

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

**Adoption of the Final Environmental Assessment
And
Finding of No Significant Impact/Record of Decision
For
Establishment of Special Use Airspace, Restricted Area (R)-2511
Naval Air Weapons Station China Lake
San Bernardino County, California
April 2022**

Introduction

The United States (U.S.) Naval Air Warfare Center Weapons Division (NAWCWD) at the Naval Air Weapons Station China Lake (NAWSCL), California, prepared the Final Environmental Assessment (FEA) for the *Establishment of Restricted Area R-2511*. The NAWCWD FEA analyzed the potential environmental impacts associated with the establishment of Special Use Airspace (SUA) R-2511. The NAWCWD Finding of No Significant Impact (FONSI) provided the environmental impact determination and resulting decisions.

As the lead agency, the Navy prepared the FEA in accordance with the National Environmental Policy Act (NEPA). The Navy invited the Federal Aviation Administration (FAA) to participate as a cooperating agency based on FAA's jurisdiction by law over approvals to changes to the National Airspace System. As a cooperating agency, the FAA coordinated closely with the Navy, and actively participated in the preparation of the FEA.

The draft EA was provided for public review from June 17, 2021, to July 2, 2021, and no comments were received. The potential environmental impacts of the alternatives carried forward are fully analyzed in the FEA. A summary of the public involvement and agency coordination is contained in the FEA. The Navy issued a FONSI on April 28, 2022. In accordance with FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, and applicable regulations and guidance from the Council on Environmental Quality (CEQ); the FAA has conducted an independent evaluation and analysis of the NAWCWD FEA and has adopted it for purposes of making its decision regarding the FAA's Proposed Action. As discussed below, based on the information in the FEA, the FAA has determined that its Proposed Action would not have a significant impact.

FAA Proposed Action

The FAA's Proposed Action would be entirely airspace-based and would establish a SUA, consisting of one restricted area (RA). The new SUA would connect the existing RAs, R-2505 and R-2524. The new RA would be titled R-2511 and would have the same dimensions as the existing Trona Controlled Firing Area (TCFA). The FAA's Proposed Action would not change or modify existing military flight activities or weapons testing occurring within the SUA. Aircraft activities would be consistent with those already occurring in the airspace.

The proposed RA would help notify, advise, and alert other pilots to where military training activity could be occurring. The proposed RA would be established when determined necessary to confine or segregate activities considered hazardous to non-participating aircraft, which is defined as any aircraft (military or civilian) that is not actively involved in the research, development, acquisition, test, and evaluation (RDAT&E) activities within the RA when activated. Itinerant (non-local) or other aircraft not familiar with NAWCWD RDAT&E activities would now be made aware of the military flight activity more formally, by the existence of the proposed RA on the FAA Sectional Aeronautical Chart. The RA would be mapped on the FAA Los Angeles Sectional Chart and knowledge of its activation would prompt all pilots to take notice of existing military flight activity, resulting in better awareness and coordination. Non-participating aircraft would not be allowed in the RA when activated.

The Proposed Action would also establish a letter of agreement (LOA) between FAA and the Navy to ensure that radio communications provide adequate coverage to provide service to both participants and nonparticipants; publish area navigation waypoints for use in circumnavigating the special use airspace; establish recall procedures for weather, emergencies, and medivac aircraft; and codify joint use requirements.

The establishment of the proposed RA would improve flight safety for all pilots (civilian, commercial, and military) while improving the capability of the NAWCWD to conduct RDAT&E and training activities. The proposed R-2511 would create a linkage between R-2505 and R-2524, covering an area of approximately 87 square miles (225 square kilometers [km]). The proposed RA would be located in San Bernardino County, California.

Designated Altitudes: 6,000 feet (ft) mean sea level (MSL) to, but not including, Flight Level (FL) 200 (20,000 ft MSL).

Times of Use: Between 0700-1700 pacific time, Monday through Friday. Activated by Notice to Air Missions (NOTAM) at least seven days in advance.

