

**DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

**Adoption of the United States Air Force’s Final Environmental Impact Statement  
for the Airspace Optimization for Readiness at Mountain Home Air Force Base, Idaho**

**And**

**Record of Decision for Federal Aviation Administration Actions to Accommodate the  
United States Air Force Flight Training at Mountain Home Range Complex**

**Mountain Home, Idaho  
October 2023**

**1.0 INTRODUCTION**

This document serves as the Federal Aviation Administration’s (FAA) adoption of the United States Air Force’s Final Environmental Impact Statement (FEIS) *Airspace Optimization for Readiness at Mountain Home Air Force Base (MHAFB)*, at Mountain Home, Idaho, and the FAA’s Record of Decision (ROD) regarding the modification of special use airspace (SUA) at the Mountain Home Range Complex (MHRC) used for military flight training by MHAFB. The FAA’s adoption and decision are in accordance with Section 102 of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality’s (CEQ) regulations implementing NEPA (40 CFR parts 1500-1508)<sup>1</sup>, and other applicable authorities, including FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, which sets forth the FAA’s policies and procedures for considering the environmental impacts of its actions, and FAA Order JO 7400.2P, *Procedures for Handling Airspace Matters*, which sets forth the FAA’s procedures for considering and changing the National Airspace System (NAS).

**2.0 BACKGROUND AND REGULATORY AUTHORITIES**

To better meet its military flight training needs, the United States Air Force (USAF) has requested that the FAA modify several Military Operating Areas (MOAs) in the MHRC overlying portions of Idaho, Nevada, and Oregon. These changes would result in what USAF refers to as optimization of the MHRC airspace.

By letter dated April 4, 2018, USAF requested participation from the FAA as a cooperating agency in the preparation of an environmental impact statement for the modified MHRC. By letter dated April 10, 2018, the FAA, having responsibility for approving special use airspace under 49 U.S.C. section 40103(b)(3)(A), accepted cooperating agency status. Having jurisdiction by law over the NAS, the FAA performs its role as a cooperating agency for the establishment

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<sup>1</sup> The CEQ issued a final rule to update its regulations for Federal agencies to implement NEPA on July 16, 2020, with an effective date of September 14, 2020. While the effective date occurred prior to the release of the FEIS, the amended regulations apply “to any NEPA process begun after September 14, 2020,” and this FEIS had already been underway since the scoping meetings starting October 16, 2019, and the Notice of Intent (NOI) publication on November 16, 2019, prior to that effective date. *See* 40 CFR § 1506.13 (2020). Therefore, this FEIS has been prepared in accordance with the original CEQ regulations promulgated in 1978 and associated CEQ guidance documents. All specific references to CEQ regulations refer to the 1978 regulation.

and designation of SUA in accordance with CEQ regulation 40 CFR § 1501.6; FAA Order 1050.1F paragraph 8-2, and FAA Order JO 7400.2P, Chapters 21, 32, and Appendix 8.

The Proposed Action is the training of aircrews of F-15E aircraft at low altitudes to increase proficiency in low-altitude tactics and evasive maneuvers in subsonic operations and to increase proficiency in evasive maneuvers for supersonic operations at lower altitudes. As the lead agency, the USAF published a Draft Environmental Impact Statement (DEIS) in accordance with NEPA in July 2021. As a cooperating agency, the FAA coordinated closely with the USAF and actively participated in the preparation of the DEIS and FEIS. The potential environmental impacts of the alternatives are fully analyzed in the FEIS, which was published on March 3, 2023. A summary of the DEIS public involvement, agency coordination, and tribal consultation is contained in the FEIS. The FEIS carried forward five alternatives that met selection standards, as well as the No Action Alternative, and identified Alternative 1 and Alternative B as the USAF's preferred alternatives.

In accordance with FAA Order JO 7400.2P, Chapters 21 and 25, the FAA evaluated the changes requested by USAF to lower the altitude of the floors within the Paradise North MOA, Paradise South MOA, Owyhee South MOA, and Jarbidge South MOA at the MHRC. The FAA Salt Lake City Air Route Traffic Control Center conducted an aeronautical analysis to determine any aeronautical impact that might occur as a result of the publication and charting of the modified MOAs. The proposal was circularized by the Western Service Center as FAA Aeronautical Study Number 21-ANM-4NR.

The USAF issued their ROD on July 14, 2023. The ROD documents USAF's decision to: (1) select Alternative 1 and Alternative B; (2) adopt the mitigation measures in the FEIS; and (3) request that the FAA "take those actions necessary to implement this decision by modifying and establishing the requisite airspace."

In accordance with FAA Order 1050.1F, applicable CEQ regulations and guidance, and FAA Order JO 7400.2P, the FAA has conducted an independent evaluation and analysis of the FEIS. The FAA is adopting the FEIS (including all associated appendices and materials identified in the FEIS) for purposes of making its own decision on modification of MOAs at the MHRC. The FEIS is incorporated by reference and will be made available to the public pursuant to CEQ regulation 40 CFR § 1506.3(b).

### **Mountain Home Range Complex (MHRC) and Military Operation Areas**

The Mountain Home Range Complex (MHRC) and the SUA associated with MHAFB provide airspace for combat air power and combat support training to U.S. forces—and its allies—and support unit-level and larger force combat skills training. In addition, mission activities such as search and rescue training, survival training, convoy escort training, and ground-based air defense radio detection and ranging (radar) threat simulation occur on the land areas of the MHRC. The airspace and ranges primarily support Idaho-based units from MHAFB, Air National Guard units from Gowen Field in Boise, Idaho, in addition to other USAF and Department of Defense (DoD)-approved users.

The MHRC SUA consists of six MOAs and two Restricted Areas (RA) with associated ranges for inert weapons use. The airspace overlies portions of Idaho, Nevada, and Oregon. **Figure 1** shows the SUA associated with MHAFB.

### **Military Operation Areas**

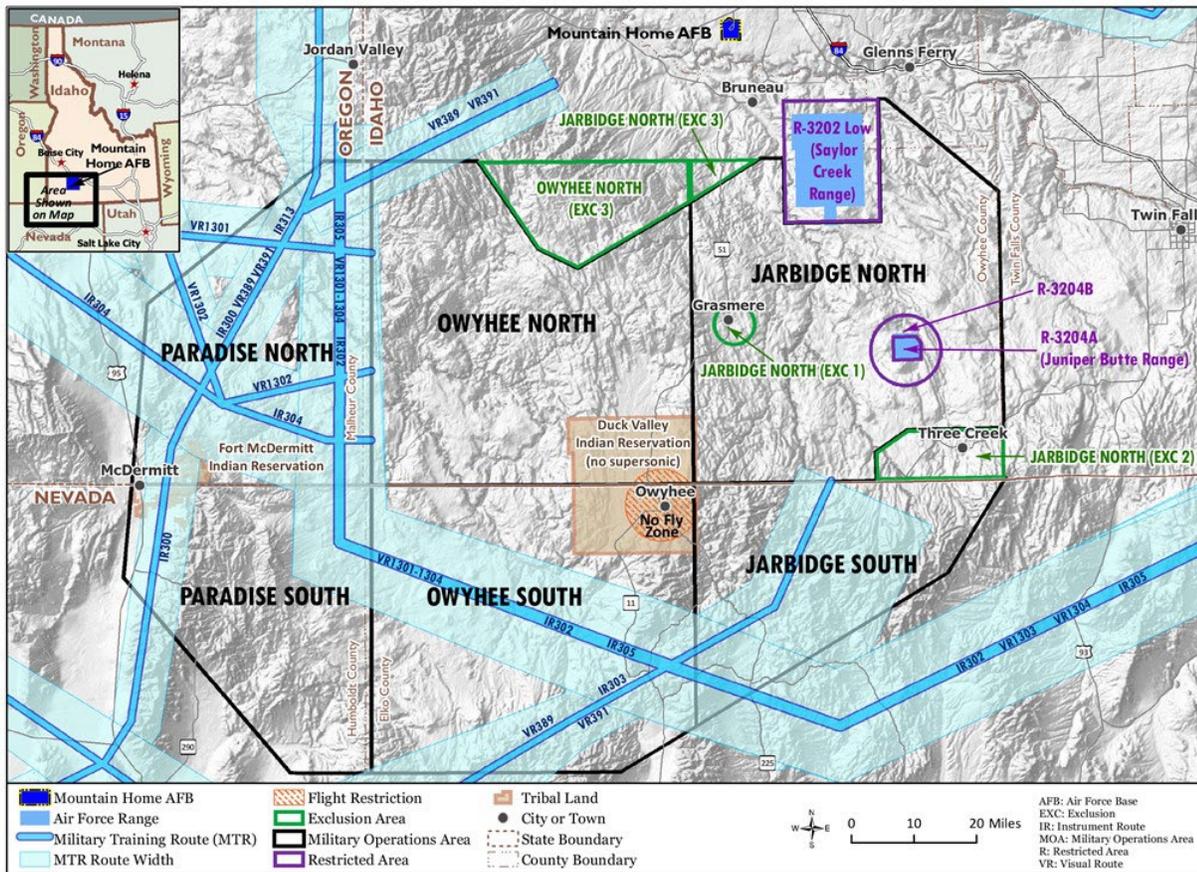
MOAs are airspace established outside of Class A airspace to separate certain nonhazardous military flight activities from instrument flight rules (IFR) aircraft and visual flight rules (VFR) aircraft. MOAs contain nonhazardous, military flight activities including—but not limited to—air combat maneuvers, air intercepts, low-altitude tactics.<sup>2</sup> MOAs are joint-use, meaning VFR aircraft are not denied access and IFR aircraft may be routed through the airspace—by agreement between controlling and using agencies—when required separation can be provided between the MOA activity and civilian aircraft activity. Procedures for access to the airspace by nonparticipating IFR traffic must be specified in a letter of agreement (LOA) between the controlling and using agencies. Salt Lake City Air Route Traffic Control Center (ARTCC) (ZLC) has been assigned as the controlling agency and MHAFB as the using agency. A letter of agreement (LOA) between the controlling and using agencies is required for any special procedures regarding operations within MOAs that encompass Class G airspace, as described in FAA Order JO 7400.2P, *Procedures for Handling Airspace*, Chapter 25.

The role of the FAA in the modification or establishment of MOAs is to authorize the proponent to conduct their operations based on FAA-approved safety measures, which help ensure safe operations within the NAS.

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<sup>2</sup> FAA Order JO 7400.2P, paragraphs 25-1-1 (definition) and 25-1-2 (purpose).

**Figure 1. SUA Associated with MHAFB**



**3.0 PROPOSED ACTION**

The Proposed Action is aircrew training in F-15E aircraft at low-altitudes in order to achieve proficiency in low-altitude tactics and terrain masking, as well as supersonic training at lower altitudes to enhance proficiency in evasive maneuvers. As described in Section 5.0 below, the FEIS evaluated several alternatives for the Proposed Action, including a No Action Alternative. The proposed legal descriptions of the MOAs to accommodate the Proposed Action under selected Alternative 1 and selected Alternative B are described below:

**Paradise North MOA**

**Boundaries:**

Beginning at lat. 42°45'00"N., long. 117°00'00"W., to lat. 42°00'00"N., long. 117°00'00"W., to lat. 42°00'00"N., long. 117°44'38"W., to lat. 42°25'00"N., long. 117°42'00"W., to lat. 42°45'00"N., long. 117°09'00"W., to the point of beginning.

**Altitudes:**

100 feet AGL up to 17,999 feet MSL.

