

6 OTHER CONSIDERATIONS REQUIRED BY THE NATIONAL ENVIRONMENTAL POLICY ACT

6.1 POSSIBLE CONFLICTS WITH OBJECTIVES OF FEDERAL, STATE, AND LOCAL PLANS, POLICIES, AND CONTROLS

Implementation of the Proposed Action for the Naval Weapons Systems Training Facility (NWSTF) Boardman Environmental Impact Statement (EIS) would not conflict with the objectives or requirements of federal, state, regional, or local plans, policies, or legal requirements. The United States (U.S.) Department of the Navy (Navy) and Oregon National Guard (ORNG) have consulted with regulatory agencies as appropriate during the National Environmental Policy Act (NEPA) process and prior to implementation of the Proposed Action to ensure requirements are met.

Table 6-1 provides a summary of environmental compliance requirements that may apply. Agency correspondence can be found in Appendix B and supporting documentation can be found on the NWSTF Boardman EIS website at www.nwstfboardmaneis.com.

6.2 RELATIONSHIP BETWEEN SHORT-TERM USES AND LONG-TERM PRODUCTIVITY

NEPA requires an analysis of the relationship between a project's short-term impacts on the environment and the effects that these 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.

The majority of activities addressed in this EIS would be categorized as long-term. For example, although the use of training areas for individual training activities may be of short duration, the training areas would continue to receive increased and repeated use for the foreseeable future. As the proposed action includes an increase in training tempo, areas designated for training would accommodate a higher level of operational uses in the long-term, which would, in turn, affect the long-term productivity of environmental resources in those areas. Addressing such shortfalls through planning and accommodation of future training tempo requirements and deployment schedules will allow the Navy and ORNG to more readily facilitate long-term resource management strategies while achieving the near-term goal of providing the capacity and capabilities to fully support required training tasks and meet the Title 10 and Title 32 mandates.

Table 6-1: Summary of Environmental Compliance for the Proposed Action

Plans, Policies, and Controls	Status of Compliance
<p>NEPA of 1969 (42 U.S.C. §§4321 et seq.)</p>	<p>This EIS was prepared in compliance with NEPA (42 U.S.C. §4321 et seq.), CEQ Regulations for Implementing the Procedural Provisions of NEPA (Title 40 C.F.R §§1500–1508), Navy Procedures for Implementing NEPA (32 C.F.R §775), and Environmental Analysis of Army Actions (32 C.F.R §651) which also covers Army National Guard activities.</p>
<p>ESA (16 U.S.C. §§1531 et seq.)</p>	<p>No federally listed or proposed endangered or threatened species occur in the NWSTF Boardman Study Area. Therefore, ESA requirements do not apply to the Proposed Action. The Washington ground squirrel, which is a candidate species, does occur in the Study Area. While candidate species receive no statutory protection under ESA, the Navy and ORNG engaged in conferencing with USFWS under 50 C.F.R. §402.10 despite the species only being a candidate so that future proposed activities will not require significant additional consultation. 50 C.F.R. §402.10 allows for measures considered in conferencing to be formalized in a future biological opinion upon the listing of the species. Until that point when a take statement would be required, measures developed through conferencing would only be voluntary and not binding under ESA.</p>
<p>MBTA (16 U.S.C. §§703–712)</p>	<p>Non-Military Readiness Activities Best management practices would be implemented during construction of the proposed range enhancements to avoid take of migratory birds. In addition, migratory bird conservation measures would continue to be implemented under the <i>NWSTF Boardman Integrated Natural Resources Management Plan</i> in accordance with the DoD and USFWS Memorandum of Understanding to Promote the Conservation of Migratory Birds. Non-military readiness activities associated with the Proposed Action would comply with the MBTA.</p> <p>Military Readiness Activities The Navy obtained technical input from the USFWS for the analysis of potential impacts on migratory birds in accordance with the DoD and USFWS Memorandum of Understanding to Promote the Conservation of Migratory Birds. Based on the analysis in Section 3.6 (Wildlife), the Navy has determined that military readiness activities under the Proposed Action would not have a significant adverse effect on a population of a migratory bird species, as defined in the Final Rule authorizing the DoD to take migratory birds during military readiness activities (50 C.F.R. Part 21). Therefore, in accordance with the Final Rule, the Navy is not required to confer with USFWS.</p>
<p>CAA (42 U.S.C. §§7401 et seq.); CAA General Conformity Rule (40 C.F.R. §93[B])</p>	<p>The air quality analysis conducted for this EIS indicates that the Proposed Action would not cause National Ambient Air Quality Standards to be exceeded. The Study Area is not located within a nonattainment or maintenance area. Therefore, the General Conformity Rule does not apply.</p>

