

## Appendix E

### Reviewing Officer Instructions

Pacific Northwest Electronic Warfare Range

Decision Notice

and Finding of No Significant Impact



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**File Code:** 2700; 1950  
**Date:** March 29, 2017

Dear Objector:

This letter is in response to your objection to the draft Decision Notice and Finding of No Significant Impact (DN/FONSI) for the Pacific Northwest Electronic Warfare Range Environmental Assessment (EA), located on the Pacific Ranger District, Olympic National Forest. I have read your objection and the objections submitted by others, and reviewed the project record, the draft DN/FONSI, and the final EA. My review of your objection was conducted in accordance with the regulation at 36 CFR 218 (2013).

### PROJECT DESCRIPTION

On November 29, the legal notice announcing the objection filing period for the Pacific Northwest Electronic Warfare Range EA was published in *The Daily World* and *The Peninsula Daily News*. The project is a proposal from the US Navy to operate a Mobile Electronic Warfare Training System via vehicle-mounted emitters in the Olympic National Forest to facilitate training in the Olympic Military Operations Area and Warning Area 237. The Navy wrote/issued the EA, which the District adopted. Upon signing of the final DN/FONSI by the District Ranger for the Pacific Ranger District, Olympic National Forest, the Navy would be issued a Special Use Permit for this training.

### OBJECTION ISSUE DISCUSSION

Objectors raised issues on the following topics: Land and Resource Management Plan and National Environmental Policy Act (NEPA) violations; extension of the objection filing period; impacts to flora and wildlife (terrestrial and marine); effects on human health; pollution; impacts to recreation and tourism; the need for an Environmental Impact Statement (EIS); noise impacts; impacts to National Heritage Sites; impacts to scenic and aesthetic values; scientific accuracy and integrity; availability of documents, the response to comments, and Freedom of Information Act (FOIA) requests; new information; fire risk; violations of the Wilderness Act; overall direct, indirect, and cumulative impacts; inadequate notification; climate change; tiering, adoption, past NEPA documents, and incorporation by reference; and radiation exposure hazard.

As authorized by the regulation at 36 CFR 218.11, I did not hold an objection resolution meeting because I determined that there was not adequate time remaining in the review period to make a meeting practical. After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI and project record, I have determined that additional clarity needs to be made to the final DN/FONSI in order to respond to the objection issues that were raised, and instruct the Responsible Official, the District Ranger for the Pacific Ranger District, to make the following clarifications, which I have summarized from the enclosed objection response document:

**Final Remedies/Resolution for Effects on Wildlife (terrestrial and marine):** While the EA and wildlife effects table provided in the project record together form most of the components



required for a biological evaluation, additional clarity could be gained by further explaining in the final DN/FONSI the absence of cumulative effects from the proposed activity. Additionally, while the wildlife effects table appropriately disclosed an effects determination for each species to supplement the analysis in the EA, the final DN/FONSI could further explain the rationale used to draw those conclusions in a clear path of logic. This could be achieved by adding a column to the wildlife effects table where the rationale could be succinctly summarized for each species (with likely the same rationale for most species).

There is much concern from the public regarding the electromagnetic signals emitted by the mobile emitters. The EA and response to comments repeatedly point out that these emitters are directional. Further clarity could be achieved by clarifying the limits to the signal broadcasted as noted above. This information could also be provided in the wildlife effects table document to show both the public and decision maker that the space affected by these signal emissions are quite narrow.

**Final Remedies/Resolution for Recreation/Tourism:** While the EA, response to comments, and draft DN/FONSI documented that the use of mobile emitters would not substantially impact recreation and tourism, to alleviate concerns regarding recreational experiences, the final DN/FONSI should articulate that the special use permit administration includes inspections by the Forest Service to ensure compliance with the permit.

**Final Remedies/Resolution for Noise:** As noted in the enclosed response document, the Navy further explained how the use of mobile emitters would not substantially increase noise from either the emitters or overflights. For clarity, I instruct the Responsible Official to include that information provided by the Navy in the final DN/FONSI. In addition, I would like the Responsible Official to explore incorporation of existing noise monitoring efforts as part of project implementation to further our understanding of possible impacts to wildlife. One such opportunity may be acoustic monitoring for the northern spotted owl, associated with monitoring under the Northwest Forest Plan.

**Final Remedies/Resolution for National Heritage Site:** As noted in the enclosed response document, for clarity, a statement similar to “the Forest Service has no authority over this National Heritage Site” should be included in final DN/FONSI.

**Final Remedies/Resolution for Direct, Indirect and Cumulative Impacts:** While the direct, indirect, and cumulative effects were appropriately considered with regard to effects from the mobile emitters, as noted in the response document, for clarity, the final DN/FONSI could clarify that for noise, there are no expected cumulative effects because of the lack of overlapping activities in time and space that could contribute to noise impacts.

**Final Remedies/Resolution for Tiering/Adoption/Past NEPA Documents/Incorporation by Reference:** As noted in the response document, the final DN/FONSI should incorporate the 2016 US Fish and Wildlife Biological Opinion by reference.

I am enclosing a written response to your objection issues and those raised by others. My final response to the Responsible Official is summarized below.

## RESPONSE

Specific to your objection, I conducted my review of the record, final EA, response to comments and draft DN/FONSI. Based on my review, I conclude the following:

- The draft decision clearly describes the actions to be taken in sufficient detail that the reader can easily understand what will occur as a result of the draft decision.
- The draft decision considered a range of alternatives in the EA that was adequate to respond to the Purpose and Need. The Purpose and Need and alternatives considered in the EA reflect a reasonable range of alternatives, consistent with law, regulation, and policy.
- The draft decision is consistent with Forest Plan standards and guidelines.
- The draft decision is consistent with all policy, law, direction, and supporting evidence. The record contains site-specific documentation regarding resource conditions, and the Responsible Official's draft decision document is based on the record and reflects a reasonable conclusion.

This concludes my written review of the project. By copy of this letter and the enclosed response document, the Responsible Official will clarify the final decision as documented above. Upon completing the clarifications, he will sign the final decision and then notify interested and affected persons in accordance with the regulation at 36 CFR 218.12 and 36 CFR 220.7(d). This written response is the final administrative review by the Forest Service or the Department of Agriculture [36 CFR 218.10(b)(2)].

Sincerely,

RETA LAFORD

Forest Supervisor

Enclosure: Objection Statements and Responses (21 pp.).

cc: Debbie Anderson, Heidi Hopkins, Dean Millett

**Objection Statements and Responses  
PNW Naval Electronic Warfare Range  
Environmental Assessment (EA)  
Olympic National Forest  
March 2017**

**Objectors**

There were 111 eligible Objectors

**Objection Number**

See list at end of this document

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**Land and Resource Management Plan and National Environmental Policy Act Violations**

**Overview and Objector's Suggested Remedies:** Objectors expressed general disagreement for the project and believe that the project area should be protected and not used for the Navy's "experiments". Objectors also do not believe that the project complies with the Master Agreement between the Department of Defense and the Department of Agriculture, does not fit within the Forest Service's mission and violates the Land and Resource Management Plan (Forest Plan), the National Environmental Poly Act (NEPA) (because it fails to consider impacts to geology, water, land use, cultural, transportation, socioeconomics and environmental justice, and children), the Organic Act and the National Forest Management Act (NFMA). Several objectors further noted that neither the Secretary of Agriculture nor the Secretary of Defense has the authority to define the appropriate use of the national forest and that the Master Agreement signed by the Secretaries incorrectly relies on the Organic Act to justify military use on national forests. Finally, some objectors stated that the Environmental Assessment (EA) failed to consider the Forest Plan's special-use permitting standard (LRMP at IV-55). The suggested remedy is to not complete the project.

