise habitat, and other biological resources is to provide a reservoir population and habitat reserve for the desert tortoise in contrast with the total loss of habitat and tortoise populations at energy development sites.

[1-7] As indicated in Section 3.7.4 of the Draft LEIS, the wildlife guzzlers are managed by the California Department of Fish and Wildlife (CDFW) (formerly called the California Department of Fish and Game). The Marine Corps has supported and would continue to fully support the wildlife guzzler program at the CMAGR if the land withdrawal for the range is renewed. Renewal of the land withdrawal would not be anticipated to affect either the existing or proposed guzzlers.

LYNNE PANCRAZI
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COMMITTEES:
AGRICULTURE AND WATER,
RANKING MEMBER
EMPLOYMENT AND
REGULATORY AFFAIRS,
RANKING MEMBER
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LIBRARY, ARCHIVES AND
PUBLIC RECORDS BOARD

DISTRICT 24

October 5, 2012

Naval Facilities Engineering Command, Southwest
Attn: Ms. Kelly Finn, LEIS Project Manager
Building 1 Central IPT
1220 Pacific Highway
San Diego, CA 92132

To Whom It May Concern:

2-1 [I am writing this letter to support the continued land withdrawal of the Chocolate Mountain Aerial Gunnery Range (CMAGR). As you know, CMAGR is an essential training range for the Marine Corp and the Navy that supports military aircrew training in air combat maneuvering and tactics; airborne laser system operations; air-to-air gunnery; and air-to-ground bombing, rocketry, and strafing.

It is vital that our military personnel practice these skills and have a facility like CMAGR to perfect those skills. I have always believed that our well-trained armed forces are the foundation for our great country. It is essential to maintain these forces in order to protect our freedom.

2-2 [As a Representative of the Yuma area, I know how important our military bases are to our community and workforce. The Yuma area military bases provide thousands of jobs and hundreds of millions of economic impact to our local economy. This is why it is essential that we continue to provide training facilities for the Marine Corp and Navy. In addition to continuing the land withdrawal, reviewing options for better land management is also important. Transferring management responsibilities to the Navy would provide clear and effective management of the training facility.

2-3 [I support the continued land withdrawal of CMAGR and any alternative that will help effectively manage the training facility. No action on the land withdrawal could have significant impacts on the training of the Marine Corp and Navy. If you have any questions please feel free to contact my office.

Sincerely,

LYNNE PANCRAZI
Arizona State Representative, District 24

EB/cv

- [2-1] Comment is noted, but no further response is necessary.
- [2-2] Comment is noted, but no further response is necessary.
- [2-3] Comment is noted, but no further response is necessary.

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

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September 27, 2012

Ms. Kelly Finn, LEIS Project Manager
**Naval Facilities Engineering Command, Southwest
Marine Corps Installations West – Marine Corps Base,
Camp Pendleton**
Building 1, Central IPT
1220 Pacific Highway
San Diego, CA 92132

Re: "Draft Legislative Environmental Impact Statement (DLEIS) for the Land
Withdrawal Renewal of the Chocolate Mountain Aerial Gunnery Range (CMAGR)
Project;" located in eastern Imperial and Riverside counties, California

Dear Ms. Finn:

The Native American Heritage Commission (NAHC) is the California State 'Trustee Agency' pursuant to Public Resources Code §21070 for the protection of California's Native American Cultural Resources. The NAHC is also a 'reviewing agency' for environmental documents prepared under the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq*), 36 CFR Part 800.3, .5 and are subject to the Tribal and interested Native American consultation as required by the National Historic Preservation Act, as amended (Section 106) (16 U.S.C. 470; Section 106, [4f], 110 [f] [k], 304). [The provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001-3013) and its implementation (43 CFR Part 10.2), and California Government Code §27491 may apply to this project if Native American human remains are inadvertently discovered.

3-1

The NAHC is of the opinion that the federal standards, pursuant to the above-referenced Acts and the Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq*) are similar to and in many cases more stringent with regard to the 'significance' of historic, including Native American items, and archaeological, including Native American items at least equal to the California Environmental Quality Act (CEQA.). In most cases, federal environmental policy require that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Statement (EIS).

The NAHC did conduct a Sacred Lands File (SLF) search of its Inventory and Native American cultural resources **were identified** in the location you specified and the information the NAHC has on file for the Gunnery Range area. Early and quality consultation with the Native American representatives on the attached list may provide detailed information of sites with which they are aware. Also note that the absence of archaeological resources does not preclude their existence, particularly at the subsurface level.

The NAHC Sacred Lands File Inventory of the Native American Heritage Commission is established by the California Legislature pursuant to California Public Resources Code

[3-1] Compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) is noted in Section 1.7 and discussed in Section 3.8.4.1 of the Draft LEIS. California State regulations are not applicable to the proposed renewal of the CMAGR land withdrawal, which is a Congressional legislative action.

§§5097.94(a) and 5097.96. The NAHC Sacred Lands Inventory is populated by submission to the data by Native American tribes and Native American elders. In this way it differs from the California and National Register of Historic Places under the jurisdiction of the U.S. Secretary of the Interior.

The NAHC, pursuant to Appendix B of the Guidelines to the California Environmental Quality Act (CEQA) is designated as the agency with expertise in the areas of issues of cultural significance to California Native American communities. Also, in the 1985 California Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites.

3-2 [Culturally affiliated tribes are to be consulted to determine possible project impacts pursuant to the National Historic Preservation Act, as amended. Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. The NAHC recommends as part of 'due diligence', that you also contact the nearest Information Center of the California Historical Resources Information System (CHRIS) of the State Historic Preservation Office (SHPO) for other possible recorded sites in or near the APE (contact the Office of Historic Preservation at 916-445-7000).

Attached is a list of Native American contacts is attached to assist you pursuant to Section 800.2(c)(1)(i) and Section 800.2(c)(2); they may have knowledge of cultural resources in the project area. It is advisable to contact the persons listed and seek to establish a 'trust' relationship with them; if they cannot supply you with specific information about the impact on cultural resources, they may be able to refer you to another tribe or person knowledgeable of the cultural resources in or near the affected project area.

Lead agencies should consider avoidance, in the case of cultural resources that are discovered. A tribe or Native American individual may be the only source of information about a cultural resource; this is consistent with the NHPA (16 U.S.C. 470 *et seq* Sections. 106, 110, and 304) Section 106 Guidelines amended in 2009. Also, recommended for serious consideration are the federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) NAGPRA (25 U.S.C. 3001-3013) as appropriate. In addition, consider the 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes and are supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

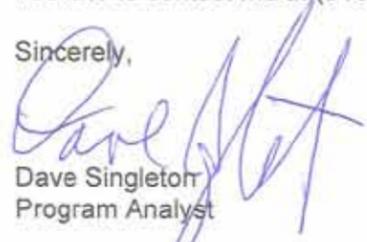
NEPA regulations provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery. Even though a discovery may be in federal property, California Government Code §27460 should be followed in the event of an accidental discovery of human remains during any groundbreaking activity; in such cases California Government Code §27491 and California Health & Safety Code §7050.5 will apply and construction cease in the affected area.

[3-2] Appendix H of the Draft LEIS describes the tribal consultation process conducted for the proposed renewal of the CMAGR land withdrawal. Section 3.8, Inventory Methods at page 3 79 of the Draft LEIS describes the various methods used to find existing records and data to identify potential historic properties within the range. As described, the inventory methods included a California Historical Resources Information System (CHRIS) search for the proposed boundary change areas. Also note that an internal geographic information system (GIS) database of recorded sites is maintained for the CMAGR, which was used as part of the analyses completed for this LEIS.

Native American Contacts
Imperial and Riverside Counties
September 27, 2012

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

State Clearinghouse

Attachment: Native American Contacts list

Augustine Band of Cahuilla Mission Indians
Karen Kupcha
P.O. Box 849 Cahuilla
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(760) 398-4722
916-369-7161 - FAX

Kumeyaay Cultural Repatriation Committee
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Lakeside , CA 92040
(619) 478-2113
(KCRC is a Colation of 12
Kumeyaay Governments

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b.nash@quechantribe.com
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(760) 572-2423
(760) 572-0515 - FAX

Ah-Mut-Pipa Foundation
Preston J. Arrow-weed
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(928) 388-9456

Inter-Tribal Cultural Resource Protection Council
Frank Brown, Coordinator
240 Brown Road Diegueno/Kumeyaay
Alpine , CA 91901
frankbrown6928@gmail.com
(619) 884-6437

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed DLEIS for the Land Withdrawal Renewal of the Chocolate Mountains Aerial Gunnery Range (CMAGR) Project; located in easter Imperial and Riverside Counties, California.

Letter 3 Continued

Native American Contacts
Imperial and Riverside Counties
September 27, 2012

Torres-Martinez Desert Cahuilla Indians
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PO Box 1160 Cahuilla
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(760) 397-8146 Fax

Torres-Martinez Desert Cahuilla Indians
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P.O. Box 1160 Cahuilla
Thermal, CA 92274
760) 397-0300, Ext. 1209
(760) 272-9039 - cell (Lisa)
(760) 397-8146 Fax

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley, CA 91962
(619) 709-4207

Cabazon Band of Mission Indians
Judy Stapp, Director of Cultural Affairs
84-245 Indio Springs Cahuilla
Indio, CA 92203-3499
markwardt@cabazonindia

(760) 342-2593
(760) 347-7880 Fax

Fort Yuma Quechan Indian Nation
Keeny Escalanti, Sr., President
PO Box 1899 Quechan
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(760) 572-2102 FAX

Ewilaapaayp Tribal Office
Will Micklin, Executive Director
4054 Willows Road Diegueno/Kumeyaay
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wmicklin@leaningrock.net
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Augustine Band of Cahuilla Mission Indians
Mary Ann Green, Chairperson
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(760) 398-4722
760-369-7161 - FAX

Cocopah Museum/Cultural Resources Dept.
H. Jill McCormick, Tribal Archaeologist
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Letter 3 Continued

Native American Contacts
Imperial and Riverside Counties
September 27, 2012

Cabazon Band of Mission Indians
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(760) 347-7880 Fax

Fort Mojave Indian Tribe
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Needles, CA 92363
(760) 629-4591
(760) 629-5767 Fax

Twenty-Nine Palms Band of Mission Indians
Darrell Mike, Chairperson
46-200 Harrison Place Chemehuevi
Coachella, CA 92236
tribal-epa@worldnet.att.net
(760) 775-5566
(760) 808-0409 - cell - EPA
(760) 775-4639 Fax

Colorado River Indian Tribe
Eldred Enas, Chairman; Ginger Scott, Museum
26600 Mojave Road Mojave
Parker, AZ 85344 Chemehuevi
crit.museum@yahoo.com
(928) 669-9211-Tribal Office
(928) 669-8970 ext 21
(928) 669-1925 Fax

Joseph R. Benitez (Mike)
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Indio, CA 92201
(760) 347-0488
(760) 408-4089 - cell

AhaMaKav Cultural Society, Fort Mojave Indian
Linda Otero, Director
P.O. Box 5990 Mojave
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Chemehuevi Reservation
Edward Smith, Chairperson
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Chemehuevi Valley CA 92363
chair1cit@yahoo.com
(760) 858-4301
(760) 858-5400 Fax

Santa Rosa Band of Mission Indians
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(951) 659-2228 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed DLEIS for the Land Withdrawal Renewal of the Chocolate Mountains Aerial Gunnery Range (CMAGR) Project; located in eastern Imperial and Riverside Counties, California.

Letter 3 Continued

Native American Contacts
Imperial and Riverside Counties
September 27, 2012

Fort Mojave Indian Tribe
Nora McDowell, Cultural Resources Coordinator
500 Merriman Ave Mojave
Needles, CA 92363
NoraMcDowall@fortmojave.
(760) 629-4591
(760) 629-5767 Fax

Agua Caliente Band of Cahuilla Indians THPO
Patricia Tuck, Tribal Historic Preservation Officer
5401 Dinah Shore Drive Cahuilla
Palm Springs, CA 92264
ptuck@augacalliente-nsn.gov
(760) 699-6907

(760) 699-6924- Fax

Cahuilla Band of Indians
Uther Salgado, Chairperson
PO Box 391760 Cahuilla
Anza, CA 92539
tribalcouncil@cahuilla.net
915-763-5549

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed DLEIS for the Land Withdrawal Renewal of the Chocolate Mountains Aerial Gunnery Range (CMAGR) Project; located in eastern Imperial and Riverside Counties, California.



www.iid.com

GS-ES

November 13, 2012

Ms. Kelly Finn
 NEPA Project Manager
 Naval Facilities Engineering Command Southwest
 1220 Pacific Highway
 Building 1, Central IPT
 San Diego, CA 92132

SUBJECT: Renewal of the Chocolate Mountain Aerial Gunnery Range Land
 Withdrawal Legislative Environmental Impact Statement LEIS

Dear Ms. Finn:

The Imperial Irrigation District ("IID") appreciates this opportunity to comment on the proposed renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal. As noted in the project's Legislative Environmental Impact Statement ("LEIS"), IID's transmission line Right of Way through the Chocolate Mountains predates the initial land withdrawal and establishment of a military training area in the Chocolate Mountains.

IID is not taking a position on the alternatives regarding the appropriate size of the Chocolate Mountain Aerial Gunnery Range ("Range") necessary for military training. IID does however, remind the Project Proponents that the original land withdrawal was taken subject to the existing rights of way already granted by the Federal Government for the Chocolate Mountains. Even in times of war, Congress recognized that the communities requirement to traverse such a large geographic area for the utility needs of a growing population were just as important as providing training areas for the military. IID has worked with the succession of military commands that have managed the military's use of the Range in the decades since its establishment. IID coordinates maintenance activities on the transmission line from Blythe to Niland, known as the "F" Line during periods when the Range is not being actively used. The military uses the IID established maintenance roads when military vehicles need to transit that portion of the range as discussed in the LEIS. Although the LEIS mentions the existing utility service roads and transmission lines, their continued existence under all alternatives is not sufficiently explained.

The "F" Line is an important transmission line for the Imperial County area because it allows IID to import its allotment of hydropower from the Federal Parker-Davis hydro projects over the federally run Western Area Power Agency lines that connect to IID at

RESPONSES

[4-1] Existing utility easements and access to utility service roads would be unaffected by renewal of the land withdrawal in accordance with any of the action alternatives.

[4-2] See the response to Comment 4-1.

4-1

4-2

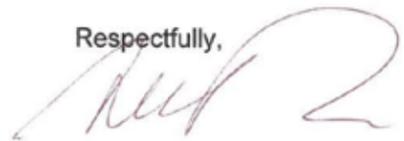
Ms. Kelly Finn
November 13, 2012
Page 2

4-2
4-3
4-4

Blythe. The "F" Line also provides additional transmission options for exporting renewable energy developed in the Imperial Valley. Because the LEIS does not analyze the effects of a loss of the transmission capacity should IID be unable to renew its existing right of way for the "F" Line, it is presumed that the "F" Line would remain in its existing location under all scenarios. This should be stated unequivocally within the description of the alternatives.] IID supports the renewal of the land withdrawal subject to the existing federally recognized rights of way through the Chocolate Mountains.][On page 3-33, the LEIS incorrectly states the "Department of the Navy granted easements" for IID's transmission lines. The most recent easement renewal for the "F" line was granted by the Bureau of Land Management, the current manager of the federal lands within the Range.

The Federal Government, through the Department of Energy and the Bureau of Land Management has completed several programmatic environmental impact statements, identified in the LEIS, analyzing the development of renewable energy within the Chocolate Mountains and surrounding areas as well as solar development in the western United States. These efforts will depend on the IID infrastructure being able to export vast amounts of renewable energy planned for the Imperial and Riverside Counties. It is for this reason that IID opines that management of the lands within the Chocolate Mountain range, should be with the federal agency that can manage the environmental concerns while still addressing the multitudes of other federal concerns for the lands under control of the Federal Government.

Should you have any questions, please do not hesitate to contact me by phone at 760-482-3609 or by e-mail at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,

Donald Vargas
Environmental Specialist

Kevin Kelley – General Manager
Jesse Silva – Manager, Water Dept.
Mario Escalera – Interim Deputy Manager - Operations, Energy Dept.
Carl Stilis – Interim Deputy Manager – Strategic Planning, Energy Dept.
Paul G. Peschel – Interim General Services Manager
Jeff M. Garber – General Counsel
Tom King – Interim Project Management Officer, Portfolio Mgmt. Office
Carlos Villalon – Asst. Mgr., Water Dept. System Control & Monitoring
Juan Carlos Sandoval – Asst. Mgr. Energy Dept.
Jim Kelley – Supervisor, Real Estate
Vikki Dee Bradshaw – Interim Supervisor, Environmental Services

[4-3] Existing rights-of-way at the CMAGR would not be affected by the renewal of the land withdrawal with any of the action alternatives (see Section 4.3 of the Draft LEIS and the addition to Section 2.7.3 in Chapter 3 of this Final LEIS).

[4-4] The Department of the Navy (DoN) and the Bureau of Land Management (BLM) both granted rights-of-way for the utility and gas lines within the CMAGR, and the errata and additions section in Chapter 3 of this Final LEIS clarifies this. Under the existing land jurisdictions, the DoN does not have the authority to grant rights-of-way across BLM land and the BLM does not have the authority to grant rights-of-way across DoN land.



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

1955 Workman Mill Road, Whittier, CA 90601-1400
Mailing Address: P.O. Box 4998, Whittier, CA 90607-4998
Telephone: (562) 699-7411, FAX: (562) 699-5422
www.lacsd.org

GRACE ROBINSON CHAN
Chief Engineer and General Manager

November 21, 2012

Ms. Kelly Finn
CMAGR L – EIS Project Manager
NAVFAC Southwest
1220 Pacific Highway
San Diego, CA 92132-5190

Dear Ms. Finn:

Chocolate Mountain Aerial Gunnery Range Proposed Land Withdrawal Renewal

Thank you for the opportunity to provide comments on the Draft Legislative Environmental Impact Statement (Draft LEIS) for the Proposed Extension of the Chocolate Mountain Aerial Gunnery Range (CMAGR) Land Withdrawal. We appreciate the consideration given to our letter dated December 22, 2010, on the Notice of Intent, and that Alternative 2 included in the Draft LEIS does not overlap the Mesquite Regional Landfill (MRL) Rail Spur.

The Sanitation Districts of Los Angeles County (Sanitation Districts) are a confederation of 23 independent special districts located throughout Los Angeles County serving the wastewater and solid waste management needs for over 5.7 million people. The Sanitation Districts provide an essential public service of solid waste management to the second largest metropolitan area in the nation by constructing and operating landfills, transfer stations, refuse-to-energy, and materials recovery facilities. The Sanitation Districts have invested over \$500 million of public funds to develop a regional solid waste system using the MRL and future Eagle Mountain Landfill, both of which are potentially affected by the CMAGR.

Alternative 2 includes a realignment of the CMAGR boundary along the north side of the MRL Rail Spur, which is shown in the Draft LEIS on Figure 2-2. The rail spur is on a high berm along this segment of the boundary. Signs notifying the public they are about to enter the CMAGR should be placed along the south side for this portion of the rail spur, where the public generally accesses this area from Highway 78. If signs were placed along the north side of the rail spur, vehicles would need to travel east along the rail spur to an at-grade crossing and cross over before they would know they were at the boundary of the CMAGR.

The proposed CMAGR alternatives include portions of the Eagle Mountain Railroad, which is authorized in the CMAGR under right-of-way CACA 25594. In Section 3.2.5 (page 3-20) of the Draft LEIS, the Eagle Mountain Railroad is described as a non-military surface use, 9.28 miles of corridor with a width of 40 feet (Table 3-6), and inactive (most Figures). This 52-mile railroad is the subject of a Memorandum of Agreement between the Department of Interior, Bureau of Land Management, Department of Navy, and Kaiser Eagle Mountain LLC, November 2004 (Agreement). The purpose of this Agreement is to provide for the ongoing joint review of the construction, operation, and maintenance of the Eagle Mountain Railroad.

DOC # 2378752



[5-1] Your comment to increase visibility of the range boundary is noted. Sign placement for any new acquisition that would be outside of the perimeter of that acquisition, such as on the south side of the Mesquite Regional Landfill (MRL) Rail Spur, could only be implemented with the approval of the responsible land management authority. The DoN would consult the appropriate land management authority for permission to post signs on the south side of the MRL Rail Spur should Congress select Alternative 2.

5-1

Letter 5 Continued

Ms. Kelly Finn

- 2 -

November 21, 2012

5-2 [The Sanitation Districts have entered into an agreement to purchase the Eagle Mountain Landfill, including the railroad. The railroad and unhindered rail access are a critical part of the Eagle Mountain Landfill project. [None of the proposed alternatives appear to prohibit use of this railroad or modify current rights in any way, and therefore, we have no objections. However, if there is a change in rights or use, or if proposed military activities inhibit or prohibit the ability to utilize the railroad, we would have serious concerns.

5-3 [We request the Final LEIS clearly state that the impacts on the 9.28 miles of Eagle Mountain Railroad right of way, described in Table 3-6 of the Draft LEIS, would not inhibit or prohibit the ability to utilize the railroad.]
5-4 [In addition, the Final LEIS should clearly state that the alternatives involving the transfer of management from the current Bureau of Land Management (BLM), which manages in accordance with Federal Land Policy and Management Act, to the Department of the Navy, which manages in accordance with the Sikes Act, would not result in any change in rights to or use of the railroad.

The Sanitation Districts appreciate the opportunity to comment on the Draft LEIS. Please contact Ms. Theresa Dodge at (562) 908-4288, extension 2599, if you have any questions or need additional information regarding these comments.

Very truly yours,

Grace Robinson Chan



Thomas J. LeBrun
Department Head
Facilities Planning Department

TJL:TDD:rvr

Attached - Memorandum of Agreement between Kaiser, BLM, and the Navy, November 13, 2004.

Responses Continued

[5-2] The proposed alternatives would neither prohibit use of the future Eagle Mountain Railroad nor modify the current rights associated with the future repair, maintenance, or operation of the railroad. Also see the addition to Section 2.7.3 on Page 2-23 of the Draft LEIS, which is provided in Chapter 3 of this Final LEIS.

[5-3] The proposed alternatives would neither prohibit use of the future Eagle Mountain Railroad nor modify the current rights associated with the future repair, maintenance, or operation of the railroad.

[5-4] See response to Comment 5-3.

17 173

N687 1105RP 05 X07



LANDFILL and RECYCLING CENTER

April 26, 2005

VIA FEDERAL EXPRESS

Mr. Robert Caudie
County Sanitation Districts of Los
Angeles County
1955 Workman Mill Road
Whittier, California 90607

Alex Shipman, Esq.
Lewis Brisbois Bisgaard & Smith, LLP
221 N. Figueroa St., Suite 1200
Los Angeles, CA 90012

RE: EXECUTED MEMORANDUM OF AGREEMENT AMONG
KAISER/BLM/NAVY

Dear Bob and Alex:

Enclosed is a copy of the signed Memorandum of Agreement among
Kaiser, the Navy and the BLM that we received in late March 2005.

Very truly yours,


Terry L. Cook
Vice President

Enclosures

cc: Ernest Riffenburgh, Esq. w/enclosures
David Rothbart w/o enclosures

TLC:jpk
terry05\lrcid-mna blm/navy

- c) The Navy and the BLM agree to jointly review any Plan of Development affecting lands in the Chocolate Mountain Aerial Gunnery Range. Such review shall normally be completed within 30 days of receipt by the BLM.
- d) The BLM agrees:
 - i) To forward to the Navy, within three (3) working days, any Plan of Development submitted by the holder which affects lands in the Chocolate Mountain Aerial Gunnery Range.
 - ii) To not approve any Plan of Development affecting lands in the Chocolate Mountain Aerial Gunnery Range without the concurrence of the Navy.
- e) The Navy agrees:
 - i) To promptly review any Plan of Development affecting lands in the Chocolate Mountain Aerial Gunnery Range.
 - ii) To provide written concurrence or non-concurrence and any comments within 21 working days of receiving a Plan of Development or request an additional 30 working days to complete its review.
- f) The Parties mutually agree that in the event the Navy has not provided comments or requested an additional 30 working day review period within 21 working days of receiving a Plan of Development, BLM may assume the Navy's concurrence and approve the Plan of Development.

6) COMMUNICATION

- a) The parties may communicate by any means available to expedite the review of any plan of development affecting lands in the Chocolate Mountain Aerial Gunnery Range.
- b) BLM may transmit plans of development affecting lands in the Chocolate Mountain Aerial Gunnery Range to the Navy by email or mail delivery.
- c) The Navy may communicate its concurrence or nonconcurrence, comments or requests for additional review time by facsimile, email or mail delivery.
- d) BLM designates the Field Manager, Palm Springs - South Coast Field Office as its principle contact for communications concerning this Memorandum of Agreement. Written communications should be directed to BLM, P.O. Box 581260, North Palm Springs, CA 92258. Fax # (760) 251-4899.



MINE RECLAMATION, LLC

COACHELLA CORPORATE OFFICE

75-945 Sheffield Court
Palm Desert, CA 92211
Home Office & Fax: (760) 772-2055

CORPORATE OFFICE

3833 E. Inland Empire Blvd./Ste. 480
Ontario, CA 91764
Office: (909) 483-8500
Fax: (909) 944-8505

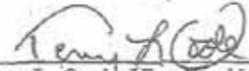
687 1105RP 05 X07

c) Nothing in this agreement shall abrogate the responsibility or authority of either party to this agreement.

11) EFFECTIVE DATE

November, 2004

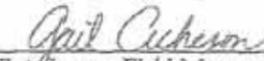
IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.



Terry L. Cook, Vice President,
KAISER EAGLE MOUNTAIN, LLC

11-15-04

Date



Gail Agheson, Field Manager
Bureau of Land Management
Palm Springs and South Coast Field Offices

11/16/04

Date



SUSAN A. ANOBA
Department of the Navy
Southwest Division
Naval Facilities Engineering Command
Real Estate Contracting Officer

3/3/05

Date

[6-1] Comment is noted, but no further response is necessary.



Office of the President
P.O. Box 929
Yuma, Arizona 85566-0929
Voice (928) 344-7500
Fax (928) 344-7709
www.azwestern.edu

October 24, 2012

Re: Chocolate Mountain Aerial Gunnery Range (CMAGR)

Naval Facilities Engineering Command, Southwest
Attn: Ms. Kelly Finn, LEIS Project Manager
Building 1 Central IPT
1220 Pacific Highway
San Diego, CA 92132

Dear Ms. Finn –

The land withdrawal renewal of the Chocolate Mountain Aerial Gunnery Range (CMAGR) is essential for developing and maintaining the readiness of Marine Corps Aviation forces as well as Marine and Navy land combat forces.

The draft Legislative Environmental Impact Statement prepared by the Department of the Navy (DON) on behalf of the Marine Corp and in cooperation of the Bureau of Land Management (BLM) presents various alternatives. [As the Arizona Western College President, our institution strongly favors alternative 3] which is to Renew the CMAGR land withdrawal for an indefinite duration with full Bradshaw Trail and Niland-Blythe Road realignments. The BLM land would be transferred to DON; DON would manage all CMAGR land per Sikes Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "Glenn E. Mayle".

Dr. Glenn E. Mayle, President

cc: Julie Engel, GYEDC

6-1

Riverside Land Conservancy



19 November 2012

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Mary Lou Morales
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Lewis Vanderzyl
Kevin Wolf
Norton Younglove

Re: CMAGR Proposed Land Withdrawal Renewal

Dear Ms. Finn:

Riverside Land Conservancy (RLC) supports the proposed project alternative that includes the "Full Bradshaw Trail and Niland-Blythe Road Realignment of the CMAGR Boundary" as depicted on Figure 2-1 of the CMAGR Land Withdrawal Renewal LEIS.

RLC owns three parcels along the CMAGR boundary, northeasterly of the Bradshaw Trail. The three parcels are APNs 860-190-005, 860-200-002, and 860-210-001. RLC acquired the three parcels for conservation. The proposed full realignment of the CMAGR boundary, resulting in the offsetting the boundary 30 feet from the Bradshaw Trail centerline, would simplify RLC's access and conservation plans for the properties.

Thank you for the opportunity to comment on this project.

Sincerely,
RIVERSIDE LAND CONSERVANCY

Jack Easton
Biologist / Lands Manager

The Riverside Land Conservancy is dedicated to the preservation of open space by seeking to identify, protect, and manage habitats of rare and endangered species, natural landscapes, and other sensitive sites throughout the Southern California region.

Riverside Land Conservancy
4075 Mission Inn Ave.
Riverside, CA 92501
(951) 788-0670
Fax (951) 788-0679
jyizzo@riversidelandconservancy.org
www.riversidelandconservancy.org

Non-Profit Organization
Section 501 (c) (3)

RESPONSES

[7-1] Comment is noted, but no further response is necessary.

7-1



ARIZONA
CALIFORNIA
NEVADA
NEW MEXICO
TEXAS
UTAH

SOUTHWEST DEFENSE ALLIANCE
4918 North Harbor Drive, Suite 210
San Diego, California 92106
Tel: 619-400-1047
<http://www.swda.us/>

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District Director
Congressman Bob Bishop

- Michael Pavich, UT**
Major General, USAF (ret)

- Dennis M. Kenneally**
Executive Director
Major General (ret) USA

20 October 2012

**Subject: Chocolate Mountain Aerial Gunnery Range
Proposed Land Withdrawal Renewal
Draft Legislative Environmental Impact Statement**

The Southwest Defense Alliance is a non-profit, non-partisan organization with a board appointed to represent six southwestern states: Arizona, California, Nevada, New Mexico, Texas and Utah.

The Alliance is dedicated to maintaining a strong national defense and specifically the preservation of the Southwest Range Complex. After careful review of the proposed land withdrawal renewal, it is the judgment of the board of directors of the Southwest Defense Alliance that Alternative 3 which will renew the CMAGR land withdrawal for an indefinite duration with full Bradshaw Trail and Niland-Blythe Road realignments, with transfer of the Bureau of Land Management land to the Department of the Navy and subsequent management of the CMAGR land by the Navy per the Sikes Act, is in the best interest of our nation's defense.]

Thank you for your consideration.

Respectfully,

Dennis M. Kenneally
Executive Director
Major General (ret)
United States Army

[8-1] Comment is noted, but no further response is necessary.

8-1

LETTER 9

SUBMISSION SUMMARY

Names

First Name: Floyd Last Name: Ashbaugh
Title: Organization: Portolla Hills
Address: 19445 Highridge Way
City: Trabuco State: CA
 Canyon
Zip: 92679 Country:
Email: floyd.a@cox.net Mailing List: True
Other
Entity Type: Interested Anonymous: False
 Parties &
 Commentors

Submission Information

Date Submitted: 11/19/2012 Date Received: 11/19/2012
Submission Web Comment Venue:
Format: Form
File name: Possible Duplicate: False

Submission Text

9-1

I have studied the renewal plan and attended one of the open house events, and have concluded that the Chocolate Mountains should be returned to the people of California, and the Proposed Land Withdrawal should not be renewed. The Navy has two other large ranges in the area including Yuma and 29 Palms, and this desert land should be restored and returned to public use. If congress decides to renew this withdrawal, the conditions should be as follows: 1)The range should be cleared of all ordnance and debris. 2)The land should be a shared resource where the Navy gets 6 months a year, and the public gets 6 months use a year, similar to the proposal for the Johnson Valley expansion of 29 Palms. Also the shared public time should not include the hot summer months. This beautiful public resource should not be squandered on a place to just explode bombs.

9-2

RESPONSES

[9-1] Comment is noted. The withdrawn land at the CMAGR is federal public land and is not California state land.

[9-2] The suggested conditions are inconsistent with the ongoing need to continue air-to-ground ordnance training at the CMAGR, as described Section 1.2 of the Draft LEIS. Training requirements demand that the CMAGR be available on a full-time basis. In addition, as described in Section 4.11 of the Draft LEIS, the safety hazards associated with the CMAGR are inconsistent with shared public use.

SUBMISSION SUMMARY

Names

First Name: wayne Last Name: benesch
Title: Organization: via de coronado
Address: 12172 e. via loma vista #9
City: Yuma State: AZ
Zip: Country:
Email: Mailing List: True
Entity Type: Other Interested Parties & Commentors Anonymous: False

Submission Information

Date Submitted: 10/17/2012 Date Received: 10/17/2012
Submission Web Comment Format: Form Venue:
File name: Possible Duplicate: False

Submission Text

10-1 [I recommend that Proposal No. 3 be adopted. We must protect our ranges so our military forces may continue to train properly for combat. Thank you.

[10-1] Comment is noted, but no further response is necessary.

November 20, 2012
 P.O. Box 879
 Newbury Park, CA 91319

Ms. Kelly Finn
 NEPA Project Manager
 Naval Facilities Engineering Command Southwest
 1220 Pacific Highway
 Building 1, Central IPT
 San Diego, CA 92132

Dear Ms. Finn,

Subject: Comments on the Draft EIS for Chocolate Mountain

AIR QUALITY

11-1 [You have been remiss in not addressing all of the state and national ambient air quality standards that are applicable in California. Your EIS must be revised to fully analyze:

State and National Ambient Air Quality Standards Applicable In California Pollutant	Averaging Time	Standards in Parts Per Million by Volume (ppm) California	Standards in Parts Per Million by Volume (ppm) National	Standards in Micrograms Per Cubic Meter (µg/m3) California	Standards in Micrograms Per Cubic Meter (µg/m3) National	Violation Criteria California	Violation Criteria National
Ozone	1 Hour	0.09	Standard rescinded	180	Standard rescinded	If exceeded	Not applicable
Ozone	8 Hours	0.070	0.075	137	147	If exceeded	If exceeded by the mean of annual 4th highest daily values for a 3-year period
Carbon Monoxide	1 Hour	20	35	23,000	40,000	If exceeded	If exceeded on more than 1 day per year
Carbon Monoxide	8 Hours	9.0	9	10,000	10,000	If exceeded	If exceeded on more than 1 day per year
Carbon Monoxide	8 Hours (Lake Tahoe Basin only)	6.0	9	7,000	10,000	If equaled or exceeded	If exceeded on more than 1 day per year
Nitrogen Dioxide	Annual Average	0.030	0.053	57	100	If exceeded	If exceeded
Nitrogen Dioxide	1 Hour	0.18	0.100	339	188	If exceeded	If exceeded by the mean of annual 98th percentile values over 3 years

RESPONSES

[11-1] There is no new equipment associated with the proposed renewal of the CMAGR land withdrawal, and no change in training activities. As such, there would be no new emissions and the action alternatives are well below all applicable *de minimis* levels. If Congress decides not to renew the range, additional planning and analysis would be conducted to include future Clean Air Act requirements.

Letter 11 Continued

Sulfur Dioxide	Annual Average	No standard	0.030	No standard	80	Not applicable	If exceeded
Sulfur Dioxide	24 Hours	0.04	0.14	105	365	If exceeded	If exceeded on more than 1 day per year
Sulfur Dioxide	3 Hours	No standard	0.5	No standard	1,300	Not applicable	If exceeded on more than 1 day per year
Sulfur Dioxide	1 Hour	0.25	No standard	655	Not applicable	If exceeded	Not applicable
Inhalable Particulate Matter (PM10)	Annual Arithmetic Mean	Not applicable	Not applicable	20	Standard rescinded	If exceeded	Not applicable
Inhalable Particulate Matter (PM10)	24 Hours	Not applicable	Not applicable	50	150	If exceeded	For 1997 non-attainment areas, if exceeded on more than 1 day per year. For other areas, if exceeded by the mean of annual 99th percentile values over 3 years
Particulate Matter (PM2.5)	Annual Arithmetic Mean	Not applicable	Not applicable	12	15.0	If exceeded	If exceeded as a 3-year spatial average of data from designated stations
Fine Particulate Matter (PM2.5)	24 Hours	Not applicable	Not applicable	No standard	35	Not applicable	If exceeded by the mean of annual 98th percentile values over 3 years
Lead Particles (TSP sampler)	Calendar Quarter	Not applicable	Not applicable	No standard	1.5	Not applicable	If exceeded
Lead Particles (TSP sampler)	Rolling 3-Month Average	Not applicable	Not applicable	No standard	0.15	Not applicable	If exceeded during a 3-year period
Lead Particles (TSP sampler)	30 Days	Not applicable	Not applicable	1.5	No standard	If exceeded	Not applicable
Sulfate Particles (TSP sampler)	24 Hours	Not applicable	Not applicable	25	No standard	If equaled or exceeded	Not applicable
Hydrogen Sulfide	1 Hour	0.03	No standard	42	No standard	If exceeded	Not applicable
Vinyl Chloride	24 Hours	0.01	No standard	26	No standard	If equaled or exceeded	Not applicable

Notes:

Letter 11 Continued

All standards except the national PM10 and PM2.5 standards are based on measurements corrected to 25 degrees C and 1 atmosphere pressure. The national PM10 and PM2.5 standards are based on direct flow volume data without correction to standard temperature and pressure. Decimal places shown for standard reflect the rounding or truncating conventions used for evaluating compliance. The "10" in PM10 and the "2.5" in PM2.5 are not particle size limits; these numbers identify the particle size class (aerodynamic diameter in microns) collected with 50% mass efficiency by certified sampling equipment. The maximum particle size collected by PM10 samplers is about 50 microns. The maximum particle size collected by PM2.5 samplers is about 6 microns.
Data Sources: 40 CFR Parts 50, 53, and 58; CARB (2010a); EPA (2010b).

