



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
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San Francisco, CA 94105-3901

March 1, 2021

Jon Haliscak
Air Force Civil Engineer Center
P.O. Box 2324
Phoenix, Arizona 85003

Subject: Draft Legislative Environmental Impact Statement for the Reauthorization of the Barry M. Goldwater Range Land Withdrawal and Proposed Gila Bend Addition Land Withdrawal, Yuma, Pima, and Maricopa Counties, Arizona (EIS No. 20210001)

Dear Jon Haliscak:

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

This draft Legislative Environmental Impact Statement (DLEIS) evaluates the proposed extension of the military land withdrawal and reservation for the approximately 1.7-million-acre Barry M. Goldwater Range in southwestern Arizona. The Air Force is proposing withdrawal of an additional 2,366 acres of public land adjacent to the Gila Bend Air Force Auxiliary Airfield, referred to as the Gila Bend Addition. The EPA submitted scoping comments to the Air Force on May 14, 2020.

We appreciate the Air Force addressing some of the suggestions in our scoping comments such as the inclusion of ecological receptors in the Operational Range Assessments, which evaluate the potential for off-range migration of munitions constituents, and we request additional information in the Final LEIS to support its conclusions. We also recommend the Final LEIS discuss the potential for using existing land use control mechanisms, rather than withdrawal, to achieve the purpose and need for acquiring the southern-most parcels in the Gila Bend Addition. The EPA also provides comments related to the consideration of a 25-year extension as opposed to a 50-year or indefinite one, and continuation of existing administrative jurisdiction to maintain the current collaborative land management partnership with the Bureau of Land Management and U.S. Fish and Wildlife Service into the future. Finally, the EPA provides recommendations for coordination with the U.S. Fish and Wildlife Service to assess, disclose, and mitigate for impacts to large wildlife, including the endangered Sonoran pronghorn, in the context of the current affected environment that includes a newly impassible international border barrier. Our detailed comments are attached.

The EPA appreciates the opportunity to review this DLEIS. When the FLEIS is released for public review, please send one electronic copy to Karen Vitulano, the lead reviewer for this project, at

vitulano.karen@epa.gov. If you have any questions, please contact me at (415) 947-4167, or contact Karen at 415-947-4178 or via email.

Sincerely,

For Jean Prijatel, Manager
Environmental Review Branch

Enclosures: The EPA's Detailed Comments

cc: Ronald Lamb, U.S. Marine Corps
Mike Ouellett, Bureau of Land Management
Erin Fernandez, U.S. Fish and Wildlife Service
Sidney Slone, Cabeza Prieta National Wildlife Refuge
Paul Enriquez, Customs of Border Protection

Potential for Off-Range Contamination from Munitions Constituents (MC)

In our scoping comments, we recommended the DLEIS include a summary and discussion of the most recent Operational Range Assessment and Range Environmental Vulnerability Assessment, which address the potential for off-range migration of MC, and that the reports be appended to the DLEIS. We appreciate reference to ecological receptors as we suggested in our scoping comments, but the DLEIS did not append the reports and lacked sufficient discussion of their conclusions. The DLEIS states only that, for BMGR East, “a potentially complete pathway to ecological receptors was identified via surface water/sediment; however, based on the weight of evidence, no potential risk to ecological receptors was identified” (p. 3-98). Since there was no further discussion or presentation of the evidence, the conclusion is not supported. The DLEIS further states: “All other mechanisms to transport MC through soil and groundwater to off-range areas were deemed unlikely” without indicating how likeliness was determined.

Recommendation: In the FLEIS, provide the evidence referenced that supports the statements that there is no potential risk to ecological receptors via surface water or sediment, and the scientific support that MC are unlikely to be transported off-range via groundwater. Indicate whether ORA/REVA modeling results exceeded any screening level values/thresholds. Specify whether any field sampling and analysis for surface water, sediment, or groundwater has occurred at the range boundaries and, if so, summarize the results. Identify the closest off-range downstream potable water wells.

Withdrawal of Southern Gila Bend Parcels

The proposed action would extend the existing withdrawal of 1,659,365 acres of federal public land for military training and testing. In addition, the Air Force is proposing to withdraw 2,366 acres of additional public land referred to as the Gila Bend Addition. For the northern parcels in this addition (southwest quarter of Section 19 adjacent to Gila Bend Air Force Auxiliary Field (AFAF) and northwest quarter of Section 31), the DLEIS describes a need for enhanced security and safety of flight operations at Gila Bend AFAF. The DLEIS also states that the northwest quarter of Section 31 is needed because a portion is within Accident Potential Zone-1 for Runway 17/35 at Gila Bend AFAF.