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft Decision Notice and Finding of No Significant Impact (DN/FONSI), and project record, I find that the Responsible Official's draft decision to issue a Special Use Permit (SUP) will not violate law, regulation, or policy, and that it complies with the Forest Plan and NFMA.

The SUP discusses why the Olympic National Forest is necessary to use for this activity and demonstrates why other areas are not suitable. EA Appendix C at 15-16. The Department of the Navy was instructed to evaluate other Department of Defense locations, other federal lands, and other government lands before it can acquire an interest in land with a private entity. See the SUP Application at 15.

In addition, the draft DN/FONSI states that the project is consistent with the Land and Resource Management Plan Standards and Guidelines. Draft DN/FONSI at 18-21.

Protection measures identified in the SUP will provide special protection for wildlife, plant, and fish species as identified by the Regional Forester under Forest Service Manual (FSM) 2670, pursuant to consultation conducted under section 7 of the Endangered Species Act. Permit holders are required to take any protective and mitigative measures specified by the permit; these protective measures are described in the EA at 2-4.

The Organic Administration Act of 1897 authorizes the Forest Service to permit military use on National Forest System lands. It provides that: "No national forest shall be established, except to improve and protect the forest within the boundaries, or for the purpose of securing favorable conditions of water

flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States." The Navy's proposed action does not restrict or affect the Forest Service in implementing its mission of stewardship of the nation's national forests. The Navy's EA analyzed impacts to other resources such as public health and safety, biological resources, noise, air quality, and visual resources. The analysis shows that there will be no significant impact to these resources. Finally, the proposed action is in compliance with the Master Agreement Concerning The Use of National Forest System Lands for Military Activity, Signed by the Secretary of Defense (22 September 1988) and the Secretary of Agriculture (30 September 1988). EA Response to Comments, Appendix B at 69.

With regard to the draft SUP, I find that the mobile emitter use is consistent with Special Uses (1990 Forest Plan, pp. IV-55-56) standards and guidelines for Lands because: the Navy considered alternatives and determined that the actions cannot be accommodated on private lands; the actions are consistent with, or neutral to the Management Area goals and desired future conditions; the Navy completed and furnished the necessary environmental analysis; the actions qualify as suitable use for National Forest System roads as described above under facilities; and the encumbrances affect minimum areas for limited duration. Draft DN/FONSI at 20.

I also find that the public's needs and interests are considered and analyzed in detail EA at 3.1-4 to 3.1-8, and conclude that protection measures are in place to protect the public from the proposed activities, and that no significant health or safety impacts to the public would occur as a result of implementation of Alternative 1. See Standard Operating Procedures list in Public Access and Safety, Section 3.1.1.5 of the EA.

**Final Remedies/Resolution for Land Management Plan/NEPA Violations:** The District's draft DN/FONSI complies with relevant law, regulation and policy. No remedy or resolution is needed.

#### **Extension of Objection Period**

**Overview and Objector's Suggested Remedies:** These objection issues are focused on requesting that the Forest extend the 45-day objection comment period because the objection comment period occurred over the holidays, which was their suggested remedy.

**Response:** I find that the Responsible Official complied with the appropriate Code of Federal Regulations (36 CFR 218.6) in allowing the public the appropriate time to file an objection to this project. The regulation at 36 CFR 218.6(d) also states that time extensions are not permitted except when the final day for objection falls on a Saturday, Sunday, or Federal Holiday then the time for objection is extended to the next Federal working day. The objection period for this project closed on Friday January 13<sup>th</sup>, a normal Federal working day. As such, the objection period was not extended.

**Final Remedies/Resolution for Extension of Objection Period:** The administrative review regulation specifically states that the objection filing period cannot be extended. No remedy or resolution is needed.

#### **Effects on Wildlife (terrestrial and marine)**

**Overview and Objector's Suggested Remedies:** These objection issues are focused on the concern that the District did not consider the potential adverse effects on wildlife (including amphibians, reptiles, butterflies, bees, frogs, birds, etc.) that microwave frequencies/radiation may cause, including impacts

to hearing, neurological functions, etc., and that there isn't adequate research that substantiates the lack of adverse impacts to plants and animals. Suggested remedies include not completing the project and analyzing effects in an Environmental Impact Statement (EIS).

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI, and project record, I find that the Forest adequately addressed the effects of microwave frequencies on wildlife species potentially found in the project area, including threatened and endangered species.

The EA discussed relevant research from multiple sources as well as potential effects of electromagnetic radiation to various species of wildlife from multiple sources. EA at 3.2-25 and 3.2-26. Additional effects analysis was conducted by a Forest Service wildlife biologist to disclose effects to Endangered Species Act listed species, Forest Service sensitive and strategic species, survey and manage species, management indicator species, amphibians, reptiles, and neotropical migratory birds. This supporting effects analysis is contained in the project record. The EA discussed relevant research and disclosed that various adverse effects from electromagnetic radiation are possible to wildlife species. EA at 3.2-25 and 3.2-26.

The EA includes disclosure that there are known adverse impacts to various species of wildlife from prolonged exposure to electromagnetic radiation. The analysis also draws from research using emitters at similar wavelength and transmission power to those proposed for use in the EA. EA at 3.2-26.

Additionally, the response to comments included additional rationale for effects determinations with regard to risk to wildlife from electromagnetic radiation. Draft DN/FONSI Appendix B at 24-26 and at 66. The response to comments also addressed concerns regarding downward directed radiation by clarifying that the aircraft would not emit signals, but would instead be receiving the signals from the mobile emitters. Draft DN/FONSI Appendix B at 12. For clarity, it would be helpful to include information regarding the directional signal broadcast dimensions included in the final decision in order to address concerns about species in the canopy.

Impacts to species listed under the Endangered Species Act of 1973 are disclosed in the EA (at 3.2-24 and 3.2-25 for noise, and 3.2-26 for electromagnetic radiation), and in the Biological Opinion (BO) (at 15 – 17 for spotted owls, and at 229-233 for marbled murrelet). Both documents concluded that the proposed activities may affect the two listed species, but after in-depth analysis the US Fish and Wildlife Service (USFWS) determined that the actions consulted, including those associated with this SUP, are "not likely to adversely affect the spotted owl" (BO at 17), and "not likely to jeopardize the continued existence of the marbled murrelet" (BO at 266).

**Objector Statement:** Several objectors stated that the USFWS BO failed to consider several studies, including Engels, S. et al. 2014, Shannon et al. 2015, and Hayward et al. 2011, and failed to consider the Harlequin duck.

**Response:** After reviewing the USFWS's BO and the Navy's EA, I find that while the BO and the EA do not refer specifically to Engels et al. 2014, both documents refer to literature that have similar findings to those contained in Engels et al. 2014. This includes findings that birds (and other forms of wildlife) are affected by exposure to electromagnetic radiation in various ways, and that species may be affected by the signals produced by the mobile emitters. EA at 3.2-25 – 3.2-26, BO at 228 – 231. It should also be noted that the electromagnetic signals tested in Engels et al. 2014 was constant exposure and at a

much lower frequency (50 kHz to 5 MHz; Engels et al. 2014 at 1) than the intermittent signals emitted by the equipment proposed for use in the EA (4-8 GHz; EA at 3.1-2 and 3.2-26).

The Shannon et al. reference cited is not included in the BO; however, it is a synthesis paper, and not a study with results necessarily specific to the case at hand or the issuance of the SUP, nor does it necessarily contradict the findings of the BO.

The BO referred to Hayward et al. 2011 at least 7 times throughout the document. BO at 14 and at 219. The US Forest Service does not control what literature the USFWS considers to formulate a BO.