In California, air quality regulation is a joint responsibility between CARB and local air quality management agencies. Local agencies are either a single county or a multi-county agency, typically called an Air Pollution Control District (APCD) or an Air Quality Management District (AQMD). APCDs and AQMDs have primary responsibility for most air quality regulatory programs, with CARB retaining oversight responsibilities. CARB directly implements statewide regulatory programs for motor vehicles, portable equipment, and hazardous air pollutants. The project area is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD).

- 11-2 [**You must identify if the MDAQMD has adopted other regulations that affect facility construction and operation.** Training activities would be subject to fugitive dust control requirements that prohibit creation of dust plumes that are visible beyond the property line of the emission source, and requires all "active operations" (construction/demolition activities, earthmoving activities, heavy or light duty vehicle movements, or creation of disturbed surface areas) to implement applicable best available control measures as defined by MDAQMD.]
- 11-3 [**You must summarize all best available dust control measures outlined in MDAQMD rules as general dust control measures.** Enhanced dust control requirements would apply since the training is considered large operations. A large operation could be any active operations on property which contains 50 or more acres of disturbed surface area, or any earthmoving operation with a daily throughput volume of 5,000 cubic yards or more three or more times during the most recent 365-day period.

You have not fully addressed Clean Air Act conformity. Section 176(c) of the CAA requires federal agencies to ensure that actions undertaken in nonattainment or maintenance areas are consistent with the CAA and with federally enforceable air quality management plans. EPA has promulgated separate rules that establish conformity analysis procedures for highway/mass-transit projects (40 CFR Part 93, Subpart A) and for other (general) federal agency actions (40 CFR Part 93, Subpart B). General conformity requirements are potentially applicable to many federal agency actions, but apply only to those aspects of an action that involve on-going federal agency responsibility and control over direct or indirect sources of air pollutant emissions.

The EPA conformity rule establishes a process that is intended to demonstrate that the proposed federal action:

- 11-4 [
- Would not cause or contribute to new violations of federal air quality standards;
 - Would not increase the frequency or severity of existing violations of federal air quality standards; and
 - Would not delay the timely attainment of federal air quality standards.

The EPA general conformity rule applies to federal actions occurring in nonattainment or maintenance areas when the total direct and indirect emissions of nonattainment pollutants (or their precursors) exceed specified thresholds. The emission thresholds that trigger requirements of the conformity rule are called de minimis levels. Emissions associated with stationary sources that are subject to permit programs incorporated into the SIP are not counted against the de minimis threshold.

In the Chocolate Mountain DEIS, compliance with the conformity rule can be demonstrated in several ways. Compliance is presumed if the net increase in direct and indirect emissions from a federal action would be less than the relevant de minimis level. If net emissions increases exceed the relevant de minimis value, a formal conformity determination process must be followed. Federal agency actions subject to the general conformity rule cannot proceed until there is a demonstration of consistency with the SIP. **Your DEIS is currently inadequate in this regard.**

NOISE

- 11-5 [**Your EIS has not adequately addressed:**
Noise Descriptors
Decibel Scales
Decibel Values
Applicability with Plans, Policies and Regulations
Federal Criteria and Standards
State Criteria and Standards
Local Criteria and Standards (specifically for those Counties and Cities in the vicinity of the project)
Vibration

Responses Continued

[11-2] The Mojave Desert Air Quality Management District (MDAQMD) does not have jurisdiction over the CMAGR. As described in the Draft LEIS in the State and Local Requirements subsection of Section 3.6.2, Project Setting, the CMAGR is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD) and the Imperial County Air Pollution Control District (ICAPCD). No facilities would be constructed as part of any of the action alternatives.

[11-3] As described in the response to Comment 11-2, MDAQMD does not have jurisdiction over the CMAGR. There is no new equipment, and therefore no new emissions, associated with this specific project. The existing equipment and activities do comply with Imperial County and South Coast dust control regulations.

[11-4] As the subject action is legislative in nature and does not itself contribute to an increase in emissions, the federal General Conformity regulations do not apply. See also response to Comment 11-1.

[11-5] Section 3.9.1.1 of the Draft LEIS does describe noise descriptors that are relevant for the discussion of noise. Others are referenced in documents such as the F-35B West Coast Basing Final EIS (DoN 2010). Draft LEIS Table 3-16 provides a "scale" of A-weighted decibel values or ranges and corresponding sample outdoor and indoor noises that those values/ranges might describe. Section 3.9.1.2 summarizes applicable regulations and standards, including specific mention of noise elements from general plans for Riverside and Imperial counties. A brief discussion of vibration has been added to Sections 3.9.1.1, 3.9.1.2 and 3.9.2.2 (page 3-90 to 3-92), and 4.9 (page 4-40); these additions are found in Chapter 3 of this Final LEIS.

Letter 11 Continued

Noise is defined as unwanted or extraneous sound. Sound is caused by vibrations that generate waves of minute air pressure fluctuations. Air pressure fluctuations that occur from 20 to 20,000 times per second can be detected as audible sound. The number of pressure fluctuations per second is normally reported as cycles per second or Hertz (Hz). Different vibration frequencies produce different tonal qualities for the resulting sound. In general, sound waves travel away from the noise source as an expanding spherical surface. The energy contained in a sound wave is consequently spread over an increasing area as it travels away from the source. This results in a decrease in loudness at greater distances from the noise source.

Decibel Scales

Human hearing varies in sensitivity for different sound frequencies. The ear is most sensitive to sound frequencies between 800 and 8,000 Hz, less sensitive to higher and lower sound frequencies, and least sensitive to sound frequencies below 250 Hz. Peak sensitivity to pure tones typically occurs at frequencies between 2,000 Hz and 6,000 Hz. Relative sensitivity remains fairly high between about 250 Hz and 2,000 Hz. Relative sensitivity drops off slightly above 7,000 Hz, and drops off significantly below 200 Hz. In addition, relative sensitivity to different acoustic frequencies also varies with the intensity of the sound. Several different frequency weighting schemes have been developed, using different decibel (dB) adjustment values for each octave or 1/3 octave interval. Some of these weighting schemes are intended to approximate the way the human ear responds to noise levels; others are designed to account for the response of building materials to airborne vibrations and sound. The most commonly used decibel weighting schemes are the A-weighted and C-weighted scales.

The “A-weighted” decibel scale (dBA) is normally used to approximate human hearing response to sound. The A-weighted scale significantly reduces the measured pressure level for low frequency sounds while slightly increasing the measured pressure level for some middle frequency sounds. The “C-weighted” decibel scale (dBC) is often used to characterize low frequency sounds capable of inducing vibrations in buildings or other structures. The C-weighted scale makes only minor reductions to the measured pressure level for low frequency components of a sound while making slightly greater reductions to high frequency components than does the A-weighted scale.

Common Noise Descriptors

Varying noise levels are often described in terms of the equivalent constant decibel level. Equivalent noise levels (Leq) are used to develop single-value descriptions of average noise exposure over various periods. Such average noise exposure ratings often include additional weighting factors for annoyance potential due to time of day or other considerations. The Leq data used for these average noise exposure descriptors are generally based on A-weighted sound level measurements, although other weighting systems are used for special conditions (such as blasting noise).

Average noise exposure over a 24-hour period is often presented as a day-night average sound level (Ldn) or a community noise equivalent level (CNEL). Ldn values are calculated from hourly Leq values, with the Leq values for the nighttime period (10:00 PM to 7:00 AM) increased by 10 dB to reflect the greater disturbance potential from nighttime noises. CNEL values are very similar to Ldn values, but include a 5 dB annoyance adjustment for evening (7:00 PM to 10:00 PM) Leq values in addition to the 10 dB adjustment for nighttime Leq values. Except in unusual situations, the CNEL descriptor will be within 1.5 dB of the Ldn descriptor for the same set of noise measurements. Unless specifically noted otherwise, Ldn and CNEL values are assumed to be based on dBA measurements.

Working with Decibel Values

The nature of dB scales is such that individual dB ratings for different noise sources cannot be added directly to give the dB rating of the combination of these sources. Two noise sources producing equal dB ratings at a given location will produce a composite noise level 3 dB greater than either sound alone. When two noise sources differ by 10 dB, the composite noise level will be only 0.4 dB greater than the louder source alone. Most people have difficulty distinguishing the louder of two noise sources that differ by less than 1.5 to 2 dB. In general, a 10 dB increase in noise level is perceived as a doubling in loudness. A 2 dB increase represents a 15 percent increase in loudness, a 3 dB increase is a 23 percent increase in loudness, and a 5 dB increase is a 41 percent increase in loudness.

When distance is the only factor considered, sound levels from an isolated noise source will typically decrease by about 6 dB for every doubling of distance away from the noise source. When the noise source is essentially a continuous line (e.g., vehicle traffic on a highway), noise levels decrease by about 3 dB for every doubling of distance.

Applicable Plans, Policies, and Regulations

Letter 11 Continued

Various federal, state, and local agencies have developed guidelines for evaluating land use compatibility under different noise level ranges. The federal Noise Control Act of 1972 (Public Law 92-574) established a requirement that all federal agencies must administer their programs in a manner that promotes an environment free from noise that jeopardizes public health or welfare. The US Environmental Protection Agency (EPA) was given the responsibility for: providing information to the public regarding identifiable effects of noise on public health or welfare, publishing information on the levels of environmental noise that will protect the public health and welfare with an adequate margin of safety, coordinating federal research and activities related to noise control, and establishing federal noise emission standards for selected products distributed in interstate commerce. The federal Noise Control Act also directed all federal agencies to comply with applicable federal, state, interstate, and local noise control regulations to the same extent that any person is subject to such requirements.

Although EPA was given major public information and federal agency coordination roles, each federal agency retains authority to adopt noise regulations pertaining to agency programs. EPA can require other federal agencies to justify their noise regulations in terms of the federal Noise Control Act policy requirements, but has no authority to approve or disapprove the noise regulations and policies of other federal agencies. The Occupational Safety and Health Administration has primary authority for setting workplace noise exposure standards. Due to aviation safety considerations, the Federal Aviation Administration has primary jurisdiction over aircraft noise standards.

Federal Criteria and Standards

In response to the requirements of the federal Noise Control Act, EPA (1974) has identified indoor and outdoor noise limits to protect public health and welfare (hearing damage, sleep disturbance, and communication disruption). Outdoor Ldn values of 55 dB and indoor Ldn values of 45 dB are identified as desirable to protect against speech interference and sleep disturbance for residential, educational, and health care areas. Noise level criteria to protect against hearing damage in commercial and industrial areas are identified as 24-hour Leq values of 70 dB (both outdoors and indoors).

In 1980 the Federal Interagency Committee on Urban Noise (FICUN) developed guidelines to evaluate whether existing and proposed land uses are compatible with prevailing noise levels. The primary federal agencies participating in the FICUN report included EPA, the Department of Defense, the Department of Housing and Urban Development (HUD), the Department of Transportation, and the Veterans Administration. The FICUN guidelines address land use compatibility and recommend building design considerations according to three noise level categories:

Zone 1 = Ldn or CNEL levels below 65 dB;
Zone 2 = Ldn or CNEL levels of 65 to 75 dB; and
Zone 3 = Ldn or CNEL levels above 75 dB.

The FICUN guidelines indicate that all land uses are compatible with Zone 1 noise levels. Educational and residential land uses generally are not compatible with Zone 2 noise levels unless special acoustic treatments and designs are used to ensure acceptable interior noise levels. Residential and educational land uses are not compatible with Zone 3 noise levels. Industrial and manufacturing land uses may be acceptable in Zone 3 areas if special building designs and other measures are implemented.

The Federal Highway Administration (FHWA) has adopted criteria for evaluating noise impacts associated with federally funded highway projects and for determining whether these impacts are sufficient to justify funding noise mitigation actions (47 FR 131:29653-29656). FHWA noise abatement criteria are based on peak hour Leq noise levels, not Ldn or 24-hour Leq values. The peak 1-hour Leq criteria for residential, educational, and health care facilities are 67 dB outdoors and 52 dB indoors. The peak 1-hour Leq criterion for commercial and industrial areas is 72 dB (outdoors).

The relationship between peak hour Leq values and associated Ldn values depends on the distribution of traffic over the entire day. There is no precise way to convert a peak hour Leq value to an Ldn value. In urban areas with heavy traffic, the peak hour Leq value is typically 2 to 4 dB lower than the daily Ldn value. In less heavily developed areas, the peak hour Leq is often equal to the daily Ldn value. For rural areas with little nighttime traffic, the peak hour Leq value will often be 3 to 4 dB greater than the daily Ldn value.

HUD has established guidelines for evaluating noise impacts on residential projects seeking financial support under various grant programs (44 FR 135:40860-40866). Sites are generally considered acceptable for residential use if they are exposed to outdoor Ldn values of 65 dB or less. Sites are considered “normally unacceptable” if they are exposed to outdoor Ldn values of 65 to 75 dB. Sites are considered unacceptable if they are exposed to outdoor Ldn values above 75 dB.

State Criteria and Standards

The California Governor’s Office of Planning and Research (2003) has published guidelines for the noise element of local general plans. These guidelines include a noise level/land use compatibility chart that categorizes outdoor CNEL/Ldn levels into as many as four compatibility categories (normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable), depending on land use. For many land uses, the chart shows overlapping CNEL/Ldn ranges for two or more compatibility categories.

The noise element guidelines chart identifies the normally acceptable range for low density residential uses as CNEL/Ldn values less than 60 dB, while the conditionally acceptable range is 55 to 70 dB. The normally acceptable range for high density residential uses is identified as CNEL/Ldn values below 65 dB, while the conditionally acceptable range is identified as 60 to 70 dB. For educational and medical facilities, CNEL/Ldn values below 70 dB are considered normally acceptable, while values of 60 to 70 dB are considered conditionally acceptable. For office and commercial land uses, CNEL/Ldn values below 70 dB are considered normally acceptable, while values of 67.5 to 77.5 dB are categorized as conditionally acceptable. The overlapping CNEL/Ldn ranges are intended to indicate that local conditions (existing noise levels and community attitudes toward dominant noise sources) should be considered in evaluating land use compatibility at specific locations.

Local Criteria and Standards

Cities and counties in California are required to adopt a noise element as part of their general plans. Many cities and counties have incorporated the California Department of Health Services land use compatibility guidelines as a key item in the general plan noise element, while other cities and counties have developed their own land use compatibility guidelines. In addition to local general plan noise elements, some cities and counties have adopted noise ordinances to legally define noise nuisances. Local noise ordinances vary considerably in their format and coverage. Many noise ordinances establish property line performance standards for different land use or zoning categories. There is considerable variation among communities as to the types of noise sources covered under local noise ordinances.

11-6 [**The DEIS must say if there is a noise element of the County General Plans that identifies noise-sensitive land uses for: ?**
 Residential uses,
 Schools,
 Hospitals,
 Rest homes,
 Long-term care facilities,
 Mental care facilities,
 Libraries,
 Places of worship, and
 Passive recreation uses.

11-7 [**Your EIS must identify if the Counties and Cities have adopted land use compatibility criteria as part of the noise element of their respective Land Use Plans.**

In Riverside County, for example, the noise element of the County General Plan includes numerous policies intended to minimize noise-related conflicts between adjacent types of land uses. These policies include the following:

- Discourage noise-sensitive land uses from being located in areas exposed to CNEL levels above 65 dBA;
- Guide noise-tolerant land uses into areas committed to land uses that are noise-producing, such as transportation corridors or areas adjacent to airports;
- Minimize noise spillover or encroachment from commercial and industrial land uses into adjoining residential neighborhoods or noise-sensitive areas;
- Discourage projects that cannot successfully mitigate excessive noise;
- Require commercial or industrial truck delivery hours to be limited when next to noise-sensitive land uses unless there is no feasible alternative or there are overriding transportation benefits;

[11-6] Please refer to response to Comment 11-5. Additionally, the current CMAGR ordnance operations do not exceed 62 C-weighted decibel (dBC) Community Noise Equivalent Level (CNEL) with respect to off-range receivers, which is below the noise levels represented by 65 A-weighted decibel (dBA) Day-night sound level (Ldn) or CNEL due to fact that the C weighting curve includes more low-frequency sound than the A-weighting curve.

[11-7] See response to Comment 11-5.

Letter 11 Continued

- New land use development within Airport Influence Areas should comply with airport land use noise compatibility criteria contained in the applicable airport land use compatibility plan;
- Require development that generates increased traffic and subsequent increases in ambient noise level adjacent to noise-sensitive land uses to provide for appropriate mitigation measures;
- Ensure that construction activities are regulated to establish hours of operation in order to prevent or mitigate the generation of excessive or adverse noise impacts on surrounding areas;
- Require that all construction equipment utilize noise reduction features (such as mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer; and
- Consider the issue of adjacent residential land uses when designing and configuring all new non-residential development. Design and configure on-site ingress and egress points to divert traffic away from nearby noise-sensitive land uses to the greatest degree practicable.

The DEIS must also identify if the noise element of the County General Plans also identifies preferred noise standards for stationary noise sources that affect residential land uses.

11-8 Again as an example, Riverside County has adopted a noise ordinance (Ordinance 847) to regulate noise sources on one property that may impact adjacent properties. The noise ordinance sets general noise standards according to the land use designation of the affected property. Table 3.10-4 summarizes the basic noise standards in Riverside County Ordinance 847. The Riverside County noise ordinance also includes special provisions related to sound amplification systems, live music, audio equipment, and power tools. The noise ordinance also provides for exceptions from the general and special noise standard provisions.

Vibration

The DEIS does not adequately analyze the impacts of vibration.

11-9 Ground-borne vibrations can be a source of annoyance to people or a source of structural damage to some types of buildings. Although vibration measurements can be presented in many different forms, peak particle velocity (PPV) is the unit of measure used most often to assess building damage potential. The California Department of Transportation (Caltrans) has identified vibration impact criteria for both building damage potential and human annoyance (Caltrans 2002, 2004). These references are listed below. Both human annoyance effects and building damage effects depend in part on whether vibration events are isolated, discrete events or a relatively continuous episode of vibrations. In general, there is less sensitivity to single, discrete events than to continuous events or frequently repeated discrete events.

You must utilize the following references for adequate analysis:

11-10 Caltrans (California Department of Transportation). 2002. Transportation Related Earthborne Vibrations. Technical Advisory TAV-02-01-R9601. Sacramento, CA. Internet Web site: <http://www.dot.ca.gov/hq/env/noise/publications.htm>. Accessed on March 04, 2008.

Caltrans (California Department of Transportation). 2004. Transportation- and Construction-Induced Ground Vibration Guidance Manual. Prepared by Jones & Stokes. Sacramento, CA. Interned Web site: <http://www.dot.ca.gov/hq/env/noise>. Accessed on March 04, 2008.

The EIS must summarize Caltrans criteria for assessing the effects of ground-borne vibration. Type of criteria can be either human response OR building damage. Threshold conditions pertain to the perceptibility for human response, or it can involve varying levels of cosmetic damage for building damage. **The DEIS must analyze the peak particle velocity in inches/second to determine if vibration thresholds will be exceeded, especially as a result of transient and/or continuous/frequent sources in all areas and airspace proposed for use by the Department of the Navy.**

The DEIS must also include consideration of ground-borne vibrations. The following land uses are typically identified by the noise element in a County land use plan as being vibration sensitive:

- Hospitals,
- Residential areas,

Responses Continued

[11-8] See response to Comment 11-5.

[11-9] Ground-borne vibration can be a source of human annoyance or potential building damage, but the impacts (and significance) depend largely on proximity of vibration sources to sensitive receivers as well as the applicability of recognized laws, ordinances, regulations, and standards. Current ordnance detonations at the CMAGR can generate local ground-borne vibrations, but, as similarly described in Section 4.9 of the Draft LEIS for potential noise impacts, the distances between these CMAGR operations and the existing receivers are so large that no new direct or indirect vibration impacts are expected to occur. Renewal of the CMAGR land withdrawal in accordance with Alternatives 1, 2, 3, or 4 would not change the occurrence or distribution of activities at the range that may produce vibrations.

[11-10] The referenced Caltrans reports and criteria pertain to transportation or construction projects and corresponding transportation or construction activity sources of vibration and are not applicable to military activities (i.e., ordnance delivery, etc.) at the CMAGR.

[11-11] See response to Comment 11-9.

Letter 11 Continued

- 11-11
- Concert halls,
 - Libraries,
 - Sensitive research operations,
 - Schools, and
 - Offices.

The DEIS must consider noise and vibration mitigation to vibration including the following:

- 11-12
- Restrict the placement of sensitive land uses in proximity to vibration-producing land uses, and
 - Prohibit the exposure of residential dwellings to ground vibration from passing trains that would be perceptible on the ground or second floors (vibrations are presumed to be perceptible if they exceed a peak particle velocity of 0.01 inch per second over a range of 1 to 100 Hz).

GEOLOGY AND EARTHQUAKE HAZARD

The DEIS is not adequate in its recognition and analysis of compliance with the following application State of California laws:

Alquist-Priolo Earthquake Fault Zoning Act

- 11-13
- The Alquist-Priolo Earthquake Fault Zoning Act of 1972 regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. This act provides mitigation against surface fault rupture of known active faults beneath occupied structures, and requires disclosure of the presence of any seismic faults to potential real estate buyers and a 50-foot setback for new occupied buildings. The Alquist-Priolo Earthquake Fault Zoning Act helps define where fault rupture is most likely to occur. This act groups faults into categories of active, potentially active, and inactive. **This information must be disclosed in the EIS.**

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 directs the California Geological Survey to delineate seismic hazard zones. The purpose of this act is to reduce the threat to public health and safety, and to minimize the loss of life and property by identifying and mitigating seismic hazards. These seismic hazards include areas that are subject to the effects of strong ground shaking such as liquefaction, landslides, tsunamis and seiches. Cities, counties, and state agencies are directed to use seismic hazard zone maps developed by the California Geological Survey in their land use planning and permitting processes. This act requires that site-specific geotechnical investigations. **Those must be undertaken before any land acquisition can proceed. This information must be disclosed in the EIS.**

PALEONTOLOGICAL RESOURCES

Paleontological resources constitute a fragile and nonrenewable scientific record of the history of life on earth. The BLM policy is to manage paleontological resources for scientific, educational, and recreational values and to protect these resources from adverse impacts. To accomplish this goal, the USMC and your cooperating agency (BLM) must ensure that proposed land uses that it initiates or authorizes do not inadvertently damage or destroy important paleontological resources on public lands.

- 11-14
- To ensure the protection of paleontological resources, the USMC considers paleontological data as early as possible in the decision-making process for any project. As part of this ongoing consideration, the USMC and BLM must collate existing information on paleontological resources and uses this information to classify the geologic formations present for their potential to contain vertebrate fossils or invertebrate or plant fossils that are scientifically important. **The EIS must include this information.**

Applicable Plans, Policies, and Regulations

The major laws protecting paleontological resources on federal lands include the Paleontological Resources Preservation Act (PRPA) which was signed into law as part of the Omnibus Public Lands Management Act (OPLA) of 2009. The PRPA requires the Secretary of the Interior to manage and protect paleontological resources on federal land using scientific principles and expertise, and requires the USMC to develop appropriate plans for inventorying, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. Where possible, these plans should emphasize interagency coordination and collaborative efforts with non-federal partners, the scientific community, and the general public.

Responses Continued

[11-12] See responses to Comments 11-6 and 11-9.

[11-13] See response to Comment 26-37.

[11-14] As noted in Section 3.4.5.3, no fossils have been reported from the CMAGR. Section 3.4.5.2 of the Draft LEIS, however, does provide an overview of the BLM Potential Fossil Yield Classification (PFYC) system and a description of geologic units at the CMAGR (see Figure 6 6) and the PFYC classifications for these units.

Letter 11 Continued

Other major authorities protecting paleontological resources on federal lands are the Federal Land Policy and Management Act (FLPMA), NEPA, and various sections of regulations.

11-15 While paleontological resources are often discussed in parallel to or linked with historical and cultural resources in planning and environmental impact analyses, the identification and classification of paleontological resources is based on geologic units. **BLM is a cooperator on your EIS. Therefore, you should use their system for analyzing impacts on paleontological resources.** On October 15, 2007, the BLM formalized the use of a new classification system for identifying fossil potential on public lands with the release of instruction memorandum IM 2008-009. The Potential Fossil Yield Classification (PFYC) system is based on the potential for the occurrence of significant paleontological resources in a geologic unit, and the associated risk for impacts to the resource based on federal management actions. Occurrences of paleontological resources are closely tied to the geologic units (i.e., formations, members, or beds) that contain them.

Using the PFYC system, geologic units are classified (Class 1 – Very Low through Class 5 – Very High) based on the relative abundance of vertebrate fossils or scientifically significant invertebrate or plant fossils and their sensitivity to adverse impacts, with a higher class number indicating a higher potential. It is used to set management policies and not intended to be applied to specific paleontological localities or small areas within units.

While they are being updated to reflect the requirements of the PRPA and the PFYC system, the BLM Manual 8270 and BLM Handbook H-8270-1 contain the agency's guidance for managing paleontological resources on public land. The manual has more information on the authorities and regulations related to paleontological resources. The handbook gives procedures for permit issuance, requirements for qualified applicants, information on paleontology and planning, and a classification system for potential fossil-bearing geologic formations on public lands.

11-16 **Your DEIS is currently not adequate in its analysis on paleontological resources.**

PUBLIC HEALTH, SAFETY, TRANSPORTATION AND ACCESS

Oil Pollution Prevention (40 CFR Part 112)

The goal of the oil pollution prevention regulation in 40 Code of Federal Regulations (CFR) Part 112 is to prevent oil discharges from reaching navigable waters of the United States or adjoining shorelines. Facilities that could reasonably be expected to discharge oil into navigable waters in quantities that may be harmful are required to develop and implement Spill Prevention, Control and Countermeasures (SPCC) plans per the SPCC rule.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration (OSHA) administers health standards that (1) provide regulations for safety in the workplace; (2) regulate construction safety; and (3) require a Hazards Communication Plan. The plan includes identification and inventory of all hazardous materials for which Material Safety Data Sheets (MSDS) would be maintained, and employee training in safe handling of said materials.

Federal Aviation Administration Regulations (14 CFR 77)

Title 14 CFR Section 77 contains standards for determining physical obstructions to navigable airspace. Form 7460-1, Notice of Proposed Construction or Alteration, must be filed with the Federal Aviation Administration (FAA) if an object to be constructed has the potential to affect navigable airspace according to these standards.

Federal Transportation Regulations (49 CFR, Subtitle B)

Title 49 CFR, Subtitle B, contains procedures and regulations pertaining to interstate and intrastate transport, including hazardous materials program procedures, and

State of California

California Environmental Protection Agency

The California Environmental Protection Agency (Cal EPA) unifies California's environmental authority, consolidating the California Air Resources Board (CARB), State Water Resources Control Board (SWRCB), Regional Water Quality Control Board (RWQCB),

Responses Continued

[11-15] The extent to which paleontological resources at the CMAGR have been impacted by military or other activities cannot be determined because no data are available for the range that reports the actual occurrence, distribution, or abundance of fossils of any type at the range. However, Section 3.4.5.2 of the Draft LEIS describes the BLM PFYC system and reports the PFYC classification for geologic units that occur at the CMAGR. These geologic units are depicted in Figure 3-6. In response to this comment, an additional assessment has been performed to identify the occurrence and extent of active and inactive weapons impact areas in potential fossil yielding geologic units at the range. See the additions to Pages 3-50 and 4 16 of the Draft LEIS, which is provided in Chapter 3 of this Final LEIS.

[11-16] See responses to Comments 11-14 and 11-15.

Letter 11 Continued

Integrated Waste Management Board (IWMB), the DTSC, Office of Environmental Health Hazard Assessment (OEHHA), and the Department of Pesticide Regulation (DPR) under one agency. The California Hazardous Waste Control Law is administered by Cal EPA's DTSC.

Department of Toxic Substance Control

The DTSC is the primary agency in California that regulates hazardous waste, administers clean-ups of existing contamination and looks for ways to reduce hazardous waste produced in California. The DTSC regulates hazardous waste in California primarily under the authority of RCRA and the California Health and Safety Code. The DTSC manages, maintains and monitors the Cortese list of hazardous waste sites. The Cortese list, or Hazardous Waste and Substances Sites List, is a planning resource used by the state, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites.

California Emergency Management Agency

The California Emergency Management Agency (Cal/EMA) was formed January 1, 2009 as a result of a merger between the Governor's Office of Emergency Services (OES) and the Office of Homeland Security. The Hazardous Materials Unit of the Cal/EMA is responsible for HAZMAT emergency planning and response, spill release notifications, and HAZMAT enforcement of the Unified Program. The OES provides emergency response services in support of local jurisdictions.

California Public Utilities Commission

You must state and analyze whether you would use the CPUC General Order 95 and 165, as related to fire-safe design and maintenance practices for transmission lines, to establish minimum requirements for the Project regarding inspection (including maximum allowable inspection cycle lengths), condition rating, scheduling and performance of corrective action, record keeping and reporting, in order to ensure a safe and high-quality electrical service.

California Vehicle Code

The California Vehicle Code contains regulations applicable to roadway damage; licensing, size, weight, and load of vehicles operated on highways; safe operation of vehicles; and the transportation of hazardous materials.

Regional County and City Plans

- 11-17 [**The DEIS has not adequately addressed all applicable plans, policies and regulation of the:**
- County Departments of Environmental Health
 - County Fire Departments
 - All Other Applicable County Departments

OTHER COMMENTS

- 11-18 [**Due to the volume and complexity of this project and EIS, please extend the comment period for an additional 90 days.**
- 11-19 [**Please schedule formal public hearings on this proposal.**

Sincerely,

James Blackwell

Responses Continued

- [11-17] Section 4.3 indicates that the proposed actions would not conflict with BLM or county plans.
- [11-18] There will be no extension to the comment period on the Draft LEIS. Also see response to Comment 16-1.
- [11-19] Public meetings on the Draft LEIS were held October 22-25, 2012 in Yuma, El Centro, Palm Springs, and Oceanside.

LETTER 12

November 15, 2012
402 S. Desert Candles St
Ridgecrest, CA 93555

Kelly Finn
Chocolate Mountains LEIS Project Manager
NAVFAC Central IPT
1220 Pacific Highway – Building 1
San Diego, CA 92132-5190

Dear Ms. Finn,

- 12-1 [Regarding the Draft LEIS for Chocolate Mountains Aerial Gunnery Range, all of the public concerns and issues raised during scoping should be clearly identified in the Index of the document.

The following issues raised by the public during scoping are not adequately addressed in the Draft EIS:

Purpose and Need

- 12-2 [1). The EIS is insufficient in its description of the training requirements that establish the purpose of and need for this action. The rationale for proposed acquisition of land is weak and not clearly laid out.

Project Alternatives

- 12-3 [2). The Sanitation Districts of Los Angeles County requested that the CMAGR expansion alternatives evaluated in the Draft LEIS be modified so that they do not overlap the Mesquite Regional Landfill Rail Spur right of way. It appears that this issue has been adequately dealt with in the Draft EIS.

Proposed Boundary Realignments

- 12-4 [3). The public requested that you modify the suggested boundary adjustment to the CMAGR to exclude the Eagle Mountain Railroad. The northern boundary of the proposed withdrawal area continues to include about 7-10 miles of this railroad. The EIS must explain why this scoping comment was ignored, as well as how the Navy plans to manage (or allow management) of the railroad within the boundary of the proposed withdrawal area. Another public scoping comment suggested that boundary realignment follow the railroad right-of-way to provide for very clear boundary demarcation and enhanced public safety. The EIS does not explain how public safety would be compromised by allowing a railroad line within the boundary of the CMAGR.

- 12-5 [4). It was suggested that the land in the immediate vicinity of the training dikes should be withdrawn from the gunnery range and bombing activity eliminated to allow U.S. Bureau of Reclamation/Coachella Valley Water District (CVWD) to maintain these dikes.

Agency Responsibility

- 12-6 [5). It is not clear in the EIS how continuing military use of the CMAGR would be impacted relative to one agency (USMC) or several being the overseers of natural and cultural resource management within the area.

Terms of the Withdrawal

- 12-7 [6). The public suggested a shorter duration for the proposed withdrawal period. In a changing climate, and in support of effective stewardship, this assessment should occur more frequently than 25-year cycles. The EIS must better explain why the Navy feels that a 20-25 year timeframe is proper for this withdrawal.

RESPONSES

[12-1] A summary of the concerns and issues raised during scoping is provided in Section 1.6.3 of the Draft LEIS. The final Scoping Report for the proposed renewal of the CMAGR land withdrawal is available at the project website: www.chocolatemountainrenewal.com/. The index in the Draft LEIS is a standard subject index, which is typical for EIS documents. These features meet the requirements for EISs provided by Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) for implementing the procedural provisions of the National Environmental Policy Act (NEPA); Marine Corps Order (MCO) P5090.2A, change 2, dated 21 May 2009, Environmental Compliance and Protection Manual, which establish procedures for implementing NEPA; and Secretary of the Navy Instruction 5090.8A, Policy for Environmental Protection, Natural Resources, and Cultural Resources Programs.

[12-2] The training requirements underlying the future need for the CMAGR are based on Congressional directives including the authority provided to the Secretary of the Navy by the California Military Lands Withdrawal and Overflights Act of 1994 (CMLWOA) (Public Law [P.L.] 103-433) to use the BLM land within the CMAGR for military purposes. This authority would terminate in accordance with the CMLWOA at the end of October 2014. However, the CMLWOA also provides that the Secretary of the Navy may request a renewal of the withdrawal if there will be a continuing military need for the range after that date (P.L. 103-433 § 806(a)). As discussed in Section 1.1.2 of the Draft LEIS, the Notice of Intent (NOI) published in the Federal Register on September 24, 2010 constituted the Secretary of the Navy's finding of a continuing military need for the CMAGR. The training requirements that definitively support the continuing military need for the CMAGR and, hence, need to renew the land withdrawal for the range are thoroughly delineated and explained in Section 1.2 of the Draft LEIS.

[12-3] Comment is noted, but no further response is necessary.

[12-4] The current owners of the Eagle Mountain Railroad—Kaiser Eagle Mountain, LLC and Mine Reclamation, LLC—requested that an alternative be studied that would place the railroad outside of the CMAGR. The proposed alternative was not consistent with the purpose of and need for the renewal of the CMAGR land withdrawal and consequently was not evaluated in detail in the Draft LEIS. Also see the response to Comment 5-2 and the addition to Page 2-23 of the Draft LEIS, which is provided in Chapter 3 of this Final LEIS.

[12-5] The referenced public comment noted an apparent inconsistency between the proposal to realign the southwestern boundary of the CMAGR to conform with the Union Pacific Railroad (UPRR) and the proposal to realign the northern boundary to conform with the Bradshaw Trail. Four segments of the CMAGR boundary were proposed for realignment in the Draft LEIS. The purpose of and need for each proposed realignment is described in Section 1.3. The introduction to Section 1.3 of the Draft LEIS relates that the four realignment proposals are functionally independent from each other, which reflects the fact that each of the proposed realignment proposals would address the specific circumstances at its particular range boundary location. The current range boundary near the UPRR is not serviced by an access road and no designated or unauthorized roads or other readily visible and accessible geographic features occur between the current boundary and the railroad that could be used to demarcate the boundary. Thus, realigning the CMAGR boundary to parallel the UPRR was the only existing reasonable alternative as a boundary realignment proposal in the southwestern part of the range.