Controlling Agency: FAA

Using Agency: NAWCWD, China Lake, California. Annual operations would be conducted within the proposed R-2511, up to 36 days per year, which is the current operations tempo for this airspace. Mission scenarios for aircraft utilizing the proposed R-2511 would include launch platforms for free-flight weapon systems, simulated close air support, and reconnaissance operations. Operations would be scheduled for two-hour blocks, with a maximum of two blocks authorized per day. The airspace would be activated with Joshua Control Facility at the FAA's

air traffic facility 15 minutes prior to transition between R-2505 and R-2524. The airspace would be scheduled for a two-hour block; however, operations generally last 10 to 15 minutes for a total activation time of 25 to 30 minutes. Once transition is complete, the airspace would be returned to the FAA. The RA must be coordinated five working days in advance with the R-2508 Central Coordinating Facility, as per the LOA.

Purpose and Need

The FAA's purpose of the Proposed Action is to allow safe and realistic RDATE and training activities on and between the NAWSCL North and South ranges. After FAA re-evaluation of the Letter of Authorization for the TCFA, it was determined that the activities conducted in the airspace do not correspond to the defined categories provided in FAA Order JO 7400.2N, *Procedures for Handling Airspace Matters*, Paragraph 27-1-6. Therefore, the current Letter of Authorization for the TCFA would expire on May 1, 2022, and no new application for renewal of the TCFA would occur. The Proposed Action is needed to continue RDATE and training activities on the NAWSCL ranges, including aircraft flights and weapons launches between the North and South ranges. The FAA's Proposed Action would not change or modify existing NAWCWD military flight activities occurring within an existing Controlled Firing Area (CFA). NAWCWD aircraft activities would continue to be consistent with activities currently occurring in the existing airspace. No new NAWCWD military flight activities are being introduced as part of this Proposed Action.

Alternatives

In addition to the FAA's Proposed Action (described above), the FEA also carries forward for detailed analysis on the Increased Operations Alternative 2 and the No Action alternative. The Record of Decision (ROD) for the NAWSCL Final Environmental Impact Statement/Legislative Environmental Impact Statement (FEIS/LEIS), dated February 3, 2016, allowed for an increase of up to 25 percent in "RDATE and training tempos within current land use areas approved for designated uses, expansion of unmanned aerial and surface systems, and expansion of existing and introduction of evolving directed energy weapons development." The former operational increase pertained to withdrawn areas of the North and South ranges. The increase did not apply to off-station areas like the TCFA. The current Increased Operations Alternative would include an increased allowable land use to maximize the operations tempo on NAWSCL.

The Increased Operations Alternative 2 would incorporate the same 25 percent increase in tempo detailed in the NAWSCL FEIS/LEIS ROD. Annual operations would increase from a maximum of 36 days per year to 45 days per year. Operations would be conducted within two-hour blocks, with a maximum of two blocks authorized per day. All other program details for Proposed Action would be implemented under this alternative.

Under the No Action alternative the proposed RA would not be established and FAA would not enter into a new LOA with the Navy. The current Letter of Authorization for the TCFA would expire in May 2022, and no new application for renewal of the TCFA would occur. Free flight weapons tests between the NAWSCL North and South ranges would cease upon expiration of the TCFA Letter of Authorization.

The No Action alternative is not considered a reasonable alternative because it does not meet the purpose of and need for the Proposed Action, nor does it meet the screening criteria provided in Section 2.1 of the FEA. However, as required under CEQ regulations (40 CFR § 1502.14[d]), the No Action alternative does provide a description of the current baseline conditions, up to May 2022, against which the impacts of the Proposed Action can be compared.

Environmental Impacts

This section contains the results of evaluation regarding the potential environmental impacts associated with the Proposed Action. In accordance with FAA Order 1050.1F, *Environmental Impacts: Policies & Procedures*, the FAA has conducted an independent evaluation of the FEA. The following summarizes the results of FAA's independent evaluation of the information and analysis in the FEA regarding the potential environmental impacts of the FAA's Proposed Action.