The BO is a document that is produced as a result of interagency consultation under the Endangered Species Act of 1973, as a result only species listed under the Endangered Species Act as threatened or endangered are included in the BO. Endangered Species Act of 1973 at Section 7. The Harlequin duck (*Histrionicus histrionicus*) is not listed under the Endangered Species Act at this time and so would not be included in a BO. See the USFWS website at <https://ecos.fws.gov/ecp0/profile/speciesProfile?spcode=B093>.

**Objector Statement:** Some of the objectors request that the Navy must be required to perform mitigation and periodic review of literature dealing with migrating birds and magnetic fields before allowed to proceed with the project. Other objectors request that monitoring of wildlife populations and shifts occur.

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI, and project record, I find that two main forms of mitigation are part of the project design and standard operating procedure, including cessation of activities in event of wildlife persisting at the site (EA at 3.1-5, Draft DN/FONSI Appendix C at 13-14), and the use of directional emission equipment (which reduces exposure to adjacent wildlife species; EA at 3.2-26) which will not broadcast at less than 0 degrees in elevation, also reducing potential exposure. Draft DN/FONSI Appendix C at 13.

The SUP is planned to be issued for 5 years (Draft DN/FONSI Appendix C at 2); at the conclusion of that time, the terms of the permit will be reviewed to determine if new or changed circumstances have arisen that would require additional analysis, as provided for in the FSH 1909.15, 18.

**Objector Statement:** Objector states that the Draft EIS for EA-18G "Growler" Airfield Operations at NASWI Complex states that aircraft ground sound levels can reach levels of 116 dba and that the BO states that noise levels above 92 dba can harm northern spotted owls and marbled murrelet.

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI, and project record, the EA does not address flight operations because it is covered under the 2015 EIS.

The information in the table referenced (EIS for EA-18G "Growler" Airfield Operations at NASWI Complex at 3-6) by the objector describes that 116 dBA applies to ground-level noise when a "growler" aircraft flies over at 200 feet above the ground, which is well below the minimum flight elevation discussed in this project's EA, which is 2000 feet above the ground at the highest suitable habitat. EA at 3.6-61. The BO refers to 92 dBA as being the threshold for disturbing nesting spotted owls and murrelets. USFWS BO at 11 and at 207. The USFWS considered this information in the issuance of their BO.

**Objector Statement:** Objector is concerned that the critical habitat of the marbled murrelet and the northern spotted owl will be threatened and these special status species will be effected by noise, radiation and electromagnetic radiation.

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI, and project record, I find that the EA addressed potential affects to the marbled murrelet and the northern spotted owl and their respective designated critical habitat.

The BO determined that "no effects to the critical habitat are anticipated" for marbled murrelet. BO at 266. The BO does not mention designated critical habitat for northern spotted owl. This may be because the Northwest Training and Testing EIS included a "no effect" determination for both marbled murrelet and northern spotted owl (EIS at 3.6-90), which does not initiate consultation. I did find that the effects determination in the Navy's EA and the draft DN/FONSI do not match. Therefore, I instruct the Responsible Official to ensure that all effects determinations match for documents that are within the purview of the Forest Service. See the EA at 3.2-24 and 3.2-26.

The BO at 41 summarized the mobile electromagnetic emitters range, shape and dimensions, along with the radiation hazard minimum safe separation distance. For traveling wave tube amplifier emitters, the range of wave frequencies is predicted to be 4-8 GHz and will have a cone shape. The dimensions of the signal is proposed to be 8.1 degrees and the safe distance separation is 30.8 meters or 101.1 feet. For magnetron emitters, the range of wave frequencies is predicted to be 6.7 to 7.4 GHz and will have a wedge shape. The dimensions of the signal is proposed to be 9 degrees horizontal and 27 degrees vertical, and the safe distance separation is 8.9 meters or 29.3 feet. This information should be included in the final DN/FONSI.

**Final Remedies/Resolution for Effects on Wildlife (terrestrial and marine):** While the EA and wildlife effects table provided in the project record together form most of the components required for a biological evaluation, additional clarity could be gained by further explaining in the final DN/FONSI the absence of cumulative effects from the proposed action. Additionally, while the wildlife effects table appropriately disclosed an effects determination for each species to supplement the analysis in the EA, the final DN/FONSI could further explain the rationale used to draw those conclusions in a clear path of logic. This could be achieved by adding a column to the wildlife effects table where the rationale could be succinctly summarized for each species (with likely the same rationale for most species).

There is much concern from the public regarding the electromagnetic signals emitted by the mobile emitters. The EA and response to comments repeatedly point out that these emitters are directional. Further clarity could be achieved by clarifying the limits to the signal broadcasted as noted above. This information could also be provided in the wildlife effects table document to show both the public and decision maker that the space affected by these signal emissions are quite narrow.

### **Effects on Human Health**

**Overview and Objector's Suggested Remedies:** Objectors are concerned that the District did not adequately address the effects of mobile electromagnetic radiation emitters on human health or safety, including effects from noise and a potential plane crash. Other objectors stated that the research by Focke et al. 2009 is irrelevant to the type of radiation proposed and would like to see relevant studies used in a new analysis. Remedies include not completing the project and analyzing effects in an EIS.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that the Forest adequately addressed the effects of mobile electromagnetic radiation emitters on human health in order for the Responsible Official to be able to make an informed decision. The EA addressed effects of emitters on human health and safety as well as lists numerous project design criteria to help protect the general public. EA at 3.1-1 to 3.1-8.

Noise intensity from mobile emitters is addressed in the EA. EA at 3.3-1 to 3.3-8. Noise from growlers is thoroughly addressed in the Northwest Training and Testing EIS. NWTT Appendix J.

In the response to comments the District noted that “The USFS Fire & Aviation Management operates within The National Cohesive Wildland Fire Management Strategy, to include provisions for managing human-caused ignitions, including aircraft accidents. As the number of flights is not expected to increase significantly, and the flight altitude’s at which this activity is conducted is not planned to change, there is no expected change in risk from aircraft operations. Current USFS Fire and Aviation Management capabilities are detailed in the USFS *National Aviation Safety and Management System Guide*. The guide describes authority, roles, responsibilities, programs, and activities for the application, implementation, and maintenance of Aviation Safety Management System (SMS) in the USFS. Although this SMS primarily supports USFS aviation activities, most USFS aviation assets are former U.S. military aircraft that pose the same hazards as the proposed EW training activities. As such, the implemented system is sufficient to support the proposed EW training activities.” Response to Comment at 34.

**Final Remedies/Resolution for Effects on Human Health/Safety:** The effects on human health and safety were fully analyzed. No resolution or remedy is needed.

### **Pollution**

**Overview and Objector’s Suggested Remedies:** These objection issues are focused on the concern that the increased flights over the District will cause pollution. Remedies include not completing the project and analyzing effects in an EIS.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that the project will comply with the Clean Air Act.

A review of the record showed that electronic warfare aircraft training is already being conducted in and around the Olympic Peninsula. EA Appendix B, Response to Comments at 19. The number, duration, and frequency of aircraft flights are not projected to increase substantially when the proposed improvements to the training area are in place. NWTT EIS at 3.2. The Navy has been flying in this area for more than 40 years and flight activities will continue regardless of whether or not the special use permits are approved. The EA at 3.4 addressed air quality impacts from the construction activities at Pacific Beach and the increased ground vehicle and generator use associated with the mobile transmitters proposed to be parked on Forest Service existing roads. Additionally, the Northwest training and Testing EIS at 3.2 addressed air quality emissions associated with various Navy activities in the northwest, including aircraft training.

