

CHAPTER 6 OTHER CONSIDERATIONS REQUIRED BY NEPA

6.1 POSSIBLE CONFLICTS BETWEEN THE ACTION AND THE OBJECTIVES OF FEDERAL, REGIONAL, STATE, AND LOCAL PLANS, POLICIES, AND CONTROLS

Based on evaluation of the action with respect to consistency with land use guidelines for the area surrounding and including the Naval Air Warfare Center Weapons Division (NAWCWPNS) Point Mugu Sea Range and Naval Air Station (NAS) Point Mugu, the action does not conflict with the objectives of federal, regional, state, and local land use plans, policies, and controls. [Table 6-1](#) provides a summary of environmental compliance for the proposed action.

Table 6-1. Possible Conflicts Between the Action and the Objectives of Federal, State, and Local Land Use Plans, Policies, and Controls

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
National Environmental Policy Act (NEPA) (42 United States Code [U.S.C.] § 4321 et seq.) Department of the Navy Procedures for Implementing NEPA (32 Code of Federal Regulations [C.F.R.] 775)	Navy	This Environmental Impact Statement (EIS)/ Overseas EIS (OEIS) has been prepared in accordance with the Council on Environmental Quality (CEQ) Regulations implementing NEPA and Navy NEPA procedures. The preparation of this EIS/OEIS and the provision for its public review are being conducted in compliance with NEPA.
Executive Order (EO) 12114, Environmental Effects Abroad of Major Federal Actions	Navy	EO 12114 requires environmental consideration for actions that may affect the environment outside U.S. Territorial Waters. This EIS/OEIS satisfies the requirements of EO 12114.
Coastal Zone Management Act (CZMA) (16 C.F.R. § 1451 et seq.) California Coastal Act (14 California Code of Regulations [C.C.R.]	California Coastal Commission	The Navy has determined that the proposed action would be consistent to the maximum extent practicable with the enforceable policies of the California Coastal Act and has completed a Coastal Consistency Determination (CCD) in accordance with the CZMA.
Clean Water Act section 401/402 (§§ 401-402, 33 U.S.C. § 1251 et seq.), section 404 (§ 404, 33 U.S.C. § 1251 et seq.) Rivers and Harbors Act (33 U.S.C. § 401 et seq.)	U.S. Environmental Protection Agency (USEPA) / U.S. Army Corps of Engineers (USACE) USACE	The proposed action would not discharge dredged or fill material. Weapons system test and training components would result in contaminant concentrations within applicable saltwater regulatory standards. Therefore, neither a Section 401, 402, or 404 (b) (1) permit in compliance with the Clean Water Act nor a Section 10 permit in compliance with the River and Harbors Act is required.
Clean Air Act (CAA), as amended (42 U.S.C. § 7401 et seq.)	USEPA	Per CAA regulations, the proposed action would not compromise air quality attainment status in California or conflict with attainment and maintenance goals established in its State Implementation Plan (SIP). Therefore, a CAA conformity determination is not required.
EO 11990, Protection of Wetlands (U.S.C. §§ 1221-1226)	Navy	The proposed action would not have a significant impact on wetlands.



Table 6-1. Possible Conflicts Between the Action and the Objectives of Federal, State, and Local Land Use Plans, Policies, and Controls (continued)

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
Endangered Species Act (16 U.S.C. § 1531)	U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS)	<p>The Navy concluded formal Section 7 consultation with the USFWS in January of 1999 for all activities that may affect federally listed species under USFWS jurisdiction located at NAS Point Mugu. The USFWS issued the No Jeopardy Final Programmatic Biological Opinion in June 2001. The Programmatic BO includes all activities addressed in this EIS/OEIS.</p> <p>The Navy concluded a separate formal Section 7 consultation in December 2000 with the USFWS for all activities with may affect federally listed species under USFWS jurisdiction located at San Nicolas Island. The USFWS issued the No Jeopardy Final Programmatic Biological Opinion in October 2001. The programmatic BO includes all activities addressed in this EIS/OEIS.</p> <p>The Navy initiated informal Section 7 consultation during May of 2001 with NMFS for all activities on the Sea Range addressed in this EIS/OEIS. The consultation concluded in January of 2002 with NMFS concurring with the Navy's conclusion that all current and proposed activities will not adversely affect federally listed species.</p>
Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801-1802)	NMFS	The Navy has determined that the proposed action would not adversely affect Essential Fish Habitat; NMFS has concurred with this determination. Therefore, formal consultation with NMFS is not required.
Marine Mammal Protection Act (MMPA) (16 U.S.C. §1431 et seq.)	NMFS	The Navy coordinated with NMFS regarding MMPA permitting issues and applied for and received Incidental Harassment Authorization for launch activities on San Nicolas Island (refer to Appendix E).
EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (Executive Order 12898, 59 Federal Register 7629 [Section 1-101])	Navy	Minority or low-income populations would not be disproportionately affected by the proposed action.
EO 13045, Protection of Children from Environmental Health Risks and Safety Risks (Executive Order 13045, 62 Federal Register 1985)	Navy	The proposed action would not disproportionately expose children to environmental health risks or safety risks.
National Historic Preservation Act (NHPA) (§ 106, 16 U.S.C. 470 et seq.)	Navy	The proposed action would not involve effects on National Register or eligible properties.
EO 13089, Coral Reef Protection (Executive Order 13089, 63 Federal Register 115)	Navy	The proposed action would not affect any coral reef ecosystem.