Noise and Noise-Compatible Land Use:

The FAA impact category of Noise-Compatible Land Use is incorporated into the Land Use and Visual Resources Section 3.5 and the Noise Section 3.6 of the FEA. The FAA's Proposed Action would not introduce new or modify existing flight or training activities. No change from existing conditions and no change to existing military flight activities (e.g., flight tempo or aircraft type) would occur under the Proposed Action, as compared to the No Action alternative. Therefore, no change in noise levels would be anticipated from the existing to the projected environment within the vicinity of the proposed R-2511, including the Trona National Natural Landmark and any residential areas. Diverted general aviation aircraft may fly above, under, or around the proposed R-2511. For the Proposed Action, the calculated maximum California Noise Equivalent Level (CNEL) under the proposed R-2511 would be 43.5 decibels (dB). A modeled receptor at the Trona National Natural Landmark would experience noise levels of 32 dB CNEL.

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 the Day-Night Average Sound Level (DNL), the FAA's primary noise metric. 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 will be exposed at or above DNL 65 dB due to a DNL 1.5 dB or greater increase—when compared to the No Action alternative for the same timeframe. For air traffic procedure 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 more at DNL 60 to less than 65 dB; or (2) 5 dB or more at DNL 45 to less than 60 DNL.

The FAA's Proposed Action would involve an existing noise environment less than 45 dB with no observed increase in noise levels, as compared to the No Action alternative. As indicated in the May 2021 analysis, no reportable noise levels or increases in noise level, as defined by FAA Order 1051.1F, would be associated with the Proposed Action.

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

Air Quality: The FAA impact category Air Quality is incorporated into the Air Quality Section 3.3 of the FEA. The Proposed Action would have no significant effect on air quality. The proposed R-2511, would be established under the Proposed Action with no change in operations (e.g., there would be no change in tempo or change in aircraft type). The NAWSCL emissions would remain unchanged.

FAA Order 1050.1F, Exhibit 4-1, states 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 Environmental Protection Agency [USEPA] under the Clean Air Act for any of the time periods analyzed, or to increase the frequency or severity of any such existing violations." The USEPA has established NAAQS for six criteria pollutants: carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), ozone (O₃), particulate matter (PM-10 and PM-2.5), and sulfur dioxide (SO₂).

Minor changes in emissions from non-participating aircraft may occur when the proposed R-2511 is activated. As provided in the airspace analysis performed for the Proposed Action (Appendix F), less than 10 percent of the traffic crosses the proposed R-2511 at elevations less than 6,000 ft MSL (approximately 2,700-4,000 ft above ground level (AGL) for the area under the proposed R-2511). It is anticipated that the number of flights flying under R-2511 would not increase; therefore, no increases in emissions at altitudes lower than the mixing level of 3,000 ft AGL. Small increases in emissions could occur as aircraft are diverted around the proposed R-2511. These changes would likely be above the mixing layer elevation of 3,000 ft AGL and would not be included in the regional air emissions inventory. These small increases in emissions would include greenhouse gases (GHGs); however, the increase in GHG emissions would be minor when compared to the baseline CO₂ emissions. Slight decreases in emissions would occur should pilots of non-participating aircraft decide not to fly when the proposed R-2511 is activated. Neither of these scenarios is expected to significantly impact regional air quality.

Section 176(c) of the Clean Air Act, as articulated in the USEPA's General Conformity Rule, 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 USEPA-approved State Implementation Plan. 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 General Conformity Rule applies to NAAQS in federal non-attainment areas. As the proposed airspace is in a moderate non-attainment area for PM-10, a Record of Non-Applicability (RONA) was generated, documenting that the Proposed Action is in compliance with the State Implementation Plan and that a formal Consistency Determination under the General Conformity Rule is not necessary. 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.