The EA Appendix B, response to comments at 20 includes information regarding Executive Order 13693 of March 19, 2015 (Planning for Federal Sustainability in the Next Decade). This executive order excludes aircraft and support equipment used in training from greenhouse gas emission reductions. Section 19 (k) states: “excluded vehicles and equipment” means any vehicle, vessel, aircraft, or non-

road equipment owned or operated by an agency of the Federal Government that is used in combat support, combat service support, tactical or relief operations, or training for such operations or spaceflight vehicles.

The cumulative impacts of pollution are identified in the Northwest Training and testing EIS at 4.4.3 and states “As detailed in Section 3.2 (Air Quality), increased training and testing activities conducted under Alternatives 1 and 2 would result in increased criteria pollutant emissions and hazardous air pollutant emissions throughout the Study Area. Sources of the increased emissions would include vessels and aircraft, and to a lesser extent munitions. Potential impacts include localized and temporarily elevated pollutant concentrations. Recovery would occur quickly as emissions disperse, and there would be no significant impact on air quality. The impacts of Alternatives 1 or 2 would be cumulative with other actions that involve criteria air pollutant and hazardous air pollutant emissions.” The analysis concludes the incremental contribution of Alternatives 1 or 2 to cumulative impacts would be low.

**Final Remedies/Resolution for Pollution:** The EA documented that any potential increase in pollution would be minimal. No remedy or resolution is needed.

### **Recreation/Tourism**

**Overview and Objector’s Suggested Remedies:** These objection issues are focused on the concern that the increased flights over the Forest will cause a reduction in quality of recreation in the forest and will impact tourism and local economies. Objectors are concerned that recreation use and tourism on the District will be compromised because of the proposed project. Other objectors are concerned that area closures and restrictions due to this project will negatively impact recreation and tourism. Remedies include not completing the project and analyzing effects in an EIS.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that the Forest adequately addressed the effects of this project on recreation use and tourism.

To alleviate concerns regarding recreational experiences, the decision should articulate that the SUP administration at 3 includes inspections by the Forest Service to ensure compliance with the permit.

Noise from the ground vehicles was analyzed in the Navy EW-EA at 3.3 and was determined not to have any potential significant impact because the noise levels at 50 feet (from the generators powering the vehicles during operations) would be at or near ambient noise levels, and the sound level at 100 feet is estimated to be below the expected ambient noise level. Noise from air operations are addressed in the Northwest Training Range Complex EIS at Appendix J.

The Forest Service addressed recreation concerns during the comment period in Appendix B, Response to Comments at 44. In that response, the Forest Service stated that the Navy EA addressed all aspects of the affected environment, including recreational users, at 3.1.1.5. According to the SUP request from the Navy, their policy for the use of mobile signal transmitter sites is to not utilize sites if others are present at those locations, so no impacts to recreational users is anticipated. Additionally, the Northwest Training and Testing EIS at 3.2 states that the number of flights is not expected to increase significantly, resulting in no expected added impact from aircraft operations. Mobile transmitter trucks will use existing forest service roads, presenting no new vehicle recreational impact. The mobile

transmitter sites are primarily located on “managed USFS lands” that have been disturbed or logged and are not prime recreational areas Navy EA at 2.1.1.4.

Furthermore, at 14 of Appendix C, which is the draft SUP, a list of standard operating procedures is included, requiring mobile emitter operators to relocate to another site if a member of the public is present in one of the mobile emitter sites.

**Final Remedies/Resolution for Recreation/Tourism:** The EA, response to comments and draft DN/FONSI documented that the use of mobile emitters would not substantially impact recreation and tourism. As noted above, to alleviate concerns regarding recreational experiences, the final DN/FONSI should articulate that the SUP administration at 3 includes inspections by the Forest Service to ensure compliance with the permit. No other remedy or resolution is needed.

### **Environmental Impact Statement Needed**

**Overview and Objector’s Suggested Remedies:** Objectors believe an Environmental Impact Statement (EIS) should be prepared because this project will have significant effects on the environment and is highly controversial. Many objectors suggested remedy is to prepare an EIS for the project.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that the EA analyzed the direct, indirect, and cumulative impacts on the environment. The regulation at 40 CFR 1508.27 outlines the 10 factors that must be considered for determining significance. The determination that an EIS is not required is supported by the EA and documented in the draft DN/FONSI. The draft DN/FONSI states that “On August 28, 2014, the Navy signed a Finding of No Significant Impact (FONSI) for the 2014 EW Range EA documenting that an environmental impact statement is not necessary.” Draft DN/FONSI at 1. In addition, the draft DN/FONSI at 9 and 17 states that “After considering comments from the public and the environmental effects described in the 2014 EW Range EA, I have determined that the actions of modified Alternative 1 will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared.” The draft DN/FONSI goes on to substantiate that finding by documenting the lack of impacts in context and intensity to the 10 intensity criteria listed under 40 CFR 1508.27. Draft DN/FONSI at 10-17.

**Final Remedies/Resolution for EIS Needed:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI ,and project record, I find that that the District Ranger documented why an EIS was not needed. No remedy or resolution is needed.

### **Noise**

**Overview and Objector’s Suggested Remedies:** These objection issues are focused on the effects of noise on human and animal health. Objectors are concerned that the noise analysis is flawed and that it “fails to adequately analyze baseline acoustic levels; assumes an incorrect baseline, and selectively uses sound metrics to minimize impacts.” Some objectors question the noise analysis and believe the number of flights is expected to increase from 88,600 to 129,000 flights annually. Many objectors suggested remedy is to prepare an EIS for the project.

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI, and project record, I find that the EA addressed the impacts from noise on human and animal health.

The EA at 3.2 and 3.3-1 through 3.3-8 focused on the noise impacts from the mobile emitters, as the impacts from aircraft are addressed in Section 2 of the Navy Northwest Training Range Complex Final EIS/OEIS (2010) and in Appendix J of the Northwest Training and Testing EIS (October 2015). Draft DN/FONSI at 2. The EA, Response to Comments at 34, 40, 41, and 42 also addressed potential impacts from noise.

During the administrative review period, the Navy was asked to clarify the number of flights and elevation of the jets to further clarify any potential for noise increases. The Navy indicated that the mission that would be simulated during this training requires the aircraft to be able to detect the transmitters at a substantial distance, typically flying at altitudes of 10,000 feet or greater (usually much greater). It should be noted that the aircraft involved will not be flying directly over or in close proximity to the truck sites as the aircraft are required to stay outside the simulated surface to air systems engagement envelope that is based on the truck's location.

Further, the Navy explained that Electronic Warfare aircraft training is already occurring in the designated airspace over this part of the Olympic Peninsula, and has been for over 40 years. With the use of the transmitter trucks, the training will be improved, and the Navy has estimated that a 10 percent increase in flights related to these training activities may occur. Current average use of the airspace area is about 8 aircraft flights a day based on a 250 day work year, so a 10 percent potential increase averages out to less than one additional flight per day. This average fluctuates based on many factors, such as training requirements, aircraft deployment schedules, and fuel budgets. Some days will have no flights, some days will only have 2 aircraft and some days may have greater than 8 aircraft.

The Navy further explained that only a portion of the designated training airspace overlays the Olympic National Forest, but flight patterns are very random based on the type of training that occurs here, so it is impossible to say if the 10 percent increase would occur specifically over Forest Service lands or over other lands. The Navy believes this potential increase will not be a perceptible change to an observer on the ground compared with the aircraft activity that has been occurring there for many years. This explanation further substantiates my review finding that there will likely be very limited or almost no increase in noise from baseline from this activity with respect to noise. To help the public further understand this issue, I instruct the Responsible Official to include the above information provided by the Navy in the final DN/FONSI.

