

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for the Final Environmental Impact Statement for Testing and Training Activities in the Patuxent River Complex

AGENCY: Department of the Navy, Department of Defense.

ACTION: Record of Decision.

SUMMARY: The United States (U.S.) Department of the Navy (Navy), after carefully weighing the strategic, operational, and environmental consequences of the Proposed Action, announces its decision to conduct testing and training as identified in Alternative 2, the Navy's Preferred Alternative, of the Final Environmental Impact Statement (EIS) for Testing and Training Activities in the Patuxent River Complex (PRC). Implementation of this alternative will enable the Navy and other U.S. military services to meet their respective missions. The Navy's mission, under Section 8062 of Title 10 United States Code (U.S.C.), is to maintain, train, and equip combat-ready military forces capable of winning wars, deterring aggression, and maintaining freedom of the seas. The Navy will continue to implement the full suite of mitigation measures detailed in Table 3.10-1 (Impact Avoidance and Minimization Measures) of the PRC Final EIS to avoid or reduce potential environmental impacts during testing and training activities.

The Navy's action proponent for this proposal is the Naval Air Systems Command, Naval Air Warfare Center Aircraft Division.

FOR FURTHER INFORMATION CONTACT: Naval Air Warfare Center Aircraft Division Sustainability Office, 23013 Cedar Point Road, Building 2118, Patuxent River, MD 20670-1183, Attention: Crystal Ridgell, EIS Project Manager, 301-757-5282 or project website: www.prceis.com.

A. SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, Sections 4321 *et seq.* of Title 42 U.S.C., Council on Environmental Quality regulations (Parts 1500-1508 of Title 40 Code of Federal Regulations (CFR)), and Department of Navy regulations (Part 775 of Title 32 CFR), the Navy announces its decision to implement the Navy's Preferred Alternative, Alternative 2, including the full range of mitigation measures and standard operating procedures, as described in the PRC Final EIS. This decision will enable the Navy to provide Sailors and Marines with equipment and technology that operate effectively and safely to support current and projected future military readiness requirements. The study area for the EIS consists of airspace that overlies portions of Maryland, Virginia, and Delaware, as well as land and water areas that support the testing and training of Navy and Marine Corps aircraft and aircraft systems. A detailed description of Alternative 2 is provided in Chapter 2 (Proposed Action and Alternatives) of the PRC Final EIS.

B. BACKGROUND AND ISSUES: The Navy has conducted aircraft testing and training in the PRC since the commissioning of Naval Air Station (NAS) Patuxent River on April 1, 1943. NAS Patuxent River is headquarters to the Naval Air Warfare Center Aircraft Division, the Navy's primary testing, engineering, and Fleet support activity for naval aircraft, engines, avionics, and aircraft support systems, responsible for scheduling and conducting military readiness activities within the PRC. Military readiness activities analyzed in the PRC Final EIS are consistent with those analyzed in the December 1998 *Final EIS for Increased Flight and Related Operations in the Patuxent River Complex* (1998 PRC EIS) and are representative of the types of testing and training the Navy has been conducting in the PRC for decades. Since that time, the types, tempos, and mix of aircraft, non-explosive munitions, and systems have changed; different types of testing and training activities and new technologies have been introduced; and the PRC Study Area has been expanded. As a result, the EIS assessed the potential environmental impacts associated with the continuation of and adjustments to current testing and training activities conducted within the PRC Study Area.

Purpose and Need

The purpose of the Proposed Action is to provide Sailors and Marines with equipment and technology that operate effectively and safely to support current and projected future military readiness requirements. The need for the Proposed Action is to maintain military readiness of naval forces capable of winning wars, deterring aggression, and maintaining freedom of the seas, now and into the future, consistent with Section 8062 of Title 10 U.S.C.

Public Involvement

The Navy published a Notice of Intent to prepare an EIS in the Federal Register on February 15, 2019 (84 Federal Register [FR] 4457), initiating a 45-day public scoping comment period through April 1, 2019. The Navy also published advertisements in eight newspapers, distributed press releases, provided notification on the project website, and mailed 118 notification letters to key stakeholders and 237 postcards to project mailing list recipients. Four scoping meetings were held from March 4 through March 7, 2019, in Heathsville, Virginia, as well as in California, Princess Anne, and Cambridge, Maryland. A total of 23 comments were submitted by federal and state agencies, nongovernmental organizations, individuals, and community groups through either the project website, at the scoping meetings, or by mail or e-mail. Comments received during the scoping period were considered in preparing the PRC Draft EIS.