Table 6-1. Possible Conflicts Between the Action and the Objectives of Federal, State, and Local Land Use Plans, Policies, and Controls (continued)

Plans, Policies, and Controls	Responsible Agency	Status of Compliance
California Coastal National Monument Designation (Presidential Proclamation, January 11, 2000)	Bureau of Land Management (BLM), with management by California Department of Fish and Game	The proclamation designates lands above water in an area on the California coast from mean high tide to a distance of 12 NM in Territorial Waters. San Nicolas Island and the other Channel Islands within the Sea Range are located outside of this designation.
National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.)	National Oceanic and Atmospheric Administration (NOAA)	Aside from aircraft and vessel traffic transiting the area, none of the Navy's proposed activities would take place within the Channel Islands National Marine Sanctuary (CINMS). All Navy Sea Range test and training activities are consistent with CINMS regulations (15 C.F.R. 920.70).
EO 13158, Marine Protected Areas (Executive Order 13158, 65 Federal Register 105)	Navy	"Marine Protected Areas" (MPAs) have not yet been officially designated under EO 13158.
EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds (Executive Order 13186, 66 Federal Register 11)	Navy	The proposed action would not have a measurable negative effect on migratory bird populations.

6.2 ENERGY REQUIREMENTS AND CONSERVATION POTENTIAL OF THE PROPOSED ACTION AND ALTERNATIVES

The proposed action includes Theater Missile Defense, Training, and Facility Modernization elements that would be implemented at the Point Mugu Sea Range, NAS Point Mugu, and San Nicolas Island. Energy required to successfully implement the proposed action would include fossil fuels and electricity needed to power aircraft, missiles, targets, vehicles, vessels, and equipment. Fuels for Navy and contractor vehicles and vessels are currently available and are in adequate supply from Navy-owned sources or from area commercial distributors. Required electricity demands would be supplied by the existing electrical service at NAS Point Mugu and San Nicolas Island or by generators.

Proposed new construction would comply with local and state codes which are designed to promote energy efficiency, water conservation, and the use of renewable energy sources. Facilities to be constructed would be designed with energy-efficient heating and cooling systems.

Direct energy requirements of the proposed action are limited to those necessary to operate vehicles, vessels, and equipment. No superfluous use of energy related to the proposed action has been identified, and proposed energy uses have been minimized to the maximum extent possible without compromising the integrity of the testing, training, and facility modernization activities. Therefore, no additional conservation measures related to direct energy consumption by the proposed action are identified.

6.3 IRREVERSIBLE OR IRRETRIEVABLE COMMITMENT OF RESOURCES

NEPA (42 U.S.C. § 4321 et seq.) requires an analysis of irreversible and irretrievable effects. Resources that are irreversibly or irretrievably committed to a project are those that are used on a long-term or



permanent basis. This includes the use of nonrenewable resources such as metal, fuel, and other natural or cultural resources. Human labor is also considered a nonrenewable resource. These resources are nonrenewable or irretrievable because they would be used for the proposed action when they could have been used for other purposes. Another issue that falls under the category of the irreversible and irretrievable commitment of resources is the unavoidable destruction of natural resources, which could limit the range of potential uses of that particular environment.

The proposed action would constitute an irreversible or irretrievable commitment of nonrenewable or depletable resources for the materials and energy expended during implementation of the Theater Missile Defense, Training, and Facility Modernization elements. The proposed testing and training could be accommodated by use of existing equipment and infrastructure at NAS Point Mugu and San Nicolas Island. However, proposed construction and renovation projects are relatively minor and would not significantly affect supplies of nonrenewable or depletable resources.

In addition, the Navy applies an active Pollution Prevention Program to all aspects of its activities. It is Navy policy to conduct its programs to reduce to the maximum extent possible the quantity of toxic chemicals entering the environment. Pollution prevention is not pollution control but a comprehensive set of practices which results in a reduced volume of wastes to be dealt with or transferred to the environment.

Implementation of the proposed action would not result in the destruction of environmental resources such that the range of potential uses of the environment would be limited. The proposed action would not adversely affect the biodiversity or cultural integrity of the Point Mugu Sea Range, Point Mugu, or San Nicolas Island marine, terrestrial, or human environment. Therefore, although the proposed action would require the use of nonrenewable and depletable resources, the Navy would attempt to minimize the irreversible or irretrievable commitment of resources associated with the proposed action.

6.4 RELATIONSHIP BETWEEN SHORT-TERM ENVIRONMENTAL IMPACTS 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 refers to the possibility that choosing one development option reduces future flexibility in pursuing other options, or that giving over a parcel of land or other resource to a certain use often eliminates the possibility of other uses being performed at that site.

Implementing the Theater Missile Defense, Training, and Facility Modernization elements of the proposed action would involve the additional use of vehicles, vessels, and equipment which are currently used for other purposes. The majority of the activities addressed in this EIS/OEIS would be categorized as long-term. For example, although the use of the target areas may be of short duration, the target areas would receive increased and repeated use. The same is true of the use of the airspace of the Point Mugu Sea Range and the proposed extended use of the facilities at NAS Point Mugu and San Nicolas Island. Short-term construction activities would result in new and renovated facilities.

The proposed Theater Missile Defense, Training, and Facility Modernization elements would result in both short-term environmental effects and long-term productivity. Short-term effects would be primarily related to construction activities and individual testing and training events which would include air emissions, noise, increases in air and vessel traffic, and an increase in the amount of weapons testing and training debris entering the Sea Range. From the long-term perspective, increased use of the Point Mugu

Sea Range, NAS Point Mugu, and San Nicolas Island would increase the productivity of NAWCWPNS Point Mugu. This would meet the established NAWCWPNS Point Mugu mission to conduct state-of-the-art weapons system testing and evaluation and provide a realistic training environment. The proposed action would also meet the long-term goal of allowing the Navy to successfully meet current and future defense requirements. The proposed action would not be expected to result in any impacts that would reduce environmental productivity, permanently narrow the range of beneficial uses of the environment, or pose long-term risks to health, safety or the general welfare of the public.



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