**Times of Use:**

0730–2200 Mountain Time (MT) Monday–Friday; other times by notice to air missions (NOTAM) (expected use: 260 days per year, 12 hours per day).

**Controlling agency:**

FAA, ZLC.

**Using agency:** USAF, Commander, 366<sup>th</sup> Fighter Wing, MHAFB, Idaho.

### **Paradise South MOA**

**Boundaries:** Beginning at lat. 42°00'00"N., long. 117°00'00"W., to lat. 41°20'00"N., long. 117°00'00"W., to lat. 41°20'00"N., long. 117°15'00"W., to lat. 41°47'00"N., long. 117°46'00"W., to lat. 42°00'00"N., long. 117°44'38"W., to the point of beginning.

**Altitudes:** 100 feet AGL up to 17,999 feet MSL.

**Times of use:** 0730–2200 MT Monday–Friday; other times by NOTAM (expected use: 260 days per year, 12 hours per day).

**Controlling agency:** FAA, ZLC.

**Using agency:** USAF, Commander, 366<sup>th</sup> Fighter Wing, MHAFB, Idaho.

### **Owyhee South MOA**

**Boundaries:** Beginning at lat. 42°00'00"N., long. 116°00'00"W., to lat. 41°26'12"N., long. 116°00'00"W., to lat. 41°20'00"N., long. 116°14'00"W., to lat. 41°20'00"N., long. 117°00'00"W., to lat. 42°00'00"N., long. 117°00'00"W., to the point of beginning.

**Altitudes:** 100 feet AGL up to 17,999 feet MSL.

**Times of use:** 0730–2200 MT Monday–Friday; other times by NOTAM (expected use: 260 days per year, 12 hours per day).

**Controlling agency:** FAA, ZLC.

**Using agency:** USAF, Commander, 366<sup>th</sup> Fighter Wing, MHAFB, Idaho.

### **Jarbidge South MOA**

**Boundaries:** Beginning at lat. 42°00'00"N., long. 116°00'00"W., to lat. 42°00'00"N., long. 115°02'00"W., to lat. 41°47'00"N., long. 115°13'00"W., to lat. 41°26'12"N., long. 116°00'00"W., to the point of beginning.

**Altitudes:** 100 feet AGL up to 17,999 feet MSL.

**Times of use:** 0730–2200 MT Monday–Friday; other times by NOTAM (expected use: 260 days per year, 12 hours per day).

**Controlling agency:** FAA, Salt Lake City, ARTCC (ZLC).

**Using agency:** USAF, Commander, 366<sup>th</sup> Fighter Wing, MHAFB, ID.

## **4.0 PURPOSE AND NEED (FEIS Section 1.4)**

The Proposed Action would accomplish the USAF's training needs in an accessible realistic training environment. It would enable aircrews to conduct training to simulate counter-defense and advanced air and ground threats training to ensure readiness and survivability. Additionally, it would enable aircrews to conduct training to maintain proficiency in LOWAT and supersonic operations for threat avoidance by being adept in masking their aircraft within mountainous terrain. Furthermore, the Proposed Action would optimize the use of SUA by MHAFB and others by conducting training at low-altitude floors throughout the MHRC. The FAA's evaluation considers the modification of the MOAs in the MHRC. This accommodation is

needed to provide readily available accessible training airspace with appropriate attributes for U.S. and allied forces missions stationed or temporarily assigned at MHAFB.

## **5.0 ALTERNATIVES** *(FEIS Section 2.0)*

The FEIS provided a detailed analysis of the following alternatives: Alternative 1: (FEIS Section 2.3.1); Alternative 2 (FEIS Section 2.3.2); Alternative 3 (FEIS Section 2.3.3) for subsonic actions; Alternative A (FEIS Section 2.3.4); Alternative B (FEIS Section 2.3.5) for supersonic actions; and the No Action Alternative (FEIS Section 2.2). The USAF considered other alternatives, but determined they did not meet their selection standards. These other alternatives are discussed in the FEIS alternatives eliminated section as well as other sections (FEIS Section 2.4, 2.3.6, 2.3.7, 2.3.8). The potential impacts of the alternatives carried forward are fully analyzed in the FEIS.

### **Alternative 1: 100-Foot AGL Floor Across All MOAs** *(Preferred Alternative) (FEIS Section.2.3.1)*

Under Alternative 1, USAF would conduct low-altitude training in all MOAs in the MHRC down to 100-foot AGL subsonic operational floors. USAF already conducts low-altitude training in the Owyhee North and Jarbidge North MOAs that have 100-foot AGL subsonic operational floors, but there is a “shelf” or unevenness with the adjacent MOAs. In the Paradise North, Paradise South, Owyhee South, and Jarbidge South MOAs, operational floors of 10,000 feet MSL or 3,000 feet AGL (whichever is higher) would change to 100 feet AGL. While this alternative would not directly involve increases in annual flights and sorties for MHAFB-based aircraft, it is likely that the number of sorties by other users throughout the airspace would increase over time due to the increased capability for conducting LOWAT. The lower operational floors may also result in the capability to conduct more large-scale exercises. To account for this in the analysis, other users’ activities in the SUA are projected to increase by five percent over the baseline. This projected increase is based on the average annual increase in sorties by other users between fiscal years 2014 and 2018. There is no proposed increase in the amount of chaff and flare use by local aircraft, but the analysis considered a potential five percent increase in the amount of chaff and flare use by other users, corresponding to the projected five percent increase in sorties conducted by other users. Sorties would be more evenly distributed among the MOAs than under the No Action Alternative due to more consistent altitude floors.

### **Alternative 2: 300-Foot AGL Floor Across Four MOAs Continued 100-Foot AGL Floor in Two MOAs** *(FEIS Section 2.3.2)*

Under Alternative 2, USAF would conduct low-altitude training in the Paradise North, Paradise South, Owyhee South, and Jarbidge South MOAs down to 300 feet AGL, as opposed to the existing operational floors of 10,000 feet MSL or 3,000 feet AGL (whichever is higher). USAF low-altitude training in the Owyhee North and Jarbidge North MOAs would continue down to 100-foot AGL. While this alternative would not directly involve increases in annual flights and sorties for MHAFB-based aircraft, it is likely that the number of sorties by other users throughout the airspace would increase over time due to the increased capability for conducting LOWAT. The lower operational floors may also result in the capability to conduct more large-scale exercises. To account for this in the analysis, other users’ activities in the SUA are projected to increase by five percent over the baseline. This projected increase is based on the

average annual increase in sorties by other users between fiscal years 2014 and 2018. There is no proposed increase in the amount of chaff and flare use by local aircraft, but the analysis considered a potential five percent increase in the amount of chaff and flare use by other users, corresponding to the projected five percent increase in sorties conducted by other users. The overall number of sorties and operations under Alternative 2 would be the same as those for Alternative 1.

**Alternative 3: 500-Foot AGL Floor Across Four MOAs; Continued 100-Foot AGL Floor in Two MOAs** (*FEIS Section 2.3.3*)

Under Alternative 3, USAF would conduct low-altitude training in the Paradise North, Paradise South, Owyhee South, and Jarbidge South MOAs down to 500 feet AGL, as opposed to the existing operational floors of 10,000 feet MSL or 3,000 feet AGL (whichever is higher). USAF low-altitude training in the Owyhee North and Jarbidge North MOAs would continue down to 100-foot AGL. While this alternative would not directly involve increases in annual flights and sorties for MHAFB-based aircraft, it is likely that the number of sorties by other users throughout the airspace would increase over time due to the increased capability for conducting LOWAT. To account for this in the analysis, other users' activities in the SUA are projected to increase by five percent over the baseline. This projected increase is based on the average annual increase in sorties by other users between fiscal years 2014 and 2018. There is no proposed increase in the amount of chaff and flare use by local aircraft, but the analysis considered a potential five percent increase in the amount of chaff and flare use by other users, corresponding to the projected five percent increase in sorties conducted by other users. The overall number of sorties and operations under Alternative 3 would be the same as those for Alternatives 1 and 2.

**Alternative A: 5,000-Foot AGL Supersonic Floor Across All MOAs** (*FEIS Section 2.3.4*)

Under Alternative A, USAF would conduct supersonic operations down to 5,000 feet AGL in all six MOAs (includes restricted areas [R]-3202 and R-3204) with the exception that supersonic operations would continue to be prohibited over the Duck Valley Indian Reservation. Under Alternative A, the existing supersonic operations in the Paradise North, Paradise South, Owyhee South, and Jarbidge South MOAs at or above 30,000 feet MSL would decrease to 5,000 feet AGL or above. In the Owyhee North and Jarbidge North MOAs, the existing supersonic operations at or above 10,000 feet AGL would decrease to 5,000 feet AGL or above. The USAF does not propose an increase in supersonic events from MHAFB squadrons under Alternative A. However, over time, a slight increase in supersonic events could occur from other users.

**Alternative B: 10,000-Foot AGL Supersonic Floor Across All MOAs** (Preferred Alternative) (*FEIS Section 2.3.5*)

Under Alternative B, USAF would conduct supersonic operations down to 10,000 feet AGL or above in all 6 MOAs (includes R-3202 and R-3204) with the exception that supersonic operations would continue to be prohibited over the Duck Valley Indian Reservation. Under Alternative B, the existing supersonic operations in the Paradise North, Paradise South, Owyhee South, and Jarbidge South MOAs would decrease to 10,000 feet AGL or above. The Owyhee North and Jarbidge North MOAs would continue to have supersonic operations at or above 10,000 feet AGL. Similar to Alternative A, a slight increase in supersonic events could occur from other users over time.

### **No Action Alternative** (*FEIS Section 2.2*)

Under the No Action Alternative, the USAF would conduct low-altitude training down to 100 feet AGL in the Owyhee North and Jarbidge North MOAs, and continue training at or above 10,000 feet MSL or 3,000 feet AGL (whichever is higher) in the Paradise North, Paradise South, Owyhee South, and Jarbidge South MOAs. No supersonic flights would be allowed where Owyhee North and Owyhee South MOAs overlie the Duck Valley Indian Reservation. Supersonic flights would continue to occur in the Owyhee North and Jarbidge North MOAs or Air Traffic Control Assigned Airspaces (ATCAA) above 10,000 feet AGL (except over the Duck Valley Indian Reservation). Supersonic operations would remain at or above 30,000 feet MSL over the other 4 MOAs (except over the Duck Valley Indian Reservation). Under the No Action Alternative, the current airspace constraints would continue. The No Action Alternative does not provide for realistic training within SUA associated with MHAFB.

The FAA concurs with the USAF ROD in identifying the No Action Alternative as the environmentally preferred alternative. The No Action Alternative represents a comparatively lower impact on various receptors under the MHRC airspace because the operational floors would not change and there would be no increases in noise levels.

### **6.0 ENVIRONMENTAL IMPACTS** (*FEIS Section 3.0*)

The following summarizes the results of the FAA's independent evaluation of the FEIS regarding the Proposed Action and the potential environmental impacts associated with the proposed changes to the MHRC MOAs in accordance with FAA Order 1050.1F.

Under the Proposed Action, the FAA would ensure safe operations continue within the NAS and allow for optimized airspace at MHRC. The Proposed Action would lower the floors of the Paradise North MOA, Paradise South MOA, Owyhee South MOA, and Jarbidge South MOA to allow for LOWAT operations. USAF would conduct supersonic operations at lower altitudes for the same four MOAs as well.