The Navy published a Notice of Availability of the PRC Draft EIS in the Federal Register on April 30, 2021 (86 FR 22963), opening a 45-day public comment period through June 15, 2021. The Navy also published advertisements in eight newspapers, distributed press releases, provided notification on the project website, and mailed 85 notification letters to key stakeholders and 238 postcards to project mailing list recipients. An additional 2,397 postcards were sent to individuals in environmental justice communities surrounding NAS

Patuxent River. The PRC Draft EIS was also made available on the project website and sent to seven libraries. Two virtual public meetings were held on May 18 and 19, 2021 with ten attendees in total. Six comments, including two letters, were submitted through the project website, and additional letters from the U.S. Environmental Protection Agency (EPA) and Virginia Department of Environmental Quality were received by mail. Comments received on the PRC Draft EIS were considered in the analysis in the PRC Final EIS. The comments and the Navy's responses are included in Appendix M (Public Comment Responses) of the document.

The Navy published the Notice of Availability of the PRC Final EIS in the Federal Register on March 25, 2022 (87 FR 17084), beginning a 30-day wait period ending on April 25, 2022. The Navy also published advertisements in six newspapers, distributed press releases, provided notification on the project website, and mailed 104 notification letters to key stakeholders and 244 postcards to project mailing list recipients. The PRC Final EIS was also made available on the project website and sent to seven libraries. Comments received during the 30-day wait period and the Navy's responses are provided at the end of this Record of Decision.

Alternatives Considered

The identification, consideration, and analysis of alternatives are critical components of the NEPA process and contribute to the goal of informed decision-making. The Navy developed a range of alternatives to meet the purpose of and need for the Proposed Action based on the operational tempos projected by Navy subject matter experts, recent military policy and best available data, and screening factors including testing and training requirements and range complex capacity to host testing and training events. Alternatives that did not meet the purpose and need, or satisfy the screening factors, were considered but not carried forward for detailed analysis and included alternative testing and training locations and simulated testing and training only.

Three alternatives were analyzed in the PRC Final EIS; a No Action Alternative and two action alternatives. The Navy's current mitigation measures and standard operating procedures are incorporated into and will be implemented under all alternatives.

- **No Action Alternative.** Under the No Action Alternative, the Navy would continue testing and training activities within the PRC at the same annual flight hours and mix of aircraft, non-explosive munitions, and systems as is currently being conducted based on a 10-year operational baseline. This baseline includes testing and training activities analyzed in the 1998 PRC EIS and subsequent Environmental Assessments. The No Action Alternative does not meet the Navy's purpose of and need for the Proposed Action.
- **Alternative 1.** Under Alternative 1, the Navy would conduct the same types of testing and training activities within the PRC as the No Action Alternative, but with higher annual flight hours as well as adjustments to current aircraft mix, non-explosive

munitions numbers, and systems to accommodate projected testing and training requirements identified by Navy subject matter experts for the foreseeable future. This alternative is based on the annual level of increased operational tempo required to meet typical readiness of naval forces for the foreseeable future but not during increased global conflicts. Alternative 1 also includes adjustments to enhance certain aircraft squadron activities and adds the testing of directed energy technologies to address new and emerging threats.

- **Alternative 2 (Preferred Alternative)**. Under Alternative 2, the Navy would conduct the same types of testing and training activities within the PRC as Alternative 1, but with increased annual number of flight hours as well as adjustments to the current aircraft mix, non-explosive munitions numbers, and systems to accommodate projected testing and training requirements identified by Navy subject matter experts for increased global conflict. This alternative is based on the maximum potential annual level of increased operational tempo required to maintain readiness of naval forces for the foreseeable future and during increased global conflicts. Under this alternative, the Navy would be able to meet the highest level of military readiness.

Environmental Impacts

The following is a summary of the potential environmental impacts on each resource area associated with implementing Alternative 2, the Preferred Alternative. The potential impacts of proposed activities are minimized by established standard operating procedures discussed in Chapter 2 and avoidance and mitigation measures described in Table 3.10-1 of the PRC Final EIS.

