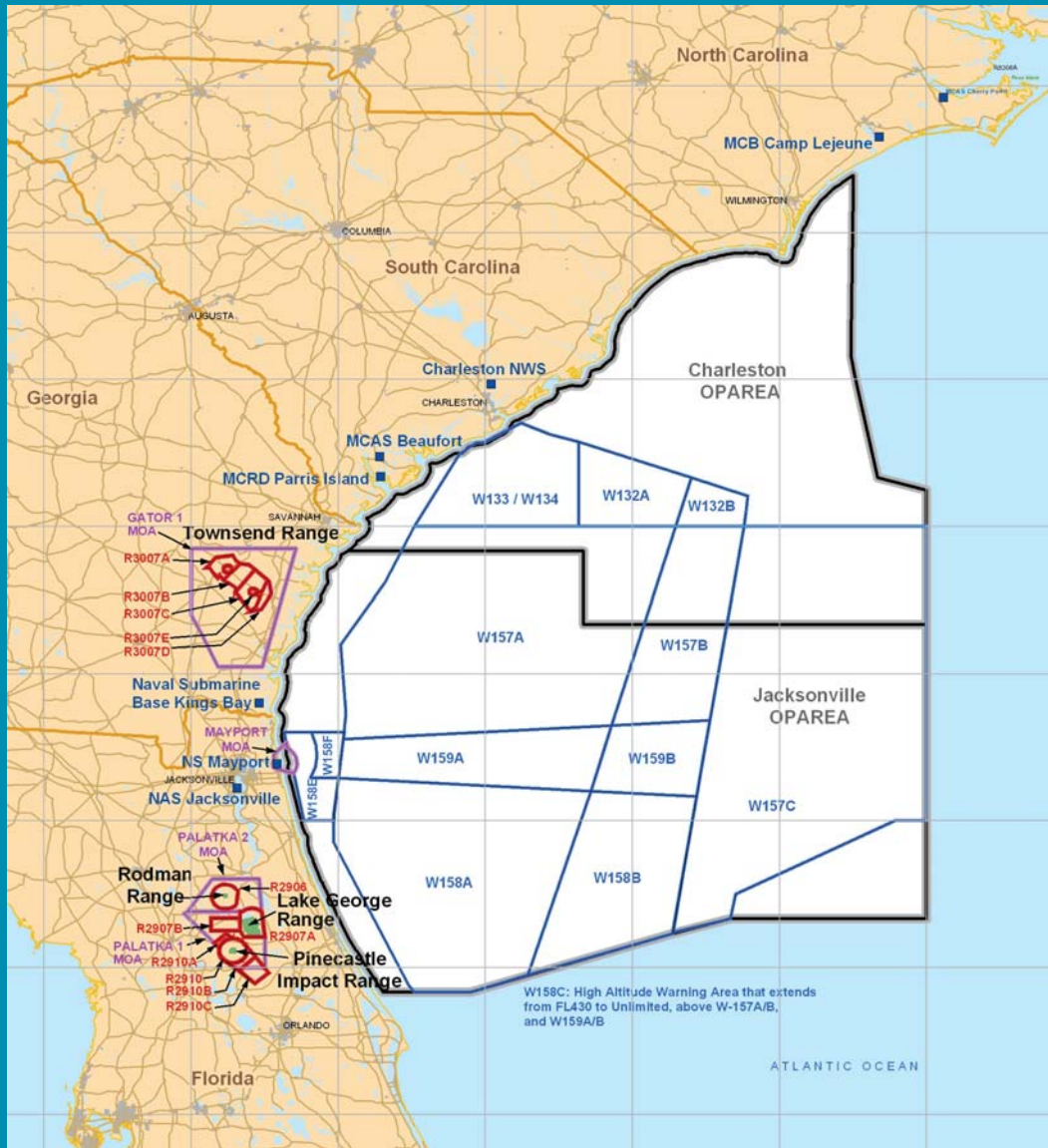


Jacksonville Range Complex Final Environmental Impact Statement/ Overseas Environmental Impact Statement (EIS/OEIS) Volume 1



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United States Fleet Forces
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CHAPTER 4 OTHER CONSIDERATIONS

4.1 CONSISTENCY WITH OTHER FEDERAL, STATE, AND LOCAL PLANS, POLICIES, AND REGULATIONS

Based on evaluation with respect to consistency and statutory obligations, the DoN'S alternatives, including the proposed action for the JAX Range Complex FEIS/OEIS, does not conflict with the objectives or requirements of federal, state, regional, or local plans, policies, or legal requirements. Table 4.1-1 provides a summary of environmental compliance requirements that may apply.