Table 6-1: Summary of Environmental Compliance for the Proposed Action (continued)

Plans, Policies, and Controls	Status of Compliance
RCRA (42 U.S.C. §6901, et seq.)	Small quantities of hazardous waste would continue to be generated in the Administration Area and at the proposed UAS Facility. It is expected that the current Conditionally Exempt Small Quantity Generator status would be maintained. Hazardous wastes would continue to be safely disposed of through local vendors.
The Sikes Act of 1960 (16 U.S.C. §§670a–670o, as amended by the Sikes Act Improvement Act of 1997, Pub. L. No. 105-85)	In accordance with the Sikes Act, an <i>Integrated Natural Resources Management Plan</i> has been prepared and implemented at NWSTF Boardman in cooperation with the USFWS and the Oregon Department of Fish and Wildlife. The Plan is reviewed by the parties annually as to operation and effect, and is updated as necessary. The Plan will be updated to reflect natural resources management changes brought about by the Proposed Action.
NHPA (54 U.S.C. §§300101 et seq.)	In accordance with Section 106 of the NHPA, the Navy has determined that no historic properties would be adversely affected by implementation of the Proposed Action, pending the completion of Native American consultation, concurrence by the Oregon State Historic Preservation Office with the 2011 Phase I report findings, and concurrence with a finding of “No Historic Properties Affected.” No American Indian traditional cultural properties have been identified in the direct APE; however, American Indian traditional cultural properties have been identified in the indirect APE. The Navy, in consultation with the CTUIR, determined that noise and visual intrusions associated with aircraft overflights and noise associated with weapons firing on the proposed ranges would have an adverse effect on traditional cultural properties. The Navy, Oregon SHPO, CTUIR, and ACHP prepared a Memorandum of Agreement (signed in October 2015, Appendix C) to resolve adverse effects on traditional cultural properties and establish protocols for protection and management of these resources in accordance with Section 106 of the NHPA.
Archaeological Resources Protection Act (ARPA) (16 U.S.C. §470aa–mm)	No impacts on archaeological sites would occur as a result of the implementation of the Proposed Action because no archaeological sites eligible for listing in the NRHP are located in the area of potential effects. In the event of inadvertent discovery of sensitive archaeological materials during construction, the Navy and ORNG would ensure that measures are taken promptly to protect the find from disturbance, assess the significance of the discovery, and implement appropriate mitigation measures for significant resources. Inadvertent discovery of sensitive archaeological materials would be handled in accordance with the appropriate Standard Operating Procedures, which includes provisions for stopping work and notifying the Oregon State Historic Preservation Office, Native American Tribes and other appropriate parties of the find.
Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. §3001)	No American Indian resources that qualify for NAGPRA have been identified in the area of potential effects. If such resources are discovered, the Navy will comply with NAGPRA and continue consultations with federally recognized tribes.
Emergency Planning and Right-to-Know Act (EPCRA)	EPCRA is applicable to the Proposed Action because small quantities of hazardous materials would be stored on site. Section 312 (“Tier Two”) reporting applies; this requirement is satisfied by complying with the state of Oregon’s counterpart regulations. Under the Proposed Action, the Navy and ORNG would not manufacture, store, or otherwise use hazardous chemicals above Toxics Release Inventory (Emergency Planning and Community Right-to-Know Act Section 313) reporting thresholds.