Airborne Noise. Analysis of potential noise impacts includes calculating noise levels expected to occur from acoustic sources (e.g., aircraft and non-explosive munitions) and determining potential effects to the community. The Navy based its noise analysis on the 65 A-weighted decibel (dBA) day-night average sound level (DNL); the federal standard metric at which a community may experience high annoyance from aircraft noise. Supplemental metrics were used to further assess impacts to 15 representative noise-sensitive locations, such as residences, schools, churches, and parks, in the vicinity of the air station. The Navy assessed impacts on indoor and outdoor speech interference, classroom learning interference, sleep disturbance, and potential hearing loss. Noise impacts due to subsonic and supersonic aircraft flights within the PRC airspace and non-explosive munitions fired into the Chesapeake Bay Water Range were also assessed.

Acoustic: The intensity of the loudest aircraft noise levels experienced will not change, however, the frequency of noise events will increase, resulting in 1,370 acres of land area exposed to 65 dBA DNL or greater noise levels near NAS Patuxent River. The estimated population within the 65 dBA DNL or greater noise contours will be

2,803 compared to the current (baseline) population of 1,129. Aircraft noise levels will remain below 65 dBA DNL near Outlying Field Webster.

The DNL at representative locations studied will increase by up to 2 decibels (dB). The average number of speech interference events per daytime hour will change by one or less than one depending on location. The average number of speech interference events outdoors per hour will increase by one at 6 of the 15 representative locations studied. Eight-hour equivalent sound level at two schools will increase by 2 dB to 61 and 62 dBA, respectively, while other schools studied will remain below 60 dBA. Classroom speech interference events per average hour will increase by less than one. The probability of sleep disturbance will increase by 1 percent at three of the representative locations if windows are open, at two locations if windows are closed, and by less than 1 percent at other locations studied. The risk of hearing loss risk will remain low at locations off the installation.

Noise levels beneath the PRC airspace will increase by less than 3 dB, remaining below 55 dBA onset-rate adjusted monthly day-night average sound level. Munitions and sonic boom noise levels will remain below 50 dB C-weighted DNL on all land areas. Sonic boom intensity will not change, and munitions noise will remain below 115 peak decibels (dBP) on land.

Air Quality. The Navy evaluated how and to what degree the pollutants associated with testing and training activities potentially impacted air quality within the PRC Study Area. The Navy also conducted a General Conformity applicability analysis and found pollutant emissions to be well below the *de minimis* level. Thus, a formal General Conformity determination was not applicable.

Pollutants: Pollutant emissions will increase over baseline levels, but still will not exceed regulatory thresholds, and will continue to represent a very small portion of the overall PRC Study Area annual emissions that contribute to regional air quality. Specifically, all criteria pollutants from PRC testing and training reflect a 7 percent or less change in the PRC Study Area emissions compared to baseline.

Water Resources and Sediments. The Navy analyzed the potential impacts to sediments from testing and training activities that interact with the Chesapeake Bay floor. In addition, the analysis evaluated the extent to which the release of military expended material constituents could directly or indirectly impact sediments or water quality such that beneficial uses will be adversely affected.

Physical Disturbance: Minor, localized, and short-term changes to bottom contours and bottom type will occur as well as increases in turbidity associated with re-suspended sediments from physical disturbances to bottom sediments from initial impact and recovery of munitions and other MEM from the Chesapeake Bay floor as well as from anchor deployments and similar activities.

Pollutants: Proposed testing and training activities will result in a minor potential for releases of MEM constituents, but these releases are not expected to exceed water quality criteria or sediment guidelines. Pollutants will not adversely affect a designated

beneficial use or pose unacceptable risks to human health or the environment.

Combined Impacts: Impacts will consist of minor, localized, short-term increases in turbidity and decreases in dissolved oxygen due to resuspension of bottom sediments related to physical disturbance.

Biological Resources. The Navy evaluated the potential impacts to estuarine vegetation, estuarine animals, terrestrial vegetation, and aerial and terrestrial animals from testing and training activities within the PRC Study Area. No long-term/population-level impacts are expected for any biological resource in accordance with the analysis summarized below.

