

Chapter 5
Other Considerations Required by the
National Environmental Policy Act

5.0 OTHER CONSIDERATIONS REQUIRED BY THE NATIONAL ENVIRONMENTAL POLICY ACT

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

Based on an evaluation with respect to consistency with statutory obligations, the Environmental Impact Statement (EIS) proponents (i.e., the Air Force and Army) of the proposals in the *Joint Pacific Alaska Range Complex (JPARC) Modernization and Enhancement EIS* have sought input from the various Federal, State, and local agencies with management responsibilities in the affected region. Implementation of JPARC actions will incorporate measures to address concerns and management priorities of these agencies to minimize conflicts with plans, policies, or legal requirements. Specifically, each of the six definitive proposals has been adequately and accurately evaluated in the EIS based on the most current information available. The EIS process has provided Federal, State, and local agencies the opportunities to review and comment on these proposals, and requisite coordination and consultation have been undertaken. [Table 5-1](#) provides a summary of environmental compliance requirements that may apply to these proposals and how these have been achieved. Since decisions to implement the programmatic proposals are not outcomes of this EIS, the table focuses only on the proposals that can progress to implementation following the Record of Decision (ROD) on this EIS.

Table 5-1. Summary of Regulatory Compliance of the JPARC EIS

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
National Environmental Policy Act (NEPA) of 1969 (42 United States Code [U.S.C.] 4321 <i>et seq.</i>) Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] 1500–1508) Army (32 CFR 651) and Air Force (32 CFR 989 <i>et seq.</i>) regulations for NEPA implementation	Alaskan Command (ALCOM), Army, Air Force, U.S. Army Alaska (USARAK)	Air Force inland Special Use Airspace (SUA) and the Army training lands are analyzed under previous NEPA documentation (the <i>Final Alaska Military Operation Areas EIS</i> [Air Force 1997-1], <i>Improvements to Military Training Routes in Alaska Environmental Assessment</i> [Air Force 2007-3], <i>Alaska Army Lands Withdrawal Renewal Final Legislative EIS</i> [USARAK 1999-1], and the <i>Transformation of U.S. Army Alaska Final Environmental Impact Statement (FEIS)</i> [USARAK 2004-1]). Table 1-1 in this EIS provides a full list of NEPA documents and decisions incorporated by reference. Public participation and review of this EIS are being conducted in compliance with NEPA.
Federal Water Pollution Control Act (Clean Water Act [CWA]) (33 U.S.C. 1344 <i>et seq.</i>)	ALCOM, Army, Air Force, USARAK	No permits are required under CWA sections 401, 402, or 404 (b) (1), for six definitive proposals in the EIS. Programmatic proposals considered in this EIS will require further analysis and will pursue permitting under CWA as needed.

Table 5-1. Summary of Regulatory Compliance of the JPARC EIS (*Continued*)

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
Coastal Zone Management Act (CZMA) (16 CFR 1451 <i>et seq.</i>)	Air Force, Alaska Department of Fish and Game	None of the six definitive proposals overlap with coastal zones. The proponent for Missile Live Firing in the Gulf of Alaska will undergo consistency review and approval in the future, as specified by the Alaska Department of Fish and Game (ADFG).
Endangered Species Act (ESA) (16 U.S.C. 1531 <i>et seq.</i>)	U.S. Fish and Wildlife Service (USFWS); NOAA Fisheries Service/National Marine Fisheries Service (NMFS)	None of the definitive projects in this EIS involve effects on endangered or threatened species because no listed species occur within the action areas of these projects. Therefore, no consultation with USFWS regarding listed species is required for definitive projects. ESA-consultation and coordination with USFWS and NMFS will be conducted with regard to programmatic projects that may involve effects on endangered or threatened species as planning proceeds.
Marine Mammal Protection Act (MMPA) (16 U.S.C. 1431 <i>et seq.</i>)	NMFS	Marine mammals are not affected by the definitive proposals as they are outside the area of operations and potential effects.
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)	USARAK	USARAK has considered the potential impact of proposed operations on non-military activities, as well as use of resources on military lands, and will continue to manage with the goals of maintaining maximum public access and use to the extent possible, alongside the primary purpose of the military mission.
National Historic Preservation Act (NHPA) (16 U.S.C. 470 <i>et seq.</i>)	USARAK, Air Force, ALCOM	USARAK and ALCOM has begun Section 106 consultation with the Alaska State Historic Preservation Officer (SHPO) and will implement all mitigations as documented in this EIS.
Executive Order (EO) 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	USARAK, Air Force	The EIS proposals would not result in any disproportionately high adverse human health or environmental effects on minority or low-income populations.
EO 13045, Protection of Children from Environmental Health Risks and Safety Risks	USARAK, Air Force	The EIS proposals would not result in environmental health and safety risks to children.
Alaska Native Claims Settlement Act of 1971 (ANCSA) (43 U.S.C. 1601–1624)	ADFG, U.S. Department of the Interior Bureau of Land Management (BLM), USARAK, Air Force	ALCOM is consulting on a government-to-government basis with ANCSA corporations whose lands are within the ROI for the proposed action(s), pursuant to H.R. 2673: Consolidated Appropriations Act, 2004 and H.R. 4818, the Consolidated Appropriations Act, 2005, and EO 13175.

