



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

November 14, 2016

Craig Bloxham
c/o Cardno Government Services
3888 State Street, Suite 201
Santa Barbara, California 93105

Subject: Draft Supplemental Environmental Impact Statement (Draft SEIS) for the Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training at Marine Corps Air Ground Combat Center, Twentynine Palms, California (CEQ # 20160221)

Dear Mr. Bloxham:

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.

The Draft SEIS evaluates the environmental effects of implementing alternative plans to translocate Agassiz's desert tortoises (*Gopherus agassizii*) from new training areas acquired by the Marine Corps as evaluated in the 2012 *Land Acquisition and Airspace Establishment to Support Large-Scale Marine Air Ground Task Force Live-Fire and Maneuver Training* Final Environmental Impact Statement. That document included a general translocation plan, but the 2012 Biological Opinion issued by the U.S. Fish and Wildlife Service (USFWS) required development of a detailed translocation plan to translocate desert tortoises from areas that would experience impacts from training. Subsequent to the 2013 Record of Decision, the Marine Corps conducted detailed studies and worked with the USFWS, the California Department of Fish and Wildlife, and the Bureau of Land Management to develop alternative translocation plans. In light of new information gained from these efforts, the Department of the Navy elected to prepare a Supplemental EIS focusing on the evaluation of potential impacts of implementing the alternative tortoise translocation plans.

Based on our review, we are rating the Preferred Alternative 2 as *Lack of Objections (LO)* (see enclosed "Summary of Rating Definitions"). We recommend that the Department of the Navy and the Marine Corps continue to work with the USFWS and other agencies on the desert tortoise translocation and associated studies. While we have no objections to the proposed action, we offer the following comments and recommendations for the Final SEIS:

- The Draft SEIS identifies the preparation of a project-specific health and safety plan as a contract requirement and identifies a number of health and safety issues the plan would address, including: slips, trips and falls; overhead hazards; and potential biological hazardous such as

ticks, scorpions, and venomous snakes. We recommend that the health and safety plan also address Valley Fever, which is present in San Bernardino County at a moderate rate.¹

- The Draft SEIS references the final Council on Environmental Quality (CEQ) *Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*. We appreciate the discussion in the Draft SEIS of the cumulative climate change effects on the desert tortoise and the estimate of greenhouse gas (GHG) emissions from construction and operation of the project. The Draft SEIS compares the estimated annual GHG emissions during the lifespan of the project to the total annual emissions of the entire U.S. (p. 5-26). As is explained in the CEQ Guidance, such comparisons are “not an appropriate method for characterizing the potential impacts associated with a proposed action and its alternatives and mitigations because this approach does not reveal anything beyond the nature of the climate change itself: the fact that diverse individual sources of emissions each make a relatively small addition to global atmospheric GHG concentrations that collectively have a large impact.”² EPA recommends that the Navy remove this comparison in the Final SEIS, consistent with CEQ guidance.

EPA appreciates the opportunity to review this Draft SEIS. When the Final SEIS is released for public review, please send one electronic copy to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 947-4161, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,



Connell Dunning, Acting Manager
Environmental Review Section

Enclosure: Summary of EPA Rating Definitions

cc: Ray Bransfield, U.S. Fish and Wildlife Service
Scott Kerr, U.S. Marine Corps

¹ see <http://www.cdph.ca.gov/HealthInfo/discond/Documents/VFGeneral.pdf>

² CEQ Guidance, p.11.

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."