Estuarine Vegetation. Estuarine vegetation (e.g., marsh plants, seagrass beds) may be affected by physical disturbance and strike, pollutants, indirect/secondary (effects on an organism's overall habitat, nutrition sources, or major predators), and combined impacts from mostly water-based assets as well as by directed energy weapon systems testing and associated unmanned aerial systems (UAS) targets expended in the Bloodsworth Island Range surface danger zone. However, the damaging effect of these localized and infrequent or temporary activities is not expected to result in any long-term/population-level impacts on estuarine plant species. Directed energy weapon systems testing over estuarine waters may damage plant tissue at or above the surface, but the effect will be unlikely to occur and/or insignificant in terms of population-level effects on estuarine plant species.

Estuarine Animals. Estuarine animals, including shellfish beds, sturgeon, sea turtles, water birds, and marine mammals, may be affected by acoustic, physical disturbance and strike, pollutants, energy, entanglement, ingestion, indirect/secondary, and combined impacts from mostly air- and water-based assets and associated weapons firing/MEM. However, the mostly behavioral response to these localized and infrequent or temporary activities is not expected to result in any long-term/population-level impacts on estuarine animal species. Estuarine animals, including shellfish beds, sturgeon, and sea turtles, are not sensitive to mid-frequency sounds from dipping sonar and active sonobuoys. Marine mammals are sensitive to mid-frequency sonar, but impacts from this rare activity will be avoided with application of established avoidance and mitigation measures and other factors. Directed energy weapon systems testing and associated UAS targets expended in the Chesapeake Bay Water Range and Bloodsworth Island Range surface danger zone are very unlikely to coincide with the occurrence of rare species (e.g., sturgeon, sea turtles, marine mammals) at the surface, and it will be unlikely to harm large and resilient animals in the event of a brief exposure. Impacts on smaller estuarine animals could be more damaging, but will be unlikely and insignificant in terms of population-level effects.

Terrestrial Vegetation. Terrestrial vegetation, in mostly previously disturbed land areas, may be affected by physical disturbance and strike, pollutants, indirect/secondary (effects on an organism's overall habitat, nutrition sources, or major predators), and combined impacts from land-based assets. However, the damaging effect of these

localized and infrequent or temporary activities is not expected to result in long-term/population-level impacts on terrestrial plant species. In addition, freshwater vegetation will not be affected. Terrestrial vegetation may be damaged by directed energy weapon systems testing and associated UAS targets recovered over previously disturbed areas, but the effect will not be significant. No effect on freshwater plants is expected from directed energy weapon systems testing.

Aerial and Terrestrial Animals. Aerial and terrestrial animals, including rare tiger beetles, shore birds, and wading birds, may be affected by acoustic, physical disturbance and strike, pollutants, energy, indirect/secondary, and combined impacts from mostly air- and land-based assets. Freshwater animals may be affected by noise when their head is above water. However, the mostly behavioral response to these mostly localized and infrequent or temporary activities is not expected to result in long-term and/or population-level impacts on aerial, terrestrial, or freshwater animal species. Rare species (e.g., tiger beetles, some wading/shore birds) are very unlikely to coincide with directed energy weapon systems testing over terrestrial areas and effects will be insignificant in terms of population-level effects on more-common animals. No effect on freshwater animals is expected from directed energy weapon systems testing.

Public Health and Safety. The Navy analyzed the potential impacts to public health and safety associated with the Proposed Action, such as exposure to aircraft noise and risks for public interaction with aircraft flights, vessels, and MEM.

Acoustic: Six U.S. Census Bureau block groups in the PRC Study Area will be exposed to noise levels between 65 and 70 dBA DNL. However, only three of these block groups have potential for disproportional impacts because they include higher percentages of children than Calvert and St. Mary's Counties as a whole. An estimated 593 children experiencing noise levels above 65 dBA DNL contours will occur, an increase of 354 from baseline conditions. No children will be affected by noise levels above 70 dBA DNL. Aircraft noise levels will be less than 65 dBA DNL at all locations on and near Outlying Field Webster. The aircraft noise associated with the existing operations is intermittent; therefore, the Navy does not anticipate any significant disproportionate health impacts to children caused by aircraft noise.

Physical Disturbance and Strike: Release of non-explosive munitions and other MEM primarily occurs in the Chesapeake Bay Water Range and is focused around the munition concentration areas. The Navy recovers expended UAS targets and surface targets, to the extent practicable, to avoid them becoming a collision risk. Unrecoverable pieces of MEM are typically small (such as sonobuoys), constructed of soft materials (such as foam-filled plastic), or intended to sink to the bottom after their useful function is completed and, therefore, will not pose a strike risk to civilian vessels or equipment.