The circumstances at the northern end of the CMAGR are different. The Bradshaw Trail provides a readily visible and accessible geographic feature that would work well as the range boundary. Using the southern side of the Bradshaw Trail corridor as the range boundary would both retain areas of the CMAGR north of the Eagle Mountain Railroad that support military training operations and exclude public use of these same areas. The Eagle Mountain Railroad would be retained within the range, but this facility has not been used for 26 years and is in a seriously deteriorated and inoperable condition along much of its length in the CMAGR. The Eagle Mountain Railroad, which was built and previously served to haul iron ore from the Eagle Mountain Mine, is now considered to be potentially useful in the future for hauling solid waste to a landfill that would be established at the now closed Eagle Mountain Mine. Restoration of the railroad and solid waste hauling rail operations would not conflict with military activities in this area and would not subject its operators or the public to hazardous military training operations. The Eagle Mountain Railroad has never been used for public passenger service nor does it link locations that would require passenger service. Although the railroad could be used as a readily visible boundary, it is inside of current range property that is needed for training. Accordingly, the alternative was not considered to be reasonable and not evaluated in detail. Also see the response to Comment 5-2 and the addition to page 2-23 of the Draft LEIS, which is provided in Chapter 3 of this Final LEIS.

[12-6] The dikes are Bureau of Reclamation (Reclamation) maintained structures on land currently withdrawn from public access and located within the CMAGR. As described in Section 1.2.2.1 of the Draft LEIS and as represented in Figures 1-2, 1-5, 3-2, and 3-3, there is a demonstrated purpose of and need for including the scattered dike parcels in the range to provide an uninterrupted land base to support ongoing and continuing ground-based training. Aerial bombing does not occur in the dike areas and none is proposed. Military training activities performed in this area do not compromise or degrade the integrity of the dikes. The DoN and Reclamation are currently preparing a Memorandum of Understanding to formalize the process by which Reclamation would be able to continue to access the CMAGR to conduct maintenance activities on the dikes.

Responses Continued

[12-7] In the near term, military use of the CMAGR likely would be unaffected by the assignment of management responsibilities for natural and cultural resources between the Marine Corps and the BLM. Military use would continue to be the priority at the CMAGR and most other types of public land use would be precluded by the land withdrawal for the range. Military use of the CMAGR would likely benefit in the long-term if all responsibilities for natural and cultural resources throughout the CMAGR are consolidated with the Marine Corps alone. Marine Corps management, which would be in accordance with the Sikes Act and other applicable law, would not only provide a high degree of stewardship for natural and cultural resources at the CMAGR, but would also be responsible for maintaining the condition of those resources such that there would be no net loss of the capacity of the range environment to support the military purposes for which the range was established. The Federal Land Policy and Management Act (FLPMA) does not provide equivalent mandates to guide BLM management of a military reservation. Consolidating natural and cultural resource management with the Marine Corps would also benefit resources and management efficiency by eliminating overlapping, redundant, and missed responsibilities/actions between the Marine Corps and BLM. Further, as the military operator of the CMAGR, the Marine Corps would have an advantage for coordinating adequate and timely access to the range by resource specialists to monitor resource conditions, identify management requirements, and implement management actions to the benefit of both environmental stewardship and support of the military mission without conflicting with training schedules.

[12-8] EPA Region 9 suggested that a land withdrawal with a duration of only 15 years be considered as a tool for assessing the effects of the proposed renewal of the CMAGR because ecosystems are experiencing effects from climate change, and the cumulative impacts from climate change may combine with training impacts to affect resources in a shorter time frame than has been the case in the past. The Navy shares the EPA's concern that climate change has the potential to impact ecosystems, but, as explained in Section 2.7.1 of the Draft LEIS, rejected the contention that assessing an alternative that would renew the CMAGR land withdrawal for a duration of less than 20 years would illuminate how potential cumulative effects of climate change and military training would impact ecosystems. The rationale for the rejection includes:

- A withdrawal duration of 15 years would not come close to meeting the foreseeable continuing military need for the CMAGR, which extends to at least 40 years if not more (see Section 1.4 of the Draft LEIS).
- Although climate change might result in the Southwest enduring hotter average temperatures and decreasing average rainfall over the next several decades, these trends cannot be forecasted at this time with the precision necessary to assess how resources might be affected within a 15 year withdrawal.
- Under Alternatives 2, 3, and 4, the Marine Corps would prepare an Integrated Natural Resources Management Plan (INRMP) in cooperation with the USFWS and CDFW, and update the INRMP no less than every five years. The INRMP's adaptive management strategy would respond to potential impacts from climate change over a shorter time frame and is consistent with the EPA comment.

Therefore, a land withdrawal alternative with a duration of 15 years would not be useful as a tool for determining the potential climatic effects of the proposed range renewal action and was not carried forward for detailed analysis.

Letter 12 Continued

Biological Resources

- 12-9 [7). The DLEIS should more fully analyze how the alternatives would likely impact the management and protection of the Mojave Desert Tortoise.
- 12-10 [8). The Sanitation Districts of Los Angeles County requested that the current Mesquite Regional Landfill biological compliance programs (tortoise crossings and biological monitoring) remain unchanged. Within the Draft EIS, I was not able to find any references to this issue raised during scoping. The Final EIS must acknowledge and analyze this issue raised during scoping. If it was concluded that the issue was purposely disregarded for some reason, then the EIS should provide a negative declaration to that effect.
- 12-11 [9). *Impacts on aquatic and terrestrial habitat from fragmentation of streams, riparian areas, or other waters* –The EIS has not acknowledged, nor has it analyzed, the public scoping issue associated with habitat fragmentation. The same is true for your analysis of impacts to riparian habitat for birds and other species.
- 12-12 [10). *Impacts on flora and fauna, especially threatened and endangered species* - In the Final EIS, please lay out your specific needs, plans and potential availability of funding for additional focused plant and animal species surveys of the target and test sites, and associated buffers, to better define the distribution and density of federally listed threatened and endangered species, other federally protected species, and CMAGR-sensitive species.
- 12-13 [11). *Noise impacts on wildlife* – The Draft EIS presents an unsubstantiated conclusion (based on a USAF study) that aircraft noise would not impact desert tortoise. Noise from aircraft overflights, ordnance delivery, or other military activities can disturb wildlife. A number of studies of the effects of noise on wildlife have been conducted in diverse settings. Noise does directly affect wildlife and these effects are increased by the magnitude, frequency, and duration of the noise. Regarding significance of such changes, wildlife responses to aircraft range from apparent disregard to panic fleeing, and vary with season, reproductive status, exposure to aircraft, aircraft type, distance from aircraft, and other factors. Studies indicate that ungulates (hoofed animals) may respond to low-level overflights with increased heart rates and have been observed fleeing low-level aircraft. For further info on this, see the Draft Legislative Environmental Impact Statement for the Renewal of the Barry M. Goldwater Range Land Withdrawal, September 1998. (DoD 1998).
- 12-14 [12). *Consideration for the reintroduction of mule deer, bighorn sheep or antelope or other species at CMAGR* – This significant public issue raised during scoping has not been mentioned or addressed in the Draft EIS.
- 12-15 [13). *Consideration for partnerships to maintain guzzlers for wildlife at CMAGR* - This significant public issue raised during scoping has not been mentioned or addressed in the Draft EIS. The Final EIS should show the location of the 26 existing guzzlers, as well as the five additional ones planned for construction.
- 12-16 [14). *Consideration of options for the management of wild horses and burros* – Do any wild horses or burros exist on these lands? Section 1.7 of the Draft EIS mentions the Wild Free-Roaming Horses and Burros Act of 1971. If you have wild horses and burros there, your Wild Horse and Burro Management Plan (WHBMP) should be included as an appendix or provided on-line for accessibility by the public.
- 12-17 [Carrying capacity should be clearly spelled out in the Final EIS, as well as what constitutes “excess numbers” which would trigger removal operations.

Cultural Resources

- 12-18 [15). The Tribal Historic Preservation Office was concerned about potential impacts to historic and natural resources and asked to participate in consultation regarding the Renewal of the Chocolate Mountain. The Draft EIS includes a summary of consultation to date, but the EIS is lacking in its explanation of on-going and future plans for consultation with the Tribes.

Responses Continued

[12-9] The Draft LEIS fully addresses the likely impacts of the alternatives on Mojave desert tortoise in Section 4.7. As discussed in Section 4.7, there would be no change in training activities from any of the action alternatives, and therefore no direct impacts on individual desert tortoise or their habitat. Regarding potential change in management responsibilities, the effects of Alternatives 1, 2, 3, or 4, which would each renew the CMAGR land withdrawal, on desert tortoise would be largely indistinguishable from each other and from current conditions. A 1996 BO issued by the USFWS for military activities at the CMAGR determined that these activities were not likely to jeopardize the continued existence of the desert tortoise, nor were they likely to result in the significant destruction or adverse modification of critical habitat for the desert tortoise. Current and projected operations at the CMAGR continue to be consistent with the 1996 BO and critical habitat for this species. Alternatives 2, 3, or 4 would each result in transfers of land designated as critical habitat into and/or out of the CMAGR. Between about 2,300 acres (Alternative 4) and 2,600 acres (Alternatives 2 or 3) of critical habitat would be transferred out of the range and almost 1,000 acres would be transferred into the range (Alternatives 2 or 3). The critical habitat released from the range would be managed by the BLM and the newly incorporated critical habitat would be managed by the Marine Corps. Both agencies would continue to manage critical habitat in accordance with the recovery plan for the desert tortoise and applicable biological opinions. Closure of the CMAGR, which would occur as a result of Alternative 5, would end military training activities at the range and begin processes for decommissioning and decontaminating the range and planning for its future use. Post-range activities would likely affect the desert tortoise, but neither of these activities or their potential effects can be reliably or reasonably forecasted at this time as the planning for post-range actions cannot begin unless Alternative 5 is implemented.

[12-10] The letter received from the Sanitation Districts of Los Angeles County during scoping requests consideration of the biological areas and monitoring requirements described in the BO for the MRL. In consideration of this request, the DoN's proposed range boundary shown and analyzed in the Draft LEIS does not conflict with the biological areas and monitoring requirements for the MRL. Additionally, none of the proposed alternatives result in the need to change the MRL's biological compliance program.

[12-11] Habitat fragmentation was not specifically raised as an issue during scoping. However, wildlife habitat and habitat conditions, including habitat fragmentation, are considered in the Draft LEIS in Sections 3.7, 4.7, and 5.2. Although military use has had some adverse effects on habitat at the CMAGR, the analysis reported in Section 3.2.4.6 shows that only a small proportion of the range, likely between about 2 and 5 percent, supports surface uses that cause or may cause moderate to complete levels of physical disturbance to the ground surface, vegetative communities, and surface drainages. Section 4.7 of the Draft LEIS states: “At a landscape scale, the CMAGR and the general region east of the Coachella Canal and UPRR function as a relatively intact Sonoran Desert ecosystem....The CMAGR and the nearby wilderness areas offer large tracts of land that are relatively unfragmented, allowing wildlife to maintain movement patterns.” Because 95 percent or more of the range serves principally as weapons or surface danger zones or laser hazard areas in which there is almost no other land use, management of this land area as a range has actually had the effect of protecting wildlife habitat, including critical habitat, from activities that would cause adverse modification, destruction, fragmentation, or other harm.

[12-12] Responsibilities for management of flora and fauna at the CMAGR are currently split between the DoN/Marine Corps and the BLM as described in Sections 1.5 and 2.2.3 of the Draft LEIS. In accordance with the Sikes Act, Endangered Species Act (ESA), and other applicable law, the DoN and Marine Corps have long- and well-established programs for the management, conservation, and protection of natural and cultural resources. The Marine Corps currently conducts surveys for threatened and endangered species annually, which provides adequate basis for managing these animals, in accordance with the 1996 BO for operations at the CMAGR. Future management planning and funding and resource management responsibilities between the DoN/Marine Corps and the BLM will be determined by Congress from among the four management alternatives proposed by the Draft LEIS (see Sections 1.5, 2.1, 2.2.3, 2.3.2, and 2.4). Under all action alternatives, the Marine Corps would develop an updated INRMP for the range. Although subject to potential new guidance provided by Congress in the renewal of the CMAGR land withdrawal, the BLM currently has no plans to update the Northern and Eastern Colorado Desert Coordinated Management Plan for the range.

[12-13] No U.S. Air Force noise impact studies were used in the preparation of the LEIS. Draft LEIS Section 4.7.1.1 acknowledges that “Noise from aircraft overflights, ordnance delivery, or other military activities can disturb wildlife.” Aircraft noise effects on wildlife are discussed in several places in the Draft LEIS including Sections 3.9 and 4.7.1.1. There is no evidence that noise associated with any of the action alternatives would jeopardize the continued existence of the desert tortoise or any other species at the CMAGR. This is the finding reached by the USFWS in both the 2009 BO for the West Coast basing of the MV-22 and the 2010 BO for the West Coast basing of the F-35B. None of the alternatives for the proposed renewal of the CMAGR land withdrawal would change the ongoing or projected aircraft noise conditions at the range from those addressed in the EISs or BOs for the West Coast basing of the MV-22 and F-35 aircraft.

Responses Continued

[12-14] Reintroduction of mule deer, bighorn sheep or antelope or other species at CMAGR was not raised as an issue during scoping, is not anticipated to be significant issues related to the proposed action and, therefore, is not analyzed in depth (40 CFR 1501.7). As noted in Section 3.7.4 of the Draft LEIS, mule deer and bighorn sheep are already year-round residents of the CMAGR. The CMAGR is situated at or possibly beyond the western margin of the historic range of the Sonoran pronghorn (also referred to as an antelope), but wild populations of this highly endangered animal have long been restricted to limited portions of southwestern Arizona and northern Sonora, Mexico. The CMAGR is not identified as a potential reintroduction site for this species in the *Supplement and Amendment to the Final Revised Sonoran Pronghorn Recovery Plan* published by the USFWS in January 2002.

[12-15] Consideration of partnerships for maintaining guzzlers for wildlife at CMAGR was not raised as an issue during scoping. However, Section 3.7.4 of the Draft LEIS reports that CDFW currently manages 26 existing guzzlers within the CMAGR (see Figure 3 12), principally to provide supplemental water for desert bighorn sheep and mule deer, and plans to install five additional guzzlers in the future. The Marine Corps supports CDFW in this program. None of the alternatives that would renew the CMAGR land withdrawal would affect the wildlife waters program, which would be incorporated in the INRMP that would be developed for the range following renewal of the land withdrawal.

[12-16] Most of the portion of the range that underlies R-2507S is within the about 386,000-acre Chocolate-Mule Mountains Herd Area (HA), which was defined by the BLM as a geographic area in which wild burros were found when the Wild Free-Roaming Horses and Burros Act was enacted in 1971 as shown on the figure located at: www.blm.gov/ca/st/en/prog/wild_horse_and_burro/hma-main/HMA-CA-671.html. A sub-area of the HA outside of the CMAGR and to the east of State Route 78 was designated in 1980 by the BLM as the Chocolate-Mule Mountains Herd Management Area (HMA) in which burros are managed to ensure the maintenance of a healthy herd and as integral and balanced components of the ecosystem in accordance with the 1984 *Colorado River Herd Management Area Plan*. The Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan) reports that the CMAGR has never been managed for burros and that it was not within the scope of that plan, which otherwise is applicable to the CMAGR, to initiate burro management within the military reservation. Although low numbers of burros continue to occur within the CMAGR, BLM management for the CMAGR assumes that the burro population is zero and proceeds without objectives to either establish or maintain burros on the range. Section 1.7 of the Draft LEIS references the Wild Free-Roaming Horses and Burros Act of 1971, but, as noted in Section 3.7 of the NECO Plan, the provisions of that Act are not applicable to the portions of the CMAGR managed by the DoD, which includes the approximately 50 percent of the range that is comprised of DoN land (see Figure 1 2 in the Draft LEIS).

[12-17] The carrying capacity of the CMAGR for wild burros has not been determined; however, determination of such a carrying capacity is not required by the provisions of the Wild Free-Roaming Horses and Burros Act or other law or regulation. Also see response to Comment 12-16.

[12-18] As detailed in Sections 3.8 and 4.8 and Appendix H of the Draft LEIS, the Marine Corps has provided project information to and initiated consultations with the California State Historic Preservation Officer (SHPO) and potentially affected Native American tribes regarding the proposed renewal of the CMAGR land withdrawal. This contact was made pursuant to both NEPA and the National Historic Preservation Act Section 106 process. The Marine Corps will continue its ongoing consultations with the SHPO and representatives of the affected Native American tribes to develop a Programmatic Agreement implementing the Integrated Cultural Resources Management Plan (ICMRP) completed for the CMAGR in 2011.

Letter 12 Continued

12-19 [16). During scoping, it was recommended that the Marine Corps develop a Historic Preservation Management Plan in consultation with Tribes. This suggestion has not been addressed in the EIS. It seems to be an excellent idea that should be discussed.

12-20 [17). During scoping, it was suggested that approved Native American Cultural Resource Monitors be present during all ground disturbing activities. The idea of having such monitors has not been addressed in the EIS.

Contamination and Cleanup Responsibilities

12-21 [18.) The public asked that the DLEIS thoroughly discuss the liability and responsibilities for contamination cleanup once the range is no longer being utilized. It was requested that the alternatives analysis fully evaluate the effectiveness, financial and other capabilities of BLM versus DoN in carrying out cleanup. The EIS is incomplete in this regard, especially with reference to Alternative 5 (No Action). Little is said other than that procedures would be developed to decontaminate lands.

12-22 [19). Sanitation Districts requested that the CMAGR be modified along its northwest boundary to remain south and east of the existing Eagle Mountain Railroad. The Sanitation Districts have entered into an agreement to purchase the Eagle Mountain Landfill (EMLF) including the railroad. The railroad and unhindered rail access are a critical part of the EMLF project. Chapter Four of the EIS is inadequate in its analysis of this issue, particularly with regard to Alternative Two.

Energy Development, Transmission and Access for Maintenance

12-23 [20). During scoping, the public commented that any alternative Draft LEIS must allow full access to CVWD for continued operation and maintenance of all Canal facilities in the area. The Draft EIS has not addressed or analyzed the important top of access to all canals, dikes and similar facilities in the area. It appears that the Marine Corps has a "trust us attitude" by implying that procedures are in place to deal with such requests and that they will be handled on a case-by-case basis. Such procedures must be clearly spelled out in the Final EIS so that impacts can be fully and properly analyzed.

12-24 [21). During scoping, CVWD requested that military vehicles be prohibited from using the Canal roads except in defined limited locations for access to the Gunnery Range. This issue has not been analyzed in the Draft EIS. It needs to be fully addressed in the Final EIS, or a negative declaration must be incorporated to indicate that the issue was looked at and why it isn't addressed further.

12-25 [22). During scoping, the public asked that the level of training be clearly defined under each alternative. The DLEIS should clearly indicate whether the level of training will increase, decrease, or remain the same under the different alternatives. The Draft EIS provides little or no quantification of the different types of training activities for analysis of scope, magnitude, duration, and intensity. This serious oversight must be corrected in the Final EIS.

Transportation, Recreation and Off-Highway Vehicle Use

12-26 [23). The Draft EIS does not adequately state how safe access will be continued for publics that recreate in the area. The designated routes for continued access must be clearly shown in the Final EIS. In the interest of full transparency, any procedures, processes or case-by-case stipulations should be clearly spelled out for the public to understand.

12-27 [24). A public scoping comment requested that access to the Mary Lode Mine be allowed. Mine owners have also indicated that they may wish to activate it. Your Draft EIS only briefly mentions this mine in the "Affected Environment" chapter at section 3.4.4.3. You have not assessed impacts of continued access (or the discontinuation of access) to this mine.

12-28 [25). The CVWD needs to be able to access these facilities to ensure that the dikes can withstand a large

Responses Continued

[12-19] As noted in Section 3.8.1 of the Draft LEIS, an ICRMP for the CMAGR was implemented in May 2011. The ICRMP is a Historic Preservation Management Plan and provides guidance and recommendations to all agencies that have management responsibilities within the CMAGR.

[12-20] The LEIS does not propose new ground disturbing projects or activities and is not the appropriate planning document for the consideration of the use of cultural resource monitors as the alternatives for renewing the CMAGR land withdrawal do not propose new ground-disturbing actions at the range. The potential applicability of cultural resource monitors for managing proposed future ground-disturbing actions is a concept that must be considered through further consultations with the tribes and SHPO and, if warranted, addressed in the range ICRMP.

[12-21] The need for the Draft LEIS to disclose the responsibilities and liabilities of the BLM and DoN for post-range cleanup was raised in scoping by EPA Region 9. The responsibilities and liabilities of the BLM and DoN that would arise under Alternatives 1 through 4, which would renew the CMAGR land withdrawal, are addressed in Section 2.2.2 of the Draft LEIS. The responsibilities and liabilities of these agencies that would arise under Alternative 5, which would result in the closure of the CMAGR, are addressed in Section 2.6.

[12-22] Renewal of the CMAGR land withdrawal in accordance with Alternatives 1, 2, 3, or 4 or closure of the range as a result of Alternative 5 would have no effect on the potential future use of the Eagle Mountain Railroad. Also see the response to Comment 5-2 and the addition to page 2-23 of the Draft LEIS, which is provided in Chapter 3 of this Final LEIS.

[12-23] See the response to Comment 12-6.

[12-24] As indicated in the response to Comment 12-6, issues concerning the operation of the CMAGR and Coachella Valley Water District (CVWD) access to and maintenance of the canal dikes will be resolved administratively to meet the needs of the DoN and the CVWD.

[12-25] Renewal of the CMAGR land withdrawal is sought to preserve existing capabilities and capacities at the range. Alternatives 1 through 4 each provide terms for renewing the land withdrawal. Each alternative proposes terms to define a range land boundary and land withdrawal area, either a finite duration for the proposed land withdrawal with an option for requesting a subsequent renewal or a land withdrawal without a termination date, delineation of DoN and BLM management responsibilities, and provisions for the disposal and management of land released from the range. Alternatives 1 through 4 do not include proposals that would either introduce new training activities or terminate or alter existing activities at the CMAGR. The capabilities and capacities of the range, which are described in detail in the Draft LEIS in Sections 1.2.2 and 2.2.4, would all be continued as they currently exist under all of the renewal alternatives (Alternatives 1 through 4). The types of training operations that occur at the CMAGR and the tempos of those operations are described in Section 3.2.3 of the Draft LEIS. Training at the CMAGR would be expected to continue in a manner similar to that described for current operations regardless of which of the alternatives is selected as the basis for the renewing of the terms of the land withdrawal.

[12-26] With one exception, no public access is currently permissible at the CMAGR because of the dual needs to prevent interference with ongoing training operations and protect public safety (see Section 1.2.2.1 of the Draft LEIS). The exception is that public travel on the Bradshaw Trail through certain parcels along the northern periphery of the range is permissible (see Section 1.3.2 of the Draft LEIS). The Bradshaw Trail is located outside of the areas of the CMAGR that are used to contain hazards associated with weapons or laser use and/or otherwise support training operations (see Section 3.2.4 of the Draft LEIS). Alternative 1 would continue public use of the Bradshaw Trail through the northern periphery of the range unchanged from the current condition. Alternatives 2, 3, or 4 would each realign the boundary of the CMAGR such that the Bradshaw Trail would be located outside of the range and remain open to public use (see Sections 2.3.1, 2.3, and 2.4 of the Draft LEIS).

[12-27] According to the *BLM Mining Claim Geographic Index Report* dated 18 February 2011, the mining claim for the Mary Lode Mine was closed on 1 February 1985. Therefore, there is no access right to the abandoned mining claim. The Marine Corps' application to BLM to renew the withdrawal precludes establishing or relocating such mining claims because access to mining claims would be inconsistent with requirements for both protecting public safety and conducting military training without disruption or interference.

[12-28] The DoN and Reclamation are cooperating to develop procedures to ensure that Reclamation has appropriate access to the CMAGR to conduct maintenance activities on the dikes. Also see the response to Comment 12-6.

Letter 12 Continued

- 12-28 flood to protect the canal and downstream property from severe flooding. Section 1.6.4 of the Draft EIS eliminated this issue from detailed study by stating that "There are specific, existing DoN policies for addressing these requests." The Final EIS must be more open, transparent and forthcoming in analyzing these potential impacts to access. Only by spelling out existing DoN policies (and determining if any are in need of change or modification) will impacts be fully analyzed and a determination made if further mitigation is needed.
- 12-29 26). In compliance with the Mesquite Regional Landfill Conditional Use Permit (CUP No. 1036-91), the Sanitation Districts provided three at-grade crossings to facilitate public and military access to areas north and west of the MRL Rail Spur at BLM roads numbers 670006, 670607, and 670604 that correspond to an Imperial County Public Works Gravel Pit, CP Bull Road, and old Highway 78, respectively. These routes connect the public on Hwy 78 with BLM lands on the other side of the MRL Rail Spur. Any changes to these public access routes will require appropriate modifications to the MRL Rail Spur and associated CPUC permits and Union Pacific Railroad agreements. The Draft EIS has not acknowledged these three crossings as part of the Affected Environment, nor has the EIS indicated if any impacts (adverse, beneficial, direct or indirect) will occur to them under each of the alternatives.
- 12-30 27). The Draft EIS has not clearly indicated, under each alternative, if public access (for recreation) will continue to be allowed to the area near BLM roads 606, 607, and 590, as well as the Bradshaw Trail.
- Groundwater Quality and Watershed Impacts**
- 12-31 28). The Draft EIS acknowledges that "Groundwater resources within the CMAGR are extremely limited." During scoping, the public requested that you analyze groundwater quality and indicate whether there is evidence that groundwater is becoming contaminated with munitions constituents. The results of your groundwater monitoring must be shown in the Affected Environment section of the EIS. Further, for each alternative, you must fully analyze whether there is potential for contamination of groundwater resources. At present, you have only very briefly acknowledged that "Mining and energy development may also increase the potential for surface water and groundwater contamination by the inadvertent release of mine waters, geothermal fluids, chemicals, or acid rock drainage to the environment." (DEIS, page 4-22).
- 12-32
- 12-33 29). During scoping, the Sanitation District requested that watersheds upgradient of the MRL site remain unchanged. The Draft EIS has not addressed this issue.
- 12-34 30). *Impacts on surface water and groundwater upstream and downstream of the project area* – Please spell out whether you have existing cooperative groundwater management agreement between the Installation and participating water purveyors. Include the provisions of any such agreements. If such agreements exist, include them as appendices in the Final EIS. At present, they are not "readily available" to the public so they can't be incorporated by reference.
- 12-35 31). *Impacts on the water basins from USMC use of groundwater and other activities* – The DEIS claims that groundwater extraction from local, near surface groundwater aquifers, would be insignificant. Given the analyzed 20, 25 year (or indefinite) timeframe of the project, this is an unsubstantiated conclusion. To the extent possible, these impacts need to be more clearly spelled out and quantified in specific measurable terms. It would also seem that some mitigation could be devised to deal with potential long-term impacts.
- 12-36 32). *Storm-water-related impacts, including post-construction hydrologic impacts* – This scoping issue raised by the public has not been addressed. You say that BMPs would be required for construction repairs, as well as post-construction stabilization for long-term protection. However, you need to address this scoping issue for all post-construction hydrologic impacts in all areas of the project.
- 12-37 33). *Potential impacts from recycled water use and discharge* – This scoping issue has not been adequately addressed. You acknowledge that a portion of the annual hazardous waste generated at Chocolate Mountains MCAS would be recycled, but you do not identify its nature or quantify that amount to provide rationale for your conclusion about its insignificance.

Responses Continued

- [12-29] Alternative 2 would include the realignment of the CMAGR boundary to conform with the east side of the UPRR right-of-way, the north side of the MRL Rail Spur right-of-way, and, north of the spur, the west sides of designated BLM Routes 606 and 607. Route 604 is located almost 10 miles to the east of the easternmost boundary of the CMAGR and is in no way related to or affected by the MRL Rail Spur or the CMAGR. The boundary realignment proposed by Alternative 2 would not affect any at-grade crossings of the spur or the alignments or use of any designated BLM routes. Alternatives 1, 3, and 4 would not include this realignment of the range boundary and would also not affect any at-grade crossings of the spur or the alignments or use of any designated BLM routes.
- [12-30] Alternative 2, which would realign the CMAGR boundary as described in the response to Comment 12-29, would not affect designated BLM Routes 606, 607, or 590 or public use of these routes. There are no designated BLM routes for motorized travel within the BLM land that would be added to the range, but, as disclosed in Section 4.3.2.2 of the Draft LEIS, non-motorized public access would be precluded by the inclusion of this area in the CMAGR. Alternatives 1, 3, and 4 would not include this realignment of the range boundary and would not affect any existing motorized or non-motorized public access to BLM land.
- [12-31] As noted in Section 3.5.3 of the Draft LEIS, there are no active water supply wells in the CMAGR and water required for military activities at the range is carried in from external sources. MCAS Yuma conducted a REVA, in accordance with DoD Directive 4715.11 Environmental and Explosives Safety Management on Operational Ranges within the United States and DoD Instruction 4715.14 Operational Range Assessments, to gauge the potential that off-range impacts are occurring as a result of military munitions use at the CMAGR. The REVA identified potential chemical hazards associated with ordnance use on operational ranges. This baseline assessment indicated minimal environmental impacts occur off-range at the CMAGR from surface water runoff due to the lack of rainfall, evaporation rate, and distance to potential ecological receptors. The detected levels of contaminants are considered to have no or minimal effect on wildlife, groundwater, or surface waters. Because no ground or surface waters discharge from the range to any human receptors, there is no anticipated risk to human health (see Sections 3.11.4.2 and 3.12.3.2 of the Draft LEIS). There are no wells to monitor groundwater quality near the CMAGR.
- [12-32] The potential for groundwater contamination at the CMAGR is the same for each of the action alternatives, which would each renew the land withdrawal, because military use of the range would continue in essentially the same manner under each of these alternatives. Also see response to Comment 12-31.
- [12-33] The watersheds in the CMAGR that are upstream of the MRL site encompass a relatively small portion of the range as shown in Figure 3-9 of the Draft LEIS. As shown in Figures 1 5 and 3-2, military land use that occurs within these watersheds is currently limited to occasional vehicle travel on a limited road network and operations at a forward arming and refueling point (FARP) site. As described in Sections 2.2, 2.3, 2.4, and 2.5 of the Draft LEIS, the alternatives that would renew the range land withdrawal each share these same land uses and no proposals have been identified either to change the existing land use or introduce new land uses to this area in the foreseeable future. Potential effects on downstream land uses would be considered in a future planning process should a proposal for modified or new land uses at the CMAGR be developed in the future.
- [12-34] As noted in Section 3.5.3 of the Draft LEIS, there are no active water supply wells in the CMAGR and all water required for on-range military activities is carried in from external sources. There are no existing cooperative groundwater management agreements between the Installation and participating water purveyors.
- [12-35] See responses to Comment 12-31. There are no active water supply wells in the CMAGR, and no proposals have been identified that would use groundwater resources. Water required for military activities at the range is carried in from external sources.
- [12-36] Storm-water-related impacts, including post-construction hydrologic impacts, were not raised as an issue during scoping. No projects that involve or require construction are proposed in the Draft LEIS; hence, there is no need to discuss best management practices associated with construction in the LEIS.
- [12-37] Recycled water use and discharge at the CMAGR were not raised as issues during scoping. Recycled water is not used at the CMAGR and the water requirements of Navy SEAL personnel at Camp Billy Machen or SEALs, Marines, or other personnel deployed in the field at the range for training are met by water that they carry in from potable off-range sources. Management of hazardous substances is discussed in Section 4.12 of the Draft LEIS. The only mention of recycling in the Draft LEIS is in reference to the Operational Range Clearance Program, which is designed to prevent an excess accumulation of ordnance scrap, unexploded ordnance (UXO), and target debris within active target complexes (see Section 2.2.4.2 of the Draft LEIS). Non-hazardous ordnance scrap that has been rendered safe and demilitarized for removal and other range-related debris, such as target scrap, that is qualified for off-range recycling or sanitary disposal are the only materials removed from the range.

Land Withdrawal Application and Land Segregation Process

12-38 [34). As the BLM's segregation and withdrawal process is different from that of the USMC's NEPA process, it is unclear if BLM issued a Notice of Segregation and held one or more public meetings on this issue. Were NEPA scoping and DEIS public meetings were also held to comply with BLM's procedural responsibilities? At a minimum, and because BLM is also a Cooperating Agency on this project, your project website must include the Federal Register Notices issued by the BLM to announce this withdrawal application, segregation and that agency's intent for public input and meetings. At present, your website only includes the Department of the Navy's Notice of Intent to Prepare an EIS, Notice of Availability of the Draft EIS, and a Notice of Public Meeting Location Change. Please include the BLM Federal Register Notices also. Without doing further research, it is possible that the BLM has not complied with their procedural responsibilities and they must issue a Federal Register Notice and provide for a public comment period and meeting/s to discuss the withdrawal and land segregation process separately from the Marine Corp's adherence to the NEPA process with preparation of the EIS.

Agency Coordination

12-39 [35). The EIS does not explain why the U.S. Fish and Wildlife Service was not invited to serve as a Cooperating Agency.

Airspace

12-40 [36). The EIS does not clearly address need for any changes to airspace under each alternative. For example, in section 4.7.2.2, the Draft EIS states "overlying restricted airspace would be acquired to potentially support some military activities," yet there are no maps or narrative to show this potential acquisition and the impacts of same. At the same time, the EIS states that "Alternatives 1 through 4 would each continue the same status quo patterns of military land and airspace use." This appears to be an inconsistency.

Cumulative Effects

12-41 [37). The Draft EIS has not clearly described the methodology used for this analysis.

Land Use and Public Access

12-42 [38). Impacts from military overflights – The impacts are not clearly stated that would be associated with expected overflights.

12-43 [39). The EIS must refer to your plans for continued discussions planned through leadership and consultation meetings with Tribes. If more of those have taken place, please include the results of such meetings in the Final EIS.

Cultural Resources

12-44 [40). The EIS does not clearly state whether Native American access to cultural sites will be allowed.

12-45 [41). Appendix F of the Draft EIS has the Programmatic Agreement between the Marine Corps and Native American tribes. However, it has not been signed by any of the Tribes. For this Programmatic Agreement to be meaningful, the Final EIS include provide a fully signed copy indicating buy-in by all 34 of the listed Tribal representatives.

12-46 [42). Appendix H indicates that consultation was conducted with 36 Tribes. Why does Appendix F only list 34 Tribal representatives as signatories to the Programmatic Agreement?

12-47 [32). The EIS does not mention if petroglyphs exist in the area and if access to them will be allowed.

[12-38] The BLM participated in the scoping and public meetings for the Draft LEIS. A Notice of Segregation was issued 27 March 2013. A public meeting is scheduled for 25 April 2013.

[12-39] Agencies such as the USFWS typically do not participate as Cooperating Agencies because such a role could be perceived as being in conflict with their regulatory oversight role. Although the threatened Mojave desert tortoise occurs on the CMAGR and about 40 percent of the range is designated as critical habitat for this species, the USFWS has no land management role at the range. Land management at the CMAGR is the responsibility of the DoN/Marine Corps and BLM. Each of the action alternatives for renewing the CMAGR land withdrawal would support the continuation of ongoing military operations and land use at the range without notable distinction from each other. Also, none of the renewal alternatives would alter the designated critical habitat from its current status or affect it in a way that would be different from the current condition. The Marine Corps is consulting with the USFWS. Should Congress decide to renew the CMAGR land withdrawal, and based on the terms of the withdrawal, additional consultations would be conducted. Also see response to Comment 12-9.

[12-40] The commenter has misread the statement in Section 4.7.2.2 of the Draft LEIS. The full statement with supporting context reads: "It is anticipated that most of the acquired land areas would predominantly function only as buffer zones in which there would be little or no direct military surface use. The UPRR realignment may provide an exception to this prognosis as sufficient land space with overlying restricted airspace would be acquired to potentially support some military activities, but there are currently no proposals for surface use of that area." Properly interpreted, the statement indicates that the proposed UPRR realignment provides an opportunity to acquire some BLM land over which restricted airspace already exists. The restricted airspace in question is R-2507S and the BLM land over which it is located that is proposed for acquisition by Alternative 2 is depicted in Figure 2-2 of the Draft LEIS. No changes in airspace are proposed by Alternatives 1, 2, 3, 4, or 5.

[12-41] The methodology used for the cumulative effects analysis is described in Section 5.1 of the Draft LEIS. Each resource area also discusses the cumulative effects methodology for that resource. See also response to Comment 26-15.