Climate:

The FAA impact category of Climate is incorporated in the Climate Section 3.1.1 of the FEA. None of the alternatives considered in this FEA would result in a net change with respect to Climate Change. Although there are no federal standards for aviation-related greenhouse gas (GHG) emissions, it is well-established that GHG emissions can affect climate.¹ The CEQ has indicated that climate should be considered in NEPA analyses. As noted by CEQ, however, "it is not currently useful for the NEPA analysis to attempt to link specific climatological changes, or the environmental impacts thereof, to the particular project or emissions, as such direct linkage is difficult to isolate and to understand."² Given that the total emissions associated with the Proposed Action would be the same, based on flight hours and fleet mix as the existing aircraft emissions for all the criteria pollutants, it is reasonably foreseeable that the CO₂-equivalent emissions would also not significantly change with the implementation of the Proposed Action.

Based on FAA's independent review and evaluation, the FAA concludes that the Proposed Action would not result in significant impacts on Climate, because it would introduce no more than minimal amounts of GHGs as compared to the No Action alternative.

Biological Resources (including fish, wildlife, and plants):

The FAA impact category of Biological Resources is incorporated into the Biological Resources Section 3.4 of the FEA. FAA Order 1050.1F, Exhibit 4-1, states the FAA's significance threshold for Biological Resources (including fish, wildlife, and plants): "The U.S. Fish and Wildlife Service 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, a SUA designation would be approved for the proposed R-2511 and the FAA would enter into an LOA with the Navy. The Proposed Action would be limited to airspace establishment and would not include any ground activities, including ground disturbance. The Navy has coordinated with the U.S. Fish and Wildlife Service (USFWS), with the determination that the Proposed Action would have no effect on biological resources. The USFWS concurred that this determination was appropriate and that no further formal or informal consultation would be required. Consultation with USFWS does not cover state-listed species; instead impacts to state-listed species are analyzed using context and intensity. As the Proposed Action does not include any change in operational type or tempo and does not include any land-based activities, impacts to state-listed species are not anticipated.

All proposed aircraft activities under the Proposed Action would be consistent with activities that currently occur in the existing TCFA airspace. Given the ongoing aircraft operations in the ROI, wildlife in the proposed ROI is already habituated, to some extent, to aircraft noise levels associated with ongoing aircraft operations.

¹ See *Massachusetts v. E.P.A.*, 549 U.S. 497, 508-10, 521-23 (2007).

² *Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions*, CEQ (2010). http://ceq.hss.doe.gov/nepa/regs/Consideration_of_Effects_of_GHG_Draft_NEPA_Guidance_FINAL_02182010.pdf

Noise and visual stimuli from aircraft overflights can disturb wildlife (Bowles *et al.*, 1999, Mancini *et al.*, 1988). Specifically, aircraft noise can compromise predator/prey detection and/or mating signals, alter temporal or movement patterns, and increase physiological stress. However, species differ in their sensitivities to noise exposure and assessing the impacts of noise on wildlife is difficult as there are many potential ecological costs associated with noise exposure that have not been rigorously studied (Francis and Barber 2013). Noise produced under the Proposed Action would not present an increase over existing (baseline) conditions. In addition, noise impacts to wildlife and special status species were analyzed in the NAWSCS FEIS/LEIS (Navy 2015). Therefore, there would be no significant noise impacts to biological resources under the Proposed Action.

The potential exists for bird/bat-aircraft strikes within the proposed R-2511. However, aircraft activities under the Proposed Action would not present a change from existing airspace use. Therefore, there would be no increase in the potential for bird/bat-aircraft strikes under the Proposed Action. As there would be no change in the level of aircraft activities and no shift from current operations, there would be no impact on wildlife, including special status wildlife species, beyond current conditions in the ROI. The Proposed Action would not result in significant impacts on biological resources when compared to the No Action alternative.

Therefore, the FAA's Proposed Action would not have significant impacts on biological resources when compared to the No Action Alternative.

Land Use:

The FAA Land Use impact category is incorporated into the Land Use and Visual Resources Section 3.5 of the FEA. The FAA has not established a significance threshold for land use. The determination that significant impacts exist usually depends on whether the Proposed Action would result in other impacts, most often noise, exceeding thresholds of significance which have land use ramifications.

The Proposed Action would not introduce new or modify existing flight or training activities. No change from existing conditions and no change to existing military flight activities (e.g., flight tempo or aircraft type) would occur under the Proposed Action. All proposed aircraft activities under the Proposed Action would be consistent with activities that currently occur in the existing airspace.