Public Interaction: Increased flight activities increase the potential for flight mishap or bird/animal aircraft strike hazard incidents but established management strategies will minimize risk. With regard to

vessel safety, the Navy practices the fundamentals of safe navigation, requiring vessel operators to be alert at all times, travel at a safe speed for the prevailing conditions, use state-of-the-art satellite navigational systems, and be trained to take proper action to avoid collisions. Dive sites will be easily avoided by vessels conducting testing or training activities. Similar knowledge and avoidance of popular fishing areas will minimize interactions between testing and training activities and recreational fishing. The public may encounter MEM; however, most of this material does not pose a potential for safety impacts. Testing with directed energy weapons will follow strict procedures to ensure that non-participants are not exposed to intense light energy or microwave frequencies. These activities will occur within range and/or installation boundaries and exclusive use airspace where the public will not be impacted.

Combined Impacts: Commercial and recreational fishing activities could encounter MEM that could pose a strike risk, while the public may also encounter MEM that may wash up on shore. The potential for combined impacts will be greater due to increased operations. However, established procedures described above (e.g., recovering expended targets and MEM, public avoidance of testing and training areas) will ensure that these combined impacts will result in minimal risk to public health or safety.

Land Use. Analysis included if and how noise impacted land use compatibility with any applicable land use or zoning regulation resulting from changes in noise levels associated with the Proposed Action.

Acoustic: The loudest aircraft noise levels will not change, but the frequency of noise events will increase. Larger DNL noise contours and noise exposure will occur, encompassing a larger land area and increasing from 594 acres to about 1,370 acres (excluding 12,153 acres over water). The increased land area exposed to 65 dBA DNL includes residential land to the south and southwest of the airfield, with an estimated 416 acres of residential area newly exposed to noise levels at or above 65 dBA DNL. Some areas will experience increased noise exposure at levels above recommended noise compatibility guidelines based on specific land uses. Land areas along the shoreline to the west of Hooper Target may continue to experience peak noise levels below 115 dB peak pressure (dBP) but greater than 87 dBP; at these levels, land use compatibility guidelines recommend attenuation for structures for residential land uses. Lexington Manor Passive Park and John G. Lancaster Park will experience slight increases in noise exposure, and John G. Lancaster Park will be newly exposed to levels of 70 to 75 dBA DNL and greater in portions of the park. The projected noise levels are considered compatible land uses under Air Installations Compatible Use Zone guidelines, but some persons familiar with the parks may notice the slight increase in noise.

Socioeconomics. The Navy's analysis focused on the potential impacts to commercial and private air traffic within the PRC airspace, commercial and private vessel transportation, commercial and recreational fishing within the Chesapeake Bay Water Range, and other recreational activities throughout the PRC Study Area. The mid-

Chesapeake Bay is known for its large military presence, and the majority of local boaters have experienced military events in this region for decades.

Acoustic: Noise generated from Navy vessels is temporary and localized and is consistent with the ambient noise environment of the inshore waters of the Chesapeake Bay and within the PRC Study Area. Potential impacts from aircraft and munitions noise associated with Navy testing and training to commercial and private vessel transportation, commercial and recreational fishing participants, and other recreational users (e.g., divers, swimmers) will be similar in nature to current operations but more frequent. Due to the increases in PRC operational tempos, noise will likely impact a greater number of commercial and recreational participants who may be present near the Chesapeake Bay Water Range (outside of any established range safety clearance areas).

Public Interaction: Potential impacts to socioeconomic resources from public interaction will be similar in nature, but more frequent and, therefore, likely to impact a greater number of people. Testing and training within the Chesapeake Bay Water Range may require clearance of commercial and recreational participants within small portions of the Bay, especially around Hannibal and Hooper Targets. Potential impacts for public interaction during the use of directed energy weapon systems will not be likely, as these activities will occur within range and/or installation boundaries and exclusive use airspace.