**Final Remedies/Resolution for Noise:** As noted above, the Navy further explained how the use of mobile emitters would not substantially increase noise from either the emitters or overflights. For clarity, I instruct the Responsible Official to include the above information provided by the Navy in the final DN/FONSI.

### **National Heritage Site**

**Overview and Objector's Suggested Remedies:** These objection issues are focused on the belief that this project should not be allowed on a National Heritage Site. Many objectors suggested remedy is to prepare an EIS for the project or do not allow this project to occur on this site.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that the Navy’s Electronic Warfare EA did not need to analyze the effects of this project on a National Heritage Site because there is not a National Heritage Site on the Olympic National Forest. A thorough discussion on this concern is also noted in the Response to Comments section of the Navy’s EA at 39-40.

**Final Remedies/Resolution for National Heritage Site:** For clarity, a statement similar to “the Forest Service has no authority over this National Heritage Site” should be included in final DN/FONSI.

### **Scenic and Aesthetic Values**

**Overview and Objector’s Suggested Remedies:** These objection issues are focused on the concern that scenic and aesthetic values were not considered in the EA and that the visual impact of the mobile emitters was not considered; one objector submitted a picture and suggested that the mobile emitter may resemble something out of a *Star Wars* movie. Suggested remedy is to adequately analyze impacts to scenery and/or aesthetic values.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that the EA adequately analyzed the effects of the mobile emitters to visual resources.

The regulation at 36 C.F.R. § 251.56 (b) states that special use permits will “minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment”. The Olympic National Forest Plan at IV-68 states the goal of the scenic management area is to protect, maintain or enhance a landscape’s values, as viewed from major travel routes, use areas, or water bodies.

The draft DN/FONSI at 19 says that this project is consistent with the Olympic Forest Plan for this land management allocation and no scenic values will be affected by use of the emitter sites. The draft SUP, a list of standard operating procedures is included, requiring mobile emitter operators to relocate to another site if a member of the public is present in one of the mobile emitter sites. Appendix C at 14.

Impacts to visual resources were considered and the EA concludes that the mobile emitters would not significantly change the visual environment. Proposed activities would be conducted using mobile emitter trucks away from population centers and any sensitive view sheds or receptors. The mobile emitter trucks would be temporarily parked at one of the approved training sites during training activities, therefore there would be no permanent change to the visual character of these areas. EA at 3.5-1.

The NWTT EIS at 3.2 states that the number of flights is not expected to increase significantly, resulting in no expected added impact from aircraft operations. Mobile transmitter trucks will use existing Forest Service roads, presenting no new vehicle recreational impact. The mobile transmitter sites are primarily located on “managed USFS lands” that have been disturbed or logged and are not prime recreational areas. EA at 2.1.1.4.

**Final Remedies/Resolution for Scenic and Aesthetic Values:** The visual impact of the mobile emitters was fully documented. No remedy or resolution is needed.

### **Scientific Accuracy/Integrity**

**Overview and Objector's Suggested Remedies:** These objection issues focus on the concern that research about the effects of both flights and emitter use was not performed or reviewed by the Forest Service to help officials determine the effects of this project. Suggested remedies are to perform the research necessary to determine the effects of this project and prepare an EIS. Additionally, the maps used by the Navy are called into question by the objectors. Suggested remedy is to require an EIS that contains accurate maps and includes critical details.

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI, and project record, I find that the Responsible Official complied with relevant law, regulation, and policy regarding scientific accuracy and integrity.

The regulation at 40 CFR 1502.24 directs agencies to "insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements." Although Forest Service regulations do not provide the same standard for environmental assessments, Forest Service guidance recommends consideration of the best available science and to insure scientific integrity of the discussions and analyses in a NEPA project document by identifying the methods used in the analysis, referencing scientific sources relied on, discussing responsible opposing views, and disclosing incomplete or unavailable information. Forest Service, Ecosystem Management Coordination: Clarification of May 2<sup>nd</sup>, 2007 Advice on Documenting "Best Available Science." There is no NEPA requirement specific to maps.

The EA contains numerous references regarding scientific studies that disclose potential impacts from electromagnetic radiation, as well as impacts from traffic, noise, etc.; over seven pages of references are documented in the EA at 7-1 through 7-9.

I also find that the Responsible Official did not misrepresent the facts with the maps used in the EA. Multiple maps were included in the EA and included clear and detailed legends, north arrow, titles, and accurate labels. EA at 1-2, 1-3, and 1-4.

**Final Remedies/Resolution for Scientific Accuracy/Integrity:** The EA used the best available science and provided adequate maps. No remedy or resolution is needed.

### **Availability of Documents/Response to Comments/Freedom of Information Act (FOIA)**

**Overview and Objector's Suggested Remedies:** The objectors raised issues on the lack of information that was made available in a timely manner, the links provided by the District were inoperable, the FOIA was not responded to in a timely manner, and that the Navy/Forest did not appropriately respond to comments. Suggested remedy is to correctly make material available under a new NEPA analysis and to appropriately respond to comments.

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI, and project record, I find that documents were made available in a timely manner, and that all relevant documents can be found on the Forest's project website and the Navy's website. The regulation at 36 CFR 218.25(b) does not require a written response to comments on an EA; as such, the response to comments was appropriate and fully meets the requirement for considering comments on an EA.

As for the FOIA, I find that it is outside the scope of the objection process.

**Final Remedies/Resolution for Availability of Documents/Response to Comments:** The relevant documents were made available in a timely manner and comments were responded to. No remedy or resolution is needed.

### **New Information**

**Overview and Objector's Suggested Remedies:** These objection issues are focused on the concern that there has been significant new information since 2014, including conducting operations on weekends; expansion of the number of Growler jets in the area; increase in the number of flights; and completion of the BO. Another issue raised was that the District failed to note that contractors would be operating equipment. Objectors suggested remedy is to prepare an EIS for the project or do not allow this project to occur on this site.

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI, and project record, I find that all relevant information was considered prior to the Responsible Official's draft decision.

The EA at 2-9 notes that any site that will be used "must have scheduling flexibility for use 24 hours a day, 365 days a year," so clearly, weekends were potentially included as training days. The EA response to comments at 45 stated that "Additionally, most Navy training days are expected to occur on weekdays, and weekends are expected to have minimal Navy use for training events."

The review team requested clarification from the Navy regarding any potential increase in use/flights. The Navy responded by stating that this training requires the aircraft to be able to detect the transmitters at a substantial distance, typically flying at altitudes of 10,000 feet or greater. It should be noted that the aircraft involved will not be flying directly over or in close proximity to the truck sites as the aircraft are required to not fly directly over the truck's location.

It is important to note that Electronic Warfare (EW) aircraft training is already occurring in the designated airspace over this part of the Olympic Peninsula, and has been for over 40 years. With the use of the transmitter trucks, the Navy has estimated that a 10 percent increase in flights related to EW training activities may occur. Current average use of the airspace area is about 8 aircraft flights a day based on a 250 day work year, so a 10 percent potential increase averages out to less than one additional flight per day. This average fluctuates based on many factors, such as training requirements, aircraft deployment schedules, and fuel budgets. Some days will have no flights, some days will only have 2 aircraft and some days may have greater than 8 aircraft. Only a portion of the designated training airspace overlays the Olympic National Forest, but flight patterns are very random based on the type of training that occurs. As such, it is not possible to say if the 10 percent increase would occur specifically over Forest Service lands or over other lands. The Navy believes this potential increase will not be a perceptible change to an observer on the ground compared with the aircraft activity that has been occurring there for many years. It is important to note that under no action, aircraft use of the area will still occur.