The following NEPA impact categories were assessed:

#### **Air Quality** (*FEIS Section 3.9 and Appendix C*)

FAA Order 1050.1F, Exhibit 4-1 provides the FAA's significance threshold for air quality: "[t]he action would cause pollutant concentrations to exceed one or more of the National Ambient Air Quality Standards (NAAQS), as established by the U.S. Environmental Protection Agency [USEPA] under the Clean Air Act (CAA) for any of the time periods analyzed, or to increase the frequency or severity of any such existing violations." The USEPA established NAAQS for six criteria pollutants. The six criteria pollutants are carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM) (10-micron and 2.5-micron as PM<sub>10</sub> and PM<sub>2.5</sub>, respectively), and sulfur dioxide (SO<sub>2</sub>).

Section 176(c) of the CAA, as articulated in the U.S. EPA General Conformity Rule (GCR), states that a federal agency cannot issue a permit for, or support, an activity unless the agency determines that it will conform to the most recent EPA-approved State Implementation Plan (SIP). This means that projects using federal funds or requiring federal approval must not: (1) cause or contribute to any new violation of a NAAQS; (2) increase the frequency or severity of

any existing violation; or (3) delay the timely attainment of any standard, interim emission reduction, or other milestone.

The GCR applies to NAAQS in federal nonattainment areas. Since the air basin in the region of interest (ROI) is in attainment of all NAAQS for all criteria pollutants, the GCR would not apply to the Proposed Action.

Under the Proposed Action, the total aircraft operational time below 3,000 feet AGL would increase from the No Action Alternative for F-15s and other users' aircraft. Therefore, under the Proposed Action, criteria pollutant emissions would increase from current levels. However, the increases would be considered *de minimis*, as they would not exceed the 250 tons per year threshold for Prevention of Significant Deterioration (PSD) permitting threshold. Likewise, greenhouse gas (GHG) emissions would increase but not substantially over current levels. There would be no adverse impacts to air quality under the Proposed Action.

Based on the FAA's independent review and evaluation, the FAA concludes that the Proposed Action would not have significant impacts on air quality when compared with the No Action Alternative.

**Biological Resources (including Fish, Wildlife, and Plants) (FEIS Section 3.5 and Appendix E)**

FAA Order 1050.1F, Exhibit 4-1, states the FAA's significance threshold for biological resources (including fish, wildlife, and plants) as follows, "The U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service determines that the action would be likely to jeopardize the continued existence of a federally-listed threatened or endangered species, or would result in the destruction or adverse modification of federally designated critical habitat."

Under the Proposed Action, the MOAs would be expanded vertically with no change in lateral dimensions. The Proposed Action would be limited to airspace establishment and would not include any ground activities or ground disturbance.

Impacts to biological resources may occur from aircraft strikes, noise, visual stimuli, sonic booms, chaff and flare debris, and flare-ignited wildfires. Potential impacts to biological resources were assessed by the USAF by reviewing changes in the environment (i.e., noise levels) under the Proposed Action and comparing the results with studies that present impacts associated with similar conditions. Military training for the Proposed Action could potentially disturb wildlife residing beneath the existing and proposed airspace. Disturbance could be caused by the visual observation of the aircraft, aircraft noise, and the use of chaff and flare.

Under the Proposed Action, chaff usage would increase by 327 units and flare usage would increase by only 305 units (~1.7 percent) annually over current operational use and would result in a sparse distribution over a wide area. Release height restrictions would continue to be employed year-round, with higher release heights during the drought season. Chaff particles have not been found to result in biological effects to terrestrial or aquatic species exposed to concentrations higher than those expected in the Proposed Action areas where chaff would be regularly released (FEIS 3.5.4.2.2). Impacts to biological resources from a wildfire could occur;

however, the probability of a flare-ignited wildfire is considered extremely low, specifically with the operational constraint that flares are not released below 5,000 feet AGL during fire season.

### Endangered Species Act Consultation

The USFWS Information for Planning and Consultation system (IPaC) identified six federally listed species, including: one endangered species (the Bruneau hot springsnail *Pyrgulopsis bruneauensis*), four threatened species (the yellow-billed cuckoo *Coccyzus americanus*, the bull trout *Salvelinus confluentus*, the lahontan cutthroat trout *Oncorhynchus clarkii henshawi*, and the slickspot peppergrass *Lepidium papilliferum*), and one proposed threatened species (the whitebark pine *Pinus albicaulis*). In addition, one critical habitat was identified for the bull trout and one proposed critical habitat was identified for the slickspot peppergrass.<sup>3</sup>

In compliance with Section 7 of the Endangered Species Act, the USAF consulted with the USFWS in Idaho, Nevada, and Oregon on the potential effects of the Proposed Action to federally-listed threatened and endangered species and made the following determinations:

The Proposed Action “may affect, but is not likely to adversely affect”:

- Threatened yellow-billed cuckoo
- Proposed threatened whitebark pine

The Proposed Action would have “no effect” on:

- Threatened bull trout, or its critical habitat
- Threatened Lahontan cutthroat trout
- Endangered Bruneau hot springsnail

In October 2010, the USFWS issued a Biological Opinion (BO) for the slickspot peppergrass (Consultation number 14420-2010-F-0405) (herein referred to as the “2010 BO”) for ongoing actions at the Juniper Butte Range (FEIS 3.5.4.4.3). The 2010 BO concluded that the use of chaff and flare may affect, and is likely to adversely affect, the slickspot peppergrass vegetation, but there would be no effect to slickspot peppergrass vegetation’s proposed critical habitat. The USAF reaffirmed this determination during the Section 7 consultation for the FEIS and further determined that the 1.7 percent increase in chaff and flare usage associated with the Proposed Action is not likely to jeopardize the continued existence of this species. The USFWS concurred with these determinations in a letter dated July 5, 2022.

### Plants

The Proposed Action would not affect ground-based training activities and, therefore, would not result in any physical development that would require clearing native vegetation in the ROI. As identified above, one threatened plant species was identified in the ROI, the slickspot peppergrass and its proposed critical habitat, and one proposed threatened plant species was identified, the whitebark pine.

### Fish and Wildlife

All proposed activities under the Proposed Action would be consistent with activities that currently occur at MHRC. Given the ongoing operations in the ROI, wildlife in the ROI is

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<sup>3</sup> <http://ecos.fws.gov/ipac/>

already habituated—to some extent—to noise levels associated with ongoing operations. As identified above, there was one endangered fish and wildlife species identified in the ROI, the Bruneau hot springsnail. There were three threatened fish and wildlife species identified in the ROI, the yellow-billed cuckoo, the bull trout, and the Lahontan cutthroat trout. In addition, one critical habitat for fish and wildlife species was identified in the ROI for the bull trout.

The potential exists for bird/bat-aircraft strikes within MHRC. The area of interest is located within the USFWS-designated Bird Conservation Region 9—Great Basin under the Pacific Flyway migration route (FEIS 3.5.3.2.2). The following are the migratory bird species of particular concern identified in USFWS Information for Planning and Consultation (IPaC) website for the ROI: bald eagle, Brewer's sparrow (*Spizella breweri*), Clark's grebe (*Aechmophorus clarkii*), golden eagle (*Aquila chrysaetos*), green-tailed towhee (*Pipilo chlorurus*), lesser yellowlegs (*Tringa flavipes*), Lewis's woodpecker (*Melanerpes lewis*), long-billed curlew (*Numenius americanus*), marbled godwit (*Limosa fedoa*), olive-sided flycatcher (*Contopus cooperi*), yellow-billed cuckoo (*Coccyzus americanus*, the western U.S. distinct population segment), Williamson's sapsucker (*Sphyrapicus thyroideus*), willow flycatcher (*Empidonax traillii*), sage thrasher (*Oreoscoptes montanus*), Virginia's warbler (*Leiothlypis virginiae*), and the willet (*Tringa semipalmata*). Multiple raptor species, including bald and golden eagles, Swainson's hawk, burrowing owl, merlin, and rough-legged hawk, have also been observed within the area of interest.

Although the bald eagle has been delisted under the Endangered Species Act, the Bald and Golden Eagle Protection Act provides for the protection of the bald eagle and the golden eagle (as amended in 1962). The Bald and Golden Eagle Protection Act prohibits the taking, possession, sale, purchase, barter, transport, and export or import of any bald or golden eagle—alive or dead—including any part, nest, or egg, unless allowed by permit. There have been no confirmed eagle strikes at MHRC, or within the operating airspace.

In 2015, the USFWS determined that protection for the greater sage-grouse, under the Endangered Species Act, was no longer warranted. To ensure the long-term viability of the species, the USFWS identified greater sage-grouse priority areas for conservation (priority areas). Sage-grouse exposed to low-level overflights would likely experience some degree of stress and behavioral and breeding modifications, and increased vulnerability to predators, and they may exhibit mild-to-severe startle responses to overflights. However, exposure to overflight noise would be brief and infrequent, allowing grouse to recover. Based on sage-grouse and lek surveys near emitter sites at MHRC (FEIS 3.5.4.4.3), sage-grouse in areas newly exposed to low-level overflights are not expected to abandon leks and long-term impacts are not anticipated. While some greater sage-grouse may experience temporary negative effects, long-term effects would not occur and the overall impacts to sage-grouse populations from aircraft noise and visual disturbance associated with the Proposed Action would not reach significant levels.

The Proposed Action would increase the number of low-level aircraft sorties throughout the MOAs and would result in an increased potential for bird-aircraft strikes, as most birds spend the majority of their time below 500 feet AGL (most bird-aircraft strikes occur below 5,000 feet AGL). The USAF has existing bird/wildlife aircraft strike hazard (BASH) control measures that are detailed in the Bird and Wildlife Strike Hazard Reduction Plan (FEIS 3.5.4.2.4) (i.e., the

MHAFB BASH Plan) and would be expanded to cover the additional low-level flight areas where BASH risk would increase (i.e., enforce operating procedures to identify and avoid high-hazard situations). Per the USAF BASH Plan, pilots would be instructed to take care to avoid raptors during low-level flights on all ranges (particularly near canyons), and altitude restrictions and scheduling changes would be considered during periods of heavy bird activity (USAF). While migratory bird species involved in a bird-aircraft strike during training operations would be considered an incidental take, the proposed training activities would be covered under 50 CFR 21.42, *Authorization of take incidental to military readiness activities*, and the USAF would not be required to obtain a permit from the USFWS. The overall impacts to migratory birds, eagles, and other raptors from aircraft strikes, noise, and visual disturbance would not reach significant levels.

Wildlife exposed to low-level overflights may experience stress and behavioral modifications with the initial increase in the soundscape and may exhibit mild-to-severe startle responses from peak noise levels. However, exposure to overflight noise would be brief and infrequent, allowing wildlife periods of time between exposures to recover. Also, some wildlife would likely acclimate to the new soundscape over time. Thus, although a limited number of animals may experience negative effects, overall impacts to wildlife populations from aircraft noise and visual disturbance associated with the Proposed Action would not reach significant levels.

The Proposed Action is an air traffic action only and would not involve any ground disturbance activities, nor would it create any new or additive impacts to threatened and endangered species that were not addressed in the FEIS. Therefore, based on the FAA's independent review and evaluation, the FAA has determined that the Proposed Action would not result in significant impacts on biological resources when compared to the No Action Alternative.

#### **Climate** (*Under Air Quality FEIS Section 3.9 and Appendix C*)

FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, requires an assessment of GHG emissions as they relate to climate. There would be an increase of 9,964 tons CO<sub>2</sub>e of GHG emitted annually under Proposed Action as compared to current emissions under the No Action Alternative. However, the FAA has not established significance criteria for GHG emissions or impacts to climate.