**TABLE 4.1-1
SUMMARY OF ENVIRONMENTAL COMPLIANCE FOR THE PROPOSED ACTION**

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
National Environmental Policy Act of 1969 (42 U.S.C. §§4321, <i>et seq.</i>) Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR §§1500-1508) DoN Procedures for Implementing NEPA (32 CFR Part 775)	DoN	This EIS/OEIS has been prepared in accordance with NEPA, CEQ regulations, and Navy NEPA procedures. Public participation and review have been conducted in compliance with NEPA. The proposed action would not result in significant impacts.
Executive Order 12114, Environmental Effects Abroad of Major Federal Actions	DoN	EO 12114 requires environmental consideration for actions that may affect the environment outside of U.S. territorial waters. The proposed action would not result in significant harm to the environment.
Clean Water Act (CWA) (33 U.S.C. §§1344, <i>et seq.</i>)	USEPA	No permit under the CWA, whether under Section 401, 402, or 404 (b) (1), is required.
Coastal Zone Management Act (CZMA) (16 CFR §§1451, <i>et seq.</i>)	Florida Department of Environmental Protection, Georgia Department of Natural Resources: Environmental Protection Division, South Carolina Department of Health and Environmental Control, and North Carolina Division of Coastal Management	The Navy determined that the proposed action is consistent to the maximum extent practicable with the North, Carolina, South Carolina, Georgia, and Florida Coastal Management Plans, and submitted a Coastal Consistency Determination (CCD) in accordance with the CZMA.
Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§1801-1802)	National Marine Fisheries Service	The proposed action would not adversely affect Essential Fish Habitat (EFH) and would not decrease the available area or quality of EFH.

TABLE 4.1-1 (Continued)
SUMMARY OF ENVIRONMENTAL COMPLIANCE FOR THE PROPOSED ACTION

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
Endangered Species Act (16 U.S.C. §§1531, <i>et seq.</i>)	DoN U.S. Fish and Wildlife Service NMFS	The EIS/OEIS analyzes potential effects to species listed under the ESA. The Navy completed consultation under Section 7 of the ESA with NMFS and USFWS on the potential that the proposed action may affect listed species.
Bald and Golden Eagle Protection Act (16 U.S.C. § 668 a-d)	DoN U.S. Fish and Wildlife Service	The proposed action would not affect Bald Eagles
Marine Mammal Protection Act (16 U.S.C. §§1431, <i>et seq.</i>)	NMFS	This EIS/OEIS analyzes potential effects to marine mammals, some of which are species-listed under the ESA. As noted, potential effects on listed species are the subject of consultations with NMFS. The Navy prepared a request for a Letter of Authorization from the NMFS regarding effects on marine mammals.
Act to Prevent Pollution from Ships (APPS) (33 U.S.C. §§1901, <i>et seq.</i>)	DoN	The Navy complies with the discharge regulations set forth under requirements of the APPS.
The National Marine Sanctuaries Act (16 U.S.C. §§1431, <i>et seq.</i>)	National Oceanic and Atmospheric Administration	The proposed action would have no effect on sanctuary resources in the offshore environments of South Carolina, Georgia, or Florida. Review of agency actions under Section 304 is not required.
National Historic Preservation Act (16 U.S.C. §§470, <i>et seq.</i>)	DoN	The Navy complies with the consultation and other requirements of the NHPA. The proposed action would not have a significant impact on protected resources.
EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	DoN	The proposed action would not result in disproportionately high and adverse human health or environmental effects on minority or low income populations.
EO 13045, Protection of Children from Environmental Health Risks and Safety Risks	DoN	The proposed action would not result in disproportionate risks to children from environmental health risks or safety risks.
EO 13112, Invasive Species	DoN	EO 13112 requires Agencies to identify actions that may affect the status of invasive species and take measures to avoid introduction and spread of those species. This EIS/OEIS satisfies the requirement of EO 13112 with regard to the proposed action.