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Table 5-1. Summary of Regulatory Compliance of the JPARC EIS (Continued)

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703–712)	USFWS	The USFWS has developed mitigation recommendations for timing of vegetation clearing activities within Alaska with regard to compliance with the MBTA. For programmatic projects involving on-the-ground construction, compliance with these measures should assure avoidance or reduction of adverse effects to nests and nestlings of breeding bird species. For example, conducting necessary pre-construction vegetation clearing prior to, or after the nesting season.
Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d)	USFWS	Consultation and coordination have been initiated with the USFWS regarding bald and golden eagles. Compliance will include bald and golden eagle nest surveys in proposed Fox 3 and Paxon MOAs over previously unsurveyed areas. USFWS coordination will address any permits required for eagle take if such a take, including disturbance, is deemed a likely result of any of the proposals. Please refer to the Mitigations in Section 3.1.8.4 for measures developed to reduce the potential effects of low overflights on nesting eagles and other wildlife.
EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance	USARAK, Air Force	The definitive proposals would not appreciably increase energy or water consumption (with no proposed personnel or heated space increase), and would benefit fuel efficiency through strategic location of training airspace in relation to staging bases.

Key: ADFG=Alaska Department of Fish and Game; Air Force=U.S. Air Force; ALCOM=Alaskan Command; ANCSA=Alaska Native Claims Settlement Act; Army=U.S. Army; BLM=U.S. Department of the Interior Bureau of Land Management; CEQ=Council on Environmental Quality; CFR=Code of Federal Regulations; CWA=Clean Water Act; CZMA=Coastal Zone Management Act; EO=Executive Order; ESA=Endangered Species Act; FEIS=Final Environmental Impact Statement; H.R.=House Resolution; MBTA=Migratory Bird Treaty Act; MMPA=Marine Mammal Protection Act; NEPA=National Environmental Policy Act; NHPA=National Historic Preservation Act; ROI=Region of Influence; SHPO=State Historic Preservation Officer; SUA=Special Use Airspace; USARAK=U.S. Army Alaska; USFWS=U.S. Fish and Wildlife Service.

Further description of agency coordination and consultation, as well as the NEPA process for this Environmental Impact Statement (EIS) are provided in Chapter 1.0; the relevant resource analyses are provided in Chapter 3.0.

5.1.1 Relationship between Short-Term Uses and Long-Term Productivity

Council on Environmental Quality (CEQ) regulations (Section 1502.16) specify that environmental analysis must address “...the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity.” “Environment” generally refers to natural resources, including minerals, energy, land, water, forestry, and biota. Special attention should be given to impacts that narrow the range of beneficial uses of the environment in the long term, or that pose a

long-term risk to human health and safety. This section evaluates the short-term uses of the proposal, compared to the long-term productivity derived from not pursuing the proposal.