Under the Proposed Action, there would be no new aircraft operations that would have an effect on the acceleration of global climate change. The Proposed Action would not change the number of training exercises by the USAF when compared to the No Action alternative, other than from other users over time. Under the Proposed Action GHG emissions would increase, but would not increase substantially over current levels (approximately 2 percent), as described in FEIS Sec. 3.9.4.4. There would be no adverse impacts to climate under the Proposed Action. Therefore, based on FAA's independent review and evaluation, the FAA has determined that the Proposed Action would not result in significant impacts on climate when compared to the No Action Alternative.

#### **Coastal Resources** (*FEIS Section 2.7.6*)

Coastal zone and coastal resources include designated coastal land and the natural resources dependent on that land. The Coastal Zone Management Act of 1972 was established to plan comprehensively for and manage development of the Nation's coastal land and water resources. Federal actions that are likely to affect any land or water use or natural resource of the coastal zone must be consistent with the enforceable policies of the State's Coastal Zone Management Plan. There are no coastal zones within or near the study area for the Proposed Action. Therefore, the Proposed Action would not have any impact to coastal zone management or associated resources and this impact category was eliminated from further consideration.

#### **Land Use** (*FEIS Section 3.4 and Appendix G*)

The FAA has not established a significance threshold for land use. The compatibility of existing and planned land uses with an aeronautical proposal is usually associated with noise impacts, disruption of communities, relocation, and induced socioeconomic impacts. The determination that significant impacts exist usually depends on whether the Proposed Action would result in other impacts exceeding thresholds of significance that have land use ramifications. The Proposed Action would be entirely airspace-based and would not involve construction, physical improvements, or modifications. As a result, there would be no shifts in patterns of population movement and growth, public service demands, or changes in business and economic activity resulting from the Proposed Action.

The ROI for land use includes 11,947 square miles comprised of the lands under the SUA associated with the MHRC, plus a 1,300-foot buffer outside the range complex boundary. Of this land, about 46 percent is in Idaho, 41 percent in Nevada, and 13 percent in Oregon. The land has a diversity of landforms, including valleys, basins, lakes and mountain ranges, and sparsely vegetated plains, separated by isolated mountains, hot springs, dry lakes, wetlands, volcanic remains, and deep narrow canyons. The region is mostly remote, natural, and undeveloped land of the Great Basin Desert. Predominant uses are cattle grazing, mineral extraction, outdoor recreation, and hunting. Land in the ROI is owned by private (9 percent), federal (approximately 83 percent), Native American (4 percent), and state entities (4 percent). Federal lands include, for example, lands owned and managed by the USFWS, U.S. Forest Service (USFS), Bureau of Land Management (BLM), DoD, Department of Energy (DOE), and Bureau of Reclamation. **Figure 2** shows land management within the ROI.

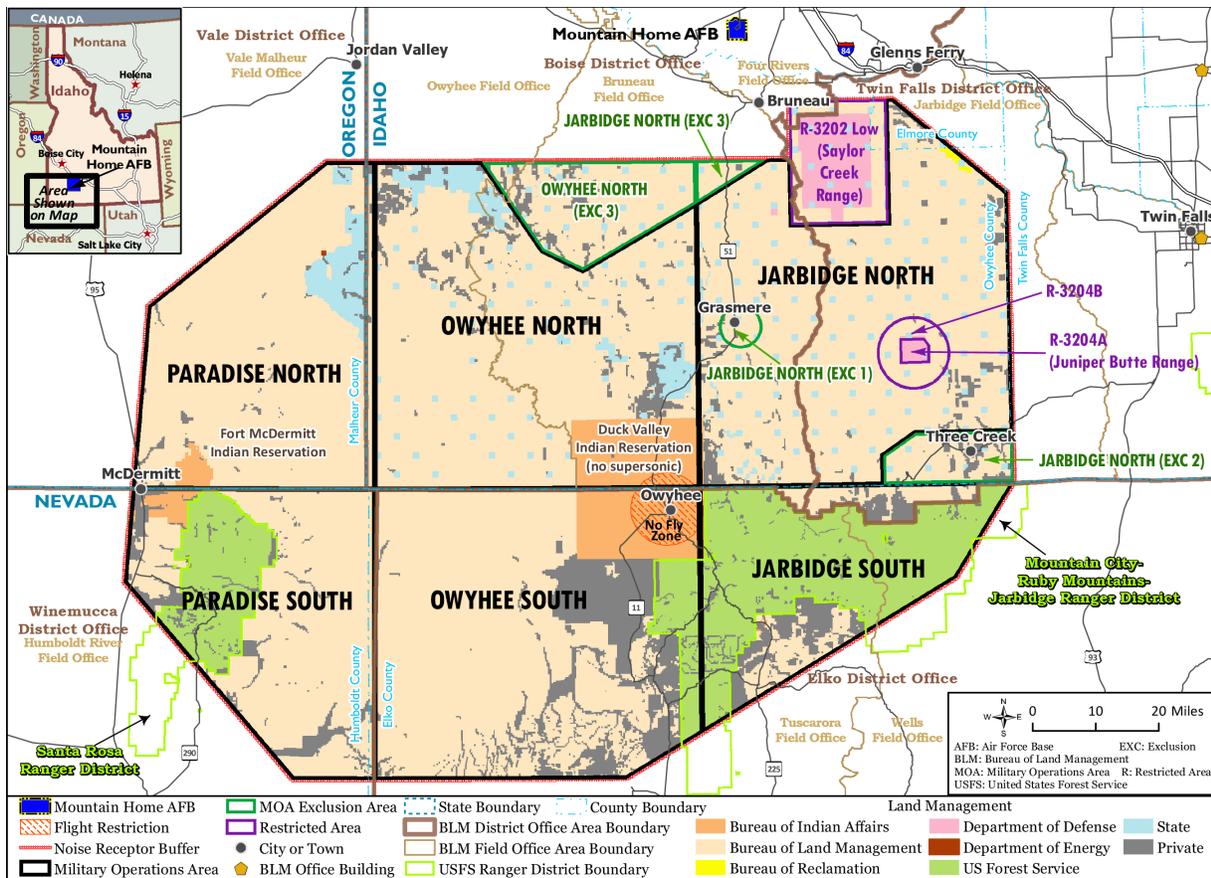
Under the Proposed Action there would be impacts to land use in the Oregon and Nevada MOAs where the floors are lowered, with the scope of impact relative to the floor altitude (i.e., the lower the floor, the higher degree of impact). Low-level overflights can conflict with existing uncharted obstructions, or development of new infrastructure over 100 feet in height. Under the Proposed Action, for general land use there could be impacts on remote settlements and isolated homesteads and dispersed recreational use from substantial and noticeable increases in time-averaged noise levels (7 to 12.5 decibels [dB] day-night average sound level [DNL]) and low-level overflights (although low number of occurrences at any given location). There could be potential startle effects from low-level overflights for managed lands with potential noise impacts. Even though there are no significant noise impacts, lands with a quiet setting as a generally recognized purpose and attribute were reviewed. Wilderness areas impacts would be similar. Jarbidge Wilderness, a very small portion of Owyhee River Wilderness, all Wilderness Study Areas, and all lands with wilderness characteristics within the ROI would experience noise

increases that could alter the time-averaged soundscape. The overall wilderness character of these areas would not be degraded and significant impacts to wilderness would not occur. The Proposed Action could impact Wild and Scenic Rivers and NRI river segments under Jarbidge South, Owyhee South, Paradise North, and Paradise South MOAs as they would be exposed to increases in average noise levels when compared to the No Action Alternative. There could be impacts on recreational experiences in Wilderness Areas, Wilderness Study Areas, and Wild and Scenic Rivers from changes in noise and low-level overflights. There could be impacts from noise and overflights on recreational sites such as campgrounds, parks, and recreation management areas.

The lower altitude for supersonic operations associated with the Proposed Action could cause impacts to land use, with the area and scope of impact relative to the floor altitude (i.e., the lower the supersonic operation, the more area potentially affected and the higher degree of impact). Areas with increased noise levels would remain below 65 dB DNL and would be compatible with ranching, cattle grazing, mining, agriculture, and other uses. Under the Proposed Action for general land use there could be impacts on remote settlements and isolated homesteads from new sonic boom exposure under the four MOAs where increased supersonic operations would occur at lower altitudes. There would be impacts from sonic booms on managing for a diverse range of recreational opportunities, especially in noise-sensitive areas and locations. Operations under the Proposed Action for Wilderness Areas could affect solitude or primitive and unconfined recreation. There could be impacts of sonic booms on recreational resources and visitors using these resources (such as special recreation areas, parks, reservoirs, hiking and camping areas) as well as impacts on recreational experiences in Wilderness Areas, Wilderness Study Areas, and Wild and Scenic Rivers.

The Proposed Action does not involve land acquisition, physical disturbance, or construction activities that would affect land use. The lateral boundaries of the MOAs are not changing, so there would be no introduction of a new visual or audible element to areas outside of the MOAs. Noise-related impacts would be mitigated by measures identified in the FEIS and adopted by USAF in its ROD, including seasonal avoidance for the Jarbidge Wilderness Area and seasonal avoidance for peak recreation during holidays and during the floating season. Therefore, based on FAA's independent review and evaluation, the FAA has determined that with the mitigation measures described in the FEIS and adopted by USAF in its ROD the Proposed Action would not result in significant impacts on land use when compared to the No Action Alternative.

## **Figure 2. Land Management Within the ROI**



**Department of Transportation Act: Section 4(f) (FEIS Section 2.7.2)**

Per FAA Order 1050.1F, Change 1, Appendix A, Section 6, 4(f) does not require a Section 4(f) analysis. The designation of airspace for military flight operations is exempt from Section 4(f) of the U.S Department of Transportation (DOT) Act. The DOD reauthorization in 1997 provided that “no military flight operations (including a military training flight), or designation of airspace for such an operation, may be treated as a transportation program or project for purposes of Section 303(c) of Title 49, U.S. Code (Public Law 105–85).” Per FAA Order 1050.1F, military-related SUA actions are exempt from the requirements of Section 4(f) and, therefore, this impact category was eliminated from further consideration.

**Farmlands (FEIS Section 2.7.3)**

The Farmland Protection Policy Act regulates federal actions with the potential to convert farmland to non-agricultural uses. The Proposed Action would not involve any ground disturbance or conversion of farmland to non-agricultural uses; therefore, this impact category was eliminated from further consideration.

**Hazardous Materials, Solid Waste, and Pollution Prevention (FEIS Section 2.7.4)**

No ground-disturbing activities would occur as a part of the Proposed Action. Therefore, this impact category was eliminated from further consideration.

**Historical, Architectural, Archeological, and Cultural Resources (FEIS Section 3.6 and Appendix F)**

National Historic Preservation Act (NHPA) Section 106 regulations direct federal agencies to make reasonable and good faith efforts to identify historic properties in regard to a Proposed Action (36 CFR § 800.4(b)(1)). Federal agencies are to take into account the nature and extent of potential effects on historic properties and the likely nature and location of historic properties within areas that may be affected. Compliance with Section 106 requires consultation with the State Historic Preservation Office (SHPO) and/or the Tribal Historic Preservation Officer if there is a potential adverse effect to historic properties within the Area of Potential Effects (APE) that are on, or eligible for listing on, the National Register of Historic Places.