Additionally, the Proposed Action would not involve any ground activities. 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; therefore, no activities considered incompatible with surrounding land uses would be introduced. Consequently, the only potential for effects on land use and recreational resources underlying and near the proposed R-2511 would result from noise or the visual impact of military flights within the affected airspace or other non-participating aircraft.

Any potential for noise or visual impacts under the Proposed Action would be minimal and would not represent a change over existing (baseline) conditions sufficient to cause adverse effects to land use or recreational resources. Overflight activity would not change relative to the

No Action alternative; therefore, noise and visual impacts would not increase relative to existing conditions.

Activation of the proposed R-2511 may result in aircraft transiting around the airspace. However, the potential noise and visual impact associated with aircraft transiting around or through the proposed RA would not be significantly different from existing conditions.

Few visual receptors would be affected by the Proposed Action. Activities within the airspace would be limited to short-term discrete effects resulting in aircraft 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. In addition, the use of pyrotechnics, flares, and chaff by aircraft are not permitted within this airspace, and establishment of the proposed R-2511 would not change this restriction, so there would be no effect relative to visual resources. Therefore, the Proposed Action would have no significant impact on land use and visual resources.

Therefore, the FAA has determined that its Proposed Action would not have significant impacts on land use when compared to the No Action alternative.

Historical, Architectural, Archeological, and Cultural Resources:

The FAA impact category of Historical, Architectural, Archeological, and Cultural Resources is incorporated into the Cultural Resources Section 3.1.3 of the FEA. The National Historic Preservation Act (NHPA), Section 106 regulations direct federal agencies to make reasonable and good faith efforts to identify historic properties in regards 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 Officer (SHPO) and/or the Tribal Historic Preservation Officer (THPO), if there is a potential adverse effect to historic properties within the Area of Potential Effect (APE) that are on or eligible for listing on the NRHP.

The Proposed Action involves airspace use only, occurring entirely above 6,000 ft MSL (i.e., greater than 3,000 ft AGL), with no potential for ground disturbing impacts or modifications to current use of the airspace. Therefore, this undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present on the surface below the proposed R-2511. In accordance with Section 800.3(a)(1), the Navy has no further obligations under Section 106 of the NHPA. However, coordination with the California SHPO has been conducted by the FAA. The FAA requested SHPO concurrence that no effects on historic properties are anticipated. Correspondence with the SHPO is provided in Appendix C of the FEA.

Therefore, the FAA has determined that its Proposed Action would not have significant impacts on historical, architectural, archaeological, or cultural resources when compared to the No Action alternative.

Socioeconomic Impacts, Environmental Justice, and Children's Environmental Health and Safety Risks:

The FAA impact category is incorporated into the Socioeconomics and Environmental Justice Section 3.8 of the FEA. The FAA has not established a significance threshold for socioeconomic impacts.

The Proposed Action involves the establishment of an RA and entering into an LOA that will allow the continuation of RDATE and training activities on the NAWSCCL ranges, including aircraft flights and weapons launches between the North and South ranges. The Proposed Action would not introduce new or modify existing flight or training activities. There would be no change from existing conditions, and all proposed aircraft activities under the Proposed Action would be consistent with activities that currently occur in the existing airspace.

There are no significant impacts on the human environment (e.g., noise, air quality, air traffic) resulting from implementation of the Proposed Action that would affect an environmental justice population in a way that is unique or significant to that population. In addition, there are no specific impacts on the general health or quality of life that would adversely or disproportionately impact the ROI population, including no increased environmental health risks or safety risks to children.

The Proposed Action would not disproportionately affect minority or low-income populations adversely. No increased environmental health risks or safety risks to children would occur. Therefore, no significant socioeconomic or environmental justice impacts would result from implementation of the Proposed Action.

The FAA has determined that its Proposed Action would not have significant socioeconomic impacts when compared to the No Action alternative.