[12-42] Range and Airspace Operations are discussed in Section 4.2 and Non-military land use is discussed in Section 4.3 of the Draft LEIS. As discussed in Section 4.2 of the Draft LEIS, there would be no change in training activities from any of the action alternatives, and therefore no impacts from military overflights.

[12-43] See response to Comment 12-18.

[12-44] No interruption of Native American access to sacred sites at the CMAGR would result from any of the renewal alternatives. Although the Draft LEIS does not explicitly describe access to Native American cultural sites, it does reference the federal laws and regulations that provide the legal authority and guidance on which the current access program is based (see Section 1.7). Among other laws that address Native American rights and cultural resources management at the CMAGR, the Draft LEIS references the American Indian Religious Freedom Act (AIRFA) (P.L. 95-341; 42 U.S.C. §§ 1996 and 1996a), which established a policy to protect and preserve for American Indians the inherent right of freedom to believe, express, and exercise their traditional religions, including but not limited to access to religious sites, use and possession of sacred objects, and freedom to worship through ceremonial and traditional rites. Discussion of the potential effects of renewing the CMAGR land withdrawal on the continuing implementation of the AIRFA at the range is provided in the Draft LEIS in Section 4.8 at page 4-36. The Draft LEIS also incorporates the ICRMP for the CMAGR by reference (see Section 3.8.1 at page 3-80). The purpose of the ICRMP is to inform the Commanding Officer of the CMAGR of the necessary procedures to manage cultural resources (archaeological and historical sites and sites of cultural or religious concern to Native Americans) while meeting the military mission of CMAGR and taking into account the kinds of military activities that are carried out at the range. The ICRMP describes the regulatory environment that is applicable to the management of cultural resources at the range and, in particular, references Executive Order (EO) 13007 and MCO 5090.2A, Chapter 8 as important sources of guidance that protect Native American access to sacred sites on military ranges. EO 13007 requires federal agencies to provide Native Americans with access to and ceremonial use of sacred sites and MCO 5090.2A, Chapter 8 requires DoN offices to protect and accommodate access to Native American sacred sites located on property owned or controlled by the agency. One of the defined objectives of the ICRMP is to support tribal requests for access to places of traditional cultural and religious significance. Responsibility for implementing the ICRMP is assigned to the MCAS Yuma Range Management Office and the MCAS Yuma Cultural Resources Manager.

[12-45] The Native American tribes are listed as concurring parties to the Programmatic Agreement (PA). The signatory parties to the agreement include the Marine Corps, the Arizona and California SHPOs, and the Advisory Council on Historic Preservation. Concurring parties are not required to sign the PA in order to implement it. The tribes listed in the PA are, however, welcome to sign the PA at any time.

[12-46] The PA provided in Appendix F, which was incorporated in the ICRMP for the CMAGR, is for the West Coast basing and operation of the MV-22 Osprey aircraft and demonstrates the Marine Corps' continued commitment to consult with SHPOs, the Advisory Council on Historic Preservation, and tribes regarding operational changes. The tribes listed in Appendix H were

Responses Continued

those that were consulted in regard to the proposed renewal of the CMAGR land withdrawal. Consultations with two additional tribes were warranted for the MV-22 project because of the widely dispersed basing and far reaching flight activities that were proposed.

[12-47] The occurrence of petroglyphs at recorded cultural sites in the CMAGR is disclosed in the Draft LEIS in Section 3.8.1.3 at page 3-84 and in Section 3.8.3 at page 3-86. Native American access to these sites may be provided in accordance with established procedures referenced in the ICRMP. Also see the response to Comment 12-44.

Letter 12 Continued

12-48 [43). The Draft EIS must acknowledge that construction of new facilities which would result in a higher potential for the loss or destruction of archaeological resources. Please identify the planned construction with such potential.

12-49 [44). Need for additional formal tribal consultation – Appendix H presents a summary of consultation conducted to date, but it falls short in describing plans for future and on-going consultation. The Draft EIS does not acknowledge the plans for future formal Tribal consultation other than to say that the consultation process would be initiated if an adverse impact is anticipated. The Final EIS must be more clear about how the Tribes would be involved and what exactly are the established procedures to be followed.

Hazardous Materials, Hazardous Waste, Contamination

12-50 [45). *Contamination to air, water, and land from munitions constituents* – [The Draft EIS has failed to adequately address the potential for contamination to air, water and land from munitions.] As one example, it is commonly known that range operation could contaminate soils from chemicals (for example, spilled fuels), explosives, residues or unexploded ordnance. Indirect effects on soils include reduced surface water infiltration with an associated increase in surface water runoff, soil productivity decline resulting in poor plant growth or seed germination, and soil contamination migration. Both direct and indirect effects on soils would occur as a result of continued military surface-disturbing activities. For another example, the Draft EIS fails to clearly spell out the anthropogenic activities that could occur at the range to contaminate groundwater by inadvertent spills of chemicals or explosives.

12-51 [46). *Spill prevention and response action plan to protect water quality from spills* – Where is this significant issue (raised during scoping) addressed in the EIS? Your EIS has little or no discussion on mitigation (i.e. best management practices) to deal with spill prevention and response.

12-52 [47). *Impacts resulting from hazardous materials corrective action obligations* – The EIS must be more forthcoming with these significant impacts associated with the action alternatives. You must quantify them in terms of scope, magnitude, duration and intensity. You must identify potential mitigation and costs of such. Your conclusion that standard procedures would be used in their handling and disposal; therefore, no significant impacts would be anticipated is unsubstantiated.

12-53 [48). *Consideration for a plan for the clean-up and reclamation of the project site for future nonmilitary use* – You acknowledge the need for an Installation closure and remediation plan for hazardous materials in association with non-renewal of the land withdrawal. No specifics or costs are identified. Reclamation has not been mentioned or addressed in the Draft EIS. This is a serious oversight.

Socioeconomics

12-54 [49). *Socioeconomic effects of CMAGR* – You provide no substantive analysis with quantification of these impacts. The beneficial impacts of continued withdrawal renewal must be identified and quantified. In addition, the “significant and adverse” impacts of the No Action Alternative must similarly be put into perspective with analysis and quantification.

12-55 [50). *Cost of continuing the proposed withdrawal* – This issue raised by the public during scoping has not been acknowledged, mentioned, addressed or analyzed in the EIS.

Circulation and Traffic

12-56 [51). *Impacts on area roads and subsequent mitigation* – The EIS implies that continuation of nonmilitary uses (as well as recreation, research, education) is not anticipated to result in significant impacts to transportation and circulation. [Where in the EIS do you address and fully analyze the impacts of military activities on circulation and traffic?

Responses Continued

[12-48] The scope of the Draft LEIS is limited to the proposed renewal of the CMAGR land withdrawal, which would be a Congressional decision as described in Section 1.1 and in Section 1.1.1 at page 1-2 and in Section 1.1.2 at page 1-6. No projects, including construction of new facilities that would require administrative decision making by the DoN/Marine Corps are proposed in the Draft LEIS.

[12-49] See response to Comment 12-18.

[12-50] The Draft LEIS adequately addresses the potential for munitions constituents to contaminate air, water, and land. See Sections 3.6.4, 3.11.4.2, 3.12.3.2, 4.5.1, 4.7.1.1, and 5.3.5.

[12-51] Spill prevention and response were not raised as issues during scoping, are not anticipated to be significant issues related to the proposed action and, therefore, are not analyzed in depth (40 CFR 1501.7). The regulatory framework that the Marine Corps operates under for hazardous materials and waste management is provided in the Draft LEIS in Sections 3.12.1 and 3.12.2. As described in Section 3.2.3 at page 3-14, the standard operating procedures for ground-based training operations at the CMAGR, such as bivouac sites or forward arming and refueling points, require preemptive measures to prevent and, if necessary, contain spills of materials such as fuels or lubricants. The fact that MCAS Yuma maintains an up-to-date hazardous materials response plan and team to respond immediately to any spills is also disclosed in Section 3.2.3 of the Draft LEIS. The proposed action does not require any change to the existing spill prevention and response action plan; thus, no additional mitigation is needed or proposed.

[12-52] For all the action alternatives, the renewal of the CMAGR land withdrawal would allow for the continued use of ordnance, continuation of the current use of hazardous materials, and management of waste conditions as described in Section 3.12.3 of the Draft LEIS due to the continuation of existing military operations in the CMAGR. Additionally, as described in Sections 4.12.1 through 4.12.4 of the Draft LEIS, there would be no distinguishable differences in environmental effects between action alternatives. However, these effects could be distinguished from those resulting from the no-action alternative, which would terminate military use and create the potential for civilian use. Selection of the no-action alternative would likely trigger extensive cleanup procedures and would require separate planning efforts to determine the extent and significance of risk. Section 4.12.5 of the Draft LEIS indicates that such an undertaking would result in significant environmental effects. The DoN/Marine Corps have no RCRA Corrective Action obligations at the CMAGR.

[12-53] Section 2.6 of the Draft LEIS discusses the framework for how range closure and a determination of remediation would occur should Congress decide not to renew the range. As indicated in Section 4.12.5 of the Draft LEIS, a separate environmental analysis and other Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)-related studies would be required to determine the extent of environmental hazards and appropriate remedial actions if Congress decides to close the CMAGR. Until Congress makes such a decision, and likely provides additional guidance about how the range would be reused and decontaminated, the CERCLA-related analyses could not be scoped, funded, or performed. Consequently, it would be unreliably speculative at this point to attempt to define specific closure and remediation costs. It is anticipated, however, estimate that clean up procedures could exceed \$1 billion, and would be subject to Congressional authorization and project prioritization. Any cleanup efforts would include DoN-owned land, as well as Reclamation and BLM-withdrawn land.

[12-54] The socioeconomic region of influence (ROI) and conditions associated with the CMAGR are detailed in Section 3.13 of the Draft LEIS. This description includes the socioeconomic conditions at both the range and its vicinity as well as at the military bases within the CMAGR operating area from which training missions at the range are generated. Although an assessment of the potential socioeconomic impacts of the alternatives is provided in Section 4.13 of the Draft LEIS, its principal findings are summarized here. The assessment found that renewal of the CMAGR land withdrawal in accordance with Alternatives 1 through 4 would each continue the range in a manner so similar to the current conditions that there would be no direct or indirect impacts to existing communities, employment, housing, fiscal resources, populations, schools, police, fire, utilities, or public services. There would be no indirect effects to communities within the ROI that would induce growth, change land use patterns, adversely affect quality of life, or increase population and growth rates. Renewal of the range under Alternatives 1 through 4 also would continue the direct, indirect, and induced beneficial economic effects that occur under the current conditions. As explained in Section 2.6 of the Draft LEIS, the conditions that would emerge if Congress decides to close the CMAGR (Alternative 5) including the extent to which the range would need to be decontaminated, how the range may be reused, and the effects of range closure on existing training missions and military bases in the CMAGR operating area cannot be forecasted with any reasonable specificity before Congress issues such a decision. Thus and although closure of the CMAGR would likely trigger measurable socioeconomic effects within the current ROI of the range and possibly at ranges and military bases outside of the ROI, it was not possible to generate an analysis of these effects for inclusion in the Draft LEIS.

[12-55] The cost of continuing the proposed CMAGR land withdrawal was not raised as a scoping issue. The Council on Environmental Quality regulations for implementing NEPA provide that a cost-benefit analysis be incorporated, by reference, in

Responses Continued

or appended to an EIS only if the analysis is relevant for making a choice from among environmentally different alternatives (40 CFR § 1502.23). In accordance with the CMLWOA, Congress clearly set the degree to which there is a continuing military need for the CMAGR as the primary benchmark for reviewing proposals to renew the land withdrawal for the range (see Section 1.1, Page 1-2 of the Draft LEIS). Nevertheless, the Draft LEIS does provide quantitative considerations of costs among the action alternatives for land and resource management and the different outcomes that would occur as a result of closing the CMAGR under Alternative 5. In general, there would be only minor cost differences among Alternatives 1 through 4 as each of these alternatives would allow for essentially the same continued military operation of the CMAGR. Alternatives 2, 3, or 4 would offer improvements in management efficiencies by vesting all management responsibility with one agency, DoN/Marine Corps, rather than splitting it between two, DoN/Marine Corps and BLM, as per Alternative 1. The cost benefits of the projected increase in efficiency could not be quantified in advance of the management planning that would follow renewal of the land withdrawal. Post-renewal planning would define the scope and intensity of the follow-on management programs upon which range management costs would be based. The qualitative differences in management efficiencies offered by Alternative 1, 2, 3, or 4 are addressed in the Draft LEIS in Table ES-2 and in Sections 1.4, 1.5, 4.2.1, and 4.2.2. As described in Table ES-2 and in Sections 2.6, 4.2.5, 4.3.5, 4.12.5, 4.13.5, and 5.3.12 of the Draft LEIS. The closure of the CMAGR under Alternative 5 would trigger needs to relocate the air- and ground-based training displaced from the range, initiate range decommissioning and cleanup programs, plan for land and possibly airspace reuse, and, possibly, realign or close air stations or other bases as a result of displaced training. These actions would generate large, but unquantifiable, costs, adverse impacts, and some nonmilitary use benefits that would not occur under Alternatives 1, 2, 3, or 4. At this point in time, planning and analyses to quantify the scope and details of changes that would be wrought by Alternative 5 cannot be conducted and it is too speculative to estimate the relative costs or benefits that would be associated with these potential outcomes other than to note that they would be dramatically different from those that would occur if the CMAGR land withdrawal is renewed and the range continues in operation.

[12-56] The effects of military activities at the CMAGR on local and regional traffic and circulation are negligible, were not issues raised during scoping and, therefore, are not analyzed in depth (40 CFR 1501.7). With few exceptions, the railroads, federal and state highway systems, and local road networks in the CMAGR area, which were all in place before the range was established, have not been impeded or disrupted by the range or range operations (see Sections 3.3.4 and 5.2.1.1, and Table 5-1 of the Draft LEIS). The Niland-Blythe Road, which crosses the CMAGR, was in service before the range was established, but this unpaved road has since been supplanted by State Route 78 as a connector between the Blythe-Glamis-Imperial Valley areas. Although the Niland-Blythe Road has been closed to general public travel for decades, it continues to serve as access for maintaining an Imperial Irrigation District transmission line. Another non-public use road that traverses the range, the Gasline Road, supports utility company access for serving a buried natural gas pipeline and another transmission line. The Bradshaw Trail, which is an historic public use road, traverses portions of the northern periphery of the CMAGR, but remains open to public use. The CMAGR is principally an aviation training range and the off-range traffic loads generated in support of infrequent and limited ground-based operations at the range have almost no effect on the traffic conditions on federal and state highways or local roads.

Letter 12 Continued

- 12-57 [52). *Desire to see the road between the ranges remain open for public use* – The EIS has not addressed the topic on improved or increasing public access by opening roads, even on a temporary or intermittent nature. The EIS must address those significant issues raised by the public during scoping.

Noise

- 12-58 [53). *Identification of areas of frequent noise complaints* – Provide a map and table in the EIS which shows the areas and times associated with frequent noise complaints.

- 12-59 [54). *AICUZ* – The EIS must state if an AICUZ has been prepared for the Chocolate Mountain MCAS. The Draft EIS makes no mention of an AICUZ. If none exists, you should prepare one. If one exists, please analyze the compatibility of MCAS activities with off-installation land use. While the pattern of such flights there may remain consistent for the next 20-25 years (or indefinitely), that is questionable in the long-term. Furthermore, tempo may increase even in the short-term. Future noise contours must be mapped and incorporated directly into the EIS for each alternative. The Final EIS must lay out the recommendations from an AICUZ. In addition, The Department of the Navy should identify in the Final EIS which recommendations would be adopted. With such transparency, the DoN would be able to provide more meaningful impact analysis in its EIS for the withdrawal renewal. Further, an AICUZ should be uploaded directly to your project website so that they may be able to be easily accessed and referenced by the public.

Land Use Management Plan

- 12-60 [55). *Land Use Management Plan* – The EIS must state if a Land Use Management Plan (LUMP) has been prepared for the Chocolate Mountain MCAS. The Draft EIS makes no mention of a LUMP. If none exists, you should prepare one. If one exists, please incorporate it. Final EIS must lay out the recommendations from a LUMP. In addition, The Department of the Navy should identify in the Final EIS which recommendations would be adopted. With such transparency, the DoN would be able to provide more meaningful impact analysis in its EIS for the withdrawal renewal. Further, any existing Land Use Management Plan should be uploaded directly to your project website (or a link provided to the document elsewhere on the Net) so that it can be easily accessed and referenced by the public.

Air Quality

- 12-61 [56). *Potential air quality impacts* – It is not substantiated to conclude that air quality impacts would not increase over the baseline. It seems likely that increased tempo of military activity could lead to an increase.

Airspace

- 12-62 [57). *Impacts on general aviation airspace navigation* – An increased need for general aviation airspace has not been acknowledged. To conclude that there would be no significant change from the baseline is unsubstantiated as the EIS does not address closures and restrictions on a regional basis, as well as the increasing need of general aviation. One example is the proposed closure or restriction of additional land and airspace in the vicinity of Barstow and Twentynine Palms as a result of USMC base expansion there. This should be specifically addressed as a cumulative impact.

- 12-63 [58). *Rerouting of general aviation air traffic that could result in environmental impacts from consumption of extra fuel, more carbon and combustion products, and noise* – This issue raised by the public during scoping has not been acknowledged, mentioned, addressed or analyzed in the EIS.

Cumulative Impacts

- 59). *Desire to see cumulative and indirect impacts analyzed for each fully analyzed alternative* – Indirect impacts are only minimally analyzed in each resource section. The discussion of cumulative impacts is also very weak and incomplete.

Responses Continued

[12-57] The rationale for prohibiting public access to the CMAGR is provided by Section 1.2.2.1 of the Draft LEIS. As described in detail in Section 3.2.4, range safety buffers, or containment areas, are required so that malfunctioning, misdirected, or unintentionally released aircraft ordnance may impact without harm to persons or property.

[12-58] The Community Planning and Liaison Office at MCAS Yuma reports that two noise complaints related to CMAGR military operations have been received since 1995, which indicates that noise has not been an issue for communities in the vicinity of the range.

[12-59] An Air Installation Compatible Use Zone (AICUZ) study is an information document intended to achieve compatibility between military air installations and neighboring communities. Since the CMAGR is not an air installation, an AICUZ is not appropriate. A Range Air Installation Compatible Use Zone (RAICUZ) is prepared for military ranges. A RAICUZ has not been completed for the CMAGR. The DoN RAICUZ program is designed to protect public health, safety, and welfare, and to prevent encroachment from degrading the operational capabilities of air-to-ground ranges. The RAICUZ program includes range safety and noise analyses, and provides land use recommendations that will be compatible with range compatibility zones and noise. In the absence of an available RAICUZ study, the land use, noise, and safety impact assessments provided by the Draft LEIS were developed by using the existing and up-to-date noise analysis for the CMAGR that was prepared for the *Final Environmental Impact Statement for the West Coast Basing of the F-35B* (DoN 2010b) (see Section 3.9.4), an inventory of military surface use at the range (see Section 3.2.4), a review of weapons and surface danger zones at the range (see Section 3.2.4.2), and a survey of non-military land use adjacent to the perimeter of the range (see Section 3.3). The findings from these assessments show that aircraft and ordnance delivery operations at the CMAGR do not generate off-range noise that would be considered to be incompatible with potentially noise sensitive receivers or land uses such as residences, transient lodging, classrooms, or medical facilities. Similarly, the inventory of military surface use and review of weapons and surface danger zones at the range showed that the range land area adequately separates on-range military activities from off-range land use and there are no off-range land or airspace safety effects resulting from ordnance or laser use. These favorable noise, safety, and land use compatibility findings would not be affected by any of the alternatives that would renew the CMAGR land withdrawal.

[12-60] The BLM prepared the NECO Plan in 2002 for the CMAGR, as reported in Section 1.5 of the Draft LEIS. The NECO Plan is a resource management plan available from the BLM at: <http://www.blm.gov/ca/st/en/fo/cdd/neco.html>.

[12-61] The conclusion is that the alternatives that would renew the CMAGR land withdrawal would not increase emissions from military activities at the range over the current baseline because the range renewal alternatives do not include any proposed increases in air or ground training tempos. Although air training tempos have been relatively stable over the last six years and are reduced from those of a decade earlier, new training requirements could emerge in the future that would once again increase the volume of training at the range. At this time, a change in training tempo is not foreseeable.

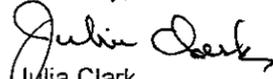
[12-62] The conclusion reached in the Draft LEIS for each of the Alternatives 1 through 4, which would renew the CMAGR land withdrawal, is that civil aviation access to airspace in the CMAGR region and civil flight operations would be unchanged from current conditions by the renewal. As described in Section 3.2.1 of the Draft LEIS, the National Airspace System in the CMAGR region has evolved since the World War II era in consideration of the requirements of the three major airspace user groups—general aviation, commercial air carriers, and DoD. The development of the civil airway system in the region preceded the advent of military flight training in the area and the special use airspace eventually allocated in support of DoD requirements generally has not curtailed or limited the further development of an effective civil airway system. The current geographical and temporal patterns of airspace to civil and military uses in the region are long-standing and would not be altered from current conditions by renewal of the CMAGR land withdrawal. This conclusion from the Draft LEIS is substantiated and valid.

[12-63] No issues pertaining to general aviation air traffic were raised during scoping. As indicated in the response to Comment 12-62 and explained in Section 3.2.1 of the Draft LEIS, the renewal of the CMAGR land withdrawal in accordance with Alternatives 1, 2, 3, or 4 would not change airspace use, or affect the existing access of general aviation or commercial air carriers to airspace in the CMAGR region. Renewal of the range land withdrawal would not cause any rerouting of general aviation air traffic.

Letter 12 Continued

- 12-64 [60). *Cumulative impacts of the withdrawal of public lands for DoD installations throughout So. California* – This significant concern raised by the public during scoping has been ignored in the EIS. Military withdrawal of public lands within the region must be acknowledged and fully analyzed in the EIS. One example is the proposed closure or restriction of additional public land and airspace in the vicinity of Barstow and Twentynine Palms as a result of USMC base expansion there. This should be specifically addressed as a cumulative impact. There is also no mention of the proposed renewal/expansion of the facility at China Lake Naval Air Weapons Station.
- 12-65 [61). *Concerns about cumulative impacts and desire for analysis to be integrated with the discussions of resource impacts instead of in a separate chapter* - Indirect impacts are only minimally analyzed in each resource section. The discussion of cumulative impacts is also very weak and incomplete.
- Other**
- 12-66 [62). *Desire for documentation of current stewardship practices, all resource monitoring, and reporting during current land withdrawal* – There is only a very cursory mention of monitoring in the Draft EIS. Few specifics are provided other than to acknowledge that monitoring and reporting are required. No indication of costs has been provided. A complete multi-resource monitoring plan should be developed and provided as an appendix to the Final EIS.
- 12-67 [63). *Consideration for a joint NEPA/California Environmental Quality Act (CEQA) document* - This issue raised by the public during scoping has not been acknowledged, mentioned, addressed or analyzed in the EIS.
- 12-68 [64). *Desire for additional and ongoing community outreach to communities* – Typically, an AICUZ provides for outreach efforts. The Draft EIS does not mention if an AICUZ exists. Thus, outreach efforts are not clearly spelled out. The Final EIS should have the AICUZ and Land Use Management Plan as appendices. Or, as an alternative, please upload these two documents (if they exist) directly to the withdrawal project's website for easy public access.
- 12-69 [
- 12-70 [65). *Consideration for BLM to have a lead role in the LEIS process* – The Final EIS should include an appendix with all existing agreements between the Secretary of the Navy and the Bureau of Land Management (BLM). Despite the public raising this important issue during scoping, the EIS has not addressed the rationale for BLM not assuming the lead role on this current military land withdrawal EIS. The Final EIS must also address the nature and extent of BLM's future role if the withdrawal is renewed.
- 12-71 [For example, will a Memo of Agreement be promulgated or updated? Will a revision or amendment be needed to the CDPA or other Resource Management Plan? Will the BLM be charged with any other management responsibilities? What will the cost be of such measures?
- 12-72 [66). *Energy Development* - To facilitate our Nation's need for energy independence, the Final EIS determine if any of the acreage proposed for continued withdrawal can be opened to any surface entry, geothermal, mining, mineral leasing, or Materials Act of 1947.
- 12-73 | Thank you for addressing these comments in the Final EIS. Please send me a copy of the Final EIS.]

Sincerely,


Julia Clark

Responses Continued

[12-64] Draft LEIS Section 1.2.2 describes the role of the CMAGR in training air and ground forces of the Marine Corps, Navy, and other armed services. Section 1.2.2 details how the CMAGR is used as an individual range as well as how the CMAGR is related to and integrated with other ranges within both the Bob Stump Training Range Complex and the greater regional complex of ranges (see Figure 1-4). China Lake Naval Air Weapons Station generally lies outside of the training and support arc of the CMAGR and most of the other ranges within its sphere of activity. In all, the Draft LEIS explains how seven ranges and range complexes, including the CMAGR, in southern California and southwest Arizona are used individually and together to train both individual aviators and ground troops and integrated units of up to the size of a Marine Air Ground Task Force. The cumulative effects analysis provided in Chapter 5 of the Draft LEIS examines past, present, and reasonably foreseeable land use, including military land use, across a substantial area of southeastern California, which can be defined as a landscape ecologically linked or otherwise associated with the commitment of the CMAGR to national defense purposes and activities. The size of the landscape considered varied in accordance to the spatial relationships of the resource examined. With the exceptions of airspace, air quality, and socioeconomics, the assessments did not consider locations as far away as the Marine Corps Air Ground Combat Center at Twentynine Palms because it was unlikely that there would be additive or interactive effects between the impacts that would likely occur as a result of the proposed renewal of the CMAGR land withdrawal. It is important to note that renewal of the CMAGR land withdrawal would result in very few environmental effects that could be differentiated from the existing background conditions.

[12-65] As indicated in the response to Comment 12-65, the Draft LEIS adequately addresses indirect impacts. Presenting the cumulative effects analysis in Chapter 5 rather than dispersing it throughout the individual resource impact analyses provided in Chapter 4 was the best approach for developing a comprehensive and integrated impact assessment at both the individual resource and aggregate landscape levels. The Draft LEIS adequately addresses indirect and cumulative impacts as indicated in Chapters 4 and 5, respectively.

[12-66] See the response to Comment 12-12.

[12-67] No issues pertaining to consideration of a joint NEPA/California Environmental Quality Act (CEQA) document were raised during scoping. The analysis is an LEIS because renewal of the range is a decision to be made by the U.S. Congress. CEQA is not applicable to the preparation of the Draft LEIS for the proposed renewal of the CMAGR land withdrawal.

[12-68] See the response to Comment 12-59.

[12-69] See the response to Comment 12-59. The NECO Plan is available from the BLM at: <http://www.blm.gov/ca/st/en/fo/cdd/neco.html>.

[12-70] No comments were received during scoping requesting that a rationale be provided for the BLM not assuming the lead role in the preparation of the Draft LEIS. As described in Section 1.1 of the Draft LEIS and as provided by the CMLWOA, the Secretary of the Navy (not BLM) was directed to prepare a Draft LEIS concerning the proposed renewal of the CMAGR land withdrawal if the Secretary determined that there is a continuing military need for the range.

[12-71] The alternatives for assigning administrative and management responsibilities to the DoN and the BLM are described in Sections 2.2.3, 2.3.2, 2.4, and 2.5 of the Draft LEIS. No additional BLM management responsibilities beyond those described in the alternatives are anticipated. As described in Sections 1.1.3 and 1.5 of the Draft LEIS, the assignment of federal administrative and management responsibilities for more than 5,000 acres of BLM land in aggregate withdrawn for national defense purposes is a matter that Congress has reserved in law for itself. The necessity of promulgating or updating agreements between DoN and BLM, specific requirements for amending or otherwise preparing resource management plans, and the ability to estimate the cost of management cannot be resolved until Congress assigns administrative and management responsibilities for a renewed CMAGR (if any). At this time, the BLM does not foresee a need to revise or amend the NECO Plan as a result of renewal of the CMAGR land withdrawal.

[12-72] In accordance with the FLPMA (43 CFR 2310.3-2(b)(3)(iii)), the DoN has prepared a mineral resource analysis for the CMAGR that includes information on general geology, known mineral deposits, past and present mineral production, mining claims, mineral leases, evaluation of future mineral potential, and present and potential market demands. The report containing this analysis has been submitted to the BLM as part of the application package for the proposed renewal for the CMAGR land withdrawal. Section 3.4 of the Draft LEIS includes much of the same information as the report. The DoN has determined that opening the CMAGR to entry under the mining laws and the mineral and the geothermal leasing laws would be inconsistent with safety hazards that occur at the range as a result of ordnance delivery training, expended but unexploded ordnance, and laser use and the need to prevent interference or disruption of training activities (see Draft LEIS Sections 1.2.2.1 and 3.2.4).

[12-73] Electronic copies of the Final LEIS were distributed to all persons that requested it or commented on the Draft LEIS. Hard copies are available on request.

SUBMISSION SUMMARY

Names

First Name: Theron Last Name: Dunaway
 Title: Organization:
 Address: 11366 S. Cassidy Dr.
 City: Yuma State: AZ
 Zip: 85367 Country:
 Email: Mailing List: False
 Other
 Entity Type: Interested Anonymous: False
 Parties &
 Commentors

Submission Information

Date Submitted: 10/23/2012 Date Received: 10/23/2012
 Submission Web Comment Venue:
 Format: Form
 File name: Possible Duplicate: False

Submission Text

13-1 [Renew the CMAGR land withdrawal for 20 years (without boundary realignments). Management would remain unchanged from current conditions; Department of Navy would manage DoN land per Sikes Act and Bureau of Land Management would manage withdrawn land.

[13-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Walter Last Name: Eason
Title: Organization:
Address: 39565 Terwilliger Road
City: Anza State: CA
Zip: 92539 Country:
Email: wheasonjr@hotmail.com Mailing List: True
Entity Type: Other Interested Parties & Commentors Anonymous: False

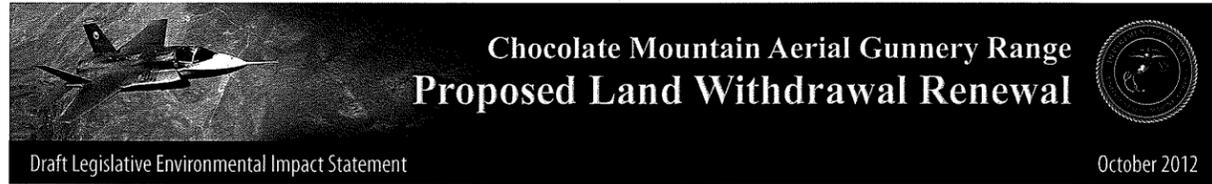
Submission Information

Date Submitted: 9/18/2012 Date Received: 9/18/2012
Submission Web Comment
Format: Form Venue:
File name: Possible Duplicate: False

Submission Text

14-1 [Have spent a lot of time around the area starting in 1969

[14-1] Comment is noted, but no further response is necessary.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: Yuma Main Library
 Your Name: Julie Engel
 Address: 899 E Plaza Circle, Suite 2
 City/State/Zip: Yuma AZ 85364

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

15-1

I am in support of alternative 3. This will simplify the use requirement for the DoD as well as enable the assets utilizing the Range to continue their missions. Alternative III.

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

[15-1] Comment is noted, but no further response is necessary.

* All comments received by DoN or BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) may be available for review by any person who wishes to review the public record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law. However, all submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

12983 Haverford Ct
Victorville CA. 92392

Kelly Finn, Chocolate Mountain EIS Project Manager
Naval Facilities Engineering Command Southwest
1220 Pacific Highway
San Diego, CA 92132

Dear sir:

- 16-1 [You must provide an additional 90 days for review of the Draft EIS for the Chocolate Mountain Aerial Gunnery Range. There is much "good cause" for the reason that you need to provide this additional time:
 - 1) The project is extremely large and very complex;
 - 2) The EIS is voluminous;
 - 16-2 [3) Formal public hearings on the project have not been provided;
 - 16-3 [4) The open house meetings did not afford the public to hear other people's comments in an official public forum;
 - 16-4 [5) Printed copies of the EIS were only distributed to local libraries despite me asking for one in my scoping letter;
 - 16-5 [6) You are requiring most publics to read all these pages of complex material on-line via your project website (or in a library);
 - 7) To digest the entire document, a person would have to read over 10-20 pages of complex material daily for the entire 90 days that you provided. That is not an acceptable expectation for the working public with many other commitments for their time.
 - 8) You have worked on this EIS for many years. You must provide the public with at least six months to review it.

You must extend the public comment period for an additional 90 days.

You must schedule some public hearings where our comments can be heard by all, including elected officials, and properly recorded.

- 16-6 [Then, because of the many problems in your first draft EIS, you must issue a second draft for review. The first draft is not adequate.
An additional 30-60 days public comment period with hearings should follow the issuance of your second draft EIS.

Thank you.

Sincerely,

John Everett

RESPONSES

[16-1] There will be no extension to the comment period on the Draft LEIS. In accordance with the Council on Environmental Quality regulations for implementing the NEPA at 40 CFR § 1506.10(c), federal agencies must not allow less than 45 days for comments on draft EISs, but may allow for longer review and comment periods. The DoN/Marine Corps exceeded this minimum requirement by providing a 90-day comment period, which is the same period that the BLM allows for public comment on draft EIS for proposed land use plans or land use plan amendments (see BLM H-1601-1 – Land Use Planning Handbook – (Public) at page 17—available at: http://www.blm.gov/pgdata/etc/medialib/blm/ak/aktest/planning/planning_general.Par.65225.File.dat/blm_lup_handbook.pdf).

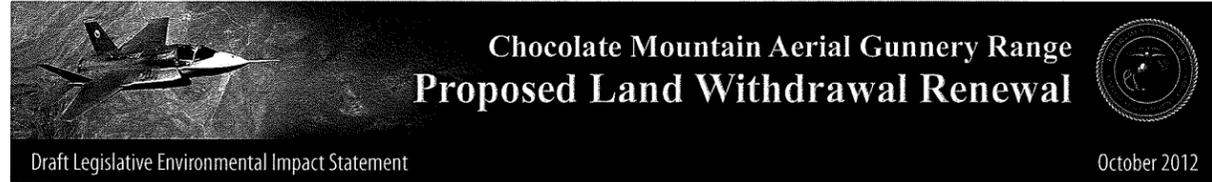
[16-2] Public meetings were held October 22, 2012, at the Yuma County Library, October 23 at the Southwest High School in El Centro, October 24 at the Mizell Senior Center in Palm Springs, and October 25 at the City Council Chambers and Lobby in Oceanside.

[16-3] In accordance with 40 CFR § 1506.6(c), lead federal agencies are to hold public hearings or meetings on draft EISs whenever appropriate. The DoN/Marine Corps determined that adequate public opportunities to review and comment on the Draft LEIS would be provided by the four public meetings, notices, and other public involvement procedures described in Chapter 1 of the Final LEIS.

[16-4] We did not receive a scoping letter from you nor did you register your attendance at a scoping meeting. We do not have a record that you requested a printed copy of the Draft LEIS. Printed copies were sent to the persons for whom we have a record that a request for a copy was made.

[16-5] See the response to Comment 16-1.

[16-6] In accordance with 40 CFR § 1502.9(c), preparation and circulation of second, or supplemental, Draft LEIS is not necessary and will not be issued. Also see response to Comment 16-1.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: YUMA LIBRARY
 Your Name: GREG FERGUSON
 Address: CHAIRMAN YUMA COUNTY BOARD OF SUPERVISORS
198 S MAIN
 City/State/Zip: YUMA AZ 85364

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

17-1

ALTERNATIVE #3
SEEMS APPROPRIATE.
THIS AREA WILL PROBABLY
NEVER BE USEFUL
FOR ANY OTHER ACTIVITY
UNLESS IT IS CLEANED.
I SUPPORT ALT #3.