The USAF consulted and coordinated with federal and state agencies and federally-recognized Native American tribes (tribes). The USAF considered all substantive public, agency, and tribal comments received for the FEIS development. In compliance with Section 106 of the National Historic Preservation Act (NHPA), the USAF has completed consultations with the Idaho, Nevada, and Oregon SHPOs, and with tribes within Idaho, Nevada, and Oregon that have traditionally expressed interest in lands under the MHRC SUA. Consultation with tribes is conducted on a “Government-to-Government” basis as required by Section 106 of the National Historic Preservation Act (36 CFR § 800) and E.O. 13,175.<sup>4</sup> The USAF invited Government-to-Government consultation with the following tribes: Shoshone-Paiute Tribes of the Duck Valley Reservation, Te-Moak Tribe of Western Shoshone Indians of Nevada, Summit Lake Paiute Tribe of Nevada, Burns Paiute Tribe, Shoshone-Bannock Tribes, Northwestern Band of the Shoshone Nation, and the Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon.

Under the Proposed Action there would be no adverse effects to archaeological or architectural resources from the lowering of MOA floors. No traditional cultural properties or sacred sites were identified within the APE. Current overflight restrictions over the Duck Valley Indian Reservation in Idaho and Nevada would continue. Overflights of these and other areas would not be expected to adversely affect the qualities of any cultural resources that make them eligible for listing in the National Register of Historic Places. There would be no historic properties affected in Idaho and no adverse effects to historic properties in Nevada and Oregon.

Under the Proposed Action for the lower altitude of supersonic operations, sonic boom exposure levels would be increased throughout the affected APE. No traditional cultural properties have been identified by any of the federally-recognized tribes with which the USAF has consulted that have reservations or traditional lands beneath the SUA. Mitigation described in the FEIS and adopted by USAF in its ROD is described in the mitigation section below. Unmitigated lowered supersonic flights over or near the Fort McDermitt Indian Reservation could have the potential to affect traditional cultural properties and sacred sites. Such properties may exist but have not been revealed to the USAF. The USAF proposes to establish an avoidance area over the Fort McDermitt city limits and Indian Reservation. No military operations would occur below 4,500 feet AGL, whether operating in the MOAs or a military training route (MTR). Additionally, there would be no supersonic operations over the avoidance area. The USAF anticipates noise would be reduced to levels below baseline conditions because most of the Fort McDermitt city limits and Indian Reservation underlies an MTR where operations presently occur down to 100

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<sup>4</sup> Executive Order 13,175, *Consultation and Coordination with Indian Tribal Governments*.

feet AGL. There would be no historic properties affected in Idaho and no adverse effects to historic properties in Nevada and Oregon.

The Proposed Action does not include any project components that would directly or indirectly affect the ground surface. Cultural resources within the APE would not be disturbed since there would be no ground-disturbing activities (e.g., construction or demolition) associated with the Proposed Action.

Based on MHAFB FEIS and consultation efforts with Nevada, Idaho, and Oregon SHPOs and other agencies, the USAF concluded that the Proposed Action would have no adverse effect on historical resources within Nevada and Oregon and no historic properties would be affected in Idaho. Based on FAA's independent review and evaluation, the FAA agrees that with the mitigation measures described in the FEIS and adopted by USAF in its ROD the Proposed Action would not result in significant impacts on Historical, Architectural, Archeological, and Cultural Resources when compared to the No Action Alternative.

#### **Natural Resource and Energy Supply** (*FEIS Section 2.7.8*)

The FAA has not established a significance threshold for this category. The term “natural resources” refers to the materials or substances—such as minerals, forests, water, and land—that occur in nature. In the context of this project, natural resources and energy supply refers to the natural or depletable resources found within or near the project area, such as water, and energy supplies, such as electricity, natural gas, and fuels. The Proposed Action evaluated in the FEIS does not include the construction of any facilities. Maintenance and general operation of the existing aircraft at MHAFB would remain unchanged with this proposal. The applicable natural resource to the Proposed Action is fuel supply needed for nonparticipating IFR aircraft to deviate around the MOAs when activated. This already occurs as part of the original approval. Therefore, the FAA has determined that the Proposed Action would not have significant impacts on natural resources and energy supply when compared to the No Action Alternative.

#### **Noise and Noise-Compatible Land Use** (*Under Acoustic Environment in FEIS Section 3.3 and Appendix D*)

Noise was analyzed in detail in the FEIS noise study and sensitive receptors survey (Appendix D), including an evaluation of baseline noise conditions at MHRC to meet the noise metrics and methodologies of both the FAA and MHAFB. The Proposed Action would not produce noise impacts that exceed Airport Noise Compatibility Planning land use guidelines (14 CFR Part 150). Military flights already occur in MTRs throughout the SUA, and there is a low probability of encountering overflights.

For aviation noise analyses, the FAA has determined that the cumulative noise energy exposure of individuals to noise resulting from aviation activities must be established in terms of DNL, the FAA's primary noise metric.<sup>5</sup> The FAA defines a “significant” noise increase as an increase in DNL of 1.5 dB or more in a noise sensitive area that is exposed to noise at or above DNL 65 dB—or that would be exposed at or above DNL 65 dB due to a DNL 1.5 dB or greater

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<sup>5</sup> Day-Night Average Sound Level (DNL) takes into account the noise level of each individual aircraft event, the number of times those events occur, and the time of day in which they occur. DNL includes a 10 dB noise penalty added to noise events occurring from 10:00 p.m. to 7:00 a.m. to reflect the increased sensitivity to noise and lower ambient sound levels at night.

increase—when compared to the No Action Alternative for the same timeframe. For air traffic and airspace actions, the FAA also identifies any areas where there would be a “reportable” noise increase, which the FAA defines as an increase in DNL of: (1) 3 dB or greater at DNL 60 to less than 65 dB; or (2) 5 dB or greater at DNL 45 to less than 60 DNL.

In the FEIS, subsonic aircraft noise levels were modeled using version 3.0 of the MOA and Range NoiseMap (MRNMAP) modeling program. This program requires information on the altitudes, power settings, and airspeeds of each aircraft type as well as information defining the boundaries of the vertical and horizontal dimensions. This analysis includes aircraft operations in MOAs, ATCAAs, and RAs and on MTRs. Subsonic aircraft noise levels are described in the FEIS using DNL.

The subsonic time-averaged noise levels would increase by as much as 8 dB DNL below Paradise North MOA and by as much as 11 dB DNL below Paradise South MOA. The noise levels would increase by as much as 9.5 dB DNL below Owyhee South MOA, and by as much as 12.5 dB DNL below Jarbidge South MOA. These increases are considered to be “reportable” as defined by FAA Order 1050.1F. The noise levels in Owyhee North and Jarbidge North MOAs would decrease by as much as 3 dB DNL and 1 dB DNL, respectively, because some training that is currently conducted in those two MOAs would shift into MOAs with newly lowered floors. Even though there are reportable noise increases, the end state noise levels would be below 65 dB DNL at noise sensitive areas beneath all MOAs for subsonic noise levels.

In the FEIS, the modeling programs BOOMAP96 and PCBOOM6 were used to model supersonic aircraft operation noise levels from sonic booms. These programs require information on the number of supersonic sorties conducted and the horizontal distributions of supersonic flight activities. The horizontal distribution of supersonic activity is defined using oval-shaped areas within which most supersonic segments are contained. Supersonic noise is generated when an aircraft flies faster than the speed of sound. A sonic boom is the sound associated with shock waves generated when an aircraft travels at supersonic speeds. The shock wave forms a “cone” of pressurized or built-up air molecules that move outward and rearward in all directions from the aircraft. The altitude at which the shock wave is created determines the distance shock waves travel before reaching the ground and affects the intensity of the boom. The higher the aircraft, the greater the distance the shock wave must travel before reaching receptors on the ground, reducing the intensity of the boom. The loudest individual sonic booms would increase in intensity over the baseline noise levels beneath Paradise North, Paradise South, Owyhee South, and Jarbidge South MOAs. Boom overpressure would have an increase of 2.5 pounds per square foot (psf) in those MOAs.

Supersonic noise levels are described in this FEIS using the CDNL metric. Supersonic noise levels expressed using C-weighted decibel metrics cannot be added to subsonic noise levels expressed using A-weighted decibel metrics (e.g., DNL) to generate meaningful results, and

therefore the two types of noise are discussed separately.<sup>67</sup> The highest CDNL in Paradise North MOA would increase by 3 dB, resulting in an end-state of 50 dB CDNL. The highest CDNL in Owyhee South MOA would increase by 2 dB, resulting in an end-state of 49 dB CDNL. Supersonic noise levels in the other MOAs would remain the same (i.e., the change rounds to 0 dB) or would decrease as a result of supersonic flight activity shifting into other parts of the range complex. The Proposed Action would not modify existing restrictions on supersonic flight. The USAF anticipates that there would be a slight increase over time in overall supersonic events associated with an increase in activity by other users. Only a small percentage of the other users' aircraft is capable of supersonic flight, representing only a small portion of total baseline supersonic events. Correspondingly, the potential increase in supersonic events over the baseline associated with other users' supersonic-capable aircraft is only a small portion of the overall five percent increase in the number of sorties associated with other users throughout the airspace.

Therefore, based on the FAA's independent review and evaluation, the Proposed Action would result in some reportable noise impacts, but no significant noise impacts were identified. The FAA has determined that the Proposed Action would not result in significant impacts on noise when compared to the No Action Alternative.

**Socioeconomics, Environmental Justice, and Children's Environmental Health and Safety Risks** (*Health and Safety FEIS Section 3.7, Socioeconomics FEIS Section 3.10, and Environmental Justice FEIS Section 3.11*)

The FAA has not established a significance threshold for these impact categories. However, the determination that significant impacts exist can be determined by whether an alternative would substantially alter the location and distribution of the human population, cause the population to exceed historical growth rates, or substantially affect the local housing market and vacancy rates, or create a need for new or increased fire or police protection or medical services, beyond the current capability of the local community. An alternative that involves substantial acquisition of real estate, relocation of residents or community businesses, disruption of local traffic patterns, a substantial loss in the community tax base, or changes to the fabric of the community could also result in a significant effect.

The FAA has determined there are no personnel changes associated with the Proposed Action that would impact socioeconomic resources. There would be minimal adverse economic impacts based on the potential impacts to airspace operations and management, the acoustic environment (noise), and land use and management identified in the respective resource areas under the Proposed Action.

The FAA has not established a significance threshold for Environmental Justice or for Children's Environmental Health and Safety Risks. E.O. 12,898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, and the accompanying Presidential Memorandum, and Order U.S. DOT 5610.2. The DOT 5610.2(a) definition for a

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<sup>6</sup> C-weighted sound levels denote an adjustment to the frequency content of a noise event to represent human response to louder noise levels.

<sup>7</sup> Per FAA Order 1050.1F Desk Reference V2., page 11-2: Average Sound Level means the level, in decibels, of the mean-square, A-weighted sound pressure during a specified period, with reference to the square of the standard reference sound pressure of 20 micropascals.

“disproportionately high and adverse impact” on minority and low-income populations was used to assess impacts to environmental justice populations. This section also considered the potential environmental health or safety risks that may disproportionately affect children under E.O. 13,045, *Protection of Children from Environmental Health and Safety Risks*. E.O. 12,898 on Environmental Justice requires the FAA to provide meaningful public involvement by minority and low-income populations and analysis that identifies and addresses the potential for disproportionately high and adverse impacts to these populations. Executive Order (E.O.) 14096, *Revitalizing Our Nation’s Commitment to Environmental Justice for All*, was enacted on April 21, 2023. E.O. 14096 on environmental justice does not rescind E.O. 12898, which has been in effect since February 11, 1994 and is currently implemented through DOT Order 5610.2C. This implementation will continue until further guidance is provided regarding the implementation of the new E.O. 14096 on environmental justice.