Combined Impacts: For all vessel and recreational activities in the PRC Study Area, combined impacts will primarily occur when the Chesapeake Bay Water Range is active. Navy practices such as range clearance will minimize the potential for public interaction between the Navy and commercial or recreational users of the study area while also providing greater separation from acoustic sources. Regardless of range status, the Navy practices safe navigation and, therefore, the primary impact will be from noise.

Environmental Justice. The Navy analyzed impacts associated with noise on off-installation environmental justice communities that are potentially exposed to noise levels at or above 65 dBA DNL from noise sources associated with testing and training activities within the PRC Study Area.

Acoustic: There are six U.S. Census Bureau block groups within the affected area, defined as the area with 65 dBA DNL or greater noise levels, five of which have environmental justice communities present. The increase in the frequency of aircraft operations will expose a larger area, and therefore more residents (including minority and low-income populations), to noise levels of 65 dBA DNL or greater. Out of the total population estimated to reside within the affected area, approximately 1,239 people (44.2 percent) will be minority and approximately 392 people (14.0 percent) will be low-income, indicating that the majority (more than half) of the total affected off-installation population will not be identified as minority or low-income. However, the Navy has identified two block groups in St.

Mary's County that are within the affected area and where minority environmental justice communities are present and comprise the majority of the total population (more than half) compared to the non-minority population. Existing disparities in St. Mary's County are seen by race/ethnicity-uninsured populations and a higher percentage of persons were below the poverty level in Black or African-American populations. Since two block groups have a higher percent of minority populations than non-minority populations affected, and existing health disparities between minority populations and non-minority populations could amplify noise impacts to environmental justice communities within the affected area, the Navy has determined that there will be disproportionately high and adverse impacts to minority populations in these two block groups from noise levels of 65 dBA DNL or greater.

Cultural Resources. The Navy evaluated cultural resource assets (e.g., architectural sites, underwater historic properties) for potential impacts associated with the Proposed Action.

Acoustic: The incremental increase in overflights of any individual historic resource will be infrequent and of short duration and will not diminish the characteristics that make the site eligible for the National Register of Historic Places; the minor change to the historic setting will not change the character or use of the historic properties. The minimal increase in visual or audible elements introduced by testing and training activities will not diminish the integrity of the properties' significant historic attributes and will not alter the characteristics that qualify them for inclusion in the National Register of Historic Places. Therefore, the proposed increased use of the PRC Study Area will cause no adverse effect to the historic properties beneath the airspace.

Physical Disturbance and Strike: The proposed increased use of the PRC Study Area will not affect underwater historic properties in the Chesapeake Bay.

Combined Impacts: There will be no combined impacts to any cultural resource because cultural resources on land will only be subject to noise, and cultural resources in water will only be subject to the physical disturbance and strikes.

Cumulative Impacts. The Proposed Action will contribute incremental effects to airborne noise, air quality, water resources and sediments, biological resources, public health and safety, land use, socioeconomics, and environmental justice. When considering other past, present, and reasonably foreseeable future regional projects, there could be an overlap spatially and temporally with the Proposed Action, resulting in potential cumulative impacts. Implementing the Proposed Action will not result in a meaningful contribution to the ongoing stress or cause significant impact on any resource, but it could contribute minute impacts on resources that are already experiencing various degrees of interference and degradation. The existing standard operating procedures discussed in Chapter 2 and avoidance and mitigation measures described in Table 3.10-1 of the

Final EIS will limit the likelihood of overlap of impacts caused by the Proposed Action in time and space with non-Navy actions.

Agency Consultation and Coordination

The Navy consulted and coordinated with federal and local agencies concurrent with the release of the PRC Draft EIS. A summary of the results from each consultation and coordination process is included below:

- **Endangered Species Act (ESA).** In accordance with section 7 of the ESA, the Navy consulted with the National Marine Fisheries Service on Atlantic and shortnose sturgeon as well as green, Kemp's ridley, leatherback, and loggerhead sea turtles. NMFS concurred with the Navy's ESA "may affect, not likely to adversely affect" determinations in a letter dated September 2, 2021. Additionally, the Navy informally consulted with the U.S. Fish and Wildlife Service Chesapeake Bay Field Office on the eastern black rail, northern long-eared bat, red knot, northeastern tiger beetle, puritan tiger beetle, and West Indian manatee. The U.S. Fish and Wildlife Service concurred with the Navy's ESA "may affect, not likely to adversely affect" determinations in a letter dated May 20, 2021.
- **Magnuson-Stevens Fishery Conservation and Management Act.** The Navy consulted with the Mid-Atlantic Field Office Supervisor and Essential Fish Habitat Coordinator, National Oceanic and Atmospheric Administration Greater Atlantic Regional Fisheries Office, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. The National Marine Fisheries Service provided a letter dated June 15, 2021 containing three conservation recommendations. The Navy agreed to implement one recommendation - to avoid conducting vessel operations over known submerged aquatic vegetation beds and oyster reef habitats to the extent practicable. The other two recommendations were not operationally practicable or feasible. The Navy's response was documented in a letter dated August 12, 2021 and no further consultation was required.
- **Coastal Zone Management Act.** Coastal Consistency Determinations were prepared and submitted to the Maryland Department of Natural Resources and the Virginia Department of Environmental Quality. A Negative Determination was prepared and submitted to the Delaware Department of Natural Resources and Environmental Control. Concurrence was received from Virginia and Delaware in letters dated June 9 and May 12, 2021, respectively. Concurrence was received from Maryland in an e-mail dated September 30, 2021.
- **National Historic Preservation Act.** In compliance with Section 106 of the National Historic Preservation Act, the Navy consulted with the State Historic Preservation Officers of the Maryland Historical Trust, Virginia Department of Historic Resources, and Delaware Division of Historical and Cultural Affairs. All concurred with the Navy's determination that the Proposed Action and alternatives will have no adverse effect on historic

properties in letters dated April 1, June 9, and July 8, 2021, respectively.

Mitigation Measures

No new mitigations are included as part of the Proposed Action. The Navy has been mitigating the impacts from military readiness activities conducted throughout the PRC for more than two decades in accordance with the 1998 PRC EIS as well as Environmental Assessments completed since that time. Current mitigations implemented by the Navy derive from these existing NEPA documents or are voluntary, as noted in Table 3.10-1 of the PRC Final EIS, and primarily address potential impacts to airborne noise, biological resources, land use, and environmental justice. No new mitigations have been identified since publication of these existing NEPA documents. The Navy will continue to implement all current mitigations listed below. The Navy will also continue to apply the standard operating procedures incorporated into the Proposed Action discussed in Chapter 2 of the PRC Final EIS.

For Airborne Noise:

- Maintain a noise disturbance reporting system.
- Provide aircrew noise awareness briefs.
- Follow supersonic event restrictions and maintain sonic boom monitoring system.
- Utilize expanded UAS routes.
- Limit Open-Air Engine Test Cell operations.

For Airborne Noise, Land Use, and Environmental Justice:

- Employ sonic boom prediction tool.

For Biological Resources:

- Monitor for marine species prior to mid-frequency active sonar system events.
- Monitor for marine species prior to mine countermeasure testing events.
- Maintain aircraft flight restrictions over Hannibal Target during peregrine falcon nesting season.
- Maintain altitude restrictions over Bloodsworth Island Range during migratory waterfowl season.
- Close one terrain flight area landing zone during northern diamondback terrapin nesting season.

For All Resource Areas:

- Continue the test plan environmental review process.

Responses to Comments Received on the PRC Final EIS

The Navy received one comment letter from EPA, Region III containing three comments each on environmental justice and biological resources. All comments are consistent with those received during scoping and PRC Draft EIS public comment periods, adding no new substantive information that was not already considered in the preparation of the PRC Final EIS and this Record of Decision.

While these are not substantive or new comments, the following summarizes EPA comments and provides Navy responses for the PRC Final EIS:

Comments 1-3 (EPA, Region III): Three comments focused on the specific mitigation measures and procedures that reduce disproportionately high and adverse impacts to environmental justice communities. EPA requested that the Navy consider additional mitigation to offset impacts on environmental justice communities.

Response: The Navy has taken a number of steps to specifically engage environmental justice communities as well as implemented mitigation measures and standard operating procedures to reduce the impacts of noise for all populations, including environmental justice communities. There are no additional mitigation measures available that can reduce impacts on environmental justice communities.