Table 6-1: Summary of Environmental Compliance for the Proposed Action (continued)

Plans, Policies, and Controls	Status of Compliance
Farmland Protection Policy Act (FPPA)	No impacts on farmlands would occur as a result of the implementation of the Proposed Action because no farmland would be irreversibly converted to non-agricultural uses.
Federal Noxious Weed Act (FNWA) (7 U.S.C. §2801 et seq.)	The Navy implements invasive plant and weed controls annually at NWSTF Boardman based on available funding and identified priorities. Construction and operation of the proposed new ranges would exacerbate existing invasive plant problems. Several mitigation measures would be implemented to avoid invasive plant infestations, monitor invasive plants, and adaptively manage invasive plants during construction and over the life of the proposed training ranges. In addition to project specific mitigations, in compliance with the FNWA, a NWSTF Boardman-wide invasive plant and noxious weed management plan has been prepared and will be implemented as part of the <i>NWSTF Boardman Integrated Natural Resources Management Plan</i> .
EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations	The Navy and ORNG have addressed requirements of EO 12898 in the EIS and have determined that implementation of the Proposed Action would not result in any 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	The Navy and ORNG have addressed requirements of EO 13045 in the EIS and have determined that implementation of the Proposed Action would not result in disproportionate environmental health or safety risks to children.
EO 13175 Consultation and Coordination with Indian Tribal governments	The Commander, U.S. Pacific Fleet invited the following federally recognized American Indian tribes to initiate government-to-government consultation in October 2010: the Confederate Tribes of the Umatilla Indian Reservation(CTUIR), the Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe. As summarized in Appendix C, the Navy's government-to-government consultation with the CTUIR included correspondence, tribal briefings, staff-level consultation phone calls, emails, and meetings, which lead to a formal government-to-government meeting between the CTUIR Board of Trustees and the Commanding Officer of Naval Air Station Whidbey Island on 11 July 2013. Government-to-government consultation for the Proposed Action concluded in October 2015 with a signed Memorandum of Agreement between the Navy, the Oregon State Historic Preservation Office, and the CTUIR. The Memorandum of Agreement is provided in Appendix C. The Confederated Tribes of the Warm Springs Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, and the Nez Perce Tribe did not request government-to-government based on the Navy's October 2010 invitation or subsequent communications.
EO 13423, Strengthening Federal Environmental, Energy, and Transportation Management	In accordance with EO 13423, construction of new range facilities will be in compliance with the Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings.

Table 6-1: Summary of Environmental Compliance for the Proposed Action (continued)

Plans, Policies, and Controls	Status of Compliance
EO 13112 Invasive Species	Executive Order 13112 requires agencies to identify actions that may affect the status of invasive species and take measures to avoid introduction and spread of these species. To the extent invasive species management relates to compliance on NWSTF Boardman, a NWSTF Boardman-wide invasive plant and noxious weed management plan has been prepared and will be implemented as part of the <i>NWSTF Boardman Integrated Natural Resources Management Plan</i> , which ensures compliance with EO 13112.
EO 13514, Federal Leadership in Environmental, Energy, and Economic Performance	In accordance with EO 13514 to create a sustainable energy economy and demonstrate the federal government’s commitment to reducing green house gas emissions, the Navy is committed to improving energy security and environmental stewardship by reducing reliance on fossil fuels. The Navy is actively developing and participating in energy, environmental, and climate change initiatives that will increase use of alternative energy and help conserve the world’s resources for future generations.

Notes: NEPA = National Environmental Policy Act, U.S.C. = United States Code, C.F.R. = Code of Federal Regulations, CEQ = Council on Environmental Quality, EO = Executive Order, EIS = Environmental Impact Statement, ORNG = Oregon National Guard, ESA = Endangered Species Act, MBTA = Migratory Bird Treaty Act, DoD = Department of Defense, CAA = Clean Air Act, RCRA = Resource Conservation and Recovery Act, NHPA = National Historic Preservation Act, EPCRA = Emergency Planning and Right-to-Know Act, FPPA = Farmland Protection Policy Act, USFWS = United States Fish and Wildlife Service, NWSTF = Naval Weapons Systems Training Facility, Navy = U.S. Department of the Navy, UAS = Unmanned Aerial Systems, FNWA = Federal Noxious Weed Act, U.S. = United States, CTUIR = Confederated Tribes of the Umatilla Indian Reservation, MOA = Military Operations Area, NRHP = National Register of Historic Places

6.3 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).

Construction activities associated with the proposed action at NWSTF Boardman would result in the irretrievable commitment of shrub-steppe habitat currently used by numerous species at NWSTF Boardman. The construction of new range enhancements would also result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and diesel construction equipment. Implementation of the proposed action would require fuels used by aircraft, and ground-based vehicles. Since fixed- and rotary-wing flights would increase at NWSTF Boardman, total fuel use would also 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 irreversibly lost.

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