Under the Proposed Action, aircraft noise would not exceed 65 dB DNL or 62 dB CDNL beneath the MOAs that make up MHRC but would result in increases in noise to residential areas located under the affected area of concern where low overflights could occur. There could be potential for adverse impacts to minority and low-income populations in Humboldt County, Nevada, including portions of the Fort McDermitt Indian Reservation, due to noise under the Proposed Action. Schools located in Humboldt County could be impacted by infrequent low-level overflights, which may temporarily disrupt learning. The disruption of speech in a classroom is a primary concern due to adverse effects on children’s learning ability and may pose a disproportionate health and safety risk to children. Public outreach with local communities and stakeholders was completed and is discussed in Section 7. In addition, the USAF is proposing to establish an avoidance area over the Fort McDermitt city limits and Indian Reservation. No military operations would occur below 4,500 feet AGL, whether operating in the MOA or MTRs. There would be no supersonic operations over the avoidance area. To track these and all mitigations, the USAF will develop a Mitigation Plan after signature of their ROD that identifies principal and subordinate organizations with responsibility for oversight and execution of specific actions. In no case would an impact-inducing action be taken or implemented prior to the applicable mitigation measure (defined below) being funded and put in place.

The CEQ defines minority populations as members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. Minority populations are identified where either: 1) the minority population of the affected area exceeds 50%, or 2) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis. The Proposed Action occurs in airspace located above and within the boundaries of MHRC.

Minority and low-income populations in the block groups (BG) are compared to their respective census tracts.<sup>8</sup> The region of influence beneath the airspace has a minority population that is

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<sup>8</sup> A “block group” represents a portion of a “census tract,” which are designations used by the U.S. Census Bureau to organize subsets of populations in a given geographical location. Census tracts generally have between 1,500 and 8,000 people, with an optimum size of 4,000 people. Block groups are statistical divisions of census tracts, generally defined to contain between 600 and 3,000 people (USCB, 2020a).

greater than their respective community of comparison (i.e., the census tract), and it is presumed that there would be environmental justice populations present. The U.S. Census Bureau has allocated the unincorporated community of McDermitt into two census-designated places: McDermitt and Fort McDermitt. Both census-designated places are in Humboldt County, Nevada. The Fort McDermitt Census-Designated Place includes the Fort McDermitt Indian Reservation. The population in the Fort McDermitt Census-Designated Place is approximately 336 people of which an estimated 325 people (96.7 percent) identified themselves as “American Indian and Alaska Native” and, therefore, are assumed to represent the tribal member population of the Fort McDermitt Indian Reservation. Additionally, there are two BGs within the Duck Valley Indian Reservation—one in Idaho (98.9 percent minority and 67.2 percent low-income) and the other in Nevada (96.7 percent minority and 31.5 percent low-income) that has a greater percentage of minority or low-income population than the community of comparison (i.e., census tract), it is presumed that there would be environmental justice populations present in these BGs as well.

The following BG in the area of interest have a greater percentage of minority individuals than their respective community of comparison (i.e., census tract [CT]):

- BG 2, CT 960100 (31.4%) compared to CT 960100 (28.0%), Elmore County, Idaho
- BG 1, CT 950200 (24.4%) compared to CT 950200 (23.2%), Owyhee County, Idaho
- BG 5, CT 950200 (98.9%) compared to CT 950200 (23.2%), Owyhee County, Idaho
- BG 1, CT 951700 (96.7%) compared to CT 951700 (69.7%), Elko County, Nevada
- BG 1, CT 010500 (41.5%) compared to CT 010500 (31.9%), Humboldt County, Nevada

BGs in the area of interest that have a greater percentage of low-income individuals than their respective census tract include:

- BG 5, CT 950200 (67.2%) compared to CT 950200 (17.5%), Owyhee County, Idaho
- BG 1, CT 010500 (17.9%) compared to CT 010500 (8.7%), Humboldt County, Nevada
- BG 1, CT 010600 (25.1%) compared to CT 010600 (22.2%), Humboldt County, Nevada

BG 1 of census tract 951700 and BG 5 of census tract 950200 are both located within the Duck Valley Indian Reservation. The two BGs had a combined population of 1,351 people. Of that population, 1,270 people (94 percent) identified themselves as “American Indian and Alaska Native.” Thus, the estimated population of the Duck Valley Indian Reservation is approximately 1,270 tribal members. Under the Proposed Action subsonic aircraft operations noise levels beneath the MOAs would remain below 65 dB DNL. Noise levels associated with sonic booms under the Proposed Action would remain relatively the same and the addition of 5% by other users is not projected to increase sonic booms based on the aircraft types not capable of achieving supersonic flight.

The USAF has considered public and tribal input received on the Draft EIS (DEIS) as well as the analysis presented above. As a result, the USAF proposes to establish an avoidance area over the Fort McDermitt city limits and Indian Reservation. No military operations would occur below 4,500 feet AGL, whether operating in the MOAs or MTRs. Additionally, there would be no supersonic operations over the avoidance area. The USAF anticipates that noise would be

reduced to levels below baseline conditions because most of the Fort McDermitt city limits and Indian Reservation underlies an MTR where operations presently occur down to 100 feet AGL. Restricting all military operations, including those associated with the MTR, to altitudes above 4,500 feet AGL would result in an improvement in the acoustic environment of this area. Furthermore, if no supersonic operations occur over the avoidance area, the potential impacts identified from sonic booms would be eliminated from the Fort McDermitt city limits and Indian Reservation. Therefore, the USAF anticipates implementation of these mitigation measures would effectively reduce the severity of impacts to the Fort McDermitt city limits and Indian Reservation to insignificant levels.

Therefore, based on the FAA's independent review and evaluation, the FAA has determined that with the mitigation measures described in the FEIS and adopted by USAF in its ROD the Proposed Action would have no significant impacts on Socioeconomics, Children's Environmental Health and Safety Risks, or Environmental Justice when compared with the No Action Alternative.

**Visual Effects (including Light Emissions)** (*Under Aesthetics and Visual Resources FEIS Section 3.8*)

The FAA has not established a significance threshold for Visual Effects, but has identified factors to consider in evaluating their context and intensity.<sup>9</sup> The Proposed Action would not result in any physical changes to the visual setting of underlying areas nor add a new light source. Potential impacts resulting from the Proposed Action would be transitory, limited to short-term, separate effects resulting from aircraft overflights. This review considered the visibility of aircraft overflights, frequency, proximity, and duration of overflights. Visual impacts to recreational users would be temporary and minor as the aircraft would only be within viewing range for a short time, and there would be no significant impact. The area is currently overflowed by civilian and military aircraft (i.e., no new areas would be exposed to a visual element as a result of the Proposed Action).

Therefore, the Proposed Action would have no significant impacts on Visual Effects (including light emissions) when compared with the No Action Alternative.

**Water Resources (including Wetlands, Floodplains, Surface Waters, Groundwater, and Wild and Scenic Rivers)** (*FEIS Section 2.7.5*)

The Proposed Action would be limited to the modification or establishment of airspace only and would not include any components that would directly affect the quantity, flow, or accessibility of surface water or groundwater resources. No construction activities would occur in floodplains or wetlands; therefore, there is no potential for direct impacts to these resources. The probability of a substantial amount of residue from chaff fibers or residual material from chaff and flares being deposited in any one location, specifically within a confined waterbody, would be minuscule due to the large area within which flight operations would occur. Therefore these resources were not carried forward for detailed analysis in the FEIS.

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<sup>9</sup> 5 See FAA Order 1050.1F, Exhibit 4-1.

### **Wild and Scenic Rivers** (*FEIS 3.4.3.5, 3.4.4.4.4*)

There are 16 Wild and Scenic Rivers and 4 Nationwide Rivers Inventory (NRI) river segments in the ROI. Representative rivers include the Wickahoney Creek Wild and Scenic River, the Jarbidge Wild and Scenic River, and the Owyhee Wild and Scenic River. Under the Proposed Action, overflights of Wild and Scenic Rivers in the Owyhee North and Jarbidge North MOAs would continue under the existing restrictions. Subsonic overflights of Wild and Scenic Rivers or NRI segments in the Paradise North, Paradise South, Owyhee South, and Jarbidge South MOAs would continue to be limited to flights above the existing airspace floors. Supersonic flights would continue to occur in the Owyhee North and Jarbidge North MOAs. A total of 170 miles of Wild and Scenic River segments on 13 rivers are exposed to noise levels of 47 dB up to 52 dB CDNL, and 1 river and 11 miles is exposed to levels just above 52 dB CDNL. No NRI segments are currently exposed to a CDNL of 47 dB or greater. Impacts to Wild and Scenic Rivers and NRI segments would be mitigated by measures identified in the FEIS and adopted by USAF in its ROD, including seasonal avoidance for the floating season. Based on the FAA's independent review and evaluation, the FAA has determined that with the mitigation measures described in the FEIS and adopted by USAF in its ROD the Proposed Action would have no significant impacts on Wild and Scenic Rivers when compared with the No Action Alternative.

### **Cumulative Impacts** (*FEIS Section 4.0*)

Cumulative impacts result from incremental impacts of an action when combined with other past, present, and reasonably foreseeable future actions (40 CFR § 1508.1[g]). Cumulative impacts can result from individually minor but collectively significant actions over a period of time (CEQ, 1997). Cumulative impacts would occur if incremental impacts of the Proposed Action, added to the environmental impacts of past, present, and reasonably foreseeable future actions, would result in an adverse effect to resources in the region.

The cumulative impacts analysis focuses on those resource areas that may be significantly impacted by the Proposed Action, and/or those resource areas currently in poor or declining health or at risk, even if the Proposed Action impacts would be relatively small.

### **Past, Present, and Reasonably Foreseeable Future Actions**

The FEIS analyzed past, present, and foreseeable future projects in the ROI as listed:

#### *Final Environmental Assessment (EA) for Operational Changes and Range Improvements in the MHRC (USAF)—Past*

This action includes implementation of operational changes and improvements in the MHRC to sustain the 366th Fighter Wing primary mission. The action established new no-drop targets and landing zones for aircrew operating in the current airspace configuration and would contribute to cumulative impacts. Effects of this project were captured in baseline conditions for airspace management, biological and cultural resources, and land use.

#### *Final EA for Beddown of Additional Republic of Singapore Air Force (RSAF) F-15SGs at MHAFB, Idaho (USAF)—Past*

This action increased the number of F-15SGs from 14 to 20 with associated increases in airspace operations and inert munitions use at MHAFB. This project would contribute to cumulative impacts and the cumulative noise analysis considers the increase in F-15SGs in the FEIS.

*Final EA for Juniper Butte Land Withdrawal Extension MHAFB, Idaho (USAF)—Past*

This action extended the withdrawal of public lands as described in Public Law 105-261 at the MHRC, Idaho, for an additional 25 years. Effects of this project were captured in baseline conditions for airspace management.

*Final United States Air Force F-35A Operational Beddown Air National Guard Environmental Impact Statement (EIS) (USAF)—Past*

Additional beddown of F-35A operational Air National Guard (ANG) at one or more of five locations including Gowen Field and use of existing MHRC SUA. A “To Be Determined” AFB was selected for beddown. Gowen Field was not selected. This project is not anticipated to have cumulative impacts (FEIS Table 4.1-1).