TABLE 4.1-1 (Continued)
SUMMARY OF ENVIRONMENTAL COMPLIANCE FOR THE PROPOSED ACTION

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
EO 11990, Protection of Wetlands	DoN	The proposed action would not have a significant impact on wetlands.
EO 12962, Recreational Fisheries	DoN	EO 12962 requires Agencies to fulfill certain duties with regard to promoting the health and access of the public to recreational fishing areas. The proposed action complies with these duties.
EO 13158, Marine Protected Areas	DoN	EO 13158 requires Agencies to identify any actions that affect natural or cultural resources protected by an MPA. Agencies shall avoid harm to the natural and cultural resources protected by an MPA. This EIS/OEIS satisfies the requirement of EO 13158 with regard to the proposed action.
Migratory Bird Treaty Act (16 U.S.C. §§703-712)	USFWS	The proposed action would not have a significant impact on migratory birds, and would comply with applicable requirements of the MBTA.
The Sikes Act of 1960 (16 U.S.C. §§670a-670o, as amended by the Sikes Act Improvement Act of 1997, Public Law No. 105-85) requires military installations with significant natural resources, to prepare and implement Integrated Natural Resource Management Plans (INRMP).	DoN	The proposed action would be implemented in accordance with the management and conservation criteria developed in the INRMP for JAX.

4.2 REQUIRED PERMITS AND APPROVALS

All required permits and approvals have been obtained. The decisions and supporting data can be found in the appendices.

4.2.1 Coastal Zone Management Act Compliance

The CZMA of 1972 (16 U.S.C. §1451) encourages coastal states to be proactive in managing coastal zone uses and resources. CZMA established a voluntary coastal planning program; participating states submit a Coastal Management Plan to NOAA for approval. Under CZMA, federal actions are required to be consistent, to the maximum extent practicable, with the enforceable policies of approved Coastal Management Plans.

CZMA defines the coastal zone (16 U.S.C. §1453) as extending, “to the outer limit of State title and ownership under the Submerged Lands Act” (*i.e.*, 3 nm from the shoreline). The coastal zone extends inland only to the extent necessary to control the shoreline. Excluded from the coastal zone is use of lands that are subject solely to the discretion of, or which are held in trust by, the federal government (16 U.S.C. §1453).

Review of federal agency activities is conducted through the submittal of either a Consistency Determination or a Negative Determination. A federal agency shall submit a Consistency Determination when it determines that its activity may have either a direct or an indirect effect on a state's coastal zone or resources. In accordance with 15 CFR § 930.39, the Consistency Determination shall include a brief statement indicating whether the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the management program and should be based on evaluation of the relevant enforceable policies of the management program. A federal agency may submit a Negative Determination to a coastal state when the federal agency has determined that its activities would not have an effect on the state's coastal zone or its resources or when conducting the same or similar activities for which Consistency Determinations have been prepared in the past.

Pursuant to 15 CFR § 930.41, the state has 60 days from the receipt of the Consistency Determination in which to concur with or object to the Consistency Determination, or to request an extension under 15 CFR § 930.41(b). Federal agencies shall approve one request for an extension period of 15 days or less.

In accordance with the CZMA, the Navy reviewed the enforceable policies of each state's Coastal Zone Management Plan (CZMP) relevant to the Study Area. Based on the limitations discussed in this EIS, the enforceable policies of each state's CZMP, and pursuant to 15 CFR § 930.39, the Navy prepared Federal Consistency Determinations or Negative Determinations for the affected states. Specific information regarding regulatory framework for CZMA can be found in Appendix K. Determinations for each state adjacent to the EIS/OEIS Study Area are presented in Appendix G.

4.3 RELATIONSHIP BETWEEN SHORT-TERM USE OF MAN'S ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

NEPA requires analysis of the relationship between a project's short-term impacts on the environment and the effects those impacts may have on the maintenance and enhancement of the long-term productivity of the affected environment. Impacts that narrow the range of beneficial uses of the environment are of particular concern. This means that choosing one option may reduce future flexibility in pursuing other options, or that committing a resource to a certain use may often eliminate the possibility for other uses of that resource.

With respect to marine mammals, the Navy, in partnership with the NMFS, is committed to furthering understanding of these creatures and developing ways to lessen or eliminate the impacts Navy training activities may have on these animals.

