

Response to Comments

Environmental Assessment for the La Posta Warfare Training Facility

DOI-BLM-CA-060-0010-0002-EA

On October 16, 2009, the Bureau of Land Management (BLM) initiated a 30-day public review period for the *La Posta Warfare Training Facility Environmental Assessment*. The Environmental Assessment (EA) and associated documents were published on BLM's Palm Springs-South Coast Webpage (<https://www.blm.gov/ca/st/en/fo/palmsprings.html>), including instructions regarding submission of comments. The Webpage cited November 14, 2009 as the closing date for comments. The purpose of the Environmental Assessment was to disclose environmental impacts that would result from the proposed action and alternatives, and provide the public an opportunity to review and comment prior to BLM's determination whether the proposed action would constitute a major federal action and if significant impacts to the environment would result.

In response, the BLM received one comment via facsimile on November 14, 2009 from *Save Our Forest And Rangelands* ("SOFAR"). Additional copies of this comment were received via electronic mail and U.S. Postal Mail Service. The comment is attached in its entirety. A summary of the comment and response follows:

Summary of "SOFAR" Comments and BLM Response

- 1. The National Environmental Policy Act ("NEPA") requires the Department of the Navy (DON) to prepare an Environmental Impact Statement ("EIS") for all "major federal actions significantly affecting the human environment". The EA fails to comply with NEPA's mandate to demonstrate why potential effects of the proposed action are insignificant and do not constitute further analysis through preparation of an EIS.**

Response:

The EA identified the environmental elements within the project area that are potentially affected by the proposed action and alternatives. These elements were described within the Affected Environment portion of the EA and were thoroughly analyzed within the Environmental Consequences section of the EA. The analysis demonstrates that, given adherence to applicable law and regulation, best management practices, as well as conservation and mitigation measures, the Proposed Action would have less than significant effects on the environment. The Finding of No Significant Impacts (FONSI) summarizes this analysis.

2. The Environmental Assessment report does not provide adequate justification for the purpose and need of the proposed action.

Response:

The purpose of the Proposed Action is to provide the Navy with a semi-remote Mountain Warfare Training Facility (MWTF) for unconventional warfare and tactical intelligence training located close to training commands and existing military support functions in San Diego. The use of local facilities allows Sea, Air, and Land Teams (SEALS) to constantly maintain their combat skill while lessening time spent away from home and base of operations. Withdrawing these BLM lands prevents conflicting land uses from occurring that would interfere with longterm training operations at this location. Whether or not the United States should be engaged in warfare is not within the purview of this NEPA analysis.

3. The Environmental Assessment report does not provide sufficient analysis of alternatives to the proposed action. The EA identifies six military facilities as potential alternatives, but eliminated them based on failure to meet criteria. The document failed to take the requisite “hard look” at the proposed alternatives and address whether other means of environmental protection were available. The EA does not undertake a “full and meaningful” evaluation of the No Action Alternative.

Response:

The EA outlines six siting criteria used in determining if alternative locations effectively satisfy the purpose and need of the proposed action. These criteria require a semi-remote mountain warfare training facility in close proximity to command and support facilities in San Diego (as provided under Section 1.2, page 1-9, last paragraph of the EA). Other facilities in southern California were considered, however, none were able to adequately satisfy all criteria after careful evaluation. A summary of this analysis is provided in Section 2.4 of the EA.

The requirement for training facilities is derived from the Navy’s mandate to organize, train, equip, and maintain combat-ready naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas (Title 10 U.S. Code [USC] §5062). Title 10, USC, charges the Chief of Naval Operations (CNO) with responsibility for ensuring the readiness of the nation’s naval forces. Ensuring readiness of special warfare personnel to operate in mountainous terrain and environmental conditions similar to those found on the battlefield is a key element in the Proposed Action. The environmental assessment adequately evaluates seven potential alternatives and the no action alternative.

The Proposed Action and alternatives provide sufficient information for the BLM to recommend to the Secretary of the Interior whether or not to transfer jurisdiction of lands administered by the

Department of the Interior to the Department of the Navy for a mountain warfare training facility. In addition, the Proposed Action and alternatives provide sufficient information for the BLM to make an informed decision whether or not to grant the Department of the Navy a right-of-way for conducting SEAL training exercises on BLM administered lands.

- 4. Failure to analyze adequately the impact of the Proposed Action on biological resources. The analysis regarding the impact of the proposed action on the endangered arroyo toad (*Bufo microscaphus californicus*) is inadequate. The EA fails to analyze potential impacts to non-breeding habitat for the arroyo toad, and the potential indirect impacts that could occur by impacting arroyo toad food sources. The EA does not analyze the severe adverse impacts that could occur to the habitat within the Peninsular Range ecosystem. EA fails to mention or analyze the impact on mountain lion (*Puma concolor*) and the golden eagle (*Aquila chrysaetos*).**

Response:

This proposal is located approximately three miles southeast of Cottonwood Creek, an area that is known to support a breeding population of arroyo toads. On 13 October 2009, the U.S. Fish and Wildlife Service (USFWS) issued a proposed rule to revise critical habitat designations for the arroyo toad (74 Federal Register 52612), including San Diego County. The U.S. Fish and Wildlife Service is the lead agency responsible for carrying out the Endangered Species Act (ESA), which includes decisions regarding which habitats provide the primary constituent elements and the resulting physical and biological features essential to the conservation of the arroyo toad, including non-breeding upland habitat. The existing La Posta MWTF and proposed expansion lands were not included in the 13 October 2009 proposed critical habitat designation. According to the proposed rule, USFWS modeled critical habitat by assuming a maximum distance from breeding habitat of 1,500 meters (4,921 ft.) on flat areas or up to 25 meters (82 ft) in elevations above the stream channel for potential dispersal by toads to upland foraging areas. This proposal is beyond the area modeled for upland non-breeding habitat use. In addition, the Navy completed a Section 7 Consultation under the ESA for impacts to listed species. The resulting biological opinion, issued by the USFWS, did not cover impacts to the arroyo toad because proposed activities would not affect this species. Given the distance of La Posta from the nearest breeding population of arroyo toad, recent proposed critical habitat designation, and the completion of the ESA consultation, the conclusion of no significant impacts to the arroyo toad is valid.

The EA adequately analyzes impacts to biological resources, including large mammals and sensitive birds. Surveys conducted for the proposed action documented the presence and use of the site by large mammals, including mountain lion (*Felis concolor*), mule deer (*Odocoileus hemionus*) and coyote (*Canis latrans*) (see page 3-63 in the EA). Use of the area by Golden

Eagles (*Aquila chrysaetos*) was also confirmed by the observation of a soaring bird during the 2004 survey, but no sign of eagle nesting was observed (see page 3-62 of the EA). The proposed action would not result in a significant impact to these biological resources as the 60 acres of developed facilities is only 2 percent of the total 3,385 acres of the project area. In addition, the level of impact from the proposed training activities, involving primarily foot traffic, would allow for continued use of the area by wildlife. The large La Posta linkage and migration corridor would continue to provide ample habitat and vegetation to support the use and movement of large mammals, and the area would continue to provide habitat for sensitive avian species including the Golden Eagle.