Consultation was completed in July 2016 with a BO issued by the USFWS; because it was considered new information not available during the comment period, the public was allowed to object on the new information. Further, Information on the Northwest Training and Testing EIS can be found at

[www.NWTTEIS.com](http://www.NWTTEIS.com). The EA is tiered to the 2010 Northwest Training Range Complex EIS/OEIS; the Navy engaged in consultation with USFWS for the Northwest Training and Testing EIS, which includes a re-analysis of naval training and testing activities in the northwest, to include the proposed electronic warfare training activities above areas of the Olympic Peninsula.

The review team requested clarification from the Navy regarding use of contractors versus Navy personnel. The Navy responded by stating that the vehicles and transmitter training equipment are U.S. government owned and will be driven and operated by approved and trained government contractors that are required to follow strict standard operating procedures and safety protocols. The contractors are supervised by a U.S Navy government employee. These systems are currently operated in this manner on other military training areas around the country in support of Department of Defense training needs.

**Final Remedies/Resolution for New Information:** The objection process allows the public to object on new information, which many members of the public did. Upon review of the “new information,” I find that it did not change any of the conclusions in the 2014 EA, nor did it affect the decision. No remedy or resolution is needed.

### **Fire**

**Overview and Objector’s Suggested Remedies:** Several objectors raised the concern that this project may increase the risk of fire. Suggested remedy is to not issue the SUP.

**Response:** I find that the District adequately addressed the concerns about any potential risk of fires in their Response to Comments document, Appendix B pages 23 and 34.

Specifically, the response to comments stated that “As the number of flights is not expected to increase significantly, and the flight altitudes at which this activity is conducted is not planned to change, there is no expected change in fire risk from aircraft operations. Mobile transmitter trucks will use existing forest service roads and present no new vehicle fire hazards.”

**Final Remedies/Resolution for Fire:** The response to comments clearly indicated that the project will not increase fire risk. No remedy or resolution is needed.

### **Violation of Wilderness Act**

**Overview and Objector’s Suggested Remedies:** This objection issue is focused on the concern that the EA violates the Wilderness Act, as the Olympic Wilderness (Olympic National Park), the Colonel Bob Wilderness, Washington Islands Wilderness, the Lake Chelan-Sawtooth Wilderness, and the Pasayten Wilderness are within, or partially within, the Military Operations Areas outlined in the EA. Suggested remedies are to prepare an EIS, do not issue this SUP, and to work with all agencies involved to reduce impacts to Wilderness.

**Response:** I find that there would be no effects to wilderness, because there is no wilderness that occurs in the project area. The EA, response to comments at 51-53 documents that there will be no impacts to wilderness; the mobile emitters will be operating on roads and will not enter any designated wilderness. EA at 1-9.

The 1964 Wilderness Act does not prohibit overflights by aircraft. Outside of special provisions, the prohibitions in the Wilderness Act include “no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area.”

**Final Remedies/Resolution for Violation of Wilderness Act:** The EA correctly documented that there would be no impacts to Wilderness. As such, no remedy or resolution is needed.

### **Direct, Indirect and Cumulative Impacts**

**Overview and Objector’s Suggested Remedies:** These objection issues focus on the direct, indirect, and cumulative impacts from mobile emitter trucks and surface ships with emitters. Objectors specifically raised concerns that the EA limited the scope to impacts from mobile emitter trucks, but should have included Navy aircraft training activities, including impacts from the aircraft involved in these training activities. Objectors also state that the Forest and the Navy failed to disclose and analyze impacts to Olympic National Park and the Strait of Juan de Fuca. Suggested remedy is to conduct a proper NEPA analysis or not issue the SUP.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that the draft DN/FONSI and EA analyzed relevant direct, indirect, and cumulative impacts, and that impacts from the aircraft was analyzed in detail in the 2015 Northwest Training and Testing EIS, which is incorporated by reference in the EA at 1-7, and also described for cumulative effects in the EA at 4-3.

Details of the effects on noise from aircraft is included in the Airspace Noise Analysis, Appendix J of the 2015 Northwest Training and Testing EIS. Direct and indirect effects of all alternatives included in the EA are documented in the EA at 3.1-3.5, and cumulative effects are found in the EA at 4-1 through 4-6.

The EA described the involvement of surface ships. Specifically, “The communications transmitter will also enable offshore UHF communication with surface ships, in a limited line-of-site fashion, operating on the water in W-237.” EA at 2-3 (2.1.1.3). The EA at 2-7, and 2-8 also describe the use of ships in the project area.

The EA tiers to the Final EIS for the Navy’s 2010 Northwest Training Range Complex (NWTRC) and incorporates the EIS/OEIS by reference (Navy, 2010). The 2010 NWTRC EIS/OEIS analyzed a variety of Navy ship, submarine, and aircraft training activities. Draft DN/FONSI at 1. Therefore, the public was given an opportunity to comment on communication with surface ships.

The EA includes an impact analysis and addresses the impacts of the proposed action on residents, visitors, wildlife, the economy, and Navy personnel. Residents - EA at 3.1, 3.3-1, 3.3-3, 3.5-3, 3.5-4; Visitors/Recreationists – 3.1, 3.5-4, Wildlife 3.2-1 through 3.3-7; Economy - EA at 3.0-1 states that the proposed action is unlikely to have any potential environmental impacts on socioeconomics, or that impacts would be negligible, therefore, socioeconomics was not analyzed in the EA. Effects on Navy personnel is included in the Public Health and Safety section of the EA at 3.1.

A cumulative effects analysis is included in section 4 of the EA. A footnote on page 15 of the draft DN/FONSI states: “The actions proposed in the 2015 Northwest Training and Testing Final EIS/OEIS were considered in cumulative effects analysis in the EW Range EA (EW Range EA, p. 4-3). The Northwest

Training and Testing Final EIS/OEIS includes an airspace noise analysis for aircraft use associated with EW training over the Olympic Military Operations Areas originally addressed in the 2010 NWTRC EIS/OEIS. The 2015 Northwest Training and Testing EIS/OEIS does not propose significant increases in numbers of flights. Annual flight requirements and actual flight activities tend to fluctuate from year to year based on many variables. To allow flexibility of training in these areas, the Navy has estimated that a 10 percent increase in flights may occur related to electronic warfare training activities, averaging to less than one additional flight per day.”

Effects to the Olympic National Park are not expected to occur, as there are no proposed mobile emitter sites that are located in the Park. EA, Response to Comments at 3. The EA, Response to Comments at 53 also notes that “Per the Federal Aviation Administration, during one month of recording, in August of 2015, there were 3,922 flights which overflowed the Olympic National Park, of those, 11% were military flights and almost all of these were NUW (NAS Whidbey Island) planes; the vast majority of flights (77%) which overflow the Park are air carrier jets, most of which are landing either at Sea-Tac or Vancouver, BC.”

The cumulative effects analysis is limited to those effects that might occur from the mobile emitters. It is clear that there would be no radiation cumulative impacts because no other mobile emitters would be operating at the same time and same place as these emitters. I do believe that the final DN/FONSI could clarify what potential Forest Service activities may overlap in time and space with the mobile emitters to contribute to a cumulative effects to noise.

**Final Remedies/Resolution for Direct, Indirect and Cumulative Impacts:** Direct, indirect, and cumulative effects were appropriately considered with regard to effects from the mobile emitters. As stated above, for clarity, the final DN/FONSI could clarify that for noise, there are no expected cumulative effects because of the lack of overlapping activities in time and space that could contribute to noise impacts.