The Navy will continue its public outreach efforts to ensure that impacted environmental justice populations are kept informed and involved on Navy actions that may have potentially adverse noise impacts. For example, the Navy's noise abatement programs include establishing a real estate disclosure clause to notify prospective buyers of potential impacts from nearby military installations. In addition, during the public comment period for the PRC Draft EIS, the Navy specifically engaged environmental justice communities through the following methods:

- Mailed 2,397 postcards specifically targeted toward environmental justice communities to provide notification of the availability of the PRC Draft EIS and dates and times for participation in the virtual public meetings.
- Distributed copies of the PRC Draft EIS and factsheet booklet to the St. Mary's County Lexington Park Library located within an environmental justice community.
- Ensured that virtual public meetings had a call-in number to facilitate participation if Internet access was not available.
- Held two virtual public meetings on different days and times to increase accessibility.
- Posted records of the virtual public meetings on the project website for additional access to project information.

The Navy will also continue all noise mitigation measures and standard operating procedures listed in the PRC Final EIS and in this Record of Decision in an attempt to minimize noise impacts for impacted populations, including environmental justice communities. For example, limitations on supersonic flights and Open-Air Engine Test Cell Facility operations are measures the Navy practices where the impacted populations include environmental justice communities. Other measures (e.g., the noise disturbance reporting system) track the location of the reporting entity and, therefore, an increase of reporting within an environmental justice community may be addressed specifically, if

indicated. However, there has been no elevated concern expressed by environmental justice communities.

Comments 4-5 (EPA, Region III): Two comments focused on existing or proposed Navy research on biological resources, and how those studies are used to incorporate adaptive management actions and appropriate minimization measures into management plans and monitoring efforts.

Response: The Navy provides extensive investment for research programs in basic and applied research. For example, the NAS Patuxent River Natural Resources Program continually updates its understanding regarding the presence and abundance of biological resources in and around PRC land and water areas, as well as how best to avoid or minimize the effects of testing and training activities on sensitive resources. This will continue with implementation of the Proposed Action.

Natural resource managers at the NAS Patuxent River understand how to apply new information from ongoing and future research to ensure the proposed level of testing and training activity does not significantly impact biological resources. For example, the NAS Patuxent River Fisheries Management program maintains a balance between the military mission and ecological integrity of waters and fishery resources by implementing management and conservation measures developed through research and monitoring.

Documents that guide and direct current and future monitoring and management efforts include both the PRC EIS as well as management plans that are updated on a regular basis. Across the PRC Study Area, test plan evaluation criteria, operating instructions, standard operating procedures, and Integrated Natural Resource Management Plans (INRMPs) are routinely evaluated and updated as necessary to incorporate the state of the science. For example, NAS Patuxent River has an active natural resources management program and a bird/animal aircraft strike hazard plan that are periodically updated to reflect updated research and studies. INRMPs address the policies and practices that eliminate or reduce conflicting natural resources and mission goals in PRC jurisdictions. In addition, these plans propose to enhance natural diversity and reduce overall management costs. INRMPs also apply adaptive management so that monitoring, research, analysis, and feedback inform whether management actions are achieving their desired effect and what to do if they are not.

Comment 6 (EPA, Region III): One comment focused on Navy efforts to continue to pursue innovation to reduce the amount of discarded plastics and other man-made materials that may have adverse effects on biological resources.

Response: As it has for decades, the Navy will continue to pursue innovation to reduce the amount of discarded plastics and other man-made materials that may have potentially adverse effects on the environment. The Naval Air Warfare Center Aircraft Division will encourage Navy Program Manager Air offices to look for more environmentally friendly options to plastics and other man-made materials through programs such as the Strategic Environmental

Research and Development Program and the Environmental Security Technology Certification Program.

C. CONCLUSION: After carefully considering the purpose of and need for the Proposed Action, operational and readiness requirements identified by Navy subject matter experts, analysis of environmental effects in the PRC Final EIS, and comments received by regulatory agencies and the public, I have determined that the PRC Final EIS Preferred Alternative (Alternative 2) best meets the needs of the Navy. Implementation of Alternative 2 will enable the Navy to fully meet the Navy's current and future testing and training requirements in the PRC Study Area. By applying standard operating procedures and continuing mitigation measures identified in the PRC Final EIS and in this Record of Decision, the Navy has adopted all practicable means to avoid or minimize environmental harm from the selected alternative.

13 May 2022

Date

Mr. Karnig Ohannessian
Deputy Assistant Secretary of the Navy
(Environment and Mission Readiness)