Decision Notice and Finding of No Significant Impact

United States Marine Corps
Rotary Wing and Tilt-Rotor Training Operations
on the Cleveland National Forest

USDA Forest Service
Trabuco Ranger District, Cleveland National Forest
Orange and Riverside Counties, California

1. Background

The United States Marine Corps (USMC) has conducted rotary wing operations on public lands managed by the United States Forest Service (USFS) Cleveland National Forest, Trabuco Ranger District, since 1972 under a Memorandum of Understanding (MOU). The USFS has determined that the MOU is not a valid instrument for authorization of land use and occupancy and therefore directed the Marine Corps to cease operations. The USMC is now seeking to obtain a Special Use Authorization for ten landing zones from the Cleveland National Forest per current USFS regulations and a 1988 Master Agreement between the Department of Defense and the United States Department of Agriculture (USDA) concerning the use of National Forest System lands for military activity.

The use of public lands by USMC rotary wing and tilt-rotor squadrons is needed to develop and sustain critical pilot skills through training that meets USMC standards for certifications, safety, combat effectiveness, and combat survivability. The proximity from USMC air stations to the Cleveland National Forest will allow aircrews and aircraft to spend a larger proportion of the limited and expensive flight time available for training on productive activities rather than en route to and from a training area. It will also ensure that an aircraft can fly from the air station to a training area, complete a 40-minute training mission, and return to the air station with adequate fuel capacity for the training mission. Finally, the varied terrain and adequate airspace separation will aid in meeting and maintaining high standards of training.

2. Decision and Rationale

Based on evaluation of alternatives in the USMC Rotary Wing and Tilt-Rotor Training Operations on Public Lands within Southern California Environmental Assessment (EA), supporting documentation found in the project record, and review of public comments, I have selected Alternative 1, the proposed action, for implementation. This selected alternative will establish a Special Use Authorization to the USMC for ten existing landing zones.
I selected Alternative 1 to allow military aviation training operations on public lands managed by the USFS. The strategic landing zones selected will enable operations based on the following criteria:

- Varied Terrain with adequate airspace separation (e.g., lack of air traffic congestion or airspace restrictions) to support flight operations by rotary wing and tilt-rotor aircraft and proximity to air stations;
- Avoidance of congressionally-designated or proposed Wilderness areas and critical habitat for threatened and endangered species as designated by the US Fish and Wildlife Service (USFWS); and
- Compatibility with the Cleveland National Forest Land Management Plan.

Training operations will primarily be conducted by the west coast-based First Marine Expeditionary Force, Third Marine Aircraft Wing (3D MAW) squadrons based at Marine Corps Air Station (MCAS) Miramar and MCAS Camp Pendleton using existing rotary wing inventory; CH-46E, CH-53E, AH-1W/Z, and UH-1N/Y, as well as the newly acquired MV-22B Osprey tilt-rotor aircraft. Refer to Figure 2.1-1 and Table 2.1-1 in the EA for images of the aircraft and the estimated volume of operations. The largest change in aircraft flight activity from prior use is related to the proposed MV-22B training missions, which have not yet been used on the Cleveland National Forest.

Flight activities will be conducted in conformance with Federal Aviation Administration (FAA)-mandated restrictions and Naval Air Training and Operating Procedures Standardization (NATOPS) flight instructions, which includes regulations regarding public areas and designated Wilderness areas. Pilots are restricted from landing within congressionally-designated or proposed Wilderness areas or USFWS-designated critical habitat. Additionally, normal flight operations will not include weekends (beginning at noon on Friday and ending at midnight on Sunday) or holidays. To address concerns about dust emissions from aircraft landing and takeoff operations, the proposed action includes implementation of dust abatement measures for undeveloped landing zones (i.e., those with exposed soils) and maintenance of all landing zones within the Cleveland National Forest. See Figure ES-1 for a general map of the project area and Appendix D for aerial photos of specific landing zones.