*Environmental Impact Analysis Process (EIAP) to Support Establishing SUA-Gunfighter MOA—Future*

This proposed future project would establish SUA between 14,000 feet MSL up to (but not including) 18,000 feet MSL that would be activated by NOTAM. Additional SUA could have the potential to interfere with commercial and civilian air traffic and the project could contribute to cumulative impacts. Effects of this potential future project were included in Section 4.2 of the FEIS.

*MHAFB Qatar Emiri Air Force F-15 Beddown EA—Future*

This proposed future project would add 12 aircraft with associated increases in airspace operations. This project could contribute to cumulative impacts and the cumulative noise analysis considers the potential increase in F-15s. Biological cumulative analysis considers aircraft movement, noise, bird/wildlife aircraft strike hazards, and the use of chaff and flares. Health and safety cumulative analysis addresses increases in chaff and flare utilization in the FEIS (FEIS Table 4.1-1).

*EA for Proposed National Guard Bureau F-15EX Beddown, Kingsley Field and Portland ANG Base, Oregon—Future*

This proposed future project would add 18 aircraft with associated increases in airspace operations at Kingsley Field, Oregon, in Klamath Falls, and transition to the USAF first F-15EX formal training mission was expected to begin in 2022. The Portland ANG Base is expected to become the first operational F-15EX squadron in 2023. This project would contribute to cumulative impacts and the cumulative noise analysis considers the increase in F-15EXs in the FEIS.

*EA for Forging Sabre Biennial Exercises at MHAFB, Idaho—Present*

This on-going action will be conducted entirely within the existing operational envelopes for the MHRC, every other year, for a two-week period. Forging Sabre exercises would not increase total annual number of based and transient aircraft sorties flown in the MHRC beyond the number analyzed in the 2018 Environmental Assessment (EA) for the beddown of additional Republic of Singapore Air Force F-15SGs (USAF, 2018c). Forging Sabre has already been considered in the baseline cumulative impacts and also in the 2021 Draft EA for Forging Sabre Biennial Exercises.

ROD for the Fallon Range Training Complex Modernization Final Environmental Impact Statement (Navy)—Future

The Navy conducted a Supplemental Environmental Impact Statement (SEIS) to evaluate reconfiguration of existing MOAs and ATCAAs, and create new, restricted airspace (R-4805). Additional airspace would have the potential to interfere with commercial and civilian air traffic and the project could contribute to cumulative impacts. Effects of this project were described in Section 4.2 of the FEIS.

BLM Resource Management Plans/EISs: Bruneau Field Office (ID) (BLM) Owyhee Field Office (ID) (BLM) Jarbidge Field Office (ID) (BLM) Elko Field Office (NV) (BLM) Winnemucca Field Office (NV) (BLM) Vale District Office (OR) (BLM)—Past and Present

The BLM develops Resource Management Plans to guide appropriate multiple uses of land and provide for management and protection of protected resources. Management activities occur on BLM-managed lands, which lie beneath all of the existing MOAs and ATCAAs and the project could contribute to cumulative impacts. Past and present management captured in baseline conditions for natural resources, land management, recreation, and socioeconomics in the FEIS (FEIS 4.2.2). Ongoing management expected to impact the same resources.

Owyhee Canyonlands Wilderness and Wild & Scenic Rivers Final Management Plan and EA (BLM)—Past and Present

This Management Plan provides the framework for the management of Wilderness and Wild and Scenic Rivers within the Owyhee Canyonlands. Section 1.5.3.10 of the Management Plan notes that “military overflights of wilderness areas, including low-level overflights are not precluded or restricted.” Management activities occur on BLM managed lands, which lie beneath the existing Owyhee and Jarbidge MOAs and ATCAAs and the project could contribute to cumulative impacts. Effects captured in baseline conditions for airspace management, biological and cultural resources, and land use in the FEIS (FEIS Table 4.1-1).

BLM Idaho, Oregon, and Nevada and Northeastern California Greater Sage-Grouse Final SEIS (BLM) and ROD (BLM)—Present and Future

These Final SEISs identify range-wide greater sage-grouse conservation objectives and conservation measures. The BLM’s decisions in the ROD remains as identified in the associated 2019 Approved Resource Management Plan Amendments. Management activities occur on BLM managed lands, which lie beneath the existing MHRC MOAs and ACTAAs and the project could contribute to cumulative impacts. Status of the greater sage grouse is captured in biological resources baseline conditions in the FEIS. Cumulative effects are addressed in Section 4.2 of the FEIS.

BLM Greater Sage-Grouse Approved Resource Management Plan Amendments (BLM)—Future

The BLM is considering future updates to the range-wide management plans for sagebrush habitat. The BLM is considering the effects of stressors such as climate change on the greater sage-grouse population to assess management actions that may best support habitat conservation. Management activities occur on BLM managed lands, which lie beneath the existing MHRC MOAs and ATCAAs and the project could contribute to cumulative impacts. Cumulative effects are addressed in Section 4.2 of the FEIS.

*BLM Sagebrush Focal Area Withdrawal (86 Federal Register 44742)—Future*

BLM is re-initiating the proposed withdrawal of approximately 10 million acres of federal lands in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming from location and entry under U.S. mining laws to protect the greater sage-grouse and habitat. Lands and associated greater sage-grouse occur under the existing MHRC MOAs and ATCAAs and the project could contribute to cumulative impacts. Cumulative effects are addressed in Section 4.2 of the FEIS.

*FAA review of the MHAFB's Class D and E airspace areas as prescribed by FAA Order JO 7400.2P, Procedures for Handling Airspace Matters (FAA)—Present*

FAA reviewed the MHAFB Class D and E airspace to determine if the current configuration provides adequate airspace for safe and efficient handling of terminal VFR or IFR operations. Airspace designation for the Class D and E airspace surrounding MHAFB was amended to comply with FAA Order JO 7400.2P and the project could contribute to cumulative impacts. Cumulative effects are addressed in Section 4.2 of the FEIS.

*FAA Categorical Exclusion Declaration (FAA)—Future*

Owyhee Airport and the Nevada State Aviation Department have requested FAA to provide the airport with IFR procedures to support medivac operations. Owyhee Airport is beneath the MHRC and the project could contribute to cumulative impacts. Cumulative effects are addressed in Section 4.2 of the FEIS.

*FAA Airspace review of the Mountain Home Municipal Airport prescribed by FAA Order JO 7400.2P, Procedures for Handling Airspace Matters (FAA)—Past*

FAA reviewed airspace use at Mountain Home Municipal Airport to establish controlled airspace for the airport. Airspace designation for the Class E airspace surrounding Mountain Home Municipal Airport was amended to comply with FAA Order JO 7400.2P and the project could contribute to cumulative impacts. Cumulative effects are addressed in Section 4.2 of the FEIS.

*U.S. Forest Service (USFS) Forest Plans/EISs: Humboldt-Toiyabe National Forest (USFS)—Present*

The USFS develops Land and Resource Management Plans to guide land management activities to sustain the health, diversity, and productivity of the nation's forests and grasslands to meet the needs of present and future generations. Management activities occur on USFS managed lands, which lie beneath all of the existing MOAs and ATCAAs and the project could contribute to cumulative impacts. Past and present management captured in baseline conditions for natural resources, land management, recreation, and socioeconomics in the FEIS. Ongoing management is expected to impact the same resources.

*Idaho Airport System Plan (IASP) Update (Idaho Transportation Department)—Present*

The IASP serves as a blueprint for the development of Idaho's public airport system. Civilian and commercial flight activity and airport operations at Idaho airports may interact with military operations and the project could contribute to cumulative impacts. Effects captured in baseline conditions for airspace management in the FEIS.

Idaho Joint Land Use Study (JLUS) (Idaho Department of Commerce)—Present

The JLUS is a planning process to establish a working relationship among military installations in southwestern Idaho and their proximate communities to act as a team to prevent and or curtail encroachment issues associated with future mission expansion and local growth. Actions taken to reduce encroachment into military activities may lessen pressure on military operations and the project could contribute to cumulative impacts. Effects captured in baseline conditions for airspace management, noise, and land use of the FEIS.

Nevada Airport System Plan Update (NDOT, 2004)—Past and Present

The plan update identifies the general aviation activity forecasts, airport capacities, airport system requirements and capital improvements for airports within the state of Nevada. Civilian and commercial flight activity and airport operations at Nevada airports may interact with military operations and the project could contribute to cumulative impacts. Effects captured in baseline conditions for airspace management in the FEIS.

Oregon Aviation Plan v6.0 (Oregon Department of Aviation, 2019)—Past and Present

The plan identifies the general aviation activity forecasts, airport capacities, airport system requirements and capital improvements for airports within the state of Oregon. Civilian and commercial flight activity and airport operations at Oregon airports may interact with military operations and the project could contribute to cumulative impacts. Effects captured in baseline conditions for airspace management are in the FEIS.

Findings

The Proposed Action would not result in significant impacts to any of the impact categories assessed in this ROD. Incremental effects from implementation of the Proposed Action, when combined with other actions, would not result in significant cumulative impacts based on the impact categories assessed in this ROD. The increases in noise levels predicted for cumulative scenarios for Alternatives 1, 2, and 3 are near, but less than, significance in the Jarbidge South MOA and Owyhee South MOA, as described in FEIS Section 4.2.2. Based on its independent evaluation, the FAA has determined there would be no significant cumulative impacts as a result of the establishment of the Proposed Action.

**Mitigation** (FEIS Section 2.9)

The USAF has adopted all practicable means to avoid or minimize environmental harm from the Proposed Action. However, some adverse impacts cannot be avoided, and could be perceived as adverse or annoying to affected individuals. The USAF has developed discretionary mitigation measures to address concerns expressed in comments provided by the public and governmental agencies based on the results of analyses in the FEIS. All mitigation measures identified in the FEIS would be implemented and included in a post-ROD Mitigation Plan.

Mitigation by avoidance is achieved by having been incorporated into the preferred alternatives (Alternative 1 and Alternative B) as part of the airspace proposal and would therefore be implemented automatically as part of the FAA airspace approval and charting process. Compliance with laws and regulations administered by the U.S. Environmental Protection Agency (EPA) and other regulatory and/or state environmental quality agencies are mandated

and some have mitigating effects. These laws and regulations are non-discretionary with respect to USAF decision making and would be observed.

To track non-discretionary mitigations, the USAF will develop a Mitigation Plan after execution of its ROD that identifies principal and subordinate organizations with responsibility for oversight and execution of these specific actions. In no case would an impact-inducing action be taken or implemented prior to the applicable mitigation measure (defined below) being funded and put in place.

The Mitigation Plan would include, but not be limited to, the following:

- Identification of the specific non-discretionary actions;
- Identification of the responsible organization for each action; and
- Timing for execution of the actions.

Mitigation measures are organized by resource area. Land Use (includes Wilderness); Aesthetics and Visual Resources; Socioeconomics; Cultural Resources; and Environmental Justice. Resource areas that have the same mitigation measures are grouped together.

#### *Mitigation for Land Use/Aesthetics and Visual Resources/Socioeconomics*

The USAF would continue to adhere to all existing flight constraints in the Jarbidge North and Owyhee North MOAs in Idaho. These existing flight constraints are standard operating procedures. The following proposed mitigation measures are specific to MOAs in Oregon (Paradise North MOA) and Nevada (Paradise South, Owyhee South, and Jarbidge South MOAs).