In contrast, the rationale for withdrawing the remaining southern parcels of the proposed Gila Bend Addition is not as supported. The DLEIS states that these parcels underlie the R-2305 restricted airspace and therefore the Air Force needs to control the surface land use in this area so it continues to be compatible with training operations in the overlying air space (p. 1-17). However, the DLEIS identifies large areas of restricted airspace that extend beyond the BMGR land boundaries including all of the adjacent Cabeza Prieta National Wildlife Refuge (which comprises approximately 31 percent of the restricted airspace at the BMGR), portions of the Tohono O’odham Nation of Arizona adjacent to the range, and other smaller areas (p. 1-14). Unlike other recent land withdrawal additions such as that for the Nevada Testing and Training, the DLEIS does not identify these southern parcels as being in a weapons safety footprint or accident potential zone. The Bureau of Land Management’s Lower Sonoran Field Office manages the public lands comprising the Gila Bend Addition in accordance with the *Lower Sonoran Resource Management Plan* and the DLEIS indicates that the land is in a relatively natural state, contains no existing utilities, is not part of a formalized or designated recreational area (p. 3-42), has no unique features or through-road travel to attract people to the land (p. 3-93), has not been grazed

in decades (p. 3-107), and has no mineral deposits such that it is likely to be mined (p. 4-10). The DLEIS does not indicate whether the Air Force considered land use control mechanisms rather than withdrawal to control surface land use for these southern parcels. The DLEIS notes that each jurisdiction for perimeter lands surrounding the BMGR has processes in place to coordinate land use activities directly with the BMGR managers and/or through regional planning efforts (p. 3-27).

Recommendation: In the FLEIS, discuss the feasibility of using land use control mechanisms to control surface land use on the southern parcels of the Gila Bend Addition that are not associated with Gila Bend AFAF safety. Consult with the BLM to determine whether land use restrictions and/or permitting could be implemented on these parcels in lieu of withdrawal. We note that visitors to portions of the adjacent BLM Sonoran Desert National Monument are required to obtain a Barry M. Goldwater Range permit¹; therefore, it appears existing permitting mechanisms may be available that could be used or modified to meet the Air Force purpose and need while avoiding further loss of public land.

Administrative Jurisdiction and Withdrawal Period Alternatives

Alternatives 1A, 1B, 2A, and 2B propose to extend the land withdrawal for periods greater than 25 years; 1A and 2A would extend it to 50 years; 1B and 2B would extend the land withdrawal indefinitely. While the DLEIS identifies certain efficiencies in a longer or an indefinite withdrawal period, there are also disadvantages. According to the DLEIS, the decision to reauthorize the BMGR would be a landscape-scale, land-use decision with long-term implications for the BMGR and associated affected environments (p. 80). The Integrated Natural Resource Management Plan (INRMP) states that significant changes in climate in this region will have broad impacts on ecosystems and consequences for biodiversity. The process for updating future land use and sustainability planning, as well as project-level analyses that may be tiered to the LEIS, would benefit from the periodic re-evaluation of the withdrawal as climate change and effects of land use decisions are better understood over time. While the DLEIS indicates that the DoD reviews the continuing need for its installations and other facilities to some degree with every budgeting cycle, and the periodic INRMP updates will still occur regularly, the NEPA process associated with land withdrawal renewals is more comprehensive, covers more resources than the natural resources addressed in an INRMP, and offers the public an additional opportunity for involvement.

Alternatives 1C and 2C address whether to continue the existing administrative jurisdiction that consults with the Department of Interior or permanently transfer administrative jurisdiction of the public lands to the DoD to become a permanent military facility. Transferring jurisdiction would deprive the BLM and the U.S. Fish and Wildlife Service of important preparation and consultation roles when updating the INRMP (p. 2-8), which could affect resource management. We agree with the U.S. Customs and Border Protection² that the existing administrative jurisdiction at BMGR has value.

Recommendation: We recommend continuing with 25-year withdrawal periods to facilitate informed future decision-making based on the most up to date conditions, and to provide the public with an additional opportunity for involvement, especially for those resources that are not included in the INRMP. We also recommend the Secretary of the Interior retain underlying administrative jurisdiction for the withdrawal lands to continue the coordinated interagency land management approach.

¹ <https://www.recreation.gov/camping/gateways/3110#>

² Scoping Report Vol 3 p. G1

Affected Environment and Impacts Related to Large Wildlife Species and Sonoran Pronghorn

The DLEIS does not present updated information in the Affected Environment sections and does not fully assess impacts of the proposed action on large mammal species, including the endangered Sonoran pronghorn, in the context of the newly built international border fence (i.e. wall). As the DLEIS notes, the Department of Homeland Security and Army Corps of Engineers have recently constructed a 31-mile border barrier in BMGR West along the U.S.-Mexico international border, as well as a new 400 foot border barrier in the Roosevelt Reservation within BMGR West to close an existing gap near Border Monument 198 (p. 5-6). These DoD-funded projects utilized a waiver from the Department of Homeland security to waive several environmental and cultural resource protection laws including NEPA and the Endangered Species Act; therefore, the impacts of the border barrier on large mammal species, including the endangered Sonoran pronghorn, were not assessed and disclosed through the NEPA process. Because of DoD's involvement in these projects, it is important that the LEIS fully capture the cumulative impacts to these species and identify potential mitigation that would reduce these impacts.