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

* All comments received by DoN or BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) may be available for review by any person who wishes to review the public record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law. However, all submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

[17-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Sharon Last Name: Gardner
 Title: Organization: Rancho Serena
 Address: 3366 W 12th Lane
 City: Yuma State: AZ
 Zip: 85364 Country:
 Email: sgardner@yumaregional.org Mailing List: True
 Entity Other Interested Parties & Anonymous: False
 Type: Commentors

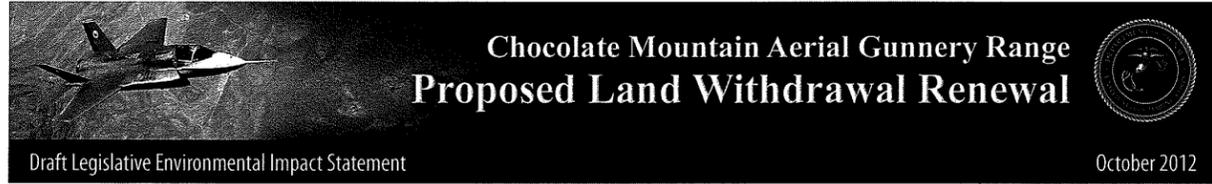
Submission Information

Date Submitted: 10/25/2012 Date Received: 10/25/2012
 Submission Web Comment Venue:
 Format: Form
 File name: Possible Duplicate: False

Submission Text

19-1 [I support Alternate 3 and to keep Chocolate Mountain range open for military use. This is vital to our community.

[19-1] Comment is noted, but no further response is necessary.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: Yuma Library
 Your Name: Albert Gendron
 Address: 3366 W 12th Street
 City/State/Zip: Yuma AZ 85364

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

20-1 [

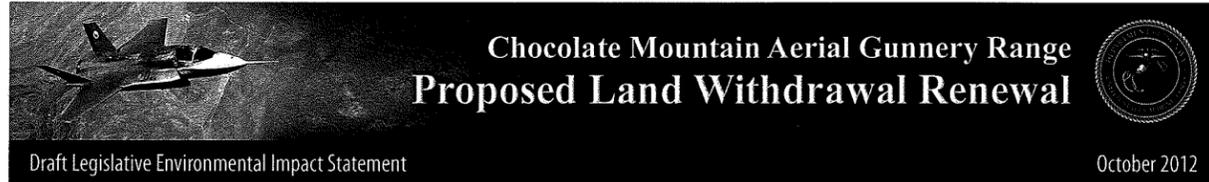
#3

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

* All comments received by DoN or BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) may be available for review by any person who wishes to review the public record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law. However, all submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

[20-1] Comment is noted, but no further response is necessary.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: Yuma County Library
 Your Name: Larry A. Gould, PhD
 Address: 1238 S. Sunset Drive
 City/State/Zip: Yuma, AZ 85364

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

21-1

I am Fully in Favor of Alternative
3. It No longer makes sense
to revisit this issue. This land
cannot be cleaned up nor should.
Failure to Support Alternative
3 would lead to continued expense
and unnecessary Political Jockeying
in the future. The range is a much needed Asset to the
future of the American Military.

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

* All comments received by DoN or BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) may be available for review by any person who wishes to review the public record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law. However, all submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

[21-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Stanley Last Name: gourley
Title: Organization:
Address: 8291 E Topeka Pl
City: Yuma State: AZ
Zip: 85365 Country:
Email: stan_marsha@q.com Mailing List: True
Other Interested
Entity Type: Parties & Anonymous: False
Commentors

Submission Information

Date Submitted: 10/21/2012 Date Received: 10/21/2012
Submission Web Comment Venue:
Format: Form
File name: Possible Duplicate: False

Submission Text

22-1 I support the request and option #3 is the best in the long term.

[22-1] Comment is noted, but no further response is necessary.

RESPONSES

2. Please provide comments on the analysis of project alternatives.

23-2 [The land withdrawal removal of the CMABR is essential for developing + maintaining the readiness of Marine Corps Aviation forces as well as Marine + Navy land combat forces.

23-3 [One of the big advantages that MCRS Yuma has over all other Marine air stations is the availability of sufficient bombing ranges. [The CMABR is a critical component of the bombing range complex available to Marine Aviation.

I completely support Alternative #3

[23-2] Comment is noted, but no further response is necessary.

[23-3] Comment is noted, but no further response is necessary.

Fold, tape top of form, and mail your comments to the address below:

Department of the Navy
Naval Facilities Engineering Command Southwest
Attn: Kelly L. Finn, NAVFAC Project Manager
Building 1, Central IPT
1220 Pacific Highway
San Diego, CA 92132-5190

Place
stamp
here

SUBMISSION SUMMARY

Names

First Name: Peter Last Name: Hekman
 Title: Organization:
 Address: 5021 Via Papel
 City: San Diego State: CA
 Zip: 92122 Country:
 Email: phekman1@san.rr.com Mailing List: True
 Entity Type: Other Interested Anonymous: False
 Parties & Commentors

Submission Information

Date Submitted: 10/23/2012 Date Received: 10/23/2012
 Submission Web Comment Venue:
 Format: Form
 File name: Possible Duplicate: False

Submission Text

24-1 [As a retired Vice Admiral and member of the Board of the Southwest Defense Alliance, I strongly recommend Alternative 3 - renew for an indefinite period of time, with realignments, and transfer all to DON management. This eliminates gaps and redundancies and a possible need to revisit this issue in a short period of time. Area is absolutely vital to Defense training, readiness, and testing.

[24-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Douglas Last Name: Holbert
Title: Organization:
Address: 2828 West Cindy Lou Lane
City: Yuma State: AZ
Zip: 85365-8040 Country:
Email: yumadh@gmail.com Mailing List: True
Other Interested
Entity Type: Parties & Anonymous: False
Commentors

Submission Information

Date Submitted: 10/24/2012 Date Received: 10/24/2012
Submission Web Comment Venue:
Format: Form
File name: Possible Duplicate: False

Submission Text

25-1 Alternative 3 appears to be the best option.

[25-1] Comment is noted, but no further response is necessary.

LETTER 26

4505 Maryland Parkway
RAJ 280 Box 452040
Las Vegas, Nevada 89154-2040

Naval Facilities Engineering Command, Central IPT
ATTN: Kelly Finn, Planner
1220 Pacific Highway
San Diego, CA 92132-519

To whom it may concern:

Despite your best intentions to get the Chocolate Mountain Aerial Gunnery Range Project EIS in compliance with CEQ implementation regulations for NEPA (40 CFR 1500-1508), you have failed. The following are my comments, along with relevant references to the CEQ regulations that you have failed to comply with:

Cover Sheet:

- You have identified the cooperating agencies (BLM, BOR) assisting with this project §1502.11 (a)
- CEQ requires a one-paragraph abstract, and you provided this. §1502.11 (e)
- You identified when comments must be received §1502.11 (f)
- 26-1 [• Regarding agency-specific requirements, you have not provided a proper reference to the Department of Navy Order for this installation. Include that item in your references cited.

Summary:

- 26-2 [• CEQ says it should normally be less than 15 pages §1502.12.
- 26-3 [• You have failed to stress major conclusions §1502.12 (As required by CEQ regulations, you haven't identified any conclusions in the summary)
- 26-4 [• You fail to stress areas of controversy §1502.12 You merely state that "The degree to which the effects on the quality of the human environment are likely to be highly controversial." This is inadequate and does not comply with CEQ regulations.
- 26-5 [• You fail to stress issues raised by agencies, by the public and those to be resolved §1502.12

Table of Contents:

- This section appears adequate and in compliance with CEQ regulations.

Purpose and Need:

- 26-6 [• You have failed to relate the Purpose & Need to alternatives including the proposed action §1502.13

Proposed Action and Alternatives:

- 26-7 [• You have failed to base this section on information/analysis in sections on Affected Environment and Environmental Consequences §1502.14
- 26-8 [• You have failed to rigorously explore all reasonable alternatives §1502.14 (a). Renewal of a reduced amount (perhaps 50% of the withdrawal acreage should be studied). You have failed to clearly show why the CMAGR must have about 500,000 acres to accomplish its training missions and meet requirements.
- You have failed to objectively evaluate all reasonable alternatives §1502.14 (a). Analyze alternatives for 25, 50 and 75% of the existing acreage proposed for renewed withdrawal. Some public lands should be considered for return to the public trust and access. You have not convinced me that the training requirements cannot be met with less than about 500,000 acres there.

RESPONSES

[26-1] MCO P5090.2A, change 2, dated 21 May 2009, Environmental Compliance and Protection Manual, Chapter 12, is the agency's applicable NEPA procedures (see Draft LEIS Section 1.6.1). Standard Operating Procedures for MCAS Yuma Range and Training Areas, Station Order 3710.61, is referenced on page 1-36, 2-9, 3-101, C-1, C-3, and C-4 of the Draft LEIS.

[26-2] 40 CFR 1502.12 indicates that the summary will normally not exceed 15 pages, but also states the summary shall adequately summarize the statement.

[26-3] The major conclusions are presented in Table ES-2, Comparison of Environmental Effects by Alternative.

[26-4] Public issues identified in scoping are listed in Section 1.6.3 of the Draft LEIS.

[26-5] No areas of public controversy were identified.

[26-6] Section 1.2 of the Draft LEIS states that the purpose for renewing the CMAGR land withdrawal is to retain the training range. In the introduction to the description of the alternatives (Section 2.1), the Draft LEIS states that the action and no-action alternatives combined represent the reasonable range of alternatives as indicated by the continuing military need for the range, government and public input received during scoping, and guidance provided by the CMLWOA. Each of the action alternatives supports the need to retain the training range.

[26-7] The CEQ's "Forty Frequently Asked Questions Concerning CEQ's NEPA Regulations," Question #7, provides further clarification on the difference between the EIS sections on alternatives, affected environment, and environmental consequences (<http://ceq.hss.doe.gov/nepa/regs/40/1-10.HTM#7>): "The 'alternatives' section is the heart of the EIS. This section rigorously explores and objectively evaluates all reasonable alternatives including the proposed action [Section 1502.14]. It should include relevant comparisons on environmental and other grounds. The 'environmental consequences' section of the EIS discusses the specific environmental impacts or effects of each of the alternatives including the proposed action [Section 1502.16]. In order to avoid duplication between these two sections, most of the 'alternatives' section should be devoted to describing and comparing the alternatives. Discussion of the environmental impacts of these alternatives should be limited to a concise descriptive summary of such impacts in a comparative form, including charts or tables, thus sharply defining the issues and providing a clear basis for choice among options [Section 1502.14]. The 'environmental consequences' section should be devoted largely to a scientific analysis of the direct and indirect environmental effects of the proposed action and of each of the alternatives. It forms the analytic basis for the concise comparison in the 'alternatives' section."

[26-8] The Draft LEIS addresses the full range of alternatives that address the guidance of the CMLWOA and that were identified through the scoping process (see Section 1.6.3 and Chapter 2 of the Draft LEIS).

Letter 26 Continued

- 26-9 [• You haven't adequately stated why certain alternatives were eliminated from detailed study §1502.14 (a). For example, reasoning is not provided for not studying an integrated training area with the Army, Air Force or USMC is inadequate.
- 26-10 [• You have failed to include reasonable alternatives not within the jurisdiction of the agency §1502.14 (c). The examples above are just a few that you need to study.
- 26-11 [• You have not included mitigation measures in this section not described elsewhere §1502.14 (f)

Affected Environment:

- 26-12 [• It is unclear how many total pages are in this chapter, but it is not "succinct description" as required by CEQ regulation §1502.15
- 26-12 [• This chapter should be "no longer than necessary to understand the effects of alternatives" §1502.15. In sections where you conclude No Impacts or Less than Significant Impacts, you should make those Affected Environment sections much more succinct.
- 26-12 [• These sections are to be "commensurate with importance of impacts" §1502.15. In sections where you conclude No Impacts or Less than Significant Impacts, you should make those Affected Environment sections much more succinct.
- 26-12 [• Your DEIS is inadequate because you have not attempted to "summarize, consolidate, or reference less important material" in accord with CEQ reg §1502.15
- 26-13 [• Your DEIS is inadequate because you have not attempted to "concentrate effort and attention on the important issues" per CEQ reg §1502.15 Many important issues raised during public scoping have been ignored.

Environmental Consequences:

- 26-14 [• This section is meant to be the scientific and analytic basis for comparison of alternatives §1502.16. You have failed to show the adverse effects which cannot be avoided 102(2)(C) i.
- 26-15 [• While some direct effects are show, you have not provided thresholds (in terms of quantification, scope, magnitude, duration, intensity) to clearly show their significance with substantiated conclusions § 1502.16 (a).
- 26-15 [• You have failed to indicate indirect effects and significance § 1502.16 (b).
- 26-15 [• You fail to show conflicts with various laws, other plans and policies § 1502.16 (c)
- 26-15 [• You need to analyze and quantify the energy requirements and conservation potentials of alternatives and mitigation measures. It is required by CEQ regulation § 1502.16(e)
- 26-15 [• You fail to indicate the natural or depletable resource requirements and conservation potentials of alternatives and mitigation measures § 1502.16 (f)
- 26-16 [• You are required to show the urban quality, historic and cultural resources, and design of the built environment, including reuse and conservation potential of alternatives and mitigation measures § 1502.16 (g)
- 26-16 [• You have failed to show adequate mitigation measures § 1502.16 (h). What are your plans for land purchase, signing, boundary marking, law enforcement support, public outreach, planning, coordination, a public committee to provide oversight in the restricted area?
- 26-17 [• Your section on cumulative impacts is not complete § 1508.7. There are many additional projects that have not been included. The Final EIS should list foregone opportunities as a result of the military land withdrawal. For example, see the latest list of wind, solar, geothermal projects maintained by BLM. Once cleaned up and reclaimed, the 500,000 acres there may have considerable potential for additional energy development.
- 26-18 [• The EIS should use conditional language (e.g. "Would" instead of "Will") when describing the proposed action, alternatives, impacts and the future. For example your "Environmental Consequences" section has many instances of the word "will" when it should be "would" in the majority of cases, especially in reference to impacts. This use of "will" instead of "would" is very prevalent in the geology, transportation, airspace and biology sections of Chapter 4.

Responses Continued

[26-9] No comments were received from the public, tribes, or government agencies during scoping or any other time before publication of the Draft LEIS that suggested that an integrated training area with the Army, Air Force, and Marine Corps should be studied as an alternative. Nevertheless, Sections 1.2.2.2 and 1.2.2.3 of the Draft LEIS provide substantial detail about the unique and essential training capabilities and capacities of the CMAGR and how the CMAGR is related to and integrated with other ranges within both the Bob Stump Training Range Complex and the greater regional complex of ranges (see Figure 1-4). In all, the Draft LEIS explains how seven ranges and range complexes, including the CMAGR, in southern California and southwest Arizona are needed individually and together to train both individual aviators and ground troops and integrated units of up to the size of a Marine Air Ground Task Force.

[26-10] See response to Comment 26-8.

[26-11] Renewal of the CMAGR land withdrawal would not result in adverse impacts compared to the existing environmental baseline. Consequently, there are no impacts to mitigate.

[26-12] The Draft LEIS contains the level of information needed to decide whether or not to renew the CMAGR land withdrawal.

[26-13] The Draft LEIS addresses all relevant issues raised during public scoping, deemphasizes insignificant issues, and provides the appropriate effort and attention to each issue.

[26-14] Renewal of the CMAGR land withdrawal would not result in adverse impacts that are substantially different from the existing environmental baseline. Although the no-action alternative, which would result in the closure of the CMAGR, would likely result in both direct and indirect environmental effects that, in some cases, would differ widely from the current baseline, the ability to reliably foresee the specific character and magnitude of those effects is beyond the analytical reach of the LEIS. Table ES-2 and Chapters 4 and 5 of the Draft LEIS adequately report the effects of the alternatives.

[26-15] Significance thresholds are not a requirement of NEPA. Direct and indirect effects and their significance are factually presented and quantified in the Draft LEIS Chapter 4 and 5.

[26-16] Renewal of the long-established CMAGR would not conflict with BLM or county plans, as noted in Section 4.3 of the Draft LEIS. Renewal of the CMAGR land withdrawal would be consistent with applicable law including, but not limited to, the Defense Withdrawal Act of 1958, FLPMA, and CMLWOA, which provide the authority and procedures for requesting the renewal from Congress. Renewal of the land withdrawal would be a legislative action by Congress that principally would have administrative rather than environmental effects as compared to the existing environmental baseline.

Congressional action on the proposed renewal would impose no new requirements for energy expenditures at the CMAGR. Renewal of the land withdrawal would allow ongoing military operations at the range to continue, but the energy requirements of the continuing operations would not be distinguishable from those of the existing baseline. Realignment of the CMAGR boundary would lead to a reposting of the range boundary warning and prohibited entry signs, but the energy requirements for this activity would basically be equivalent to a one-time inspection and maintenance of the existing perimeter signs, which already occurs on a periodic basis.

Ongoing use of the airspace and land surface of the CMAGR, which would be continued if the land withdrawal is renewed, is described in Sections 2.2.4 and 3.2 of the Draft LEIS. Section 3.2.4 in particular, details the spatial commitments of land resources to support ongoing military operations and provides a comprehensive inventory of the extent to which the range surface has been depleted or conserved in support of those operations. Renewal of the land withdrawal would not affect the commitments of land resources within the range or alter the extent to which these resources may be depleted as compared to the existing environmental baseline.

As described in Section 3.2.4.6 of the Draft LEIS, about 95 percent of the range surface has experienced a substantial, long-standing, and beneficial conservation effect as a result of both historic and ongoing military use. The proposed action is not within an urban or built environment. Historical and cultural resources are addressed in Sections 3.8 and 4.8.

Renewal of the land withdrawal is a legislative action that would not result in new physical impacts to resources. Consequently, there are no impacts to mitigate.

Section 2.3.1 of the Draft LEIS indicates that inclusion of private or state land within the external boundary of the CMAGR would authorize the DoN and Marine Corps to potentially acquire the included private and state property through existing real estate acquisition authorities. No military use of the affected private or state land could occur without prior permission from the owner(s) or state or until such time that the property is acquired.

Responses Continued

Section 3.11.3.1 of the Draft LEIS describes the ongoing signing and law enforcement programs at the CMAGR that protect public safety. These programs would be continued if Congress renews the range land withdrawal. The purpose of and need for realigning certain segments of the range boundary to facilitate the efficiency and effectiveness of the perimeter signing program and enhance public safety are described in Section 1.3. See also response to Comment 26-15.

[26-17] Lines 34-36 of Table 5-1 in the Draft LEIS list the reasonably foreseeable renewable energy projects. The cumulative effects analysis is based on past, present, and reasonably foreseeable effects and is not required to address foregone opportunities (see the January 1997 CEQ publication *Considering Cumulative Effects Under the National Environmental Policy Act*).

[26-18] There are eight uses of the word "will" within Chapter 4 of the Draft LEIS and none of those instances are referring to potential impacts.

Letter 26 Continued

Appendix:

- 26-19 [• These are meant to be material prepared specifically for EIS § 1502.18, and which substantiate fundamental analyses § 1502.18. Appendices are supposed to be analytic and relevant to decision § 1502.18. One appendix isn't even needed as the information is already within the body of the EIS.
• There is no narrative explanation of what the information in some of the Appendixes mean. It is meaningless to just include a bunch of tables, graphs and maps without adequate explanation of them.
- 26-20 [**Appendix A** is valuable and needed.
- 26-21 [**Appendix B** Notice of Intent from the Federal Register. Is it your intent to also include the Notice of Draft EIS Availability and Public Meetings in the Final EIS?
- 26-22 [**Appendix C** Methodology for Characterizing the Military-Surface-Use Footprint at the Chocolate Mountain Aerial Gunnery Range. Some of the methodology needs clarification. For example, you state that "Most core weapons impact areas were found to be located inside Target or Target Complex polygons, but often do not assume the shape or full dimensions of those polygons and include areas outside of those polygons in some instances." Why haven't the map makers and military planners aligned the core impact areas and target polygons to overlap closely? Based on past experience and history at the CMAGR, the most recent and relevant information must be updated and provided in the Final EIS for accurate impact analysis. Figure 3-2 in the Final EIS must be updated.
- 26-23 [**Appendix D** Description of Ordnance Listed in Table 3-8 – Provide the DODIC for each type of ordnance listed. Include photos, description and the hazards associated with each type of ordnance to be used at CMAGR.

The list also appears to be potentially incomplete. For example, why do they use JDAM GBU-38 and JDAM GBU-54 laser guided bombs and GBU-39 small diameter bombs at Twentynine Palms from aircraft platforms but not at CMAGR? I find it hard to believe that Maverick Missiles (PB69) are not listed in both Table 3-8 and Appendix D. And don't helicopters train there also? Wouldn't the OH-58 use A576 .590 caliber cartridges?
- 26-24 [**Appendix E** Navy Record of Non-Applicability for Clean Air Act Conformity – This is an unsigned Draft document prepared in Oct 2011. Will the Final EIS include the signed and dated Final Record of Non-Applicability?
- 26-25 [**Appendix F** Programmatic Agreement – This is a document with some signatures dating back to March 2010. It is not clear if this is a Draft or Final document. None of the Tribal Concurring Parties have signed and dated the document published in the Draft EIS. Please include the fully signed and dated Final Programmatic Agreement in the Final EIS. For proper impact analysis, it must be clearly shown that all 34 Tribes have concurred in the terms, conditions, stipulations and procedures identified.
- 26-26 [**Appendix G** Key Observation Points (KOP) – This appendix needs an introduction or some narrative to explain its purpose and meaning. At present, it is nothing more than about a dozen pretty photos of the desert.
- 26-27 [**Appendix H** Tribal Consultation – This appendix mentions 36 Tribes, but Appendix F only lists 34 at signatories to the Programmatic Agreement. Why is there an inconsistency?
- 26-28 [**Additional Comments on the Appendixes**
• A few of the Appendixes don't include a bibliography or references cited. Figure C-1, for example, identifies these reference sources: "Range Features: IGI&S 2010 - 2011, YRMD 2010 - 2012, URS 2011

Responses Continued

- [26-19] The appendices in the Draft LEIS are specific to supporting the proposed renewal of the CMAGR land withdrawal.
- [26-20] Comment is noted, but no further response is necessary.
- [26-21] The Notice of Availability of the Draft LEIS and the Notice of Public Meetings has been added as Appendix I.
- [26-22] The target complex polygons, which tend to be rectangular in shape and are shown in Draft LEIS Figure 1-5, include those CMAGR locations in which the placement and construction of targets is currently approved in accordance with current approved range operating procedures and safety and environmental clearances. The weapons impact areas depicted in Figure 3-2 represent the cumulative effects of ordnance deliveries over the many years of use at the targets within the target complex polygons. The shapes of the impact areas result from the diverse types of ordnance delivered and the wide variety of aircraft, delivery tactics, and directions of delivery employed against each target. The weapons impact areas shown in Figure 3-2 were never expected to conform to the target complex polygons. As indicated in Figure 3-2, the entire combined interior of the CMAGR restricted land and airspace area is a designated weapons containment area, which means that this entire area is approved for weapons impacts. The purpose of training is to teach aircrews how to attack and hit targets so weapons deliveries will always be directed at designated targets, but the rest of the weapons containment area serves to protect the safety of the public and military personnel by providing an area in which errant rounds and fragments of rounds are contained. Targets could be placed and constructed in locations outside of the existing target complex polygons, but not without prior safety and environmental compliance review in accordance with applicable law and regulations.
- [26-23] The aircraft that deliver ordnance at the CMAGR are regularly armed at and launched from several Marine and Naval air stations, Air Force bases, and aircraft carriers for a wide diversity of training purposes (see Figure 1-4 in the Draft LEIS). All ordnance must be delivered at the CMAGR in accordance with established range safety procedures and at designated targets in accordance with Station Order 3710.6I, but expenditures at the range coming from these dispersed points of origin are not routinely tracked. As indicated in Section 3.2.6 of the Draft LEIS, an estimate of ordnance expenditures at the CMAGR in Fiscal Year (FY) 2004 was developed for the preparation of the EIS for the West Coast Basing of the F-35 aircraft. Section 3.2.6 also explains that ordnance expenditures at the range vary widely in type and quantity depending on the types of training missions performed, the availability of ordnance for training, and training tempos. The FY 2004 data, with some indicated updates, was found to still be representative of the expenditures that currently occur at the CMAGR and that would generally occur in the foreseeable future. Both live and training practice ordnance is delivered at the CMAGR. Ordnance types, such as the GBU-39, that are not listed in Table 3-8 may be delivered in accordance with the standard operating procedures provided in Station Order 3710.6I, but all munitions are limited to conventional explosives and projectiles. For the purposes of decision-making about the proposed renewal of the CMAGR land withdrawal, the updated FY 2004 data provide an appropriate and adequate representation of current and projected ordnance delivery activity at the range.
- [26-24] The Clean Air Act Title 40, CFR, Part 93.153(c)(2) does not require a Record of Non-Applicability (RONA) § 93.153 Applicability.
(c) The requirements of this subpart shall not apply to the following Federal actions:
(2) Actions which would result in no emissions increase or an increase in emissions that is clearly de minimis:
(i) Judicial and legislative proceedings.
(ii) Continuing and recurring activities such as permit renewals where activities conducted will be similar in scope and operation to activities currently being conducted.
- Typically, a Record of Decision would adopt the RONA as part of the decision; however, Congress, not the DoN is the decision maker for the renewal of the CMAGR land withdrawal. Therefore, the RONA would not be signed. An updated Appendix E is included in Chapter 3 of the Final LEIS.
- [26-25] The Programmatic Agreement provided in Appendix F is for the W Coast basing and operation of the MV-22 Osprey aircraft. The tribes listed in Appendix H were those that were consulted in regards to the proposed renewal of the CMAGR land withdrawal. The Native American tribes are listed as concurring parties to the PA. The signatory parties to the agreement include the Marine Corps, the Arizona and California SHPOs, and the Advisory Council on Historic Preservation. Concurring parties are not required to sign a PA in order to implement it. The tribes listed in the PA are welcome to sign the agreement at any time, should they decide to do so.
- [26-26] Section 3.10.2.3 describes the Key Observation Points (KOPs) used to evaluate visual resources in the CMAGR. Page 3-99 of the Draft LEIS states that a representative photograph from each KOP is included in Appendix G.
- [26-27] The Programmatic Agreement provided in Appendix F is for the West Coast basing and operation of the MV-22 Osprey aircraft. The tribes listed in Appendix H were those that were consulted in regard to the proposed renewal of the CMAGR land withdrawal. Consultations with two additional tribes were warranted for the MV-22 project because of the widely dispersed basing and far reaching flight activities that were proposed.
- [26-28] The only sources cited in the appendices that did not appear in the List of References cited in the Draft LEIS were selected data sources referenced in map graphics in Appendix C. These citations have been added to the List of References (see Chapter 3 of this Final LEIS).

Letter 26 Continued

26-28 Base Map: CASIL 2010, ESRI 2010 Imagery: IGI&S 2009” These should be included in a bibliography or references cited section for this Appendix C. Sources for Figures C-2 and C-3 should also be properly cited.

- Appendixes are complex and voluminous. Are they really needed or can you just incorporate by reference the data in another readily accessible location?

26-29 • There is also data within the body of the EIS which would be more appropriately placed in an Appendix. For example, given the affected environment (as well as the extent, magnitude, duration and presumed non-significance of the impacts), I feel that much of the 118 pages for the Affected Environment Chapter 3 could be shortened, referenced or relegated to an appendix.

Other CEQ Requirements:

26-30 • You must show to who the draft EIS was sent § 1502.19

26-31 • EISs are normally less than 150 pages (300 pages for proposals of unusual scope or complexity) § 1502.7. Your DEIS is much longer and clearly not in compliance with CEQ regulations. For example, 118 pages of Affected Environment is clearly over the top and not consistent or correlated with the significance of the impacts identified.

26-32 • Your preparers list doesn’t include a few military disciplines appropriate to scope and issues identified in the scoping process § 1502.6. For example, who wrote the purpose and need? A better write-up is needed for the training section and need for the action? It appears that these were written by a contract from Resource Perspectives, Inc. Why weren’t these sections written by military personnel?

26-33 • The DEIS was not “written in plain language” § 1502.8. It is full of military jargon, acronyms and more.

• I liked some of the graphics for clarity, but many are cluttered and confusing § 1502.8. Some of the maps and graphics are poor and hard to decipher.

26-34 • You are supposed to “include incomplete information essential to making a reasoned choice among alternatives § 1502.22(a).” You have failed to identify where the information is incomplete, along with where “relevant information is missing.” § 1502.22(b) I found it hard to believe that you only identified two instances of data gaps or missing data within the EIS: 1) “No data is available to assess specific ordnance delivery impacts on tinajas at the CMAGR...” 2) “Similar baseline data [economic] are not available for MCAS Miramar...”

• Where information is incomplete or mission, you must state that it is unavailable, its relevance, and summarize existing credible info.

26-35 • In some cases, you have failed to evaluate impacts based on generally accepted data or methods. An example is that you have failed to quantify how much energy production and recreation use could occur on that public land if the withdrawal was not renewed (Alternative 5).

26-36 • You must cut down on bulk by incorporating material by reference when possible § 1502.21

• You must avoid repetitive discussions by identifying other statements it is tiered to § 1502.20

• Your EIS is not analytic. CEQ regulations requires you to be “not encyclopedic” § 1502.2(a) Putting out 118 pages of “Affected Environment” is clearly encyclopedic and not in-sync with the impacts and their significance.

26-37 • You must discuss impacts in proportion to their significance § 1502.2(b). You have many pages of information on air quality but then conclude “less than significant” impacts. The geological resources sections should also be drastically cut back if all impacts for all alternatives are truly “less than significant.” However, that may not be the case because you have failed to adequately address fault lines, earthquakes, ground movement and vibrations.

• You must assess impacts of USMC rather than justifying decisions already made § 1502.2(g). Much of your document appears to attempt to justify your “preferred” alternative, rather than look harder at alternatives that would meet the Navy’s mission with a reduced amount of land (25, 50 or 75 percent of the existing acres withdrawn).

26-38 • You have not conducted or included cost-benefit analysis incorporated it by reference § 1502.23

Responses Continued

[26-29] Chapter 3 of the Draft LEIS contains the level of information needed to decide whether or not to renew the CMAGR land withdrawal. Additionally, the commenter made no mention of the specific data in Chapter 3 that he believes would be more suited for an appendix. No changes were made to the LEIS in response to this comment.

[26-30] Section 6.5 of the Draft LEIS lists the entities that were provided a copy of the Draft LEIS.

[26-31] The Draft LEIS, excluding appendices, is approximately 338 pages in length and contains the level of information and analysis appropriate to determine whether or not to renew the CMAGR land withdrawal. No changes were made to the LEIS in response to this comment.

[26-32] In accordance with the CEQ regulations at 40 CFR 1506.5, the Marine Corps is responsible for the scope and contents of the LEIS. The federal government often employs contractors to support the preparation of NEPA documents. The contractors that supported preparation of the Draft LEIS were qualified for their tasks by virtue of education, training, and experience. All contractor work was managed and reviewed by DoN and Marine Corps personnel with appropriate training and experience; these reviewers are listed in Table 7-2 of the Draft LEIS.

[26-33] Comment is noted, but no further response is necessary as it does not, with reasonable basis, either question the accuracy or adequacy of information or analysis in the Draft LEIS or indicate a need for changes to the proposed action, alternatives, or preferred alternative.

[26-34] Limitations in available data for the CMAGR and assessments of those limitations are disclosed at many locations in the Draft LEIS. Among others, examples include:

- potential limitations of data depicted in all map graphics are noted in the figure legends
- Section 2.2.2 discloses that preliminary assessments, to determine whether closed range lands would pose threats to human health or the environment, would be based on limited data
- Section 3.2.6 discloses that the best available ordnance expenditure data are from FY 2004, but explains that these data, with some updates, provide a reasonable perspective of current and foreseeable expenditures
- Section 3.4.5.2 discloses the limits of existing data for determining management concerns for paleontological resources
- Section 3.5.3 discloses that available groundwater data are insufficient for developing potentiometric contours of groundwater quality at the CMAGR
- Section 3.5.3 discloses that National Wetlands Inventory (NWI) findings have not been validated by ground surveys and that it may overestimate the occurrence of wetlands within the CMAGR

Regarding the example cited in the comment that no data are available to assess specific ordnance delivery impacts on tinajas at the CMAGR, the immediately following assessment in Section 4.7.1.1 states that the potential for impacts would appear to be low as tinajas are typically located in upland locations away from designated targets in low to negligible disturbance areas and that no change in the conditions of wildlife waters or tinajas would be expected to occur as a result of the renewal of the CMAGR. Likewise, the example cited by the commenter that the Draft LEIS declares that similar baseline economic data are not available for MCAS Miramar does not include the immediately following assessment in Section 4.13 that direct military spending in the region in 2009 equaled \$30.5 billion and sustained approximately 354,627 jobs with total earnings of \$16.3 billion. Although the Draft LEIS discloses either gaps or limitations in available data at numerous locations, the document nevertheless contains the level of information needed to make a reasoned choice among alternatives to renew or not renew the CMAGR land withdrawal.

[26-35] The quantity of energy production and recreation use that could occur on the CMAGR if the withdrawal was not renewed (Alternative 5) is too speculative to evaluate in detail at this time. An extensive scope of planning, which would need to include public participation to be realistic, would be necessary before realistic scenarios regarding potential reuse of a closed CMAGR could be assessed to produce meaningful forecasts of possible recreation, socioeconomic benefits, or environmental impacts. Many factors would have to be evaluated in the development of reuse scenarios including—but not limited to—the distribution and quantity of UXO contamination, the scope of and procedures for range decontamination to be implemented, the implications of the checkerboard distribution of BLM (public) land and DoN land for reuse, and resource potentials. As a result, there was no way to qualify or quantify potential range reuse scenarios in the Draft LEIS let alone assess the environmental consequences of reuse. Similarly, it was not possible to develop realistic forecasts as to how the DoD would be able to compensate for the training capabilities and capacities that would be lost as a result of closing the CMAGR. If Congress selects Alternative 5, then follow on planning and studies would be necessary to address the reuse of the CMAGR and displacement of training missions. Potential energy production and recreation use are also not potentially significant environmental issues See also response to Comment 26-15.

[26-36] See the response to Comment 26-31.

Letter 26 Continued

- 26-39 [• You have failed to identify and reference all the methodologies and scientific sources used § 1502.24
- 26-40 [• You must document the finding and conclusions of all required surveys and reports prepared concurrently § 1502.25(a). These are to comply with the Fish and Wildlife Coordination Act, National Historic Preservation Act, Endangered Species Act, and other laws and executive orders lists all Federal permits, licenses, and other entitlements needed § 1502.25(b). For example what are the results of the Biological Assessment, Biological Opinion, cultural resource surveys and consultation with the SHPO?

Other Comments:

- 26-41 [• You have failed to comply with Executive Orders 11990, 11988, 12898, 13007
- 26-42 [• Because of the bulk of the EIS, you must provide a better Glossary, more comprehensive List of Acronyms, and a comprehensive well-organized Index.
- 26-43 [• You must consistently provide metric measurements (with English units in parens)
- 26-43 [• Issues related to seismicity must be sufficiently characterized, quantified and analyzed.
- 26-44 [• The air quality section fails to evaluate whether the action and alternatives would be subject to New Source Performance Standards.
- 26-44 [• The air quality section fails to evaluate whether the action and alternatives would be subject to National Emissions Standards for Hazardous Air Pollutants.
- 26-45 [• You must show the results and conclusions of consultation with the US Fish and Wildlife Service. Those may be appropriate for an additional Appendix to include the Biological Assessment and Biological Opinion.
- 26-46 [• The EIS must analyze the impacts of the action on biodiversity of the affected ecosystem, including genetic diversity and species diversity.
- 26-47 [• The EIS must quantify the habitat types and provide estimates by type for the amount of habitat lost or adversely affected.
- 26-47 [• The EIS must consider and show the measures to protect, restore and enhance wildlife habitat.
- 26-48 [• The EIS must consider a reasonable spectrum of potential accident scenarios that could occur over the life of the proposed action, including the maximum reasonably foreseeable accident. This is especially important within all areas to be shared with the public, as well as for transportation accidents.
- 26-49 [I look forward to seeing all my comments addressed in the Final EIS. Please send me a copy of that document when published.

Yours truly,
James Howell

Responses Continued

[26-39] The methodologies and scientific sources used to prepare the Draft LEIS are adequately referenced.