Department of Transportation Act, Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act of 1966 (now codified at 49 U.S.C. § 303) provides that the Secretary of Transportation may approve a transportation project that requires the use of any publicly owned land from a public park, recreation area, or wildlife or waterfowl refuge of national, state, or local significance; or land from any publicly or privately owned historic site of national, state, or local significance—only if there is no feasible and prudent alternative to the use of such land and the program or project includes all possible planning to minimize harm resulting from the use. Designation of airspace for military flight operations is exempt from Section 4(f). The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) provided that “[n]o 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, United States Code.” Therefore, this project is not subject to Section 4(f).

Coastal Resources

There are no coastal resources in the study area; therefore, this resource is not relevant to FAA’s Proposed Action and was eliminated from further consideration.

Farmlands

The FAA impact category of Farmlands is incorporated into the Geological Resources and Farmlands Section 3.1.5 of the FEA. 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, there, this impact category is not relevant to FAA's Proposed Action and was eliminated from further consideration.

Hazardous Materials, Solid Waste and Pollution Prevention

The FAA impact category of Hazardous Materials, Solid Waste, and Pollution Prevention is incorporated in the Hazardous Materials, Solid Waste, and Pollution Prevention Section 3.1.6 of the FEA. No ground-disturbing activities would occur as a part of the FAA's Proposed Action. There, this resource is not relevant to FAA's Proposed Action and was eliminated from further consideration.

Natural Resources and Energy Supply

The FAA impact category Natural Resources and Energy Supply is incorporated in Natural Resources and Energy Supply Section 3.1.7 of the FEA. 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 applicable natural resource to FAA's Proposed Action is fuel supply needed for non-participating instrument flight rules aircraft to deviate around the active RA. The FAA has determined that its Proposed Action would not have a significant impact on natural resources and energy supply when compared to the No Action alternative.

Water Resources (including Wetlands, Floodplains, Surface Waters, Groundwater, and Wild and Scenic Rivers)

The FAA impact category Water Resources is incorporated in Water Resources Section 3.1.8 of the FEA. No construction activities or other ground-based activities would occur under the FAA's Proposed Action, and its implementation would not cause any disturbance of water resources; therefore, this resource is not relevant to FAA's Proposed Action and was eliminated from further consideration.

Cumulative Impacts

FAA began its environmental review of this project before the implementation of the amended CEQ regulations on September 14, 2020. Under Section 1506.13 of the amended regulations, agencies have discretion to apply the amended regulations to NEPA processes that were begun before September 14, 2020. Because the Navy and FAA began the NEPA process for the Proposed Actions in December 2019, they elected to use the 1978 regulations and studied cumulative impacts. Cumulative impacts result from incremental impacts of an action when combined with other past, present, and reasonably foreseeable future actions (40 CFR § 1508.7). 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 FAA's Proposed Action would not result in significant impacts to any of the impact categories assessed in this FONSI/ROD. Incremental effects from implementation of the FAA's Proposed Action, when combined with other actions, would result in a less than significant cumulative impact to the impact categories assessed in this FONSI/ROD. Based on its independent review of the FAA's Proposed Action, the FAA has determined there would be no significant cumulative impacts as a result of the establishment of the FAA's Proposed Action.

Public Involvement

As part of the NEPA process, the Draft EA was released for a 15-day public review period. A Notice of Availability (NOA) announced the review period and was published in a local newspaper and the Federal Register. The NOA was also mailed to federal, state, local agencies, and interested members of the public were encouraged to review and comment on the Draft EA during the 15-day public review period. Electronic copies of the Draft EA were posted to a project website (<https://R2511EA.com>). Members of the public could request a hardcopy or electronic copy on compact disc of the Draft EA through the project website.

The Draft EA review period began on June 17, 2021, and ended on July 2, 2021. Comments were delivered by U.S. mail or email at:

Public Comments – R-2511 EA
T&E Technologies
901 N. Heritage Dr., Suite 204
Ridgecrest, CA 93555
Email: Comments@R2511EA.com

All comments were to be postmarked or received online by July 2, 2021, for consideration in the FEA. Federal, state, and local agencies and officials, and other interested organizations and individuals were encouraged to provide substantive comments on the Draft EA during the 15-day public comment period. Appendix B of the FEA includes a copy of the NOA and other public involvement materials. The NOA was also published in the Federal Register, dated June 17, 2021.