Ten resource areas were analyzed in the EA: impacts to airspace; noise; land use and recreation; air quality; topography, geology, and soils; water resources; biological resources; cultural resources (including consultations with Tribal governments); public health and safety; and aesthetics. Overall, the selected alternative will minimize impacts to these resource areas and accommodate public and agency comments while enabling important military training operations.

3. Other Alternatives Considered

Alternative 2 was the No Action Alternative. Under the No Action Alternative, no USMC rotary wing or tilt-rotor operations would occur on public lands managed by the Cleveland National Forest.
Forest. Although the No Action Alternative would not meet the purpose and need for the project, its inclusion enabled decision makers to compare the environmental consequences of the alternatives. The baseline against which impacts of the selected alternative were compared is different than the No Action Alternative; instead, the baseline was considered to be the conditions of 2010 operation levels as described in Section 2.1.2 of the EA.

4. Other Alternatives Considered but Eliminated

A. Relocate Existing Training to DoD Lands
The USMC considered relocating aircraft operations that occur at the Cleveland National Forest lands to a nearby DoD facility. Training at these facilities would not meet the purpose of and need for conducting operations in a variety of terrain and altitudes that mirror real-world conditions. For example, none of the nearby DoD training areas offer unique mountainous conditions (e.g., sloped landings and crosswind landings at high elevation) similar to the existing landing zones at the Cleveland National Forest. As such, relocating additional operations to other DoD lands fails to meet the purpose and need and cannot be considered a viable alternative.

B. Move Existing Training to Other Public Lands
The nature of the USMC training operations requires relatively large training areas with access to suitable landing zones that meet the purpose of and need for the project. Present-day prospects for creating new landing zones on public lands are greatly impeded by existing or proposed utility corridors and energy development projects (e.g., solar or wind farms), increased density of adjacent settlements, and long-term commitments of open space areas to other land uses, such as congressionally-designated or proposed Wilderness areas and critical habitat for threatened or endangered species. There are other existing public lands that are currently used for USMC aviation operations, but these are located outside the proximity radius for USMC regional squadron activity. For example, aviation training occurs in the Sierra Nevada Mountains near Bridgeport, California, on the Humboldt-Toiyabe National Forest through the Marine Corps Mountain Warfare Training Center. However, this area is located over 300 nautical miles (555 km) from MCAS Camp Pendleton and even farther from MCAS Miramar or MCAS Yuma, and it takes aircraft several hours to transit to this location from southern California and western Arizona. Therefore, this was not a viable alternative for local training.

5. Public Involvement

The Cleveland NF identified potentially interested stakeholders and invited them to comment on the proposed action. These stakeholders included recreation user groups; Tribal, State, and local governments; several local and national environmental organizations; and other members of the public that have expressed interest in projects on the Cleveland National Forest.

Scoping and public involvement for the project consisted of the following:
(1) Publishing notice of the proposed action in the Cleveland National Forest quarterly schedule of proposed actions in March 2012.

(2) Mailing a scoping letter dated March 2, 2012, and postmarked March 8, 2012, summarizing the proposed action for the identified stakeholders listed above and providing information on how to submit comments.

(3) Posting the draft EA online for public comment on July 2, 2012.

(4) Publishing a legal notice of the proposed action announcing a 30-day comment period and notice of public meetings as well as the availability of the draft EA on the project website and at several libraries in hard copy and electronic (CD-ROM) format.

Notice was published in *The Orange County Register* on June 29, 30, and July 1, 2012; *The Riverside County Press Enterprise* on June 29, 30, and July 1, 2012; *The Imperial Valley Press* on June 29, 30, and July 1, 2012; and *The Adelante Valle* on June 29 and July 6 and 13, 2012.

(5) Sending 649 individual postcard mailers on July 2, 2012, announcing the availability of the Draft EA, describing the purpose and need and the proposed action, and providing information on how to submit comments, how to find the project website, and the open house public meeting locations, dates, and times.

(6) A news release was distributed by the Commander Marine Corps Installation West Public Affairs Office to media outlets, elected officials, and other potentially interested parties concurrent with the release of the Draft EA on July 2, 2012.