- Seasonal avoidance for the Jarbidge Wilderness Area: on Friday through Monday during the months of April, May, and June, military aircraft will be restricted to above 5,000 feet AGL for subsonic operations over Jarbidge Wilderness Area in the Jarbidge South MOA in Nevada. There are no designated Wilderness Areas under the Paradise North MOA in Oregon and there are no designated Wilderness Areas in Paradise South and Owyhee South MOAs in Nevada. This flight restriction will continue, absent compelling national security circumstances, military contingencies, or hostilities.
- Seasonal avoidance for peak recreation during holidays: no operations will be conducted during weekends associated with Memorial Day, 4th of July, and Labor Day. The training airspace managed by MHAFB will be closed to military training activities, except for transiting aircraft during weekends associated with Memorial Day, Labor Day, and the 4th of July holidays. This flight restriction will continue, absent compelling national security circumstances, military contingencies, or hostilities.
- Seasonal avoidance for floating season: During April, May, and June, the USAF will coordinate with BLM and National Park Service (NPS) to implement flight restrictions for peak floating timeframes on Wild and Scenic Rivers in Oregon and Nationwide Rivers Inventory in Nevada listed in the FEIS. In Oregon, this includes North Fork Owyhee Wild and Scenic River, Owyhee Wild and Scenic River, and Little West Owyhee Wild and Scenic River. In Nevada, this includes Nationwide Rivers Inventory segments of the West Fork Jarbidge River, North Fork Little Humboldt River, Mary's

River, and South Fork Owyhee River. Peak floating season varies greatly based on spring rains and snow melts; therefore, the USAF will consult with BLM and NPS to identify peak usage of each river segment in Oregon and Nevada. Once identified in coordination with BLM and NPS, the following flight restrictions will be implemented:

- Low-altitude flights over specified canyons will be limited to 1,000 feet AGL and at that level will only cross perpendicular to the canyons.
- Parallel flights within one mile of specified canyon rims will be limited to 5,000 feet AGL. Any flights that occur parallel to canyon rims during April, May, and June will occur above 5,000 feet AGL.

#### Mitigation Measures for Cultural Resources and Environmental Justice

The USAF proposes to establish an avoidance area over the Fort McDermitt city limits and Indian Reservation. No military operations would occur below 4,500 feet AGL, whether operating in the MOA or MTRs. There would be no supersonic operations over the avoidance area.

#### **7.0 PUBLIC INVOLVEMENT (FEIS Section 1.6.2)**

The public scoping period for this FEIS began on October 16, 2019, with the publication in the *Federal Register* of the USAF's NOI to prepare an EIS. The USAF published newspaper advertisements announcing the intent to prepare an EIS and hold public scoping meetings in the Idaho Statesman, Mountain Home News, the Idaho Press-Tribune, Humboldt Sun, and the Elko Daily Free Press in the weeks preceding each of the scheduled public scoping meetings. FEIS Appendix A provides a copy of the NOI. The USAF held four public scoping meetings between November 4, 2019, and November 8, 2019, in communities near MHAFB and the SUA associated with it. The USAF held all scoping meetings in an open house format where attendees could sign in, if desired, review display boards about the Proposed Action, and provide written comments on the project. Throughout the scoping period, the USAF actively asked for comments through press releases, newspaper advertisements, web postings, and similar communications channels. The 40-day scoping comment period that began on October 16, 2019, officially ended on November 25, 2019. Comments and stakeholder input received within the scoping comment period were considered during the development of the alternatives and the analysis presented in the DEIS. Comments received after the official end of the scoping comment period were also considered in determining the range of actions, alternatives, and environmental analysis of significant issues in the DEIS, to the maximum extent practicable, prior to its publication. FEIS Appendix B (Public Review and Comment) provides a summary of the substantive comments received during scoping and how the USAF addressed those comments in the FEIS.

The public review and comment period for the DEIS commenced on July 9, 2021, when the USAF published the notice of availability (NOA) for the DEIS in the *Federal Register*, and was extended twice, and ended on October 25, 2021. There were 2,894 comment letters (not including duplicate submittals) submitted during the public comment period via mail, email, written at public hearings, verbal at public hearings, and the public website. Of the 2,894 comment letters received, 895 contained unique comments (includes 25 form letters that contained additional unique substantive comments) and 1,999 consisted of various combinations

of language from 2 form letters (includes 337 form letters that contained additional unique comments that were not substantive). To capture the public concerns on the Draft EIS, the USAF reviewed each comment letter for substantive content. Of the 2,894 comment letters received, 407 did not contain any substantive content. Review of the substantive comment letters identified 22,851 substantive comments on the March 2023 Airspace Optimization for Readiness EIS for Mountain Home AFB Introduction 1-20, dealing with 422 topics of concern. The FAA attended several of the virtual and in-person public hearings. The USAF also published display advertisements announcing the availability of the DEIS and public hearings information in the following newspapers: The Idaho Statesman, Mountain Home News, the Idaho Press-Tribune, Owyhee Avalanche, Humboldt Sun, Elko Daily Free Press, Sho-Pai News, and Argus Observer. The USAF posted the DEIS on a public website.<sup>10</sup> The USAF sent copies of the DEIS and letters announcing the availability of the DEIS to federal, state, and local agencies, tribes, and special interest groups. The USAF also sent the DEIS to citizens or entities that requested a copy. The USAF made copies of the DEIS available for review at the website and at 51 locations. See Appendix B (Public Review and Comment) for the DEIS mailing list, which contains names and the full list of repositories.

The 22,851 comments were summarized into 16 primary categories and the USAF provided responses in FEIS Appendix B. The FAA independently reviewed comments and responses in each of the 16 categories in Appendix B of the FEIS. The FAA, as a cooperating agency, assisted USAF in responding to comments received during the Draft EIS public comment period.

Many of the comments received on the DEIS were in opposition of the establishment of MOAs. Some general comments concerned the NEPA process, locations chosen for scoping meetings and public hearings, the alternatives development process, the purpose and need for creating new airspace, transient aircraft and their expected operations, noise analysis and metrics used, and impacts to wildlife and domestic animals. Comments specifically pertaining to the Proposed Action included the following:

- Concerns regarding potential noise impacts to wildlife species, in particular to sensitive or endangered species. Specific species identified by commenters included greater sage-grouse, bighorn sheep, avian species, and big game species.
- Tribal concerns for the Duck Valley and Fort McDermitt Indian Reservations.
- Concerns about potential effects of sonic booms on humans and underlying structures.
- Concerns regarding potential impacts to a range of recreational activities and associated tourism effects.
- Concerns about incompatibility of the Proposed Action with specific land uses, such as Wilderness Areas, Wilderness Study Areas (WSAs), Wild and Scenic Rivers, Wildlife Management Areas, Areas of Critical Environmental Concern, and others.

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<sup>10</sup> <https://www.mountainhomeafbairspaceeis.com>.

- Suggestions of various proposed mitigations that commenters requested the USAF to consider and implement.

Five Government-to-Government meetings were held by the USAF with leaders and representatives of the Shoshone-Paiute Tribes of the Duck Valley Reservation, one meeting with the Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, and one meeting with the Shoshone-Bannock Tribes of the Fort Hall Reservation.

The FAA determined the USAF responses in the FEIS adequately addressed the comments received on the DEIS. The FAA's independent evaluation of the comments and responses included a specific focus on categories relevant to the FAA's area of jurisdiction.

The FAA processed requests for the establishment of SUA in accordance with FAA Order JO 7400.2P, *Procedures for Handling Airspace Matters*. As part of the process, the FAA publicly circularized the proposed airspace to solicit information to assist in determining what effect it would have to navigable airspace. Four comment letters were received and reviewed for substantive content. Of the four letters received, three contained substantive content. Review of these letters identified a total of 13 substantive comments.

After publication of the FEIS, on March 3, 2023—during the 30-day waiting period from March 3, 2023, through April 3, 2023—and prior to the USAF ROD being signed on July 14, 2023, USAF received 1,109 unsolicited comments. These comments were fully considered in making the decision herein and have been made a part of the administrative record. The comments received were all within the scope of comments the USAF received on the DEIS.

## **8.0 DECISIONS AND ORDERS**

The USAF has requested airspace changes to accommodate the Proposed Action, namely, to lower the floors within Paradise North MOA, Paradise South MOA, Owyhee South MOA, and Jarbidge South MOA. The USAF issued their ROD on July 14, 2023.

### **Finding**

The FAA has determined that with the mitigation measures described in the FEIS and adopted by USAF in its ROD no significant impacts would occur as a result of the Proposed Action for Alternative 1 and Alternative B.

### **Adoption**

In accordance with CEQ regulation 40 CFR § 1506.3 and FAA Order 1050.1F, Chapter 8, paragraph 8-2, the FAA has conducted an independent review and evaluation of the FEIS for the proposed changes to military flight training in the Paradise North MOA, Paradise South MOA, Owyhee South MOA, and Jarbidge South MOA. As a cooperating agency, the FAA provided subject matter expertise and closely coordinated with the USAF during the environmental review process, including the preparation of the DEIS and the FEIS. As described in the FEIS, the Proposed Action and the alternatives were studied extensively to identify potential impacts and

appropriate mitigation measures. The FAA evaluation included a review of all relevant and applicable impact categories required by FAA Order 1050.1F and has found the FEIS to be in compliance.

Based on its independent review, the FAA has determined that the FEIS and its supporting documentation, as incorporated by reference, adequately assess and disclose the environmental impacts of the Proposed Action and that adoption of the FEIS by the FAA is authorized under 40 CFR § 1506.3.

In addition, the FAA has determined that there have not been substantial changes to the Proposed Action that are relevant to environmental concerns, and that there are no significant new circumstances or information relevant to environmental concerns and bearing on the Proposed Action or its impacts. Therefore, the FAA has concluded that a supplement to the FEIS is not required.

Accordingly, the FAA adopts the FEIS, appendices, and all information identified therein, incorporated by reference, and made publicly available, and takes full responsibility for the scope and content that addresses the Proposed Action. The FAA will notify EPA of this adoption decision in accordance with FAA Order 1050.1F, paragraph 8-2(f).

### **Decision and Approval**

After careful and thorough consideration of the FEIS and the facts contained herein, the undersigned finds that the Proposed Action is consistent with existing national environmental policies and objectives as set forth in Section 101 of NEPA and other applicable environmental requirements. Public participation in the airspace circularization process for the Special Use Airspace proposal was conducted in accordance with FAA Order JO 7400.2P, and the comments received concerning potential impacts on aviation were considered and adequately addressed.

The undersigned has carefully considered the FAA's statutory mandate under 49 U.S.C. § 40103 to ensure the safe and efficient use of the NAS as well as the other aeronautical goals and objectives discussed in this FEIS. The undersigned finds that Alternative 1 and Alternative B for the Proposed Action provide the best approach for meeting the purpose and need of that action and that all practicable means to avoid or minimize environmental harm from these alternatives have been adopted.

Accordingly, under the authority delegated to the undersigned by the Administrator of the Federal Aviation Administration, the undersigned approves and authorizes all necessary agency action to modify the Paradise North MOA, Paradise South MOA, Owyhee South MOA, and Jarbidge North MOA for the Mountain Home Range Complex in Idaho, Nevada, and Oregon, as described in the Proposed Action.

This decision signifies that applicable federal environmental requirements relating to the Proposed Action have been met. The decision enables the FAA to complete its non-rulemaking actions to modify the MHRC MOAs, as described in the Proposed Action.

**Approved:**

Michael R. Beckles,  
Director, Policy, AJV-P  
Mission Support Services, Air Traffic Organization  
Federal Aviation Administration

**Right of Appeal**

This ROD constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. § 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. § 46110.