No comments on the Draft EA were received.

As stated above, FAA has legal jurisdiction over approvals to changes to the National Airspace System, and thus FAA's Proposed Action is the establishment of the R-2511. As part of the Proposed Action, FAA issued a Notice of Proposed Rulemaking in the Federal Register, dated October 18, 2021, seeking public comment on the establishment of the R-2511.

64 comments were received during the six-week comment period and responses were issued in the final rule. Of the 64 comments, four concerned environmental impacts, while the other 60 comments were not environmental in nature.

Three of the four comments concerned increases in carbon or air emissions from aircraft having to transit around the R-2511 if established. As described above and more thoroughly in the Final Environmental Assessment, impacts to air quality and increased carbon emissions were analyzed. Under the Proposed Action, there would be no change in operations (e.g., there would be no change in tempo or change in aircraft type) and thus there would be no increase in air emissions from participating aircraft. However, minor changes in emissions from non-participating aircraft may occur when the proposed R-2511 is activated. It is anticipated that the number of flights flying under R-2511 would not increase; therefore, there would be no increases in emissions at altitudes lower than the mixing height of 3,000 ft AGL. Small increases in emissions could occur as aircraft are diverted around the proposed R-2511. These changes would likely be above the mixing height of 3,000 ft AGL and would not be included in the regional air emissions inventory. Thus the FAA has found that the Proposed Action would have no significant impact on air quality when compared with the No Action alternative.

Two of the four comments concerned greater noise levels in the area and their possible impact to biological resources. As indicated in the Environmental Assessment dated May 2021 analysis, no reportable noise levels or increases in noise level, as defined by FAA Order 1051.1F, would be associated with the Proposed Action. Thus the FAA has found that the Proposed Action would not have a significant impact on noise levels in the area. Further, the FAA has found that noise produced under the Proposed Action would not have significant impacts when compared with the No Action alternative and thus no significant impacts to biological resources are anticipated.

DECISIONS AND ORDERS

Finding

The FAA has determined that no significant impacts will occur as a result of the Proposed Action.

Adoption

The FAA has conducted an independent evaluation of the FEA. Based on its independent evaluation, the FAA has determined that the FEA adequately addresses the FAA's Proposed Action and meets the applicable standards in FAA Order 1050.1F and applicable CEQ regulations implementing NEPA (40 CFR §§ 1500-1508).

Accordingly, the FAA adopts the FEA, Appendices and all information identified therein, incorporated by reference, and made publicly available.

Decision and Approval

After careful and thorough consideration of the facts contained herein, the undersigned finds that the proposed Federal action is consistent with existing national environmental policies and objectives as set forth in Section 101 of NEPA and other applicable environmental requirements and will not significantly affect the quality of the human environment or otherwise include any condition requiring consultation pursuant to Section 102(2)(C) of NEPA.

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 national airspace system as well as the other

aeronautical goals and objectives discussed in the FEA. The undersigned finds that the FAA's Proposed Action provides the best approach for meeting the purpose of, and need for, that action. Accordingly, under the authority delegated to the undersigned by the Administrator of the FAA, the undersigned approves and authorizes all necessary agency action to implement the FAA's Proposed Action.

This decision signifies that applicable Federal environmental requirements relating to the FAA's Proposed Action have been met. The decision enables the FAA to implement that action.

Order and 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. Any party seeking to stay implementation of the ROD must file an application with the FAA prior to seeking judicial relief, as provided in Rule 18(a) of the Federal Rules of Appellate Procedure.

Approved: _____

Date: 3 May 2022

Scott M. Rosenbloom, Manager, AJV-P21
//signed for// Michael R. Beckles, Manager
Airspace Regulations and Policy Group (AJV-P2)
Mission Support Services, Air Traffic Organization
Federal Aviation Administration