[26-40] None of the alternatives analyzed in the LEIS represent a change in the current use or management of the CMAGR and its cultural and natural resources. The only surveys conducted were on lands that would be affected by the proposed boundary changes. The results of those surveys are discussed in Sections 3.7, and 3.8 of the Draft LEIS. The SHPO concurred with our approach (see SHPO letter dated 3 October 2012 in the public record) and suggested that the Marine Corps prepare a draft Programmatic Agreement detailing proposed identification efforts associated with this undertaking in addition to a Historic Properties Treatment Plan. The SHPO notes that the entire undertaking is dependent upon actions of Congress and that once a path forward has been determined, the Marine Corps would notify the SHPO of their preferred course of action. Should Congress decide to renew the CMAGR and withdrawal, and based on the terms of the withdrawal, additional consultations would be conducted with the USFWS.

[26-41] The EOs are adequately addressed in the Draft LEIS. EO 11990 (Protection of Wetlands) is addressed on page 3-69, 4-27, 4-28, and 4-31. EO 11988 (Floodplain Management) is discussed on pages 3-69. Additionally surface water is extremely scarce at the CMAGR. EO 12898 (Environmental Justice) is evaluated on pages 3-117 to 3-118 and 4-55 to 4-57. No sacred sites are known to occur on the CMAGR, and none have been identified through consultation with Tribal entities on this LEIS (see Appendix H). Therefore, EO 13007 (Indian Sacred Sites) is not applicable to the Draft LEIS.

[26-42] The current glossary, list of acronyms, and index are sufficient.

[26-43] See response to Comment 26-37. See also response to Comment 26-15.

[26-44] There is no new equipment associated with the proposed renewal of the CMAGR land withdrawal, and therefore New Source Performance Standards and/or National Emissions Standards for Hazardous Air Pollutants are not applicable.

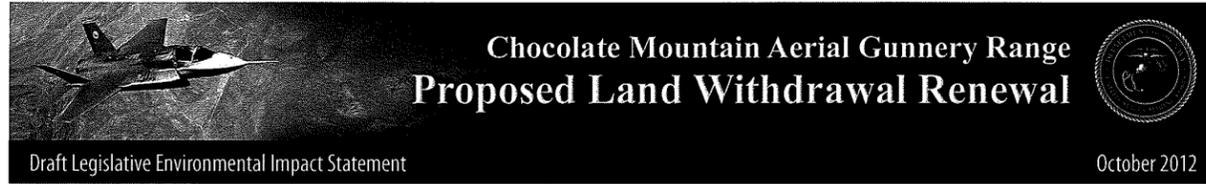
[26-45] See response to Comment 26-40.

[26-46] Renewal of the CMAGR land withdrawal would not affect biodiversity or the ecosystem in any way that could be differentiated from the existing baseline. Renewal would pose no risk of genetic isolation; therefore, there would be no impact to genetic diversity. Following the proposed renewal, the same habitat types that currently occur on the CMAGR would still be available to support a similar level of biodiversity. See also response to Comment 26-15.

[26-47] The analysis in the Draft LEIS addresses the acres of habitat that would be affected by range boundary exchanges. The Draft LEIS characterizes the effects of existing targets, roads, etc. on habitat, but renewal of the CMAGR land withdrawal would not affect habitat types, quality, or quantity or other ecosystem elements in any way that could be differentiated from the existing baseline. See also response to Comment 26-15.

[26-48] The range segregates military training operations from the public for safety. With one exception, no public access is currently permissible at the CMAGR because of the need to prevent interference with ongoing training operations and protect public safety (see Draft LEIS Section 1.2.2.1). The exception is that public travel on the Bradshaw Trail through certain parcels along the northern periphery of the range is permissible (see Section 1.3.2). The Bradshaw Trail is located outside of the areas of the CMAGR that are used to contain hazards associated with weapons or laser use and/or otherwise support training operations (see Section 3.2.4). Alternative 1 would continue public use of the Bradshaw Trail through the northern periphery of the range unchanged from the current condition. Alternatives 2, 3, or 4 would each realign the boundary of the CMAGR such that the Bradshaw Trail would be located outside of the range and remain open to public use (see Sections 2.3.1, 2.3, and 2.4).

[26-49] Comment is noted, but no further response is necessary.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: Yuma Navy Library
 Your Name: ROBERT INGOLD
 Address: 1650 CLIFASEO ROAD
 City/State/Zip: YUMA, AZ, 85364

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

27-1

I RECOMMEND THAT
CONGRESS ADOPT
PROPOSAL # 3 FOR
THE CHOCOLATE MOUNTAIN
AERIAL GUNNERY RANGE.

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

* All comments received by DoN or BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) may be available for review by any person who wishes to review the public record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law. However, all submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

[27-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Arthur Last Name: Jones
Title: Organization:
Address: 1920 Lexington Drive
City: Sierra Vista State: AZ
Zip: 85635 Country:
Email: luego@cox.net Mailing List: True
Other
Entity Type: Interested Anonymous: False
Parties &
Commentors

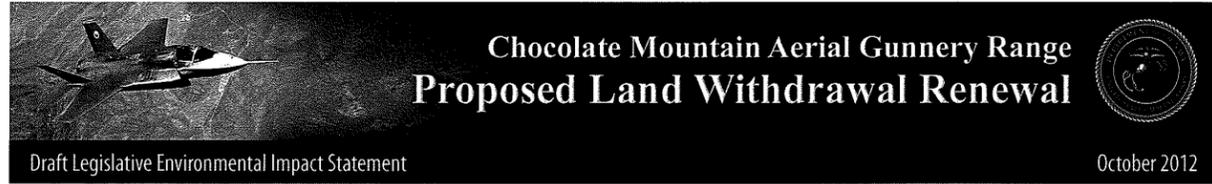
Submission Information

Date Submitted: 10/12/2012 Date Received: 10/12/2012
Submission Web Comment Venue:
Format: Form
File name: Possible Duplicate: False

Submission Text

28-1 [I believe alternative number three would best serve the needs of the country's defense.

[28-1] Comment is noted, but no further response is necessary.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: Yuma Library
 Your Name: Andrea Lopez
 Address: 904 E 24th Place
 City/State/Zip: Yuma, AZ 85305

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

29-1

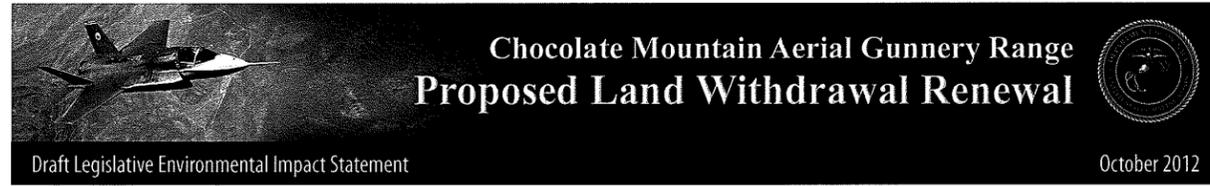
I support the military
in my community.
I support Alternative
Number 3

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

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[29-1] Comment is noted, but no further response is necessary.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: Yuma Main Library
 Your Name: Russell McCloud
 Address: 198 S. Main St.
 City/State/Zip: Yuma AZ 85764

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

30-1

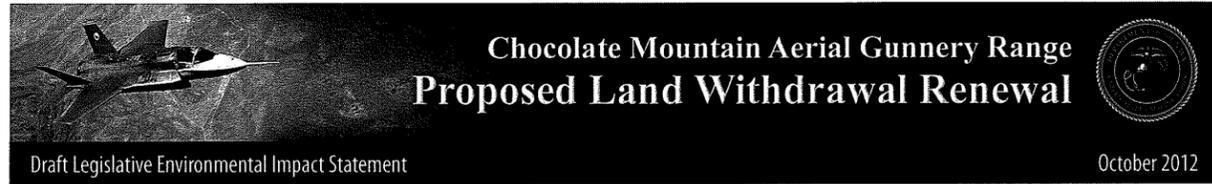
Continued use of the CMAGR
is vital to our national
defense & readiness. I endorse
the continued use and
withdrawal of this important
area.

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

* All comments received by DoN or BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) may be available for review by any person who wishes to review the public record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law. However, all submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

[30-1] Comment is noted, but no further response is necessary.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: Yuma Library
 Your Name: Synne Rancraze
 Address: 3748 W 18th Pl.
 City/State/Zip: Yuma, Az, 85364

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

31-1 [Option #3

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

Synne Rancraze - Az. State Representative

* All comments received by DoN or BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) may be available for review by any person who wishes to review the public record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law. However, all submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

[31-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Barbara Last Name: Ransehousen
 Title: Organization:
 Address: 13196 E 54th St
 City: Yuma State: AZ
 Zip: 85367 Country:
 Email: brmovingon@yahoo.com Mailing List: True
 Entity Other Interested Parties Anonymous: True
 Type: & Commentors

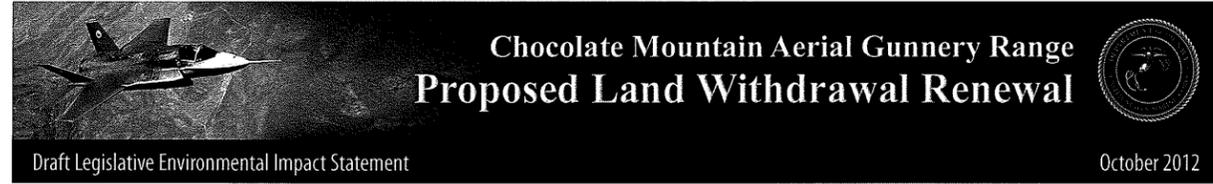
Submission Information

Date Submitted: 10/23/2012 Date Received: 10/23/2012
 Submission Web Comment Venue:
 Format: Form
 File name: Possible Duplicate: False

Submission Text

32-1 [I vote to keep the Chocolate Mountains Range completely open for military training.

[32-1] Comment is noted, but no further response is necessary.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: YUMA, AZ
 Your Name: RONALD RICE
 Address: 15550 S. AVE G
 City/State/Zip: SOMERTON, AZ 85350

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

33-1

THE DON NEEDS THE
CHOCOLATE MOUNTAIN RANGE
ALL OF THE AREA
SHOULD BE RESERVED
ON A PERMANENT BASIS
FOR THE DEFENSE & TRAINING
FOR OUR ARMED SERVICES.

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

*All comments received by DoN or BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) may be available for review by any person who wishes to review the public record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law. However, all submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

[33-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Robert Last Name: Schell
Title: Organization:
Address: 40024 Grand Ave
City: Cherry Valley State: CA
Zip: 92223 Country:
Email: Mailing List: True
Other
Entity Type: Interested Anonymous: False
Parties &
Commentors

Submission Information

Date Submitted: 9/11/2012 Date Received: 9/11/2012
Submission Web Comment Venue:
Format: Form
File name: Possible Duplicate: False

Submission Text

35-1 [In light of the Navys attempt to remove thousands of acres of land from the general public in the Lucerne Valley area, I would like to see this land returned to public use.

RESPONSES

[35-1] In accordance with the CMLWOA and as described in Section 1.2.2 of the Draft LEIS, the Secretary of the Navy has determined that there is a continuing military need for the CMAGR. The Secretary has also determined that the need for the CMAGR is independent of and in addition to the requirements for other military ranges, including the Marine Corps Air Ground Combat Center at Twentynine Palms and plans to expand the combat center in the Lucerne Valley.

SUBMISSION SUMMARY

Names

First Name: Katherine Scott Last Name: Scott
Title: Organization: Tierra Mesa
Address: 3448 E. Cuervo Ln.
City: Yuma State: AZ
Zip: 85365 Country:
Email: corvette78@aol.com Mailing List: False
Other Interested
Entity Type: Parties & Anonymous: False
Commentors

Submission Information

Date Submitted: 10/15/2012 Date Received: 10/15/2012
Submission Web Comment
Format: Form Venue:
File name: Possible Duplicate: False

Submission Text

36-1 [Please renew Alternative 3. We need the training area. We need thr military here in Yuma, AZ.

[36-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Kenneth Last Name: Scott
Title: Organization: Tierra Mesa
Address: 3448 E. Cuervo Ln.
City: Yuma State: AZ
Zip: 85365 Country:
Email: n12707@aol.com Mailing List: True
Other Interested
Entity Type: Parties & Anonymous: False
Commentors

Submission Information

Date Submitted: 10/15/2012 Date Received: 10/15/2012
Submission Web Comment Venue:
Format: Form
File name: Possible Duplicate: False

Submission Text

37-1 [Please renew the agreement. We need the range for training our troops.

[37-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Nancy Last Name: Slaff
Title: Organization:
Address: 1815 Marc Trail
City: Campo State: CA
Zip: 91906 Country:
Email: book1@aabol.com Mailing List: True
Other Interested
Entity Type: Parties & Anonymous: False
Commentors

Submission Information

Date Submitted: 11/3/2012 Date Received: 11/3/2012
Submission Web Comment Venue:
Format: Form
File name: Possible Duplicate: False

Submission Text

38-1 [I do NOT oppose the Chocolate Mountain activities.

[38-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: William Last Name: Slaff
Title: Organization:
Address: 1815 Marc Trail
City: Campo State: CA
Zip: 91906 Country:
Email: books2@hughes.net Mailing List: True
Other Interested
Entity Type: Parties & Anonymous: False
Commentors

Submission Information

Date Submitted: 11/3/2012 Date Received: 11/3/2012
Submission Web Comment Venue:
Format: Form
File name: Possible Duplicate: False

Submission Text

39-1 [I live near the Seals Navy Warfare facility and I do not oppose their activities.

[39-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name: Jim

Last Name: slater

Title:

Organization: villa
vista del
townhouses

Address: 2045 s 14th av #20

City: yuma

State: AZ

Zip: 85364

Country:

Email: jmlslater1@roadrunner.com Mailing List: True

Entity Other Interested Parties & Type: Commentors Anonymous: False

Submission Information

Date Submitted: 10/24/2012

Date Received: 10/24/2012

Submission Web Comment Format: Form

Venue:

File name:

Possible Duplicate: False

Submission Text

40-1 [This area is vital to the training of or marines and thier equipment, use it. JMS

[40-1] Comment is noted, but no further response is necessary.

LETTER 42

12961 Newport Street
Hesperia, CA 92344

Naval Facilities Engineering Command Southwest
1220 Pacific Highway
San Diego, CA 92132
Subject: Chocolate Mountains Draft EIS

Dear sir:

42-1 [The whole basis for your EIS and need for the CMAGR are predicated upon old outdated information. Your training mission may no longer be relevant. The Dept of Defense must try harder to efficiently and cost-effectively plan joint exercises and training at fewer locations.] Quite simply, the USMC should train as they fight - together with other branches of the military.

42-2 [Your purpose and need must be re-examined based on new information.] I enter the following into the record:

42-3 [1). The President is now calling for \$400 billion in reductions. This is a welcome shift in thinking. Weapons and programs have gone over budget. Even when weapons underperformed or were designed for a cold war that no longer exists, the DoD continued to soak the taxpayers. [The Chocolate Mtn EIS does not identify the project cost,] but I think scrapping this ill-conceived plan will save at least \$1 billion. [Why can't Marines accomplish these same training missions at Nellis AFB, Mather AFB, Twentynine Palms, China Lake, and/or Yuma?]

42-5 [2). Defense spending has doubled to \$553 billion since 9-11-2011. That doesn't include costs of the wars our nation is currently fighting on three fronts. Those will add about another \$200 billion this year. Save over \$1 billion by cancelling the 29 Palms expansion and not renewing Chocolate Mtn. withdrawal.

42-6 [3). A couple years ago, Sec Robert Gates proposed finding \$178 billion in Defense savings over the next 5 years. He eliminated several costly programs and weapons. He put more pressure on contractors. He has directed all the services to find ways to cut costs. [The Marine Corp should start by better using the acreage and airspace they already have for training at 29 Palms and Yuma, as well as that allocated to other military branches at Fort Irwin NTC, Nellis AFB, Mather AFB, Fort Polk, etc.

42-7 [4). Read the attached article "It's Just Too Easy To Launch An Attack" by Charles Pena. He says "military intervention has

RESPONSES

[42-1] In accordance with the California Military Lands Withdrawal and Overflights Act of 1994 and as described in Section 1.2.2 of the Draft LEIS, the Secretary of the Navy has determined that there is a continuing military need for the CMAGR.

[42-2] Comment is noted, but no further response is necessary as it does not, with reasonable basis, either question the accuracy or adequacy of information or analysis in the Draft LEIS or indicate a need for changes to the proposed action, alternatives, or preferred alternative.

[42-3] Comment is noted, but no further response is necessary as it does not, with reasonable basis, either question the accuracy or adequacy of information or analysis in the Draft LEIS or indicate a need for changes to the proposed action, alternatives, or preferred alternative.

[42-4] The role of the CMAGR as an installation in southern California that is used for training of air and ground forces of the Marine Corps, Navy, and other armed services is disclosed and discussed in detail in Section 1.2.2 of the Draft LEIS. This section of the Draft LEIS notes how each of seven ranges and range complexes, including the CMAGR, in southern California and southwest Arizona are used individually and together to train both individual aviators and ground troops and integrated units of up to the size of a Marine Air Ground Task Force (see Figure 1 4). Each of these ranges/complexes provide unique sets of training capabilities and diverse tactical training settings and they complement and supplement each other in terms of contributing to the overall range capacity that is needed for training the Nation's armed forces.

[42-5] Comment is noted. The Secretary of the Navy has determined that there is a continuing military need for the CMAGR.

[42-6] See the responses to Comments 26-9 and 42-4.

[42-7] Comment is noted, but no further response is necessary.

Letter 42 Continued

42-7 | become too easy." The Cold War is long since over. There is a sprawling global military footprint. There is also a sprawling national military footprint, and Southern California is a case in point. I support using the military for humanitarian missions or defending our nation. We don't need to train for large-scale force-on-force nuclear war that will leave the Earth in ruins.

5). Our military shouldn't be used to solve the world's problems. Train them as a "blunt instrument intended to destroy or kill" and it will become too easy to use them in situations where they shouldn't even be. Sec of State Madeleine Albright once argued to Gen Collin Powell, "What's the point of having this superb military you're always talking about, if we can't use it?" That is the WRONG approach. The Marines should train for what we see on the horizon. We don't need to contain the Soviet Union as we did during the Cold War. [What successor rival powers are driving the need for a continued CMAGR? Do you think we'll be taking on China, North Korea, or Iran anytime soon? That would be a BIG mistake.

42-8 | And even if we do militarily engage Iran, we aren't going to invade. If we go to war with them, the U.S. military role would be air strikes, drones and special operations missions, NOT a large-scale invasion by American Soldiers and Marines.

6). Training Marines for "Aerial Gunnery" missions will simply make it too easy and tempting to then use them for that purpose. That is simply wrong! If anything, we should be training for humanitarian missions, curb presence overseas, rationalize our missions, support our friendly regional powers.

Please read the article in the April 25, 2011 issue of Time Magazine - "How To Save A Trillion Dollars" by Mark Thompson. He says Washington must "recalibrate its rusty risk meter." [The EIS needs to provide information on risks we face. Recalibrate your obsolete thinking. Once you do, no base will be needed at Chocolate Mountain. Your studies and premise are out of date.

42-9 | Forget your "Damn the Torpedoes" approach to the CMAGR renewal. Just face the fact that the training can be accomplished more cost-effectively elsewhere. Adopt a "Tighten the Belt" approach. The U.S. spends nearly as much as the rest of the world combined on defense. According to the Time article, the U.S. spent \$379 billion on defense in 2001. Now we spend \$687 billion. Yes, Congress is a big part of the problem.

Responses Continued

[42-8] Comment is noted, but no further response is necessary.

[42-9] Comment is noted, but no further response is necessary.

Letter 42 Continued

42-9 | If nothing more, read the last two columns in the Time article entitled "WHAT'S THE MISSION?" That is where your EIS is very deficient. You haven't defined the mission. | Sure, we might need broad capabilities with maximum flexibility across the widest spectrum of conflict. BUT, as a U.S. taxpayer, I demand that we get Defense spending under control. Start by scrapping the base at Chocolate Mountain. The government should spend only what's needed to DEFEND the COUNTRY - NOT A PENNY MORE.

Yours Truly,
Michael J. Stafford

Cut the military's budget

President Obama proposes \$400 billion in reductions

Among the many differences between Republicans' and President Obama's plans for reducing the federal deficit, the most glaring may be their respective approaches to Pentagon spending.

The Republican long-term deficit reduction plan views military spending as sacrosanct. While GOP lawmakers are willing to dismantle Medicare, most seem to view military spending and fiscal responsibility as a contradiction in terms.

In contrast, President Obama last week proposed \$400 billion in military cuts over 12 years. That's less than the \$1 trillion over 10 years recommended by the president's deficit reduction commission, but it's welcome recognition of the need to make military spending sustainable in the midst of an economic crisis that isn't going away any time soon. It also acknowledges what even many Pentagon leaders agree is the very real threat to national security posed by the nation's skyrocketing debt.

The president's proposal represents a welcome shift in Washington thinking on military spending. Since the attacks of Sept. 11, 2001, the Pentagon has been swilling at the federal trough like a herd of tapeworm-infested pigs. Just about anything that military officials and industry lobbyists requested, lawmakers gave them as they chanted the "support our troops" mantra. When weapons or programs went over budget, as they invariably did, there were few, if any, questions. Even when weapons underperformed or were designed for a Cold War that no longer existed, lawmakers couldn't shovel the taxpayer dollars fast enough.

Defense spending has nearly dou-

bled to \$553 billion since Sept. 11 — and that doesn't include the cost of the wars in Afghanistan and Iraq, which is expected to add at least another \$160 billion this year.

Defense Secretary Robert Gates understands the need to restrain spending, although it's unclear if he agrees with the scope of Obama's proposed cuts. Earlier this year Gates proposed finding \$178 billion in defense savings over the next five years. He has eliminated several costly and unneeded weapons programs. He has ratcheted up pressure and oversight on contractors and has required the services to find ways to reduce spending. The defense secretary even has proposed the first increase in health insurance premiums in 16 years for working age military retirees.

There is room in the bloated Pentagon budget for cuts well above those sought by Gates and Obama. Skeptics should consider that the United States accounts for nearly as much military spending as the rest of the nations of the world put together.

There are signs that Republicans are beginning to understand the need to cut defense spending. It's encouraging that 110 House Republicans joined Democrats to support Gates' call to cut future spending for a redundant alternative engine for the F-35 fighter jet, saving between \$2 billion to \$3 billion. In the Senate, Oklahoma Republican Tom Coburn has criticized the military for a lack of budgetary transparency and has warned of steep cuts.

It's a start, but there is more to be done in reducing military spending to a fiscally responsible and sustainable level that ensures the military can meet national security challenges without undermining the economy.

It's just too easy to launch an attack

Having U.S. bases and troops all over the globe encourages military intervention

By CHARLES PENA
For McClatchy-Tribune

The speed with which U.S. military forces were able to begin combat operations in Libya last month, following the president's order to intervene in the unfolding civil war, is a tribute to the professionalism and combat readiness of the U.S. armed forces.

But it also should give us great pause. Unless the United States has been attacked, military intervention should be a very difficult, sobering decision requiring painstaking reflection. The trouble is: With U.S. forces now deployed all over the globe, military intervention has become too easy. If it wasn't so easy perhaps we would do less of it.

Even before the United States went to war in Afghanistan and Iraq, nearly a quarter of all U.S. active duty forces — 250,000 of the more than 1 million men and women in the active duty military — were deployed overseas.

They're virtually everywhere — with installations in dozens of countries, including Greenland, Bulgaria, Kosovo, Qatar and Kyrgyzstan. In less enlightened times, some would call this an "empire."

Although the Cold War is long since over and there is no threat of Soviet tanks bursting through the Fulda Gap, one of the military fault lines that separated the former East and West Germany, the United States still has 50 Army installations and four Air Force bases in Germany. Elsewhere in Europe, we also have bases in Spain, Portugal, Netherlands, Italy, Bulgaria, Greece and Turkey. Who are we defending against what enemy and at what cost?

In East Asia, the United States has upward of 70,000 troops, mostly in Japan and South Korea.

We also have bases in Singapore, Australia, the Philippines and in the British territory of Diego Garcia in the Indian Ocean (not to mention the U.S. territory of Guam). In addition, one of our Navy's 11 carrier groups is based in Japan.

The problem with such a sprawling global military footprint, which also includes six U.S. "carrier groups" that typically are on deployment at any given time (each including an aircraft carrier, its air wing, cruise-missile armed cruisers, destroyers and attack submarines) is that it can encourage U.S. intervention by making it easy.

There are those who believe this is a good thing. In his memoirs, Gen. Colin Powell, former chairman of the Joint Chiefs of Staff, recalls a conversation with Secretary of State Madeleine Albright in which she allegedly argued, "What's the point of having this superb military you're always talking about, if we can't use it?" In other words, a good military is a terrible thing to waste

To a president with a hammer as large as America's military, every problem can readily look like a nail. Employing military force becomes easy and the temptation to do so great.

To be sure, America's military also can be used for humanitarian purposes, such as providing supplies and assisting victims of Japan's devastating earthquake and tsunami. But that is not a reason for U.S. taxpayers to spend more than \$500 billion a year on defense. No matter

Turn to **MILITARY**, Page G4

Charles Pena is a senior fellow of The Independent Institute, 100 Swan Way, Oakland, Calif., 94621, and author of "Winning the Un-War: A New Strategy for the War on Terrorism"; website: www.independent.org.



DARKO VOJNOVIC/The Associated Press

A U.S. Army soldier stands guard on a rooftop as an Apache helicopter passes overhead in New Baghdad, Iraq, in 2006.

Military: Smaller footprint would make it easy to say no

Continued from Page G1

how precisely employed, military force is still a blunt instrument intended to destroy and kill.

Ultimately, the only way to wean the United States from using the military to try to solve the world's problems — which are seldom solved by the use of force — is to reduce the size and footprint of U.S. forces.

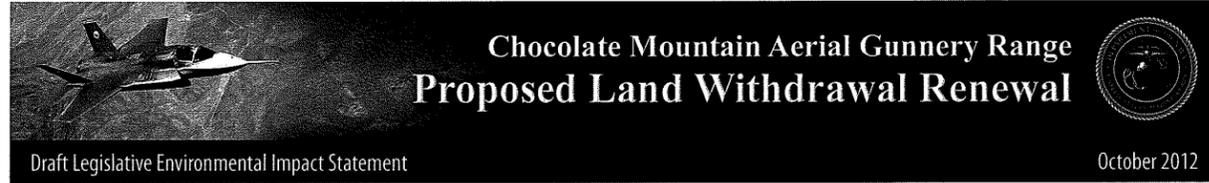
The good news is that we can do so and still be safe.

America is fortunate to have friendly countries to the north and south and

two vast oceans on our flanks. We do not need to contain the Soviet Union — as we did during the Cold War — and there is no successor rival power on the horizon.

While we clearly have enemies, none has the power to seriously threaten the U.S. homeland.

The United States shouldn't be the first responder to crises that do not threaten our security, such as Libya. If U.S. forces weren't deployed here, there and everywhere, it would be much easier to say "no" when the rest of the world cries out for America to intervene.



DRAFT LEIS COMMENT FORM

The Department of the Navy (DoN) has completed the Draft Legislative Environmental Impact Statement (Draft LEIS) and is seeking public input on the analysis and other issues or concerns that should be considered in the Final LEIS. There are several ways to submit comments, as noted below. Please provide comments no later than November 30, 2012.

Meeting Location: Yuma County Library
 Your Name: Craig Williams
 Address: 2191 E 32nd St Ste 218
 City/State/Zip: Yuma Az 85365

Please check all that apply:

- Add my name to the mailing list for this project
- Withhold my name/address to extent allowed by law (only for persons not representing organizations)*

1. Please describe any issues or concerns that should be addressed in the Final LEIS, and provide any other comments you may have on the overall project.

43-1

The Yuma International Airport
supports Alternative 3 on the
CMAAR initiative. M.A.S
Yuma is crucial to Yuma and
CMAAR is just as crucial
to M.A.S Yuma. Alternative
3 fixes this problem for
the long term.

Comments may be submitted in several ways.

- **Return comment form at this meeting**
- **Submit written comments to:**
 Department of the Navy
 Naval Facilities Engineering
 Command Southwest
 Attn: Kelly L. Finn, NAVFAC Project Manager
 Building 1, Central IPT
 1220 Pacific Highway
 San Diego, CA 92132-5190
- **Electronically on the project website:**
 ChocolateMountainRenewal.com
 (click "Get Involved")

* All comments received by DoN or BLM become part of the public record associated with this proposed project. Accordingly, your comments (including name and address) may be available for review by any person who wishes to review the public record. At your request, we will withhold your name and address to the extent allowed by the Freedom of Information Act or any other law. However, all submissions from organizations or businesses, and individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

[43-1] Comment is noted, but no further response is necessary.

SUBMISSION SUMMARY

Names

First Name:	Last Name:
Title:	Organization:
Address:	
City:	State: CA
Zip:	Country:
Email:	Mailing List: True
Entity Type:	Anonymous: False
Other Interested Parties & Commentors	

Submission Information

Date Submitted: 9/7/2012	Date Received: 9/7/2012
Submission Web Comment Format: Form	Venue:
File name:	Possible Duplicate: True

Submission Text

45-1 [Hello Kelly, You have the Federal Register NOI on your project website but haven't uploaded the DLEIS Notice of Availability Notice yet (as of today 7 Sept 2012).

RESPONSES

[45-1] The Notice of Public Meetings for the Draft LEIS for the Proposed Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal, California and the Notice of Availability for EIS No. 20120278, Draft EIS, USN, CA, Legislative—Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal were published in the Federal Register, Vol. 77/No. 170, on Friday 31 August 2012 at pages 53189 and 53198. These have been posted to the project website.

SUBMISSION SUMMARY

Names

First Name:	Last Name:
Title:	Organization:
Address:	
City:	State: CA
Zip:	Country:
Email:	Mailing List: True
Other	
Entity Type:	Anonymous: False
Interested Parties & Commentors	

Submission Information

Date Submitted:	10/23/2012	Date Received:	10/23/2012
Submission Web Comment Format:	Form	Venue:	
File name:		Possible Duplicate:	False

Submission Text

46-1 [Renew the CMAGR land withdrawal for 20 years (without boundary realignments). Management would remain unchanged from current conditions; Department of Navy would manage DoN land per Sikes Act and Bureau of Land Management would manage withdrawn land.

[46-1] Comment is noted, but no further response is necessary.

3.0 ERRATA AND ADDITIONS

3.1 SPECIFIC CHANGES AND ADDITIONS TO THE DRAFT LEIS

Based on input received during the public comment period and new information received since the Draft LEIS was released, the following corrections and additions have been identified. The page numbers listed correspond to the page numbers of the Draft LEIS. Specific word additions/changes are noted below.

Page ES-2, inserted after line 32, new paragraph: The issue that generated the most interest with the public and agencies during scoping pertained to how the proposed boundary realignments may impact recreational access.

Page 1-1, revised lines 36-38: Approximately 162 acres (about 0.25 square mile) of land administered by the U.S. Bureau of Reclamation (Reclamation) is located inside of the CMAGR boundary.

Page 2-23, inserted after line 18 a new Section 2.7.3:

2.7.3 Realign CMAGR Boundary Along the Southern Side of the Eagle Mountain Railroad

An approximately 9.8-mile-long segment of the Eagle Mountain Railroad traverses the northern and northwestern portion of the CMAGR south of and roughly parallel to a segment of the Bradshaw Trail (see Figure 2-1). The current owners of this railroad—Kaiser Eagle Mountain, LLC and Mine Reclamation, LLC (hereafter Kaiser)—requested that an alternative be studied that would place their railroad outside of the CMAGR. Kaiser noted that the prominence of the Bradshaw Trail was an attribute that was used to qualify that geographic feature as an alignment along which an alternative to realign a segment of the CMAGR boundary was developed. Kaiser believes that the Eagle Mountain Railroad is a prominent geographic feature that could also be used to clearly demarcate the CMAGR boundary with little additional loss of current range land.

The Eagle Mountain Railroad is about 52-miles long and was completed and placed into service in 1948 to haul iron ore from the Eagle Mountain Mine, which is located about 22 miles north of the CMAGR and about 11 miles north of Interstate 10, to the Ferrum Junction. The Ferrum Junction connects the Eagle Mountain Railroad with the mainline of the Union Pacific Railroad (UPRR). Operations on and maintenance of the Eagle Mountain Railroad ceased in 1986 and much of this line within the CMAGR is currently in a severely dilapidated and inoperable condition. Kaiser and the Sanitation Districts of Los Angeles County (hereafter Sanitation Districts) have entered into an agreement that would allow the Sanitation Districts to purchase the Eagle Mountain Railroad. The Sanitation Districts propose to restore the railroad to an operable condition and use it to convey solid waste from Los Angeles County to a proposed new landfill to be developed and operated by the Sanitation Districts at the now closed Eagle Mountain Mine.

The Kaiser request that an alternative be developed that would use the south side of the Eagle Mountain Railroad right-of-way as a new alignment for the CMAGR boundary was considered, but was not carried forward for detailed study for three reasons:

- The Eagle Mountain Railroad would provide a visually clear range boundary to the public, but that alignment lacks a service road that would make it readily accessible to the Marine Corps for boundary posting, maintenance, and patrol.
- Although realignment of the CMAGR boundary to conform with the Eagle Mountain Railroad would not affect a large area of land, the range areas north of the railroad are needed as access,

assembly, and training areas by Navy SEALs using special warfare training areas SWATs 4 and 5 (see Figure 1-5).

- The Eagle Mountain Railroad right-of-way, BLM Serial Number CACA-25594, is currently valid and would be unaffected by either the proposed renewal or non-renewal of the CMAGR land withdrawal. If the Sanitation Districts acquire the railroad, the right-of-way would remain in effect and the railroad could be re-constructed, repaired, and maintained for non-passenger carrying, industrial service. Operation of the railroad for the purposes proposed by the Sanitation Districts would be compatible with existing and future military operations at the CMAGR.

Page 3-30, line 22, updated citation date: (BLM 2007).

Page 3-34, line 19, updated citation date: (BLM 2012).

Page 3-35, line 2, updated citation date: (BLM 2013).

Page 3-35, inserted after line 21, new paragraph: The Eagle Mountain Railroad, which has not operated since 1986, is a privately-owned rail line that traverses the northern and northwestern portion of the CMAGR and is south of and roughly parallel to a segment of the Bradshaw Trail (see Figure 2-1). The approximately 52-miles-long railroad was placed into service in 1948 to haul iron ore from the Eagle Mountain Mine, which is located about 22 miles north of the CMAGR, to the Ferrum Junction with the UPRR (see Figure 3-5). The Sanitation Districts have proposed to acquire the railroad to convey solid waste from Los Angeles County to a proposed new landfill at the now closed Eagle Mountain Mine. The landfill project, which was first proposed more than 20 years ago and remains stalled in the planning phase by adverse court decisions, currently lacks the land resources and authorities needed to proceed. Much of the about 9.8-mile long segment of the Eagle Mountain Railroad within the CMAGR is currently in a severely dilapidated and inoperable condition, although the railroad right-of-way, CACA-25594, remains valid. If the Sanitation Districts acquire the railroad, it could be restored and maintained for the proposed non-passenger carrying, industrial service. Operation of the railroad would be compatible with existing and future military operations at the CMAGR.

Page 3-45, line 44, inserted letter to citation date at end of first sentence under 3.4.4.3: No active mines or locatable mineral claims are currently reported on the CMAGR (U.S. Navy 2011a).