Short-term effects to the environment are generally defined as direct consequences of a project in its immediate vicinity. For actions involving airspace changes and air operations only (Fox 3 Military Operations Area (MOA) Expansion, Paxon MOA Addition, Night Joint Training [NJT] and Unmanned Aerial Vehicle [UAV] Roadway Access), short-term effects could include localized disruptions and higher noise levels in some areas. These direct impacts are assessed in Chapter 3.0 of the EIS. For JPARC, most aircraft-related impacts are short-term, temporary, and could stop without causing permanent changes. Noise effects are short-term and would not be expected to result in permanent or long-term changes in wildlife or habitat use. Charting new airspace is an aeronautical action and would not cause long-term change in underlying land use. Continued use of chaff and flares for training and major flying exercises (MFEs) would not negatively affect the long-term quality of the land, air, or water.

JPARC proposals involving firing of weapons and associated air operations (such as the Realistic Live Ordnance Delivery [RLOD], Battle Area Complex [BAX] Restricted Airspace (R-), Expansion of R-2205), mostly use existing targets and impact areas. With the minor exception of establishing two small temporary target areas within existing training areas on DTA-West for the RLOD and a mortar range for the BAX, none of the definitive proposals would convert additional land (or water) from its current use into new impact areas. Minor infrastructure upgrades associated with the RLOD, BAX Restricted Area expansion, and R-2205 Expansion proposals, would occur in areas that support military uses and have existing modifications to support ongoing military activities. The requirement to control access to non-military land for the RLOD capability would impact access and near-term productivity of the affected non-military areas, but would not change any intrinsic qualities of the land and long-term productivity (to support wildlife and all existing uses). Overall, the six definitive proposals involve little physical development that could displace and convert land from its current or planned use. As such little change to long-term productivity is anticipated from implementing the definitive proposals.

However, some of the programmatic proposals involve development of infrastructure on the ground, or intensive ground training activities, such as the Intermediate Staging Bases (ISB), Enhanced Access to Ground Maneuver Space, and access roads to Tanana Flats Training Area. These actions would use land that is mostly natural and undeveloped, and this could result in long-term change in the use and productivity of the affected land. New roads and trails on military land may provide some long-term benefits for range management and public access for recreation, hunting, and subsistence resource harvesting. These actions will undergo further evaluation and review.

5.1.2 Irreversible and Irretrievable Commitment of Resources

NEPA CEQ regulations require environmental analyses to identify “...any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented” (40 CFR 1502.16). Primary **irreversible** effects result from permanent use of a nonrenewable resource such as minerals or energy (i.e., consumed so that it is not available for future generations). **Irretrievable** resource commitments involve the loss in value of an affected resource that cannot be restored as a result of the action. Examples include disturbance and degradation of sensitive habitat such as wetlands or a cultural site, or consumption of renewable resources that require a long time or large investment to recover (such as removal of old growth forests or large scale construction in wetlands). Nonrenewable resources are those resources that cannot be replenished by natural means, including oil, natural gas and iron ore. Renewable natural resources are those resources that can be replenished by natural means, including water, lumber and soil.

Military training necessarily involves consumption of nonrenewable resources, such as jet and vehicle fuel, for air and ground vehicles. The JPARC proposals involving changes in airspace and air operations

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(i.e., Fox 3 MOA Expansion, new Paxon MOA, NJT, and UAV Access), would not consume minerals or additional energy. Several land-based radio and radar facilities will, however, be required by the expanded Fox 3 MOA/new Paxon MOA proposal, and they will use fuel and resources, although not to a degree considered significant. Any noise effects on underlying land uses are reversible with suspension of the noise-generating flight operations. Training operations would use equivalent fuel volumes to produce improved local training, as compared with the No Action Alternative. Military energy consumption under the No Action Alternative would be expected to be comparable to any of the action alternatives, as several actions are designed to conserve fuel allocated to units for training by reducing the volume of fuel expended in transit.

There is potential to increase the consumption of jet fuel by commercial carriers if changes in Special Use Airspace (SUA) interfere with commercial traffic. Commercial and general aviation aircraft diversion on an average day could result in increased distance traveled and increased fuel consumption. No irreversible or irretrievable effects are expected for cultural resources or other natural resources, including land and water.