With regard to the pronghorn, the DLEIS states only that "the border fence and wall, as well as Mexico Highway 2, isolate the Arizona population from the larger Mexican population" (p. 3-70); however, the DLEIS also references the benefit of exchanges of animals across the border to bolster genetic diversity (p. 5-3) indicating the DLEIS has not been updated to reflect current conditions. Elsewhere, the document acknowledges generically that barriers of any kind (highways, fences, railroads, and irrigation canals) on or adjacent to the BMGR are partial or complete barriers to some wildlife movement and limit wildlife access to historic water sources adjacent to the BMGR (p. 3-68), but the implications of this loss for large wildlife species are not presented. It is important to recognize that the land on the Mexico side of the border is protected as the El Pinacate y Gran Desierto de Altar Biosphere Reserve, a biosphere reserve and UNESCO World Heritage Site, and that fourteen wildlife underpasses were constructed on Mexico Highway 2 to facilitate transboundary wildlife movement³.

The DLEIS states that the Air Force and Marine Corps are members of the Sonoran Pronghorn Recovery Team and provide funding and support for Sonoran Pronghorn Recovery Plan efforts such as placing artificial water sources and feed stations, and other management programs beneficial to pronghorn (p. 3-70). If the Air Force intends to obtain administrative jurisdiction for the range from the Secretary of the Interior as proposed for some alternatives, additional actions to support these efforts as well as to promote cross-border connectivity would help mitigate impacts for those alternatives. The Recovery Plan states that Sonoran pronghorn require vast areas of unencumbered open range and this includes the ability to freely travel long distances between localized, seasonally sporadic rainfall in search of sustenance. The ability of such species to migrate to meet their annual needs for survival and reproduction will be vital for their capacity to adapt to climate change effects.

Recommendations: We recommend the FLEIS include a more comprehensive impact assessment for large wildlife species, including the Sonoran pronghorn, in the context of the current affected environment which includes an impassible international border barrier. Consult with the USFWS, as appropriate, regarding these changes to the affected environment in which this renewal action will occur. If DoD assumes full administrative jurisdiction (Alternatives 1C and 2C), we recommend DoD coordinate with USFWS to establish additional protective measures, such as increasing funding for high priority recovery actions for the Sonoran pronghorn. Consult with the CBP to explore opportunities to mitigate the loss of cross-border connectivity for large wildlife, such as providing openings in key wildlife corridors along the

³ *Recovery Plan for the Sonoran Pronghorn*, USFWS, November 2016, p. 89

border, especially ones that correspond with the Highway 2 wildlife underpasses. Ensure the presence of the barrier is accurately portrayed in the FLEIS (updates to Sections 3.1.1, 4.8.1.1, Table 5.1-1, etc. are needed).

Minor comments:

- Presentation of effects in the Executive Summary: Table ES-1 - Summary of Impacts, provides a brief description of the potential impacts associated with each alternative. Because Alternative 2 is additive to Alternative 1, all impacts that would occur under Alternative 1 are also applicable to Alternative 2; however, the table's contents for Alternative 2 include only the impacts associated with the withdrawal of the Gila Bend Addition and makes Alternative 2 appear less impacting. Revise Table ES-1 to indicate that Alternative 2 includes all the impacts listed under Alternatives 1 plus the impacts identified for Alternative 2.
- Executive Order update: Page 3-55 references Executive Order 13834 - *Efficient Federal Operations* stating that federal agencies address GHG emissions through efficient operations, energy and water savings, emission reductions, and renewable energy projects. The referenced portions of this EO were revoked by President Biden on January 20, 2021 via EO 13990 (except for Sections 6,7, and 11 regarding designation of a Chief Sustainability Office which are not referenced in the DLEIS statement). We recommend removing reference to EO 13834.
- Update of National Ambient Air Quality Standards designations: Please note that Ajo is now a designated particulate matter less than 10 microns (PM₁₀) maintenance area,⁴ and West Pinal is now designated as serious nonattainment for PM₁₀.⁵

⁴ See <https://www.govinfo.gov/content/pkg/FR-2020-06-04/pdf/2020-11930.pdf#page=1>

⁵ See <https://www.govinfo.gov/content/pkg/FR-2020-06-24/pdf/2020-12827.pdf#page=1>