Page 3-50; inserted after line 25, new paragraph, new Section 3.4.5.4, and new Table 3-10a: The extent to which paleontological resources at the CMAGR have been impacted by military or other activities cannot be determined because no data have been collected on the occurrence, distribution, or abundance of fossils. However, an assessment has been performed to identify the occurrence and extent of active and inactive weapons impact areas in potential fossil yielding geologic units at the range as defined by the BLM PFYC system. The weapons impact areas, which are the areas around designated air-to-ground and ground-to-ground targets in which most ordnance impacts occur, represent almost 94 percent of the locations at the CMAGR where the ground surface is subject to moderate to high levels of disturbance as a result of military use (see Table 3-6). Two classes of weapons impact areas—core and secondary weapons impact areas—have been defined based on the level of ground disturbance that results at the range. Ground surfaces have been substantially or completely disrupted from natural conditions within core weapons impact areas, which include the locations closest to target features, by the aggregate volume of ordnance that impacts in the area over time. Secondary weapons impact areas extend outward from the outer limit of core weapons impact areas to the farthest extent of ordnance impacts that can be readily attributed to deliveries on a target. Ordnance impacts at the inner perimeter of a secondary weapons impact area are relatively concentrated but the surface

Table 3-10a Occurrence of Active and Inactive Weapons Impact Areas in Potential Fossil Yielding Geologic Units at the CMAGR

Geologic Unit ¹	BLM PFYC ²	Geologic Unit Area ³ in CMAGR	Geologic Unit Area as Percentage of CMAGR Area	Current Active Weapons Impact Areas				Historic Inactive Weapons Impact Areas			
				Core Impact Area ³ in Geologic Unit	Core Impact Area as Percentage of Geologic Unit Area	Secondary Impact Area ³ in Geologic Unit	Secondary Impact Area as Percentage of Geologic Unit Area	Core Impact Area ³ in Geologic Unit	Core Impact Area as Percentage of Geologic Unit Area	Secondary Impact Area ³ in Geologic Unit	Secondary Impact Area as Percentage of Geologic Unit Area
Quaternary Alluvial Deposits (Q)	3	143,057	31.2	326	0.2	4,201	2.9	386	0.3	3,063	2.1
Quaternary Nonmarine Deposits (Qoa)	4a	90,641	19.8	585	0.6	4,245	4.7	46	<0.1	800	0.9
Plio-Pleistocene Nonmarine Deposits (QPc)	4a	29,953	6.5	295	1.0	1,156	3.9	0	0	109	0.4
Miocene Nonmarine Deposits (Tc)	4a	88	<0.1	0	0	0	0	0	0	0	0
Tertiary Volcanic Rocks (Tv)	1	26,013	5.7	138	0.5	529	2.0	0	0	541	2.1
Tertiary Volcanic Rocks (Tvp)	1	5,116	1.1	0	0	0	0	0	0	0	0
Tertiary Volcanic Rocks (Ti)	1	8,530	1.9	42	0.5	336	3.9	0	0	72	0.8
Mesozoic Sedimentary and Metasedimentary Rocks (sch)	2	25,008	5.5	9	<0.1	307	1.2	0	0	0	0
Mesozoic mixed Rocks (gr-m)	1	38,114	8.3	32	0.1	534	1.4	2	<0.1	119	0.3
Mesozoic Plutonic Rocks (gr + grMz10)	1	3,999	0.9	35	0.9	94	2.4	0	0	0	0
Pre-Cambrian Rocks (pC, pCc, grpC13)	2	87,505	19.1	8	<0.1	2,585	3.0	97	0.1	704	0.8

¹ See Figure 3-6.

² Potential Fossil Yield Classification, see Section 3.4.5.2 for detailed explanation: 1 = geologic units not likely to contain recognizable fossil; 2 = sedimentary geologic units not likely to contain vertebrate fossils or scientifically significant nonvertebrate fossils; 3 = fossiliferous sedimentary geologic units where fossil content varies in significance, abundance, and predictable occurrence or sedimentary units of unknown fossil potential; and 4a = geologic units containing a high occurrence of scientifically important fossils.

³ Area in acres.

disturbance effects of impacts in this area are less pronounced than those observed in the core weapons impact area. On the average, ordnance impact effects diminish sharply in secondary weapons impact area with distance from the target to the point at the outer limit of this area beyond which ordnance impacts attributable to that target cease to be detectable. There is a high likelihood that fossils located within core weapons impact areas would be subject to damage or be destroyed as a result of the aggregate effects of ordnance impacts and detonations over time. Fossils located in the inner perimeter of a secondary weapons impact area would also likely be subject to a high risk of damage or destruction, but that risk would diminish rapidly with increasing distance from the target. Core weapons impact areas are estimated to encompass approximately 0.5 percent of the range surface in aggregate. In addition, secondary weapons impact areas encompass approximately 4.2 percent of the range surface (see Table 3-6 and Figure 3-2).

3.4.5.4 Results

The occurrence of active and inactive core and secondary weapons impact areas within 15 geologic units with surface exposures at the CMAGR was determined using a GIS intersection analysis. Core and secondary weapons impact areas were found to occur in 11 of the 15 geologic units (Table 3-10a). One of the 11 geologic units that are affected by core and/or secondary weapons impact areas is rated as Class 3 in BLM PFYC system, which indicates an overall moderate potential to yield fossils. Another 3 of the 11 geologic units that are affected by core and/or secondary weapons impact areas are rated as Class 4a, which indicates an overall high potential to yield fossils. The remaining 7 geologic units have a low to unlikely potential to yield fossils.

Page 3-60, Table 3-11, just above line 1, updated date of table source: Source: California Air Resources Board (CARB) 2012.

Page 3-65, line 24, inserted letter to citation date at end of paragraph: (DoN 2011b).

Page 3-65, line 26, inserted letter to citation date at end of sentence: (DoN 2011b).

Page 3-83, line 45, first paragraph under heading Eastern Information Center Results, added citation to end of sentence: Results of the record search completed by the EIC were received on 17 August 2011 (CHRIS 2011).

Page 3-90, lines 26 and 27, text was indented in bullet format:

- Noise Induced Permanent Threshold Shift (NIPTS) expresses, in terms of average dB, potential hearing loss.

Page 3-90, inserted after line 27, new paragraph: Like sound propagating through the air, ground-borne vibration energy traveling through soils and rock strata loses amplitude as it propagates away from a source; thus, ground-borne vibration is not generally considered a potential impact or significant environmental effect (manifested as either human annoyance, an impairment of a process or activity, or possible structural damage) unless the distance between a source of vibration and a sensitive receiver is small.

Page 3-91, line 1, heading was updated: **3.9.1.2 Applicable Regulations and Standards**

Page 3-91, inserted after line 18, new paragraph: There are no federal regulations that describe vibration level limits at sensitive receivers that would apply to CMAGR for this LEIS. Federal guidance relating to potential vibration impacts from ground transportation sources, such as what one may find in *Transit Noise and Vibration Impact Assessment* (FTA, 2006), discusses thresholds for human perception,

human annoyance and potential damage to structures and buildings, but these would not be considered applicable to CMAGR operations that lack bus, rail or light rail facilities in proximity to potentially sensitive receivers. Similarly, for the State of California, guidance documents from the California Department of Transportation (Caltrans) describe peak particle velocity (PPV) (expressed as inches per second) thresholds associated with human perception, human annoyance and damage risk to structures due to vibration from ground transportation sources and construction activity. PPV is “the maximum instantaneous positive or negative peak of the vibration signal” generally considered “appropriate for evaluating the potential of building damage” (FTA 2006) but has also been used to evaluate human annoyance. PPV thresholds associated with human perception, human annoyance, and damage risk to structures due to vibration from ground transportation sources and construction activity do not relate to the proposed alternative changes in CMAGR boundaries and the proposed continuation of CMAGR operations.

While the Imperial County General Plan Noise Element does not include discussion of vibration, the Riverside County General Plan Noise Element (Riverside County Integrated Project 2003) refers to Caltrans-based PPV levels and level ranges for describing various human reactions to vibration.

Page 3-92, inserted after line 9, new paragraph: Due to the distances that separate them from CMAGR operations within the CMAGR boundary, these closest off-range receivers are not currently expected to be affected by air- or ground-borne vibration. These receivers are also currently exposed to existing sources of man-made and natural vibration, such as surface transportation routes and seismic activity.

Page 3-105, line 17, added citation at the end of the last sentence in section 3.12.1.2: Debris from the sites was consolidated and then properly disposed of off-site (DoN 2003).

Page 3-107 and 3-108, replaced current Section 3.12.3.2 with new Section 3.12.3.2 Range Environmental Vulnerability Assessment:

3.12.3.2 Range Environmental Vulnerability Assessment (REVA)

Hazardous constituents contained in munitions delivered to the CMAGR air-to-ground ranges are usually consumed in a series of chemical reactions that occur upon detonation. Occasionally the munitions do not fully detonate or do not detonate at all. If EOD teams do not recover these undetonated munitions and the munitions case is damaged or eventually corrodes, the (Munitions Constituents) MCs could be available to the environment and cause an unacceptable risk to human health and the environment.

The U.S. Marine Corps REVA program meets the requirements of the current DoD Directive 4715.11 Environmental and Explosives Safety Management on Operational Ranges within the United States and DoD Instruction 4715.14 Operational Range Assessments. The purpose of the REVA program is to identify whether there is a release or substantial threat of a release of MCs from the operational range or range complex areas to off-range areas. This is accomplished through an assessment of operational range areas, development of conceptual site model (CSM), and, where applicable, screening-level fate and transport modeling of the REVA indicator MCs. Indicator MCs selected for the REVA program include octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazocine (HMX), hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX), trinitrotoluene (TNT), and perchlorate.

The REVA program uses conservative (e.g., no decay) screening-level transport analyses to predict the potential for off-range transport of MCs. The results of the conservative transport analysis are first compared to REVA trigger values, which were developed by the Marine Corps to provide an internal decision point for additional site evaluation. Importantly, the REVA trigger values selected by the Marine Corps represent a median value of analytical method detection limits, indicating if a chemical could be

detected during sampling and analysis and representing an extremely low decision threshold. The REVA trigger values are not associated with any actual regulatory or other screening values. Modeling results that exceed a REVA trigger value may warrant further investigation to determine if a release or threat of a release may actually be present, whether there are potential receptors to these chemicals, and whether or not they may pose a risk to human health and the environment.

If a REVA trigger value is exceeded and further investigation is deemed necessary, the results are compared to DoD Operational Range Assessment Screening Values, which represent a higher decision threshold than REVA trigger values. These screening values are used by all DoD services in their individual range assessment programs to compare their surface water, groundwater, and sediment sampling data and assess their meaning. Screening values were selected by a DoD working group from a hierarchy of sources with recognized authority, acceptance and applicability, to include the EPA. Screening values are established for both human and ecological receptors. If sampling exceeds DoD Operational Range Assessment Screening Values, further action may be necessary, to include the potential for further testing and investigation, and possibly cleanup.

To identify whether there was a release or substantial threat of a release of MCs from CMAGR operational range or range complex areas to off-range areas, an initial REVA was conducted in 2008. The 2008 REVA for the Bob Stump Training Range Complex, which includes the CMAGR, was the first comprehensive report on MCs associated with the CMAGR. The 2008 REVA report can be accessed at: www.denix.osd.mil/sri/upload/MCAS-Yuma-2.pdf.

The 2008 REVA evaluated 35 range areas in CMAGR North and 15 range areas in CMAGR South. Loading rates for MCs were calculated for each area. The conservative modeling results indicated that MC loading rates at 12 of the sites in CMAGR North and all 15 of the sites in CMAGR South were greater than 1 milligram per square meter per year and, therefore, warranted further analysis.

The pathways evaluated in the 2008 REVA include both surface water and groundwater. The REVA indicates that groundwater pathway and receptors are unlikely to result in any exposure to MC. Infrequent ephemeral surface water transport is a potential pathway for MC migration from CMAGR MC loading areas. If the potential pathway is complete, the REVA indicates that any MCs that may be present would be very low (at or below laboratory method detection limits).

Because surface water in the washes draining from the CMAGR is not used as a potable water source, as an irrigation water source, or for any contact activity, either on range or off range, no human receptors were identified in the baseline. Potential receptors for MC dissolved in surface water are limited to ecological receptors, which include a federally-listed threatened species—Mojave desert tortoise—and other common wildlife species endemic to habitat areas on range and within or near microphyll woodlands associated with the major washes outside the range boundary. The potential for Mojave desert tortoise at the CMAGR to be exposed to MC dissolved in surface water would be restricted to infrequent periods of short duration and relatively low numbers of individual animals because of the very limited distribution of target impact areas within tortoise habitat, the infrequent and limited presence of surface water, and the life history characteristics of this animal.

Habitat for the Mojave desert tortoise is found in the roughly northeastern half of the CMAGR where about 183,419 acres (about 40 percent) of the range have been designated as critical habitat for this species (see Figure 3-12). The CMAGR areas inside of the designated critical habitat perimeter that are designated as target complexes no longer exhibit the constituent elements that would qualify tortoise habitat as critical and are not designated as critical habitat (USFWS 1994b) (compare Figures 3-2 and 3-12). However, about 95 percent (177,000 acres) of the critical habitat at the CMAGR encompasses areas of negligible to low military surface use and is outside of the core and secondary weapons impact areas

associated with ordnance delivery training where MC are most likely to be located. Thus, less than 5 percent of the critical habitat at the CMAGR is likely to be subject to elevated concentrations of MC.

The potential for surface water to come in contact with soluble MC would generally be limited to the core and secondary weapons impact areas. Surface water is present on the range only in direct response to infrequent rainfall. Rainfall averages less than 5 inches per year and is often unevenly distributed locally. With a pan evaporation rate of 100 inches per year and rainfall that rarely occurs with an intensity or duration sufficient to generate runoff, desert washes at the CMAGR are dry most of the year and some may not flow for multiple years. Surface flow in washes occurs most often in response to intense summer Monsoon thunderstorms, but can also be generated in the winter season by less-intense frontal storms of longer duration. Comparing Figure 3-9 and 3-12 shows that target areas encompassed within desert tortoise critical habitat are drained by only a few of the many washes that occur within this habitat. The potential for dissolved MC to be present in surface water flow in drainage channels would be limited to these washes and their smaller tributaries that drain weapons impact areas. Dissolved MC may also be present in non-flowing surface water that collects and temporarily persists in internally-drained depressions within core and secondary weapons impact areas.

The potential for Mojave desert tortoise at the CMAGR to consume MC dissolved in surface water is also likely to be limited by their behaviors. These animals cope with long periods of scant rainfall and forage by spending much of their lives in burrows during which their metabolic, water loss, and food consumption rates are greatly reduced (USFWS 2011). Tortoises at the CMAGR typically emerge from their burrows to feed on annual vegetation that sprouts after both summer and winter rains. In years with average or higher amounts of rainfall, these animals may have little requirement for surface water. When necessary, their life cycle and metabolic strategies can permit adult desert tortoises to survive for more than a year without access to free water (USFWS 2011). Still, desert tortoise have the ability to drink surface water if it is available and this opportunistic capability may be critical to their survival if surface water becomes temporarily available during extended drought periods (USFWS 2011). Therefore, it is possible that some individual tortoises at the CMAGR may consume dissolved MC under these infrequent and short-term circumstances if they are located either within core or secondary weapons impact areas or washes that drain these areas when rainfall is sufficient to generate surface water.

Potential receptors utilizing surface water washes within the installation boundaries were not considered because the REVA program is limited to the assessment of off-range MC releases. MCAS Yuma maintains other programs to minimize the impacts of training to on-range wildlife and natural resources. All operational ranges are reassessed every 5 years to ensure both long-term sustainability to the ranges and protectiveness to human health and the environment. The REVA update for the CMAGR has been contracted and scheduled for Fall 2013, and will further evaluate the potential for off-range migration of MCs.

Page 3-108, line 9, inserted after “no potential risk to human health or the environment.”:

Ecological receptors are the only potential surface water receptors. Even though no threatened or endangered species habitats have been delineated in the area outside the range boundary potentially affected by runoff, the toxicity threshold for threatened and endangered ecological receptors that could potentially interact with surface water outside the range boundary is several orders of magnitude above the estimated MC concentrations reaching the range boundary.

Page 3-114, line 5, corrected citations: Bureau of Labor Statistics 2012, 2011.

Page 3-119, line 10, changed “Sources: U.S. Census Bureau 2000a, 2000c.”: Sources: U.S. Census Bureau 2000c, 2000d.

Page 4-12, line 8, inserted after “Transportation corridors would not be impacted.”: Existing utility easements would be unaffected by renewal of the land withdrawal.

Page 4-15, line 3, inserted after “Alternatives 1 through 5 (No Action).”: None of the alternatives would be expected to have an effect on seismicity in the region so this issue is not further addressed.

Page 4-16, inserted after line 22, new paragraphs: Paleontological resources may have been affected by past military activities at the CMAGR and may be subject to further impacts by ongoing or future activities. The specific extent to which these resources may have been or could be affected by military activities cannot be determined, however, because there are no data on the occurrence, distribution, or abundance of fossils. The best estimate of the potential for military activities to affect paleontological resources is provided by an intersection analysis of military use areas at the CMAGR with potential fossil yielding geologic units as defined by the BLM PFYC system. As reported in Section 3.4.5.4, the largest potential for military activities to affect paleontological resources likely would occur within the weapons impact areas associated with ordnance delivery training targets, which represent almost 94 percent of the locations at the CMAGR where the ground surface is subject to moderate to high levels of disturbance.

The results shown in Table 3-10a show that weapons delivery activities may be affecting fossils at the CMAGR, but also that potential effects are limited to small proportions of geologic units with moderate to high potentials to yield fossils as defined by the BLM PFYC system. Active core weapons impact areas affect only 1.0 percent or less of the areas of two of the three geologic units that are classified as having a high potential to yield fossils and 0.3 percent or less of the area of the geologic unit that is classified as having a moderate potential to yield fossils. Secondary weapons impact areas are larger than core impact areas and not surprisingly affect larger areas of the geologic units with moderate or high potentials to yield fossils. The affected areas are not extensive, however, and vary between less than 0.1 and 4.7 percent. The implications of these findings are mitigated somewhat by the fact that concentrated ordnance impacts within the secondary impact areas generally occur only at the closest distances to the targets. Ordnance impact and detonation effects sharply diminish with increasing distance from the targets and, at the outer perimeter fall essentially to zero. There likely would be no differences among Alternatives 1 through 4, which would all renew the CMAGR land withdrawal, in terms of the potential for ongoing or future military activities to impact paleontological resources as the range renewal alternatives would all support the same patterns and intensities of military use.

Page 4-40, line 22, inserted after line 22 as new paragraph: Potential ground-borne vibration impacts are not assessed for each alternative with respect to this LEIS for the following reasons:

- There are no applicable regulations and standards with respect to vibration at off-range receivers and CMAGR operations;
- Vibration was not identified as an issue during scoping; and
- As suggested in Section 3.9.2.2, due to distances between off-range receivers and CMAGR operations, what might be considered potential vibration-sensitive receivers are not currently expected to be impacted. The source-to-receiver distance alterations caused by CMAGR boundary realignments would not affect this baseline condition.

Page 4-48, line 26, inserted after “4.11.5 Alternative 5”: (No Action)

Page 4-50, line 21, inserted after “4.12.5 Alternative 5”: (No Action)

Page 5-8, line 38, corrected citation: ...most of these operations would play out (Shumway, Vredenburgh, and Hartill 1981). The effects of historic...

Page 5-12, line 44, added citation to this paragraph: ... municipal, or industrial activities or are adjacent to such activities (see Figure 5-1) (Imperial County Planning & Development Services 2011). Although each of...

Page 8-1, lines 16-18, updated reference:

Apple, Rebecca McCorkle and James Cleland. 2001. *Historic and Archaeological Resources Protection (HARP) Plan for the Chocolate Mountains Aerial Gunnery Range, Imperial County, California*. In Cleland and Wahoff, 2006. *Regional Archaeological Research Design for Chocolate Mountain Aerial Gunnery Range, Imperial and Riverside Counties, California*.

Page 8-2, lines 24-25, removed the letter after the date of this reference:

Bureau of Labor Statistics. 2011. *Employment and Unemployment by County, July*. Accessed on 30 August 2011 at <http://www.bls.gov/lau/#tables>.

Page 8-2, lines 26-27 updated reference:

Bureau of labor Statistics. 2012. Local Area Unemployment Statistics for selected Arizona cities, 2008-2012. Accessed on 26 February 2013 at <http://www.bls.gov/>.

Page 8-2, lines 29-30, updated access date:

California Air Resources Board (CARB). 2011. *iADAM Air Quality Data Statistics*. Accessed on 8 February 2013 at <http://www.arb.ca.gov/adam/>.

Page 8-2, line 31, updated reference (changed dates) for California Air Resources Board:

_____. 2012. "Ambient Air Quality Standards" (table). Accessed on 7 June 2012 at <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>.

Page 8-2, line 33, added reference:

California Department of Conservation. 2002. Geothermal Map of California. California Division of Oil, Gas, and Geothermal Resources and California Geological Survey Map S-11. 1:1,500,000 scale. 2 pp.

Page 8-3, line 7: Put Caltrans reference into correct alphabetical order just above Cassiliano on page 8-4.

Page 8-3, line 24, added reference:

California Department of Water Resources. 2010. Groundwater Basing Maps. GIS data downloaded August 2011. Accessed at http://www.water.ca.gov/groundwater/bulletin118/gwbasin_maps_descriptions.cfm.

Page 8-3, line 24, corrected the author reference:

California Employment Development Department. 2011a. Monthly Labor Force Data for Cities and Census Designated Places, June 2011—Preliminary (Data not Seasonally Adjusted). Accessed on 30 August 2011 at <http://www.labormarketinfo.edd.ca.gov/>.

Page 8-4, line 2, updated reference access date:

California Herps. n.d. *Scaphiopus couchii*. Accessed on 29 January 2013 at <http://www.californiaherps.com/frogs/pages/s.couchii.html>.

Page 8-4, line 3, added reference:

California Historical Resources Information System. 2011. Cultural Resources Records Search for the Chocolate Mountain Aerial Gunnery Range Project (URS Project Number: 23446096.10004). Letter sent by Michael P. Loyd, Information Officer, on 17 August. Riverside, California.

Page 8-4, line 10, added reference:

California Spatial Information Library. 2010. GIS data downloaded May 2010. Accessed at <http://atlas.ca.gov/download.html>.

Page 8-4, lines 23-25, updated reference:

Cleland, J.H., D. Earle, and T. Wahoff. 2010. *Cultural Affiliation Study for the Chocolate Mountain Aerial Gunnery Range*. In AECOM 2011. *Integrated Cultural Resources Management Plan for the Chocolate Mountain Aerial Gunnery Range, California*.

Page 8-5, line 24, added reference:

Environmental Systems Research Institute (ESRI). 2010. GIS data provided as a part of ArcGIS 10.0.

Page 8-6, line 7, corrected citation:

Gutierrez, C., W. Bryant, G. Saucedo, and C. Wills. 2010. 2010 Geologic Map of California. California Geological Survey. Geologic Data Map No. 2. Includes geographic information system data for mapping purposes. Geologic Data Map No. 2. Includes geographic information system data for mapping purposes.

Page 8-6, lines 18-19, updated reference:

Imperial County Planning and Development Services. 2011. *Mount Signal Solar Farm*. Accessed at <ftp://ftp.co.imperial.ca.us/icpds/eir/mount-signal-solar/final/08project-description.pdf>.

Page 8-6, line 21, updated accessed date for reference:

Imperial Irrigation District (IID). 2011. *Solar Project*. Imperial Irrigation District. 2011. Accessed on 7 February 2013 at <http://www.iid.com/index.aspx?page=447>.

Page 8-6, lines 24-27, updated reference:

Jefferson, G.T. 2010. *Chocolate Mountains Bureau of Land Management Geothermal Leases: Paleontologic Resources Record Search and Estimate of Formation Sensitivity*. Unpublished manuscript, Stout Research Center, Anza-Borrego Desert State Park, pp. 1-4. on file at the Sanberg Group, Inc., Whittier. We thank the California Department of Parks and Recreation for access to unpublished documents from the Stout Research Center.

Page 8-6, line 28, corrected reference date:

[Jefferson]_____. 2007. *Salton Sea SRA, Paleontological...*

Page 8-6, lines 28-30, updated reference:

_____. 1995. *Salton Sea SRA, Paleontological Resources Inventory and Management Recommendations*. Unpublished manuscript, Stout Research Center, Anza-Borrego Desert State Park. pp. 1-6. We thank the California Department of Parks and Recreation for access to unpublished documents from the Stout Research Center.

Page 8-7, line 28, inserted after reference:

Accessed at www.denix.osd.mil/sri/upload/MCAS-Yuma-2.pdf.

Page 8-8, line 15, added reference:

Microsoft Corporation. 2010. Microsoft Aerial Bing Photography accessed using ArcGIS 10.0 for mapping purposes.

Page 8-7, lines 32-33, deleted reference:

Marine Corps Air Station (MCAS) Miramar Annual Report 2011. Accessed on 15 December 2011 at <http://www.miramar.usmc.mil/documents/SHR.pdf>.

Page 8-8, lines 9-11, deleted reference:

Meilinger, P.S. 2007. *Lowering Risk Air Power Can Reduce Civilian Casualties*. Armed Forces Journal. Army Times Publishing Company, Gannett Company, Inc. July. Accessed on 12 March 2011 at <http://www.armedforcesjournal.com/2009/07/4079006/>

Page 8-8, line 20, deleted reference:

National Climate Data Center (NCDC). 2011. Annual Climate Summary, El Centro California, 2010.

Page 8-9, line 6, updated reference:

Nussear, K.E., T.C. Esque, R.D. Inman, Leila Gass, K.A. Thomas, C.S.A. Wallace, J.B. Blainey, D.M. Miller, and R.H. Webb. 2009. —Modeling habitat of the desert tortoise (*Gopherus agassizii*) in the Mojave and parts of the Sonoran Deserts of California, Nevada, Utah, and Arizona: U.S. Geological Survey Open-File Report 2009-1102,” 18 p. Includes geographic information system data for mapping purposes.

Page 8-9, line 27, added reference:

Riverside County Integrated Project. 2003. *County of Riverside General Plan—Hearing Draft. Chapter 7 Noise Element, Vibration*. Accessed on 20 March 2013 at http://www.rcip.org/general_plan_07_toc.htm.

Page 8-11, line 21, added reference:

URS Corporation. 2011-2012. Geographic information system data developed for mapping purposes.

Page 8-11, lines 33-34, updated reference:

_____. 2000b. Census 2000 Summary File 1 (SF1)—100-Percent Data, Race and Hispanic or Latino: 2000 (Tables P3 and P4). Accessed on 29 August 2011 at <http://www.census.gov/main/www/cen2000.html>.

Page 8-11, lines 35 -36, updated reference:

_____. 2000c. Census 2000 Summary File 3 (SF3)—Sample Data, Income in 1999 by Selected Household, Family, and Individual Characteristics: 2000 (Table-P53). Accessed on 29 August 2011 at <http://www.census.gov/main/www/cen2000.html>.

Page 8-12, lines 1-2, updated reference:

_____. 2000d. Census 2000 Summary File 3 (SF3)—Sample Data, Poverty Status in 1999 by Age (Table-P87). Accessed on 29 August 2011 at <http://www.census.gov/main/www/cen2000.html>.

Page 8-12, lines 3-5, updated reference:

U.S. Department of Agriculture, Natural Resources Conservation Service. 2011. U.S. General Soil Map, State Soil Geographic (STATSGO2) Geographic Information System Database. United States Department of Agriculture. Accessed on 1 November 2011 at <http://soildatamart.nrcs.usda.gov>.

Page 8-12, lines 16-17, deleted reference:

_____. 1997. *Environmental Effects of Self Protection, Chaff and Flares. Final Report*, Headquarter Air Combat Command, Langley Air Force Base, Virginia.

Page 8-12, line 20, added reference:

_____. 2012. Geographic Information System data provided by Range Safety and Design Branch/ Range Training Area Management.

Page 8-12, line 20, added reference:

_____. 2010-2012. Geographic Information System data provided by the MCAS Yuma Range Management Department (YRMD).

Page 8-12, line 20, added reference:

_____. 2010-2011. Geographic Information System data provided by MCAS Yuma Installation Geospatial Information and Services (IGI&S) Department.

Page 8-12, line 28, added reference:

U.S. Department of Interior, Bureau of Indian Affairs (BIA). 2005. Geographic information system data accessed at <http://nationalatlas.gov/atlasftp.html>.

Page 8-12, lines 28-29, deleted reference:

U.S. Department of the Interior, Bureau of Land Management (BLM), 2012. Palm Springs-South Coast Field Office. Accessed in January 2012 at <http://www.blm.gov/ca/st/en/fo/palmsprings.html>.

Page 8-12, line 30, updated access date for a reference of the U.S. Department of the Interior, Bureau of Land Management:

_____. 2011. *Chuckwalla-Palen Mountains Wilderness Area*. Accessed on 7 February 2013 at http://www.blm.gov/ca/st/en/fo/palmsprings/chuckwalla_palen.html.

Page 8-12, lines 34-36, updated reference:

U.S. Department of the Interior, Bureau of Land Management (BLM). 2012. *West Chocolate Mountains Renewable Energy Evaluation Area (REEA)*. U.S. Department of the Interior Bureau of Land Management, El Centro Field Office. 19 December 2012. Accessed on 7 February 2013 at <http://www.blm.gov/ca/st/en/fo/elcentro/nepa/wcm.html>.

Page 8-13, lines 1-4, corrected all dates for this reference:

U.S. Department of the Interior, Bureau of Land Management. 2013. *California Renewable Energy Projects and Utility Corridors*. U.S. Department of the Interior Bureau of Land Management, Desert District, California. 7 January 2013. Accessed in February 2013 at http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/pa/energy/application_maps.Par.30605.File.dat/CDD_Application_Map.pdf.

Page 8-13, line 16, added reference:

_____. 2008-2011. GIS data downloaded and accessed at <http://www.blm.gov/ca/gis/>.

Page 8-13, lines 30-32, corrected the dates for this U.S. Department of the Interior, Bureau of Land Management reference:

_____. 2007. *Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)*. Bureau of Land Management, Desert District, California. September 2007. Accessed on 25 September 2011 at http://www.blm.gov/ca/st/en/fo/palmsprings/coachella_valley.html.

Page 8-14, line 3, added letter to date and corrected reference title:

U.S. Department of the Navy (DoN). 2011a. *Preliminary Site Evaluation, Chocolate Mountain Aerial Gunnery Range Proposed Boundary Realignment....*

Page 8-14, line 7, added reference:

U.S. Department of the Navy (DoN). 2011b. Email correspondence from Ms. Marie Stewart CIV regarding CMAGR Withdrawal Renewal LEIS Data Call, as forwarded by Michael P. Ouellett CTR. 14 July.

Page 8-14, lines 25-26, deleted reference:

_____. 2003. *Proposed Plan/Draft Remedial Action Plan for Chocolate Mountain Aerial Gunnery Range, Installation Restoration Program Sites 1, 4, 5, 7, and 8*. July.

Page 8-14, line 31, added reference:

U.S. Department of Transportation, Bureau of Transportation Statistics. 2011. Geographic information system data downloaded at http://www.rita.dot.gov/bts/sites/rita.dot.gov/bts/files/publications/national_transportation_atlas_database/2011/index.html.

Page 8-15, line 5, added date of access to reference:

U.S. Department of Transportation, Federal Highway Administration (FHWA). 2010. *National Scenic Byways Program, Official Designations, Bradshaw Trail*. Accessed on 7 February 2013 at <http://www.byways.org/explore/byways/2172/designation.html>.

Page 8-16, line 3, deleted the letter after the date of this U.S. Geological Survey reference:

_____. 2008. *Assessment of Moderate- and High-Temperature Geothermal Resources of the United States*. U. S. Geological Survey Fact Sheet 2008-3082. 4 pp.

Page 8-16, line 5, deleted this U.S. Geological Survey reference:

_____. 2004. *Earthquakes Hazards Program/Quaternary Fault and Fold Database*.

Page 8-16, line 6, corrected the reference authors:

Shumway, G.L., L. Vredenburg, and R.D. Hartill. 1981. *Desert Fever, An Overview of the Mining History in the California Desert Conservation Area*. Accessed on 15 January 2012 at <http://www.blm.gov/pgdata/etc/medialib/blm/ca/pdf/cdd/aml.Par.54155.File.dat/Desert%20Fever%20-%20History%20of%20Mining%20in%20the%20CDCA.pdf>.

Page 8-16, line 6, added reference:

U.S. Geological Survey. 2010c. National Hydrography Dataset, GIS data, downloaded in December 2010. Accessed at <http://nhd.usgs.gov/data.html>.

Page 8-16, lines 22-24, updated reference (changed dates):

Western Regional Climate Center (WRCC). 2012. "Period of Record Monthly Climate Summary, Eagle Mountain, California (042598), Period of Record: 9/1/1933 to 9/30/2012." Accessed in February 2013 at <http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca2598>.

3.2 SPECIFIC CHANGES AND ADDITIONS TO THE DRAFT LEIS APPENDICES

Page D-2, inserted updated Appendix E, Navy Record of Non-Applicability for Clean Air Act Conformity, after page D-2:

Page H-2, inserted Appendix I, Federal Register Notices for Draft LEIS, after page H-2:

APPENDIX E

**NAVY RECORD OF NON-APPLICABILITY FOR
CLEAN AIR ACT CONFORMITY**

NAVY RECORD OF NON-APPLICABILITY FOR CLEAN AIR ACT CONFORMITY

The proposed action falls under the Record of Non-Applicability (RONA) category and is documented with this RONA.

Proposed Action:

Action Proponent: Department of the Navy

Location: Chocolate Mountain Aerial Gunnery Range (CMAGR),
Imperial and Riverside Counties, California

Proposed Action Name: Chocolate Mountain Aerial Gunnery Range Renewal

Proposed Action & Emissions Summary: The CMAGR is a live-fire aviation training range that was initially established during World War II and has supported tactical military aviation training ever since. It is located to the east of the Salton Sea in Imperial and Riverside counties, California. The CMAGR provides more than 700 square miles of land and several thousands of square miles of overlying and adjacent Special Use Airspace (SUA) that continues to support training that is essential to the readiness of the nation's Marine Corps and Naval air forces.

The current withdrawal of Department of the Interior (DoI) public lands for the CMAGR, established through the California Military Lands Withdrawal and Overflight Act of 1994 (CMLWOA), is scheduled to expire in October 2014. There continues to be a military need for the CMAGR so the Proposed Action is the Department of the Navy's (DoN's) request that Congress renew the land withdrawal and military reservation. The DoN filed a land withdrawal application with the DOI Bureau of Land Management (BLM) for public lands currently within the CMAGR as well as for some adjacent lands being considered to establish a more effective and identifiable range boundary. Land jurisdiction at the CMAGR resembles a checkerboard where roughly every other section (640 acres or approximately 1 square mile) falls under either DoN or DoI jurisdiction. About 232,116 acres of the checkerboard are Navy lands while the alternate sections (approximately 226,711 acres) are withdrawn DoI public lands managed by the BLM. Congressional approval is required for land withdrawals for national defense purposes that total more than 5,000 acres in aggregate.

The Proposed Action is a legislative proceeding and will not affect the current operations of the CMAGR, thus there will be no new air pollutant emissions as a result of the Proposed Action.

Affected Air Basin(s): Salton Sea Air Basin (SSAB)

Date RONA prepared: 03 October 2011

RONA prepared by: DoN

Proposed Action Exemption(s): Per 40 CFR 93.153, the conformity requirements do not apply to judicial and legislative proceedings that would result in no emissions increase.

Attainment Area Status and Emissions Evaluation Conclusion: The Imperial County portion of the SSAB is classified as a marginal nonattainment area for the 8-hour ozone (O₃) National Ambient Air Quality Standard (NAAQS), and the western two-thirds of Imperial County is classified as a serious nonattainment area for particulate matter (PM₁₀). The SSAB portion of Riverside County is classified as a severe nonattainment area for the 8-hour O₃ NAAQS, and also is classified as a serious nonattainment area for PM₁₀. The CMAGR attains all other NAAQS.

As discussed above, a portion of the CMAGR lies within Imperial County and a portion lies within Riverside County. The Proposed Action emissions are presented with the conformity *de minimis* thresholds for Imperial County and Riverside County in Table 1.

Table 1 – Net Emissions and De Minimis Thresholds

Criteria Pollutant	Net Emissions from Proposed Action (tons/year)	De Minimis Threshold (tons/year)	Net Emissions above/below Threshold?
Riverside County			
PM ₁₀	0	70	below
NO _x	0	25	below
ROG	0	25	below
Imperial County			
PM ₁₀	0	70	below
NO _x	0	100	below
ROG	0	100	below

PM₁₀ – particulate matter of 10 microns or less

NO_x – nitrogen oxides

ROG – reactive organic gases

The proposed renewal of the CMAGR land withdrawal results in no emissions increase as presented in the Legislative Environmental Impact Statement for the Proposed Action. Therefore, the DoN concludes that the general conformity rule does not apply to the Proposed Action and a Conformity Analysis is not required, resulting in this documented RONA.