Training operations would involve consumption of essentially the same amount of nonrenewable resources and commitment of resources for munitions and chaff and flares for the JPARC definitive proposals as under existing conditions. New capabilities to support weapons training with longer firing distances will not in itself stimulate additional manufacturing of these products. Considering those factors, the proposals would not significantly decrease the availability of minerals or petroleum resources or result in a substantial irreversible or irretrievable commitment of resources.

Proposals involving weapons releases and new targets in existing impact areas may add slightly to the accumulation of unexploded ordnance (UXO), some of which may not be retrievable due to the character of the landscape. Since these actions would use existing impact areas (with the exception of about 2 acres in north DTA-West), they would not expand areas that are irreversibly committed to supporting weapons training. Physical development and ground disturbance is spatially limited for the six definitive proposals, so the potential for irreversible change to the surface (affecting soils, vegetation, hydrology, cultural sites) and subsurface resources (such as cultural sites, underground infrastructure, or minerals) is minimal. The use of land as a surface danger zone to support weapons firing is fully reversible with the cessation of the activity and imposes no direct loss of productivity.

Projects involving development of infrastructure would use energy (fuels, electricity) and materials for components of new facilities. These would be consumed and not retrievable or reversible; however, very small amounts would be needed to implement the definitive proposals. Clearing small areas for new target areas or firing ranges would remove native vegetation and/or wildlife habitat, and have the potential to disrupt bird nesting activities. These minor modifications would occur within training areas already used for similar purposes, this loss of resources would not be expected to adversely affect native species and is very limited in extent. These areas could be revegetated when no longer needed as target areas; therefore, effects may be reversible.

For the programmatic proposals, construction for new staging bases would consume some additional energy to heat and maintain facilities. Construction of facilities, roads, and trails would disturb vegetation and habitats and could cause permanent loss of some fragile or sensitive habitats (such as wetlands or riparian areas). Construction of the ISBs would likely convert natural land into developed land. The value of these areas to support wildlife may be impacted in the long term, although restorative efforts could retrieve some of their natural functional quality within the developed area. These issues would undergo further evaluation and mitigations before decisions are made to implement them.

Secondary impacts to natural resources could occur from air operations, for example, in the unlikely event of an accident and/or fire; however, while any fire can have short-term impacts to agricultural resources,

wildlife, and habitat, the fire's effects are not irreversible in a natural environment. Any increased risk of fire hazard due to JPARC operations would be very low.

The indirect effects of aircraft overflight on wildlife behavioral activities have also been known to occur in some circumstances, causing irreversible shifts in their patterns. Coordination with the U.S. Fish and Wildlife Service for the JPARC proposals is ongoing and will identify appropriate permits, or permit extensions, and measures to avoid, reduce, and mitigate for potential effects to wildlife. These permits may allow some degree of disturbance to, for example, bald eagles, if overall populations are not adversely affected.

5.1.3 Energy Requirements and Conservation Potential of Alternatives and Mitigation Measures

Only minimal additional energy use would be required for any of the activities under the definitive proposals. As part of Department of Defense (DoD) policy and directives for operations at every level, the use of energy resources is minimized wherever possible, without compromising safety or training activities. No additional conservation measures related to direct energy consumption by the proposed activities have been identified.

5.1.4 Natural or Depletable Resource Requirements and Conservation Potential of Various Alternatives and Mitigation Measures

Resources that will be permanently and continually consumed for military uses at the JPARC include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not appreciably change under the six definitive proposals, and would not result in significant environmental impacts, or the unnecessary, inefficient, or wasteful use of resources. The proposal to expand the Fox 3 MOA, and create the Paxon MOA is intended, in part, to maximize effective fuel allocations to training units, providing more efficient use of resources. Pollution prevention is an important component of existing management practices and mitigation of adverse impacts. These existing pollution prevention considerations are included for all the proposals (see Appendix K, *Mitigations, Best Management Practices, Standard Operating Procedures*, for further information on existing measures and mitigations).

Sustainable range management practices are in place that protect and conserve natural and cultural resources and preserve access to training areas for current and future training requirements while addressing potential encroachments that threaten to impact range and training area capabilities. These practices include monitoring to track changes in water quality and habitat trends resulting from ongoing, new, or increased military operations so range natural resource management may adapt restorative actions and set limits on appropriate levels of activities for different locations.