In response to the initial scoping letter, no comments were received. Ten comments were received during the 30-day comment period for the EA, from July 2, 2012, to July 31, 2012. These comments included three website comments, one oral comment received during the public meetings, and six mailed-in written comments. All comments and responses can be found in Appendix F of the Final EA.

6. Finding of No Significant Impact

After considering the environmental impacts described in the EA and after examining supporting documentation found in the project record, I find that implementing the selected alternative will not have a significant impact on the quality of the human environment, considering context and intensity of impacts (see 40 CFR 1508.27). Therefore an environmental impact statement will not be prepared. I base my finding on the following:

1. The finding of no significant impact is not biased by the beneficial impacts of the selected alternative. The beneficial impacts relate to the improvement in military aircraft training opportunities as described in Section 2.2.1 of the EA.

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2. No significant impacts on public health and safety will occur due to the implementation of the project (see Section 3.9.2 of the EA).

3. No significant impacts on the unique characteristics of the area will occur because this project will be under special use permit with appropriate and specific mitigation measures and these landing zones have been established for approximately 40 years.

4. The impacts on the quality of the human environment are not likely to be highly controversial because there is no known scientific controversy over the impacts of the project.

5. The Forest Service has experience with the type of activity to be implemented, and the analysis shows that the impacts are not uncertain and do not involve unique or unknown risk.

6. The action is not likely to establish a precedent for future actions with significant impacts because the purpose and need for the project will be addressed by the selected alternative.

7. The cumulative impacts associated with the selected alternative are not significant (see relevant cumulative effects sections in Chapter 4 of the EA). The EA analyzed the cumulative effects of this project within the context of activities on adjacent National Forest System lands.

8. The action will have no significant adverse impact on districts, sites, highways, structures, or objects either listed or eligible to the listed in the National Register of Historic Places, or on Tribes. A heritage resource and tribal relations specialist has surveyed the project area and did not identify heritage resources that would be damaged or Tribes that would be adversely affected by the proposed action (see Section 3.8 of the EA).

9. The action will not adversely impact any endangered or threatened species or habitat that has been determined to be critical under the Endangered Species Act of 1973, as amended. Project area surveys were conducted for and under direction of the military by Science Applications International Corporation (SAIC) and reviewed by a Forest Service Biologist. Members of SAIC’s team of professional staff who contributed to the EA are listed in Chapter 7. These surveys are documented in a project-specific biological evaluation and biological assessment included in the project record.

10. The action will not violate federal, state, and local laws or requirements for the protection of the environment. Applicable laws were considered in the EA, and the action is consistent with the Cleveland National Forest Land Management Plan (LMP, see Section 1.4 of the EA).
7. Findings Required by Other Laws and Regulations

My decision to implement the selected alternative is consistent with the long-term goals and objectives listed in the LMP. The project was designed in conformance with LMP standards and guidelines.

7.1 National Forest Management Act of 1976, as amended
All project activities fully comply with the LMP. This project incorporates all applicable LMP Forest-wide standards, guidelines, and management area prescriptions as they apply to the project area and complies with LMP goals and objectives. All required interagency reviews and coordination have been accomplished and new or revised measures resulting from these reviews have been incorporated. The LMP complies with all resource integration and management requirements of 36 CFR 219.14 through 219.27. Application of LMP direction for the project ensures compliance at the project level.

7.2 Endangered Species Act of 1973, as amended
The project area was surveyed for threatened and endangered species. A September 4, 2012 letter and corresponding December 17, 2012 letter for Section 7 Informal Consultation by the U.S. Fish and Wildlife Service (FWS) concurred that the proposed activities of the USMC were not likely to adversely affect the federally endangered Quino Checkerspot Butterfly and the federally listed threatened California Gnatcatcher and Thread-leaved Brodiaea in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). Furthermore, the FWS letter stated that the addition of dust abatement measures and monitoring to the proposed action would further avoid and minimize potential effects to federally listed species.