### **Inadequate Notification**

**Overview and Objector’s Suggested Remedies:** These objection issues surround the objector’s concerns that the comment periods and public notification efforts that were offered were inadequate for this and past special use permits. Suggested remedy is to not issue the SUP or to redo the NEPA in an EIS.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that adequate opportunities to comment were provided for this and for past permits.

Past special use permits were limited in scope and scale to just a few days per year and a limited number of sites; previous permits did not require decision documents to be developed because the impacts were limited in both context and intensity. Draft DN/FONSI at 6 and 7.

As for this project, both the Navy and the District conducted extensive public outreach starting in 2013. The Navy offered a 15-day comment period, while the District offered a 30-day comment period in August of 2014 as required by the regulation at 36 CFR 218.24 and also offered an additional opportunity to provide written comment in October through November of 2014.

**Final Remedies/Resolution for Inadequate Notification:** The District complied with the regulation at 36 CFR 218.24 by offering the required 30-day comment period and offered an additional comment period to solicit more input and as such, complied with the required regulation. No remedy or resolution is needed.

### **Climate Change**

**Overview and Objector's Suggested Remedies:** This objection issue focuses on the lack of disclosure on climate change. Objectors state that the EA failed to discuss the interactions with and effects of climate change as a potential magnifier of impacts. Objectors state that the EA failed to consider the project's contribution to air pollution, given the amount of jet fuel that will be consumed, which equates to more metric tons. In addition, the Objectors state that the Navy's 2015 EIS considered emissions from Prowlers (which are no longer flown) instead of the Growlers which will be used for this project, which means that the data used in the 2015 EIS is not accurate with regard to climate change. Suggested remedy is to not issue the SUP.

**Response:** After reviewing the Navy's EA, the Master Agreement, the District's draft DN/FONSI, and project record, I find the Forest and Navy adequately considered the effects of the proposed activities to climate change and greenhouse gas emissions.

The Navy addressed emissions in the EA at 3.4 (Air Quality). Section 3.4-5 of the EA estimated emissions would not be considered regionally significant as they would be approximately 0.00026 percent of the regional emissions. The analysis indicated emissions for the Proposed Action do not exceed National Ambient Air Quality Standard levels as established by 40 CFR 93.153(b) and no significant impacts to air quality would occur.

The cumulative impacts of climate change were also addressed in the EA at 4.2.2.4, Climate Change and Greenhouse Gas Emissions. Under this section, the Navy documented that it is actively developing and participating in energy, environmental, and climate change initiatives. In the EA at 4.2.2.4, the climate change analysis identifies a Navy Climate Change Roadmap that the agency is implementing to reduce its carbon footprint. The EA, Response to Comments at 20 includes information regarding Executive Order 13693 of March 19, 2015 (Planning for Federal Sustainability in the Next Decade). This executive order excludes aircraft and support equipment used in training from greenhouse gas emission reductions. Section 19 (k) states: "excluded vehicles and equipment" means any vehicle, vessel, aircraft, or non-road equipment owned or operated by an agency of the Federal Government that is used in combat support, combat service support, tactical or relief operations, or training for such operations or spaceflight vehicles. As such, the effects on climate change focused on the very minor emissions that would be generated by the mobile emitters.

**Final Remedies/Resolution for Climate Change:** The EA accounted for emissions from the mobile emitters and made note of the executive order excluding naval aircraft from greenhouse gas emission reductions. No remedy or resolution is needed.

### **Tiering/Adoption/Past NEPA Documents/Incorporation by Reference:**

**Overview and Objector's Suggested Remedies:** This objection issue focus on how the Forest Service tiered to and/or adopted the Navy's EA and how existing material and NEPA documents were used and/or incorporated by reference. Objectors state that incorporation by reference is not a substitute for

including “at least some site-specific analysis of impacts from Navy jet overflights” in this EA and state that this project was never mentioned in either the 2010 Northwest Training Range Complex EIS or the 2014 Northwest Testing and Training EIS. Objectors state that the Forest Service must follow its own NEPA procedures and that they cannot legally make a decision on an EA that was prepared under a different agency’s specific regulations. Finally, objectors state that the Forest Service “illegally segmented its environmental review of the mobile emitters from the environmental review of the impacts of the aircraft that will be directly associated with the mobile emitters.” Suggested remedy is to conduct the NEPA analysis appropriately and/or do an EIS.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that the District appropriately adopted the Navy’s EA, as authorized by the regulation at 40 CFR 1506.3, and that the EA appropriately tiered to high level analyses as authorized by the regulation at 40 CFR 1502.20 and appropriately incorporated by reference as authorized by the regulation at 40 CFR 1502.21.

An airspace noise analysis was thoroughly documented in Appendix J to the 2015 Northwest Training and Testing EIS, which was reviewed prior to the draft decision and is noted throughout the EA response to comments and in the draft DN/FONSI. The 2014 EA tiers to the Record of Decision (Navy, 2010) for the Navy’s 2010 Northwest Training Range Complex (NWTRC) Environmental Impact Statement (EIS)/Overseas EIS (OEIS) and incorporates the EIS/OEIS by reference (Navy, 2010).

The EA at 3.2.4 addresses ambient noise on USFS land. The draft DN/FONSI at 15 makes note of the USFWS’s 2016 BO, 2016, which thoroughly documents the potential for cumulative impacts from noise and was reviewed prior to issuing the draft DN/FONSI. For clarity, the final DN/FONSI should incorporate the BO by reference.

**Final Remedies/Resolution for Tiering/Adoption/Past NEPA Documents/Incorporation by Reference:** As noted above, the final DN/FONSI should incorporate the 2016 USFWS BO by reference prior to final signature. No other remedy or resolution is needed.

### **Radiation Exposure Hazard:**

**Overview and Objector’s Suggested Remedies:** These objection issues focus on the concern that the mobile emitters will harm people, flora and fauna. Objectors state that “public questions about chronic radiation exposure” to hikers, campers, photographers, boaters, and other users were “dismissed” and that the EA failed to discuss “the downward-directed radiation coming from the jets overhead.” Objectors further note that the EA failed to disclose the total amount of electromagnetic radiation that would be emitted from each site per year and failed to support their conclusions with relevant scientific citations. Other objectors question the qualification of the personnel who prepared the EA. Suggested remedy is to choose no action or do an EIS.

**Response:** After reviewing the Navy’s EA, the Master Agreement, the District’s draft DN/FONSI, and project record, I find that the potential to impact the public from radiation exposure was thoroughly addressed.

The EA at 3.1.1.2.1 (Navy’s Electromagnetic Devices and Electromagnetic Radiation Outputs), 3.1.1.5 (Public Access and Safety), 3.1.1.6 (Standard Operating Procedures), and 3.3.3.3 (Operations Noise) all document the very limited potential for exposure to radiation, let alone exposure to “chronic” radiation

as suggested by the objectors. In addition, the EA, Response to Comments at 12 thoroughly explains the intensity of power levels emitted from the mobile emitters.

In addition, the Navy follows OPNAVINST 5100.23G, Navy Safety and Occupational Health (SOH) Program Manual, for its electromagnetic transmission protection requirements and safety guidelines. OPNAVINST 5100.23G follows the IEEE C95.1a-2010, "IEEE Standard for Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," which further reduces the potential effects humans from electromagnetic transmissions. EA at 3.2, Biological Resources; EA, Chapter 7, References; and Appendix A.

