UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

August 27, 2012

Mr. Chris Proudfoot
Naval Facilities Engineering
Command, Southwest
1220 Pacific Highway
San Diego, California 92132-5190

Subject: Final Environmental Impact Statement, Land Acquisition and Airspace Establishment to Support Large-scale MAGTF Live-Fire and Maneuver Training at the Marine Corps Air Ground Combat Center, Twentynine Palms, California (CEQ # 20120246)

Dear Mr. Proudfoot:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the Marine Corps on May 26, 2011. We rated the DEIS as Environmental Concerns – Adequate (EC-1) and expressed concerns regarding impacts to water resources from munitions constituents. We recommended that the Marine Corps conduct sampling to confirm the modeled results of the Range Environmental Vulnerability Assessment (REVA) from 2008, since it predicted that concentrations of some munitions constituents would exceed trigger levels, and that the susceptibility of additional eco-receptors, including birds, be evaluated. Our concerns also regarded impacts to the threatened desert tortoise.

In response to our comment to conduct sampling to confirm the results of the REVA screening model, the Marine Corps states that sampling will occur if future assessments indicate there is a *source, pathway, and receptor with detectable levels of munitions constituents* (p. N.2-19906, p. 4.13-5). Since the REVA concluded that munitions constituents can migrate from the range training areas via dissolution and transport in periodic surface water flows and eventually deposit and accumulate within the playas, and that predicted concentrations of some constituents exceed trigger levels at the edge of the loading areas and/or at the playas (p. 4.13-4), it appears that a source and pathway have been identified. With regard to receptors, based on conversations with your staff, we understand that the only eco-receptors considered were two reptile species classified as threatened or endangered. The FEIS indicates that migratory bird species can congregate at any ephemeral or permanent water sources (p. 3.10-63), and that special status migratory birds have been observed throughout the training areas (p. 3.10-26). It is not clear why migratory shorebirds using the Pacific flyway were not considered potential sensitive eco-receptors at the playas. We continue to recommend that additional eco-receptors be included in the REVA evaluation, and we believe that evaluating birds as eco-receptors would be appropriate. We also continue to recommend that confirmatory sampling occur in the loading areas and the playas, where REVA trigger levels were exceeded, to validate the REVA model predictions regarding the levels of munitions constituents being released off-range.

The FEIS indicates that levels of munitions constituents predicted in 2008 exceeded REVA trigger levels, but the reevaluation of the REVA findings in 2010 predicted no detectable levels (p. 4.13-5). It is not clear why the results differed. We recommend that the Record of Decision (ROD) clarify this and state more specifically the circumstances under which confirmatory sampling and testing would occur at the site.

EPA recommended that DoD commit to a frequency and degree of range clearance commensurate with the increased use of training ranges and munitions, and that this be documented as a special conservation measure in the FEIS. The response to comments states that Chapter 2 has been revised to include a more detailed description of the current range clearance operations, but no additional information was found in Chapter 2 regarding range clearance operations. We recommend that the ROD specify the frequency and degree of range clearance that would be conducted.

In our DEIS comments regarding ephemeral and intermittent streams, we recommended that the Marine Corps contact the Army Corps of Engineers about completing a jurisdictional delineation of aquatic resources in the project study area, since training actions indicated filling activities would occur on the Combat Center. The response to comments acknowledged a 1993 planning level study, which identified 289 washes that were classified as waters of the U.S.; while also stating that playas are not jurisdictional under Swank vs. Cook County and that a jurisdictional delineation is unnecessary. We understand, based on telephone conversations between my staff and Adrianne Soboya of NAVFAC, that the Marine Corps has recently contacted the Army Corps of Engineers, which has agreed to conduct a jurisdictional determination of the entire Combat Center, including any newly acquired areas. We appreciate this effort and continue to offer the following recommendations, which would avoid impacts to habitat values and hydrology: (1) refine training routes of the selected alternative to avoid ephemeral drainages and important playas, (2) ensure proper road design to minimize erosion and sediment deposition in drainages, and (3) explore avoidance of biologically active periods when scheduling Marine Expeditionary Brigade exercises.

Regarding our comment on cultural resources, we recommended that an update to the tribal consultation process be included in the FEIS since the DEIS had stated that no tribal issues were identified as of May 2010. The Marine Corps responded that updated information would be added to Section 4.11 of the FEIS as available, but no additional information is included in this section and the FEIS still states that no major issues have been identified as of May 2010 (p. 3.11-8). Based on a telephone conversation with Ms. Saboya, we understand that tribal consultation has been concluded and no tribal issues were identified. We recommend that this be documented in the ROD.

EPA appreciates the opportunity to review this FEIS. If you have any questions, please contact me at 415-972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178.

Sincerely,

Kathleen Martyn Goforth, Manager
Environmental Review Office

cc: Mark Durham, South Coast Branch Chief, U.S. Army Corps of Engineers