

DEPARTMENT OF DEFENSE

DEPARTMENT OF THE NAVY

Finding of No Significant Impact and Finding of No Significant Harm for Environmental Assessment/Overseas Environmental Assessment of the Mariana Islands Range Complex Airspace Modification

INTRODUCTION

Pursuant to section 102 of the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [C.F.R.] Parts 1500-1508) implementing the procedural provisions of NEPA, Executive Order (EO) 12114, *Environmental Effects Abroad of Major Federal Actions*, and Chief of Naval Operations Instruction 5090.1C CH-1, the United States (U.S.) Department of the Navy (Navy), with the U.S. Air Force and Federal Aviation Administration (FAA) as cooperating agencies, gives notice that an Environmental Assessment (EA)/Overseas EA (OEA) has been prepared. Based upon this Finding of No Significant Impact (FONSI)/Finding of No Significant Harm (FONSH), neither an Environmental Impact Statement (EIS) nor an Overseas EIS (OEIS) is required for modification of training airspace and sea space (as proposed) within the Mariana Islands Range Complex (MIRC).

PURPOSE AND NEED

The purpose of the Proposed Action is to maximize public awareness of hazardous military training activities and to optimize safety and training efficiency. The Proposed Action is

needed in order to support training activities that involve the use of advanced weapons systems.

The MIRC Airspace EA was created in compliance with NEPA, the CEQ Regulations for implementing the procedural provisions of NEPA (40 C.F.R. Parts 1500-1508), Department of the Navy Procedures for Implementing NEPA (32 C.F.R. Part 775), and EO 12114, *Environmental Effects Abroad of Major Federal Actions*. It also complies with FAA Order 1050.1E, Appendix A (Analysis of Environmental Impact Categories).

DESCRIPTION OF THE PROPOSED ACTION

The Navy's Proposed Action is to enhance training and safety requirements to implement levels of training analyzed in the MIRC Final EIS/OEIS in order to maintain, train, and equip combat-ready military forces in accordance with Title 10, United States Code. The Proposed Action consists of modification to existing training airspace and sea space within the MIRC; however, the scope and nature of training activities associated with the Proposed Action in this EA/OEA would not differ from those activities that were considered and approved as part of the July 2010 Record of Decision (ROD) for the MIRC EIS/OEIS.

ALTERNATIVES

Federal agencies are required by NEPA to evaluate a range of reasonable alternatives to the action being proposed. All alternatives must satisfy the purpose and need for the action. Three alternatives, described below, were carried forward for analysis in the Final EA/OEA.

No Action Alternative. Under the No Action Alternative, training activities as defined by the 2010 MIRC EIS/OEIS and ROD would continue as currently implemented or authorized, with no change to the existing 3 nautical mile (nm) Restricted Area (R-7201) or the planned 10 nm surface Danger Zone (DZ) at Farallon de Medinilla (FDM).

Alternative 1. Under Alternative 1, existing airspace within the MIRC would be modified to optimize public safety and training efficiency. Under Alternative 1, the Navy proposes to (1) extend the Restricted Area (R-7201) at FDM from 3 nm to 12 nm and designate the new Restricted Area as R-7201A and (2) create new Warning Areas (W), designated as W-11, W-12, and W-13, which, upon approval and implementation, would replace existing Air Traffic Control Assigned Airspace 1, 2, and 3. Under Alternative 1, designations of the airspace changes would be mapped on aeronautical and navigation charts, thus providing a greater awareness and protection to the public. Implementation of Alternative 1 would meet the Navy's purpose and need by ensuring that activities are conducted safely in controlled areas.

Alternative 2 (Preferred Alternative). Under Alternative 2, airspace within the MIRC would be modified as described under Alternative 1. In addition, the planned 10 nm DZ around FDM would be expanded to 12 nm (congruent with proposed R-7201A). Alternative 2 is the preferred alternative because none of the other alternatives would be as effective in fulfilling the purpose of and need for the Proposed Action. Under Alternative 2, designations of the airspace changes and the danger zone would be mapped on aeronautical and navigation charts, thus providing a greater awareness and protection to the public. Implementation of Alternative 2 would meet the Navy's purpose and need by ensuring that activities are conducted safely in controlled areas.

As determined in the Test/Training Space Needs Statement developed by the 36th Wing at Andersen Air Force Base, Guam,

there are no other feasible or reasonable airspace alternatives within the region. Only those alternatives determined to be reasonable relative to their ability to fulfill the need for the Proposed Action require detailed analysis.

ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

The Final EA/OEA examined potential impacts on public health and safety, transportation resources, regional economy, and recreation associated with each alternative. The Final EA/OEA did not analyze any resource areas that were adequately covered in the MIRC EIS/OEIS or that were not impacted by the Proposed Action. Resource areas that did not require further analysis include the following: Geology, Soils, Water Quality, Air Quality, Fish, Marine Mammals, Sea Turtles, Seabirds, Terrestrial Species and Habitats, Socioeconomics, Cultural Resources, and Environmental Justice. The results for those resources analyzed in the Final EA/OEA indicate that no significant impacts would occur as a result of implementation of the Proposed Action. A summary of impacts on each resource follows.

Public Health and Safety. The Navy's safety policies and procedures ensure that activities are conducted safely in the controlled training and testing areas. These procedures minimize the potential for interaction between military and civilian activities by communicating, via Notice to Airmen (NOTAM) and Notice to Mariners (NOTMAR), hazardous training and testing activities to all vessels and aircraft. The modification of the Special Use Airspace (SUA) and the expansion of the DZ around FDM would provide a greater level of public health and safety by increasing the geographic extent of restrictions to all private and commercial vessels and aircraft during hazardous training

and testing activities around FDM. Therefore, the impact on public health and safety would be positive as a result of implementation of the Proposed Action.

Transportation Resources. All military activities that are conducted in the MIRC are either scheduled or announced at least 72 hours prior to being conducted. Proposed airspace modifications would not conflict with existing air traffic service or civilian routes. Any potential conflicts with civilian routes are minimized as a result of close coordination between the Navy and the FAA. The FAA will only establish the proposed SUA upon the conclusion of its own process and rulemaking. The expansion of the DZ would restrict vessels from entering the area out to 12 nm from FDM, which would increase public safety during the conduct of hazardous training activity. The DZ would be established under the U.S. Army Corps of Engineers rule-making procedures.

Modification of the airspace and expansion of the DZ would increase safety in the Study area by providing a permanently charted and published DZ that maximizes public awareness. Therefore, no significant impact on transportation resources would occur as a result of implementation of the Proposed Action.

Regional Economy. The analysis of impacts on regional economy focuses on commercial and recreational fishing since the Proposed Action does not affect land or beach areas. The military does not limit fishing activities from occurring in training and testing areas except within 3 nm surrounding FDM. Proposed airspace modifications and the expansion of the DZ from 10 to 12 nm would not change the commercial or recreational fishing use of the area or have an impact on the regional

economy because displacement of commercial and recreational fishing is temporary and fishing in the general area is not precluded, especially during peak fishing seasons. The military takes measures (e.g., the issuance of NOTMARs) to prevent the interruption of commercial and recreational fishing activities. These measures would continue after implementation of the proposed airspace and expansion of the DZ, allowing commercial and recreational fisherman to plan accordingly. Therefore, no significant impact on regional economy would occur as a result of implementation of the Proposed Action.

Recreation. The Navy's advanced planning and issuance of advisories at least 72 hours in advance of training and testing activities provides the public time to plan their activities to minimize interference with military activities; any impacts would be minimal because the displacement of fishermen is temporary. As recreational fishing occurs primarily within 3 nm of shore at Guam and Saipan, implementation of airspace modifications and expansion of the DZ would not affect these activities. In addition, the proposed expansion of the DZ out to 12 nm around FDM would not preclude recreational fishing from occurring in other areas within the Study Area. Therefore, no significant impact on recreation would occur as a result of implementation of the Proposed Action.

PUBLIC OUTREACH

On December 20, 2012, the MIRC Airspace Draft EA/OEA was posted on www.MIRCairspaceEA.com. The document was also made available at the following locations: Nieves M. Flores Memorial Public Library, University of Guam Robert F. Kennedy Memorial Library, Rota Public Library, Joeten-Kiyu Public Library, and Tinian Public Library.

On January 15, 2013, a public open house regarding the Proposed Action was held on Guam at the University of Guam; on January 17, 2013, a public open house was held on Saipan at the Pedro P. Tenorio Center in Susupe. The open houses were attended by members of the public, elected officials or their representatives, and media.

On February 4, 2013, the 45-day public comment period closed. The Navy received 11 comments from individuals, elected officials, and government organizations in response to the Draft EA/OEA. Out of the 11 comments, a total of 2 were submitted during the open houses; the other comments were submitted using the online commenting form on the website or mailed via postal service. A summary of the comments and the Navy's responses are incorporated into the Final EA in Appendix B.

FINDINGS

Based on the analysis presented in the EA/OEA and coordination with the FAA, the Navy finds that implementation of the Proposed Action (by the means identified in the Preferred Alternative) in the MIRC will not significantly affect the quality of the human environment or cause significant harm to the environment of the global commons and, as a result, an

EIS/OEIS need not be prepared. Therefore, pursuant to NEPA and EO 12114, respectively, the Navy concludes with a FONSI and a FONSH for the Proposed Action.

The EA/OEA, which was prepared by the Navy addressing this action, is on file; interested parties may access the EA at the following location: www.MIRCairspaceEA.com.

15 Jun 2013
Date

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