The EA also details the transmitter operations and features throughout the document. Specifically, the EA at 2.1.1.4 (Operation of Mobile Electronic Warfare Training System [MEWTS] Mobile Emitters in the Olympic Peninsula on USFS and WSDNR Lands to facilitate Training in the Olympic Military Operations Areas [MOAs] and W-237), and the EA at 2.1.1.5 (Operation of MEWTS Mobile Emitters on USFS Lands to facilitate Training within Okanogan and Roosevelt MOAs) describe the transmitter operations. Additional details on the transmitters is provided in the EA at 3.1.1.2.1 (Navy's Electromagnetic Devices and Electromagnetic Radiation Outputs).

Of specific note is the requirement of the mobile emitter operators to move out of the area if people or animals linger in the area. See the EA at 2.4; EA, response to comments at 26, 27, 32, 46 and 67; and Draft DN/FONSI at 4.

**Final Remedies/Resolution for Radiation Exposure Hazard:** The potential impacts from radiation hazard exposure was documented and the EA and draft DN/FONSI outline how the mobile emitter operators will shut down their equipment and move out of the area if people or animals linger in the training area. No further remedy or resolution is needed.

**Eligible Objectors:**

<b>Objection Number</b>	<b>Last Name</b>	<b>First Name</b>
17-06-09-0002-218(B)	Swanson	Nancy
17-06-09-0004-218(B)	Segal	Connie
17-06-09-0005-218(B)	Wright	Joe
17-06-09-0006-218(B)	Matthay	Anita
17-06-09-0008-218(B)	Matthews	Susan
17-06-09-0012-218(B)	Todnem	David
17-06-09-0013-218(B)	Hetterly	Alan
17-06-09-0014-218(B)	Dowell	Kelly
17-06-09-0015-218(B)	Kenyon	Lucy
17-06-09-0016-218(B)	Lonier	David
17-06-09-0022-218(B)	Molotsky	Daniel
17-06-09-0023-218(B)	Yake	Bill
17-06-09-0026-218(B)	Liden	Neal
17-06-09-0029-218(B)	McGlen	Mary
17-06-09-0032-218(B)	Dickey	Stephanie
17-06-09-0035-218(B)	Hysko	Daniel
17-06-09-0036-218(B)	Powell	Niles
17-06-09-0037-218(B)	McRae	Susan
17-06-09-0039-218(B)	Turnoy	David
17-06-09-0040-218(B)	Hiltner	Carol
17-06-09-0044-218(B)	Bartley	Joyce
17-06-09-0045-218(B)	Belshaw	Mary
17-06-09-0046-218(B)	Curtis	James
17-06-09-0048-218(B)	Davis	Jean
17-06-09-0049-218(B)	Duvall	Mary
17-06-09-0050-218(B)	Eichhorn	Cathy
17-06-09-0052-218(B)	Miller	Rhea
17-06-09-0053-218(B)	Richoux	Jeanette
17-06-09-0055-218(B)	VanderWerf	Barbara
17-06-09-0058-218(B)	Metz	Gretchen
17-06-09-0067-218(B)	Sonntag	Viki
17-06-09-0084-218(B)	karlson	fred
17-06-09-0090-218(B)	Feltham	Wendy
17-06-09-0095-218(B)	Carter	Kathleen
17-06-09-0096-218(B)	Fox	Susan
17-06-09-0098-218(B)	D'Amico	Margaret
17-06-09-0099-218(B)	Salyer	Dianne
17-06-09-0119-218(B)	Julia Glover	Robert Kenny and
17-06-09-0130-218(B)	Thompson	Brooke

<b>Objection Number</b>	<b>Last Name</b>	<b>First Name</b>
17-06-09-0133-218(B)	Walker	Petrina
17-06-09-0145-218(B)	Taylor	Carol
17-06-09-0148-218(B)	Van Eenwyk	John and Juliet
17-06-09-0151-218(B)	Woods	Marcia
17-06-09-0152-218(B)	Brill	Gary
17-06-09-0156-218(B)	Muller	Catherine
17-06-09-0167-218(B)	Cochrane	Julia
17-06-09-0176-218(B)	Gardiner	Isaac
17-06-09-0177-218(B)	Hempton	Gordon
17-06-09-0179-218(B)	Finley	Pamela
17-06-09-0180-218(B)	Marrs	John
17-06-09-0182-218(B)	Richards	Ronald
17-06-09-0183-218(B)	Kingfisher	Erik
17-06-09-0184-218(B)	Tough	Judith
17-06-09-0186-218(B)	Yount	Jo
17-06-09-0189-218(B)	Cobb	Michael
17-06-09-0190-218(B)	Koehler	Steve
17-06-09-0192-218(B)	Mattern	Heidi
17-06-09-0195-218(B)	Goldie	Beverly
17-06-09-0196-218(B)	Anon	Beverly
17-06-09-0197-218(B)	Cardiff	Jeanine
17-06-09-0198-218(B)	Jakubek	Erin
17-06-09-0202-218(B)	West	Marcelle
17-06-09-0203-218(B)	Sextro	Robert
17-06-09-0204-218(B)	Sextro	Robert
17-06-09-0206-218(B)	Wesley	James
17-06-09-0207-218(B)	Welch	Jane
17-06-09-0209-218(B)	Stahl	Andy
17-06-09-0210-218(B)	Cole	Joan
17-06-09-0212-218(B)	Sleicher	Gretchen
17-06-09-0213-218(B)	Shelley Rose	Alexa
17-06-09-0214-218(B)	Osseward	Donna
17-06-09-0216-218(B)	Campbell	Frances
17-06-09-0217-218(B)	Marx	Gene
17-06-09-0218-218(B)	Botta	Nancy
17-06-09-0220-218(B)	Pumplin	Deanna
17-06-09-0221-218(B)	Campbell	Douglas
17-06-09-0222-218(B)	Mazzola	Donald
17-06-09-0224-218(B)	McNulty	Tim
17-06-09-0225-218(B)	Buchele	Tom
17-06-09-0227-218(B)	Berrian	David
17-06-09-0228-218(B)	Porter-Solberg	Mary

<b>Objection Number</b>	<b>Last Name</b>	<b>First Name</b>
17-06-09-0229-218(B)	O'Donnell	Kristi
17-06-09-0230-218(B)	Osseward	Donna
17-06-09-0231-218(B)	Waters, RN	Alea
17-06-09-0232-218(B)	Toss	Brion
17-06-09-0236-218(B)	Norton	Sharon
17-06-09-0238-218(B)	Sullivan	Karen
17-06-09-0241-218(B)	Austin	Stephanie
17-06-09-0243-218(B)	Guerrero	Peter
17-06-09-0244-218(B)	Jahnke	Richard
17-06-09-0246-218(B)	Laspesa	Cynthia
17-06-09-0247-218(B)	Millman	Evan
17-06-09-0249-218(B)	Bond	Mary
17-06-09-0251-218(B)	Hart	Lucas
17-06-09-0252-218(B)	Harrison	Deborah
17-06-09-0253-218(B)	Macfarlane	Gary
17-06-09-0254-218(B)	Eggert	R.
17-06-09-0255-218(B)	Balas	Mary
17-06-09-0261-218(B)	Magliola	Lawrence
17-06-09-0267-218(B)	Tortorici	Francesco
17-06-09-0268-218(B)	Kolff	Helen
17-06-09-0270-218(B)	Harper	Tom
17-06-09-0271-218(B)	Sikes	Ronald
17-06-09-0272-218(B)	Pine	Lionel
17-06-09-0273-218(B)	Lauritzen	Helen
17-06-09-0275-218(B)	Harper	Catherine
17-06-09-0277-218(B)	Stahl	Andy
17-06-09-0279-218(B)	Milholland	Douglas
17-06-09-0282-218(B)	Huenke	Annette
17-06-09-0289-218(B)	Sarto	Dianna
17-06-09-0291-218(B)	Sutton	Linda