7.3 National Historic Preservation Act of 1966, as amended
Cultural resource survey of the area of potential effects for the project has been conducted, historic properties identified, and potential for effects determined, in accord with the Regional Programmatic Agreement, Section 106 of the National Historic Preservation Act, and 36 CFR 800. Consultation with Native American tribes was initiated and public comment was sought. No Tribal requests for consultation or public comments regarding the cultural resource management aspect of the project were received. The Cleveland National Forest Heritage Program Manager determined that consultation with the State Historic Preservation Officer was not necessary in association with the project, as there would be no effect to historic properties, in accordance with the stipulations of the Regional Programmatic Agreement. See Section 3.8.1 and Appendix A-5 of the EA for details regarding the cultural resource management activities conducted in support of the project.

7.4 Federal Water Pollution Control Act (Clean Water Act) of 1972, as amended
The design of project activities is in accordance with LMP standards and guidelines, best management practices, and applicable Forest Service Manual and Handbook direction. Monitoring and evaluation of the implementation and effectiveness of LMP standards and guidelines and best management practices will occur. Project activities are expected to meet applicable state water quality standards. See Section 3.6.2.1 of the EA for more information.

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7.5 Executive Order 11988, Clean Water
This project is fully consistent with this executive order.

7.6 Executive Order 12898, Environmental Justice
Implementation of any project activity is not anticipated to cause disproportionate adverse human health or environmental impacts to minority or low-income populations.

7.7 Executive Order 13112, Invasive Species
Implementation of the selected alternative is not anticipated to cause or promote the introduction or spread of invasive species. No species found on or near the landing zones are included in the Federal Noxious Weed List (USDA 2012) or on lists of target species for management prepared for Southern California National Forests (USFS 2005). In general, the non-native species that do occur on or near the landing zones are ubiquitous in Southern California and are long established in the project area and thus do not pose a new threat to native vegetation. There is minimal risk of transporting seeds of invasive species from site to site because all travel will be by air. Additionally, appropriate dust abatement and monitoring measures will be developed and implemented by the USMC, in coordination with the USFS, to minimize the potential for soil disturbance that could facilitate the establishment of invasive species. The selected alternative along with its mitigation measures is designed to reduce the extent and spread of invasive species.

7.8 Executive Order 13186, Migratory Birds
Management objectives of this Executive Order will be met. Although impacts are expected to be minimal based on the location and frequency of proposed aircraft operations, the USFS may require breeding season limitations or seasonal restrictions at some landing zones to minimize potential impacts to known raptor nests or other migratory bird species. This coordination will occur during the development of the Special Use Permit that authorizes the operations. See Section 3.7 of the EA for more information.

8. Administrative Review or Appeal Opportunities
This decision is subject to appeal pursuant to 36 CFR 215.11. A written appeal, including attachments, must be postmarked or received within 45 days after the date that notice of this decision is published in The Orange County Register, The Riverside Press-Enterprise, The Imperial Valley Press, and The Adelante Valle. Electronic appeals in common formats (.doc, .rtf, .pdf, or .txt) may be submitted to: appeals-pacificsouthwest-regional-office@fs.fed.us with Subject: Marine Corps Helicopter Operations. Appeals may also be faxed to (707) 562-9229 to the attention of “APPEAL: Marine Corps Helicopter Operations,” sent by mail to the following address, or hand-delivered during normal business hours of 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays:

Regional Forester
ATTN: Appeals

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Persons or organizations who meet the requirements of 36 CFR 215.13 may appeal this decision. Appeals must meet content requirements of 36 CFR 215.14.

9. Implementation Date

As per 36 CFR 215.9, if no appeal is received within the legal appeal period, implementation of this decision may occur on, but not before, the fifth business day following the close of the appeal-filing period (36 CFR 215.15). If an appeal is filed, implementation may occur on, but not before the 15th business day following the date of appeal disposition.

10. Contact

For additional information concerning this decision or the Forest Service appeal process, contact:

Becky Brand, Special Use Administrator
Cleveland National Forest
1147 East Sixth Street
Corona, CA 92879
Phone: (951) 736-1811 ext. 3222

[Signature]
WILLIAM METZ
Forest Supervisor

3/12/13
Date

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