The proposed action would result in both short- and long-term environmental effects. However, the proposed action would not be expected to result in any impacts that would reduce environmental productivity, permanently narrow the range of beneficial uses of the environment, or pose long-term risks to health, safety, or general welfare of the public. The Navy is committed to sustainable range management, including co-use of the JAX Range Complex with general public and commercial interests. This commitment to co-use will enhance long-term productivity of the range areas surrounding the JAX Range Complex.

4.4 IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES

NEPA requires that environmental analysis include identification of "any irreversible and irretrievable commitments of resources which would be involved in the Proposed Action should it be implemented." Irreversible and irretrievable resource commitments are related to the use of non-renewable resources and the effects that the uses of these resources have on future generations. Irreversible effects primarily result from the use or destruction of a specific resource (*e.g.*, energy or minerals) that cannot be replaced within

a reasonable time frame. Irretrievable resource commitments involve the loss in value of an affected resource that cannot be restored as a result of the action (*e.g.*, the disturbance of a cultural site).

For the alternatives, including the preferred alternative, most resource commitments are neither irreversible nor irretrievable. Most impacts are short-term and temporary, or long lasting but negligible. No culturally significant resources are known to occur in the area proposed for training activities. No habitat associated with threatened or endangered species would be lost as result of implementation of the proposed action. Since there would be no building or facility construction, the consumption of material typically associated with such construction (*e.g.*, concrete, metal, sand, fuel) would not occur. Energy typically associated with construction activities would not be expended and irreversibly lost. Implementation of the proposed action would require fuels used by aircraft, ships, and ground-based vehicles. Since fixed- and rotary-wing flight and ship activities could increase relative to the baseline, total fuel use would increase. Fuel use by ground-based vehicles involved in training activities would also increase. Therefore, total fuel consumption would increase and this nonrenewable resource would be considered irretrievably lost.

4.5 ENERGY REQUIREMENTS AND CONSERVATION POTENTIAL OF ALTERNATIVES AND MITIGATION MEASURES

Increased training and testing operations on the JAX Range Complex would result in an increase in energy demand over the No Action Alternative. This would result in an increase in fossil fuel consumption, mainly from aircraft, vessels, ground equipment, and power supply. Although the required electricity demands of increased intensity of land-use would be met by the existing electrical generation infrastructure at the JAX Range Complex, the alternatives would result in a net cumulative negative impact on the energy supply.

Energy requirements would be subject to any established energy conservation practices at each facility. No additional power generation capacity other than the potential use of generators would be required for any of the operations. The use of energy sources has been minimized wherever possible without compromising safety, training, or testing operations.

At the present time, the Navy, under the direction of the Energy Policy Act of 1992 and EO 13149, is actively testing and introducing several different types of alternate fuels (bio-diesel B100/B20, clean natural gas, fuel ethanol E85, fuel cells, *etc.*) to further reduce the impacts of its activities on the environment and non-renewable resources.

4.6 NATURAL OR DEPLETABLE RESOURCE REQUIREMENTS AND CONSERVATION POTENTIAL OF VARIOUS ALTERNATIVES AND MITIGATION MEASURES

Resources that would be permanently and continually consumed by project implementation include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources. Nuclear powered vessels would be a benefit as they decrease the use of fossil fuels. In addition, activities related to increased training and testing operations on the JAX Range Complex would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and gasoline equipment. With respect to operational activities, compliance with all applicable building codes, as well as project mitigation measures, would ensure that all natural resources are conserved or recycled to the maximum extent feasible. It is also possible that new technologies or systems would emerge, or would become more cost effective or user-friendly, which would further reduce reliance on nonrenewable natural resources. However, even with implementation of conservation measures, consumption of natural resources would generally increase with implementation of the alternatives.

Aircraft operations within the OPAREAs are the single largest airborne noise source. Noise levels in excess of 90 decibels can occur. Mitigation measures (structural attenuation features) are in place. Sustainable range management practices are in place that protect and conserve natural and cultural resources as well as preserve access to training areas for current and future training requirements, while addressing potential encroachments that threaten to impact range capabilities.

4.7 URBAN QUALITY, HISTORIC AND CULTURAL RESOURCES, AND THE DESIGN OF THE BUILT ENVIRONMENT

There are no urban areas under consideration in this FEIS/OEIS and; therefore, no urban quality issues exist. Likewise, there is no new construction being proposed. Historic and cultural resources are addressed in Section 3.12.