APPENDIX I
FEDERAL REGISTER NOTICES FOR DRAFT LEIS

Department of Defense Notice of Public Meeting and Availability of DLEIS
Vol. 77, No. 170, Page 53189

Environmental Protection Agency Notice of Availability of DLEIS
Vol. 77, No. 170, Page 53198

Department of Defense Notice of Public Meeting Location Change
Vol. 77, No. 195, Page 61401

DEPARTMENT OF DEFENSE**Department of the Navy****Notice of Public Meetings for the Draft Legislative Environmental Impact Statement for the Proposed Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal, California**

AGENCY: Department of the Navy, DoD. Cooperating Agencies: Bureau of Reclamation and Bureau of Land Management, Department of the Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370h); the Council on Environmental Quality regulations for implementing the procedural provisions of NEPA (40 CFR 1500–1508); Department of the Navy (DoN) Procedures for Implementing NEPA (32 CFR Part 775); and Marine Corps NEPA directives (Marine Corps Order P5090.2A), the DoN, in cooperation with the Bureau of Land Management (BLM) and Bureau of Reclamation, has prepared and filed with the U.S. Environmental Protection Agency a Draft Legislative Environmental Impact Statement (LEIS) that evaluates the potential environmental consequences that may result from renewing the withdrawal of approximately 228,465 acres of public land for continued use as part of the Chocolate Mountain Aerial Gunnery Range (CMAGR) in Imperial and Riverside counties, California.

With the filing of the Draft LEIS, the United States Marine Corps (USMC) is initiating a 90-day public comment period and has scheduled four public meetings to receive oral and written comments on the Draft LEIS. Federal, state, and local agencies; Native American tribes; and interested parties are encouraged to provide comments in person at any of the public meetings, or in writing anytime during the public comment period. This notice announces the dates and locations of the public meetings and provides supplementary information about the environmental planning effort. These public meetings also meet the requirement set forth in Section 806 of the California Desert Protection Act for the Secretary of the Navy to hold a public hearing in the State of California to receive public comments on the Draft LEIS.

DATES AND ADDRESSES: The Draft LEIS public review period will begin on August 31, 2012 and end on November 30, 2012. All comments regarding the

Draft LEIS must be received by November 30, 2012 to ensure full consideration in the Final LEIS. Each of the four public meetings will be conducted in an open house meeting format. The public meetings will be held from 5:30 p.m. to 8:00 p.m. on the following dates and at the following locations:

1. October 22, 2012 at the Yuma County Library, 2951 S. 21st Drive, Rooms B–C, Yuma, AZ.
2. October 23, 2012 at the Southwest High School, 2001 Ocotillo Dr., El Centro, CA.
3. October 24, 2012 at the Mizell Senior Center, 480 South Sunrise Way, Palm Springs, CA.
4. October 25, 2012 at the Oceanside Public Library, 330 North Coast Highway, Oceanside, CA.

Public meeting schedules and locations will also be published in local newspapers. The public is invited to attend these meetings to view project-related displays; speak with DoN, the USMC, and Department of the Interior representatives; and submit public comments.

Availability of the Draft LEIS: The Draft LEIS is available at the project Web site,

www.chocolatemountainrenewal.com and at the following local libraries:

1. County Library (Main Branch): 2951 S. 21st Drive, Yuma, AZ.
2. Public Library: 400 Main Street, Brawley, CA.
3. Public Library (San Ysidro Branch): 101 W. San Ysidro Blvd., San Diego, CA.
4. Palo Verde Valley Library: 125 West Chanslor Way, Blythe, CA.
5. Community Center Branch Library: 375 South 1st Street, El Centro, CA.

Comments: Attendees will be able to submit written comments at the public meetings. A court reporter will be available to accept oral comments. Equal weight will be given to oral and written statements. Comments on the Draft LEIS may be submitted by: (1) Attending one of the public hearings and providing oral or written comments, (2) completing the comment form on the project's public Web site at www.chocolatemountainrenewal.com/Comment/Default.aspx, or (3) by sending a letter to the CMAGR LEIS Project Manager (Attn: Ms. Kelly Finn), NAVFAC Southwest, 1220 Pacific Highway, Building 1 Central IPT, San Diego, CA 92132–5190. All comments must be postmarked or electronically dated no later than November 30, 2012 to ensure they become part of the public record. All statements (oral transcription and written) submitted during the public review period will

become part of the public record on the Draft LEIS and will be addressed in the Final LEIS. Before including your address, telephone number, email address, or other personal identifying information in your comment, please be aware that your entire comment—including any personal identifying information—may be made publicly available at any time. Although requests can be made to withhold personal identifying information from public review, it may not be possible to keep this information from disclosure.

FOR FURTHER INFORMATION CONTACT: CMAGR LEIS Project Manager (Attn: Ms. Kelly Finn), NAVFAC Southwest, 1220 Pacific Highway, Building 1 Central IPT, San Diego, CA 92132–5190; phone 619–532–4452. Additional supplementary information regarding the CMAGR Draft LEIS is available at www.chocolatemountainrenewal.com. Please submit requests for special assistance, sign language interpretation for the hearing impaired, or other auxiliary aids needed at the public meetings to the LEIS Project Manager at least five business days before the meeting date.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare the Draft LEIS was published in the **Federal Register** on September 24, 2010 (Vol. 75, No. 185, p. 58370).

Purpose and Need: The CMAGR has served as an aerial bombing and gunnery training range since the 1940s, and currently provides approximately 458,530 acres (about 716 square miles) of land to support military training. Training at the CMAGR is also supported by overlying and adjacent special-use airspace that extends laterally for several thousands of square miles. The CMAGR is needed to provide live-fire training that is essential for developing and maintaining the readiness of USMC and Navy aviators. The range is also vital for training select USMC and Navy land combat forces; including Naval Special Warfare (NSW) forces. Among other activities, the CMAGR and associated airspace supports training in air combat maneuvering and tactics; close air support (where air-to-ground ordnance is delivered directly in support of friendly forces); airborne laser system operations; air-to-air gunnery; and air-to-ground bombing, rocketry, and strafing. Ground-based artillery, demolition, small arms, and NSW training are also conducted within the range. The CMAGR is a centerpiece in a much larger training complex that incorporates adjacent and nearby special use airspaces and ranges to

support full-spectrum combat operations so that Marines can realistically train as they will fight.

The purpose of renewing the CMAGR land withdrawal is to retain the training range. The U.S. military is fully invested in the principle that high quality training is essential to the success and survival of its forces in combat; the CMAGR is needed to provide the quality training that provides a realistic approximation of the conditions that Marines, sailors, airmen, and soldiers will face in combat as individuals and in small or large units. Access to ranges that offer flexible, diverse, and realistic training is essential to preparing tactical forces of the highest possible quality. Thus, the necessity of keeping the CMAGR fully in service can best be understood from two main perspectives: (1) The necessity of providing high quality training and (2) the superlative qualities of the CMAGR for supporting that training.

Proposed Action: The Proposed Action is to renew the military land withdrawal and reservation of the CMAGR. The Proposed Action includes four elements: (1) Defining a proposed range boundary and land withdrawal area; (2) either a set duration for the proposed land withdrawal with an option for requesting a subsequent renewal, a land withdrawal without a termination date, or transferring the land to the DoN; (3) proposals for redefining DoN and BLM management responsibilities for the CMAGR; and (4) provisions for the disposal and management of land that is not included in the renewal.

Alternatives Considered in the Draft LEIS: A range of alternatives for the proposed renewal and administration of the CMAGR land withdrawal were developed in consideration of comments received from the public, Native American tribes, and government agencies during the scoping process. Four action alternatives (Alternatives 1 through 4) would renew the land withdrawal and keep the CMAGR available to support military training. The no-action alternative (Alternative 5) would allow the current land withdrawal to expire in October 2014, which would result in the closure of the CMAGR for military training.

The Draft LEIS evaluates realigning the CMAGR boundary in three locations: South of the Niland-Blythe Road on the eastern side of the range, along the Bradshaw Trail at the northern end of the range, and along the Union Pacific Railroad (UPRR) at the southwestern side of the range. The Bradshaw Trail and UPRR realignments are proposed to align the CMAGR

boundary with these prominent geographic features, which would increase public awareness of the location of the range boundary and facilitate maintenance of prohibited entry and hazardous area warning signs along the CMAGR perimeter.

Two parcels of currently withdrawn BLM land located south of the Niland-Blythe Road, which are not needed for military purposes, are proposed to be excluded from the withdrawal renewal.

Two alternatives for realigning the CMAGR boundary along the south side of the Bradshaw Trail are considered in the Draft LEIS. The full Bradshaw Trail realignment would align the CMAGR boundary along the southern side of the trail for the entire 36 miles over which it intersects the range. The full realignment would (1) release about 647 acres of DoN land and about 1,924 acres of currently withdrawn BLM land, including the Bradshaw Trail National Backcountry Byway, north of the realigned boundary from the CMAGR and (2) require the first-time withdrawal of about 530 acres of BLM land and potential acquisition of about 455 acres of private and 10 acres of State land to the interior of the new boundary. The land proposed for release is not needed for military purposes. The partial Bradshaw Trail realignment would align the CMAGR boundary along the southern side of an aggregate of about 20 miles of segments of the Bradshaw Trail that traverse either DoN or currently withdrawn BLM land. This action would release about 647 acres of DoN land and about 1,640 acres of currently withdrawn BLM land from the ranges that are not needed for military purposes. The boundary would not be realigned from its present locations where BLM, State, or private land south of the Bradshaw Trail is not presently part of the CMAGR.

The proposed UPRR realignment on the southwestern side of the CMAGR would follow the eastern side of the UPRR right-of-way, the northern side of the Mesquite Regional Landfill Rail Spur right-of-way, and an existing road. This action would include (1) the first-time withdrawal of about 11,903 acres of BLM land that are not currently in the CMAGR and (2) the potential acquisition of about 658 acres of State land.

The boundary realignment proposals create four boundary and land withdrawal alternatives:

1. Renew the CMAGR boundary and land withdrawal area without change from the existing condition (Alternative 1).
2. Renew the CMAGR boundary and land withdrawal area per the existing

conditions except incorporate the full Bradshaw Trail, UPRR, and south of Niland-Blythe Road realignments (Alternative 2).

3. Renew the CMAGR boundary and land withdrawal area per the existing conditions except incorporate the full Bradshaw Trail and south of Niland-Blythe Road realignments (Alternative 3).

4. Renew the CMAGR boundary and land withdrawal area per the existing conditions except incorporate only the partial Bradshaw Trail realignment (Alternative 4).

The boundary realignment and land withdrawal area proposals of Alternatives 2, 3, and 4 would each release some BLM and DoN land from the CMAGR. Alternatives considered for the disposal and management of land released from range include:

1. Released DoN land would be transferred to BLM; BLM would manage transferred DoN and formerly withdrawn BLM land per FLPMA (Alternative 2).

2. Released DoN land would be disposed of through existing General Services Administration (GSA) authorities and procedures; DoN would manage released land per the Sikes Act until disposal is complete and BLM would manage formerly withdrawn BLM land per FLPMA (Alternatives 3 and 4).

Three options are proposed for the duration of the renewed CMAGR land withdrawal: 20 years (Alternative 1, existing condition); 25 years (Alternatives 2 and 4); or indefinite (Alternative 3).

Three options are proposed for administering federal land management responsibilities for the DoN and BLM lands within the current CMAGR boundary and for BLM land that may be included in the range for the first time as a part of a proposed boundary realignment. The options include:

1. Retain the existing DoN and BLM management assignments within the renewed CMAGR, which provide that the DoN is responsible for managing DoN land in accordance with the Sikes Act and the BLM is responsible for managing BLM land in accordance with the Federal Land Policy and Management Act (FLPMA) (Alternative 1, existing condition).

2. Transfer management responsibility for BLM land within the renewed CMAGR to the DoN for the duration of the land withdrawal, which would make the DoN responsible for managing both the DoN and withdrawn BLM lands within the range in accordance with the Sikes Act (Alternatives 2 and 4).

3. Transfer jurisdiction for the BLM land within the renewed CMAGR to the DoN, which would make the DoN responsible for managing all land within the range in accordance with the Sikes Act until such time that the need for the range may end and it is deactivated and closed (Alternative 3).

The no-action alternative (Alternative 5) would result in the closure of the CMAGR for military training. Selection of this alternative would trigger planning and actions to compensate for the displacement of training from the range and planning and actions for the decommissioning, decontamination and cleanup, and potential reuse of at least portions of the range. The BLM would resume full administrative responsibility for about 226,825 acres of currently withdrawn BLM land, with the possible exception of parcels that the Secretary of the Interior may not be able to accept because of potential expended ordnance contamination. The Secretary of the Navy would be responsible for custodial management of parcels with unacceptable levels of expended ordnance contamination. The Secretary of the Navy would also retain administrative responsibility for about 229,256 acres of DoN land from the closed CMAGR until such time as a portion or all of that land could be transferred to another federal agency, the State of California, or otherwise disposed of through existing GSA authorities and procedures. The State of California holds reversionary rights for about 11,311 acres of DoN land in the CMAGR that were acquired in fee from the State. California also holds some or all mineral rights on an additional 10,981 acres of the DoD land.

Dated: August 24, 2012.

C.K. Chiappetta,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2012-21465 Filed 8-30-12; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF ENERGY

Ultra-Deepwater Advisory Committee

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Ultra-Deepwater Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 26, 2012, 8:00 a.m.–5:00 p.m. (CST).

ADDRESSES: Hyatt North Houston, 425 North Sam Houston Parkway East, Houston, TX 77060.

FOR FURTHER INFORMATION CONTACT: Elena Melchert, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: (202) 586-5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Ultra-Deepwater Advisory Committee is to provide advice to the Secretary of Energy on development and implementation of programs related to ultra-deepwater architecture; and to provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Title IX, Subtitle J, Section 999D.

Tentative Agenda

September 26, 2012

7:30 a.m.–8:00 a.m. Registration.
8:00 a.m.–12:00 p.m. Call to Order, Welcome, Introductions, Opening Remarks, Overview of the Oil and Gas Ultra-Deepwater Research Portfolio.
1:00 p.m.–4:45 p.m. Overview of *Draft 2013 Annual Plan*.
4:45 p.m.–5:00 p.m. Public Comments, if any.
5:00 p.m. Adjourn.

Public Participation: The meeting is open to the public. The Designated Federal Officer and the Chairman of the Committee will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert at the telephone number listed above. You must make your request for an oral statement at least three business days prior to the meeting, and reasonable provisions will be made to include all who wish to speak. Public comment will follow the three minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at the following Web site: www.fossil.energy.gov/programs/oilgas/advisorycommittees/UltraDeepwater.html.

Issued at Washington, DC, on August 27, 2012.

LaTanya R. Butler,

Acting Deputy Committee Management Officer.

[FR Doc. 2012-21547 Filed 8-30-12; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Unconventional Resources Technology Advisory Committee

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Unconventional Resources Technology Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Tuesday, September 25, 8:00 a.m.–5:00 p.m. (CST).

ADDRESSES: Hyatt North Houston, 425 North Sam Houston Parkway East, Houston, TX 77060.

FOR FURTHER INFORMATION CONTACT: Elena Melchert, U.S. Department of Energy, Office of Oil and Natural Gas, Washington, DC 20585. Phone: (202) 586-5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Unconventional Resources Technology Advisory Committee is to provide advice to the Secretary of Energy on development and implementation of programs related to onshore unconventional natural gas and other petroleum resources; and to provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Title IX, Subtitle J, Section 999D.

Tentative Agenda

September 25, 2012

7:30 a.m.–8:00 a.m. Registration.
8:00 a.m.–12:00 p.m. Call to Order, Welcome, Introductions, Opening Remarks, Overview of the Oil and Gas Unconventional Research Portfolio (Unconventional Resources, Small Producers, and NETL Complementary Research).
1:00 p.m.–4:45 p.m. Overview of *Draft 2013 Annual Plan*.
4:45 p.m.–5:00 p.m. Public Comments, if any.
5:00 p.m. Adjourn.

Public Participation: The meeting is open to the public. The Designated Federal Officer and the Chairman of the Committee will lead the meeting for the orderly conduct of business. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena

the EPA registration numbers of the Amrep, Inc., MGK 264/Pyrethrins/Pyriproxyfen/Permethrin product affected by the cancellation order.

FOR FURTHER INFORMATION CONTACT: Katie Weyrauch, Pesticide Re-evaluation Division, (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (703) 308-0166; email address: weyrauch.katie@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

The Agency included in the notice a list of those who may be potentially affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2009-1017, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

II. What does this correction do?

1. FR Doc. 2011-29990 published in the **Federal Register** of November 23, 2011 (76 FR 72405) (FRL-9327-2) is corrected as follows:

On page 72407, Table 1, under the heading Registrations with Pending Requests for Cancellation, in the first column, registration number "010807-00448" is corrected to read "010807-447." On page 72407, in Table 1, in the second column, correct product name "Country Vet Flea & Tick Fogger with Growth Inhibitor" to read "Purge Insecticide." On page 72407, in Table 1, in the third column, correct active ingredients "MGK 264 Pyrethrins Pyriproxyfen Permethrin" to read "Piperonyl butoxide Pyrethrins."

2. FR Doc. 2012-2982 published in the **Federal Register** of February 15, 2012 (77 FR 8863) (FRL-9336-3) is corrected as follows:

On page 8863, Table 1, under the heading Product Cancellations, in the

first column, registration number "010807-00448" is corrected to read "010807-447." On page 8863, in Table 1, in the second column, correct product name "Country Vet Flea & Tick Fogger with Growth Inhibitor" to read "Purge Insecticide." On page 8863, in Table 1, in the third column, correct active ingredients "MGK 264 Pyrethrins Pyriproxyfen Permethrin" to read "Piperonyl butoxide Pyrethrins."

List of Subjects

Environmental protection, Pesticides and pests.

Dated: August 21, 2012.

Jeffrey S. Billingslea,

Acting Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2012-21433 Filed 8-30-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[**ER-FRL-9004-8**]

Environmental Impacts Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements
Filed 08/20/2012 Through 08/24/2012
Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <http://www.epa.gov/compliance/nepa/eisdata.html>.

SUPPLEMENTARY INFORMATION: Starting October 1, 2012, EPA will not accept paper copies or CDs of EISs for filing purposes; all submissions on or after October 1, 2012 must be made through e-NEPA. While this system eliminates the need to submit paper or CD copies to EPA to meet filing requirements, electronic submission does not change requirements for distribution of EISs for public review and comment. To begin using e-NEPA, you must first register with EPA's electronic reporting site—https://cdx.epa.gov/epa_home.asp.

EIS No. 20120276, Final EIS, BLM, CA, Bakersfield Proposed Resource Management Plan, Madera, San Luis Obispo, Santa Barbara, Ventura, Kings, Tulare, Fresno, and Kern Counties, CA, Review Period Ends: 10/01/2012, Contact: Sue Porter 661-391-6067.

EIS No. 20120277, Final EIS, NPS, 00, Appalachian National Scenic Trail, Delaware Water Gap National Recreation Area, Middle Delaware National Scenic and Recreational River, Susquehanna to Roseland 500kV Transmission Line Right-of-Way and Special-Use-Permit, NJ and PA, Review Period Ends: 10/01/2012, Contact: Morgan Elmer 303-969-2317.

EIS No. 20120278, Draft EIS, USN, CA, LEGISLATIVE—Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal, Imperial and Riverside Counties, CA, Comment Period Ends: 11/30/2012, Contact: Kelly Finn 619-532-4452.

EIS No. 20120279, Draft EIS, VA, CA, San Francisco Veterans Affairs Medical Center (SFVAMC) Long Range Development Plan, Implementation, Fort Miley, San Francisco County, CA, Comment Period Ends: 10/16/2012, Contact: Allan Federman 415-221-4810.

EIS No. 20120280, Draft EIS, BIA, FL, Seminole Tribe of Florida Fee-to-Trust, Development of a Hotel/Resort and Retail Center of the Site, Coconut Creek, Broward County, FL, Comment Period Ends: 10/15/2012, Contact: Chester McGhee 615-564-6830.

EIS No. 20120281, Final EIS, USFWS, CA, Santa Clara Valley Habitat Conservation Plan, Issuance of an Incidental Take Permit, Santa Clara County, CA, Review Period Ends: 10/01/2012 Contact: Mike Thomas 916-414-6600.

EIS No. 20120282, Final EIS, NRC, NM, Fluoride Extraction Process and Depleted Uranium Deconversion Plant, License Application to Construct, Operate, and Decommission Phase 1, Lea County, NM, Review Period Ends: 10/01/2012, Contact: Asimios Malliakos 301-415-6458.

EIS No. 20120283, Final EIS, FRA, VA, Richmond and the Hampton Roads Passenger Rail Project, Tier I Proposed Higher Speed Intercity Passenger Rail Service Improvements, VA, Review Period Ends: 10/01/2012, Contact: John Winkle 202-493-6067.

EIS No. 20120284, Draft EIS, USFS, CO, White River National Forest Oil and Gas Leasing, Eagle, Garfield, Gunnison, Mesa, Moffat, Pitkin, Rio Blanco, Routt, and Summit Counties, CO, Comment Period Ends: 10/30/2012, Contact: David Francomb 970-963-2266, ext. 3136.

EIS No. 20120285, Draft Supplement, FHWA, CA, Interstate 5 North Coast Corridor Project, Construction of Improvements, from La Jolla Village Drive in San Diego to Harbor Drive in

Oceanside/Camp Pendleton, New Information, San Diego County, CA, Comment Period Ends: 10/15/2012, Contact: Manuel E. Sanchez 619-699-7336.

Amended Notices

EIS No. 20120274, Draft EIS, USFS, AZ, Prescott National Forest Land and Resource Management Plan, Yavapai and Coconino Counties, AZ, Comment Period Ends: 11/28/2012, Contact: Mary C. Rasmussen 928-443-8265. Revision to FR Notice Published 08/24/2012; Change Comment Period Ending 10/08/2012 to 11/28/2012.

EIS No. 20120275, Draft EIS, USFS, MT, Wild Cramer Forest Health and Fuels Reduction Project, Swan Lake Ranger District, Flathead National Forest, Flathead County, MT, Comment Period Ends: 10/09/2012, Contact: Richard Kehr 406-837-7500. Revision to FR Notice Published 08/24/2012; Change Comment Period Ending 10/08/2012 to 10/09/2012.

Dated: August 28, 2012.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2012-21568 Filed 8-30-12; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[AMS-FRL-9724-4]

California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Request for Waiver of Preemption; Opportunity for Public Hearing and Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Opportunity for Public Hearing and Comment.

SUMMARY: The California Air Resources Board (CARB) has notified EPA that it has developed an Advanced Clean Car program (ACC) which combines the control of smog and soot causing pollutants and greenhouse gas (GHG) emissions into a single coordinated package of requirements for passenger cars, light-duty trucks and medium-duty passenger vehicles (and limited requirements related to heavy-duty vehicles). The ACC program includes revisions to California's Low Emission Vehicle (LEV) program as well as its Zero Emission Vehicle (ZEV) program. By letter dated June 27, 2012, CARB submitted a request that EPA grant a waiver of preemption under section

209(b) of the Clean Air Act (CAA), 42 U.S.C. 7543(b) for the revisions to the LEV program. CARB also seeks confirmation that the amendments to the ZEV program are within-the-scope of prior waiver decisions issued by EPA, or in the alternative requests a waiver for these revisions. This notice announces that EPA has scheduled a public hearing concerning California's request and that EPA is accepting written comment on the request.

DATES: EPA has scheduled a public hearing concerning CARB's request on September 19, 2012, beginning at 9:00 a.m. Any party planning to present oral testimony should notify EPA by September 14, 2012, expressing its interest. EPA will hold the public hearing at EPA's offices at 1310 L Street NW., Washington, DC 20460. Any party may submit written comments by October 19, 2012.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2012-0562, by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *Email:* dickinson.david@epa.gov.

- *Fax:* (202) 343-2804.

- *Mail:* U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Ave., NW., Room B108, Mail Code 6102T, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2012-0562. Please include a total of two copies.

- *Hand Delivery:* EPA Docket Center, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. Instructions: Direct your comments to Docket ID No EPA-HQ-OAR-2012-0562.

EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or email.

The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless

you provide it in the body of your comment. If you send an email comment directly to EPA without going through <http://www.regulations.gov> your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy.

EPA will make available for in person inspection, at the Air and Radiation Docket and Information Center, written comments received from interested parties, in addition to any testimony given at the public hearing. The official public docket is the collection of materials that is available for public viewing at the Air and Radiation Docket in the EPA Docket Center, (EPA/DC) EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket is (202) 566-1743. The reference number for this docket is EPA-HQ-OAR-2012-0562.

EPA will make available an electronic copy of this Notice on the Office of Transportation and Air Quality's (OTAQ's) homepage (<http://www.epa.gov/otaq/>). Users can find this document by accessing the OTAQ homepage and looking at the path entitled "Regulations." This service is free of charge, except any cost you already incur for Internet connectivity. Users can also get the official **Federal Register** version of the Notice on the day of publication on the primary Web site: (<http://www.epa.gov/docs/fedrgstr/EPA-AIR/>).

Please note that due to differences between the software used to develop the documents and the software into

DEPARTMENT OF DEFENSE**Department of the Navy****Notice of Change of Public Meeting Location for the Draft Legislative Environmental Impact Statement for the Proposed Renewal of the Chocolate Mountain Aerial Gunnery Range Land Withdrawal, California****AGENCY:** Department of the Navy, DoD.**ACTION:** Notice.

SUMMARY: The location of one of the four public meetings on the Draft LEIS is being changed. The October 25, 2012 public meeting will now be held at the Oceanside City Council Chambers and Lobby, 330 North Coast Highway, Oceanside, CA. Each of the four public meetings will be conducted in an open house meeting format from 5:30 p.m. to 8 p.m. A Notice of Public Meetings (NOPMs) for the Draft LEIS was published in the **Federal Register** on Friday, August 31, 2012 (**Federal Register**/Vol. 77, No. 170, page 53189).

FOR FURTHER INFORMATION CONTACT: CMAGR LEIS Project Manager (Attn: Ms. Kelly Finn), NAVFAC Southwest, 1220 Pacific Highway, Building 1 Central IPT, San Diego, CA 92132-5190; phone 619-532-4452. Additional supplementary information regarding the Chocolate Mountain Aerial Gunnery Range (CMAGR) Draft LEIS is available at www.chocolatemountainrenewal.com.

SUPPLEMENTARY INFORMATION: The Department of the Navy, in cooperation with the Bureau of Land Management and Bureau of Reclamation, has prepared and filed with the U.S. Environmental Protection Agency a Draft Legislative Environmental Impact Statement (LEIS) that evaluates the potential environmental consequences that may result from renewing the withdrawal of approximately 228,465 acres of public land for continued use as part of the CMAGR in Imperial and Riverside counties, California. A Notice of Availability and NOPMs for the Draft LEIS were published in the **Federal Register** on Friday, August 31, 2012 (**Federal Register**/Vol. 77, No. 170, pages 53189 and 53198).

Each of the four public meetings will be conducted in an open house meeting format. The public meetings will be held from 5:30 p.m. to 8 p.m. on the following dates and at the following locations:

1. October 22, 2012 at the Yuma County Library, 2951 S. 21st Drive, Rooms B-C, Yuma, AZ.

2. October 23, 2012 at the Southwest High School, 2001 Ocotillo Dr., El Centro, CA.

3. October 24, 2012 at the Mizell Senior Center, 480 South Sunrise Way, Palm Springs, CA.

4. October 25, 2012 at the City Council Chambers and Lobby, 330 North Coast Highway, Oceanside, CA.

Please submit requests for special assistance, sign language interpretation for the hearing impaired, or other auxiliary aids needed at the public meetings to the LEIS Project Manager at least five business days before the meeting date.

Attendees will be able to submit written comments at the public meetings. A court reporter will be available to accept oral comments. Equal weight will be given to oral and written statements. Comments on the Draft LEIS may be submitted by: (1) Attending one of the public hearings and providing oral or written comments, (2) completing the comment form on the project's public Web site at www.chocolatemountainrenewal.com/Comment/Default.aspx, or (3) by sending a letter to the CMAGR LEIS Project Manager (Attn: Ms. Kelly Finn), NAVFAC Southwest, 1220 Pacific Highway, Building 1 Central IPT, San Diego, CA 92132-5190. All comments must be postmarked or electronically dated no later than November 30, 2012 to ensure they become part of the public record. All statements (oral transcription and written) submitted during the public review period will become part of the public record on the Draft LEIS and will be addressed in the Final LEIS. Before including your address, telephone number, email address, or other personal identifying information in your comment, please be aware that your entire comment—including any personal identifying information—may be made publicly available at any time. Although requests can be made to withhold personal identifying information from public review, it may not be possible to keep this information from disclosure.

Dated: September 28, 2012.

D.G. Zimmerman,

Lieutenant Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2012-24749 Filed 10-5-12; 8:45 am]

BILLING CODE 3810-FF-P

DEPARTMENT OF DEFENSE**Department of the Navy****Notice of Availability of Government-Owned Inventions; Available for Licensing****AGENCY:** Department of the Navy, DoD.**ACTION:** Notice.

SUMMARY: The inventions listed below are assigned to the United States Government as represented by the Secretary of the Navy and are available for domestic and foreign licensing by the Department of the Navy.

The following patents are available for licensing: Patent No. 7,603,251: MAGNETIC ANOMALY SENSING SYSTEM FOR DETECTION, LOCALIZATION AND CLASSIFICATION OF A MAGNETIC OBJECT IN A CLUTTERED FIELD OF MAGNETIC ANOMALIES//Patent No. 7,621,410: REMOVABLE EXTERNALLY MOUNTED BRIDGE CRANE FOR SHIPPING CONTAINERS//Patent No. 7,637,224: COMMAND INFLATABLE BOAT STOPPING BARRIER//Patent No. 7,654,262: SYSTEM FOR REDUCING HYDROSTATIC LOAD IMBALANCES IN A DRIVERS' OPEN-CIRCUIT BREATHING APPARATUS//Patent No. 7,688,072: PORTABLE MAGNETIC SENSING SYSTEM FOR REAL-TIME POINT-BY-POINT DETECTION, LOCALIZATION AND CLASSIFICATION OF MAGNETIC OBJECTS//Patent No. 7,712,727: AIR CUSHION VEHICLE BOW SKIRT RETRACTION SYSTEM//Patent No. 7,712,429: LAUNCH AND RECOVERY SYSTEM FOR UNMANNED UNDERSEA VEHICLES//Patent No. 7,721,666: HULL-MOUNTED LINE RETRIEVAL AND RELEASE SYSTEM//Patent No. 7,721,669: COMMON PAYLOAD RAIL FOR UNMANNED VEHICLES//Patent No. 7,726,497: REMOVABLE EXTERNALLY MOUNTED SLEWING CRANE FOR SHIPPING CONTAINERS//Patent No. 7,730,843: HULL-MOUNTED LINE RETRIEVAL AND RELEASE SYSTEM//Patent No. 7,735,781: METHOD AND SYSTEM FOR DEPLOYMENT OF ORDNANCE FROM AN AIRCRAFT IN MID-FLIGHT//Patent No. 7,753,319: ADJUSTABLE CABLE HANGER FOR SECURING CABLES EXTERNALLY//Patent No. 7,760,438: AIR-TO-WATER DE-ANAMORPHOSER AND METHOD OF AIR-TO-WATER DE-ANAMORPHOSIS.//

ADDRESSES: Requests for copies of the patents cited should be directed to Office of Counsel, Naval Surface Warfare Center Panama City Division,

4.0 AGENCIES, ORGANIZATIONS, AND PERSONS RECEIVING FINAL LEIS

The Final LEIS for the renewal of the CMAGR land withdrawal was sent to the agencies, organizations, and individuals listed in this chapter. This list includes the recipients of the Draft LEIS plus organizations or individuals that submitted substantive comments on the Draft LEIS, but that were not listed in the original distribution for the Draft LEIS. The Final LEIS was also sent to the five public libraries that received the Draft LEIS, which included:

- Yuma County Library, 2951 South 21st Drive, Yuma, AZ
- El Centro Community Center Branch Library, 375 South 1st Street, El Centro, CA
- Brawley Public Library, 400 Main Street, Brawley, CA
- Palo Verde Valley Library, 125 West Chanslor Way, Blythe, CA
- San Diego Public Library (San Ysidro Branch), 101 West San Ysidro Boulevard, San Diego, CA

Additionally, the Final LEIS is available for downloading at the project website at:
www.chocolatemountainrenewal.com/.

The Final LEIS was provided directly to the following agencies, organizations, and elected officials, which were included on the Draft LEIS distribution list:

FEDERAL

Army National Guard Readiness Center
Federal Highway Administration
Natural Resources Conservation Service, San Diego Office
Natural Resources Conservation Service, Yuma Field Office
U.S. Bureau of Land Management
U.S. Bureau of Reclamation
U.S. Department of Agriculture, Forest Service
U.S. Environmental Protection Agency
U.S. Fish and Wildlife Service
U.S. National Park Service

TRIBAL

Agua Caliente Band of Cahuilla Indians
Ak-Chin Indian Community
Augustine Band of (Cahuilla) Mission Indians
Barona Band of Mission Indians
Cabazon Band of Mission Indians
Cahuilla Band of Mission Indians
Campo Kumeyaay Nation
Chemehuevi Indian Tribe
Cocopah Indian Tribe
Colorado River Indian Tribe
Ewiiapaayp Tribal Office
Fort McDowell Yavapai Nation
Fort Mojave Indian Tribe

Fort Yuma Indian Reservation, Quechan Tribe
Gila River Indian Community
Inaja Band of Mission Indians
Jamul Band of Mission Indians
Kumeyaay Cultural Committee
Kwaaymii Laguna Band of Mission Indians
La Posta Band of Mission Indians
Los Coyotes Band of Cahuilla and Cupeno Indians
Manzanita Band of Mission Indians
Mesa Grande Band of Mission Indians
Morongo Band of Mission Indians
Ramona Band of Cahuilla Mission Indians
Salt River Pima-Maricopa Indian Community
San Luis Rey Band of Mission Indians
San Manuel Band of Mission Indians
San Pasqual Band of Mission Indians
Santa Rosa Band of Cahuilla Mission Indians
Santa Ysabel Band of Diegueno Indians
Sycuan Band of Mission Indians
Tohono O'odham Nation
Torres-Martinez Desert Cahuilla Indians
Twenty-Nine Palms Band of Mission Indians
Viejas Band of Mission Indians

STATE OF ARIZONA

Arizona Department of Environmental Quality
Arizona Game and Fish Department

STATE OF CALIFORNIA

California Air Resources Board
California Department of Fish and Wildlife
(California Department of Fish and Game before 2013)
California Department of Parks and Recreation
California Department of Transportation
Office of the Attorney General
State Department of Health Services
State Department of Water Resources Control Board
State Historic Preservation Office

FEDERAL LEGISLATIVE REPRESENTATIVES

Barbara Boxer, U.S. Senator, California
Dianne Feinstein, U.S. Senator, California
John Kyl, U.S. Senator, Arizona
John McCain, U.S. Senator, Arizona
Members of the U.S. House of Representatives from California (53)
Members of the U.S. House of Representatives from Arizona (8)
Jerry Brown, Governor of California
Jan Brewer, Governor of Arizona

The following list of agencies, elected officials, organizations, and individuals, which commented on the Draft LEIS but that were not included on the distribution list for that document, were provided with a copy of the Final LEIS:

STATE OF CALIFORNIA

California Native American Heritage Commission

CALIFORNIA LOCAL GOVERNMENT

Sanitation Districts of Los Angeles County

ELECTED OFFICIALS

Lynne Pancrazi, Arizona House of Representatives, District 24*
Greg Ferguson, Yuma County Board of Supervisors

CALIFORNIA LOCAL UTILITY

Imperial Irrigation District

ARIZONA COMMUNITY COLLEGE

Arizona Western College

NONGOVERNMENTAL ORGANIZATIONS

Southwest Defense Alliance
Riverside Land Conservancy

INDIVIDUALS

Floyd Ashbaugh
Wane Benesch
James Blackwell
Julia Clark
Theron Dunaway
Walter Eason

Julie Engle
John Everett
Makayia Garcia
Sharon Gardner
Albert Gerhard
Larry A. Gould
Stanely Gourley
Gea Grosse
Peter Hekman
Douglas Holbert
Jim Howell
Robert Ingold
Arthur Jones
Andrea Lopez
Russell McCloud
Lynne Pancrazi*
Barbara Ransehausen
Ronald Rice
J. Ross
Robert Schell
Kenneth Scott
Katherine Scott
William Slaff
Nancy Slaff
Jim Slater
Greg Smith
Michael Stafford
Craig William
Mark Workman

* Representative Pancrazi submitted comments from both her office as a Member of the Arizona House of Representatives and as an attendee to the public meeting on the Draft LEIS held in Yuma, AZ.

