

DEPARTMENT OF DEFENSE
Department of the Navy

**FINDING OF NO SIGNIFICANT IMPACT FOR SMALL UNIT INLAND
TRAINING IN THE VIRGINIA CAPES RANGE COMPLEX**

Pursuant to Section 102 (2) of the National Environmental Policy Act (NEPA) of 1969, as amended; Council on Environmental Quality regulations (40 Code of Federal Regulations [CFR] parts 1500-1508) implementing NEPA; U.S. Department of the Navy (Navy) Regulations (32 CFR part 775); and the Office of the Chief of Naval Operations Instruction (OPNAVINST) 5090.1; the Navy gives notice that an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) were prepared for United States Fleet Forces (USFF) small unit expeditionary training in the inland areas of the Virginia Capes (VACAPES) Range Complex, Hampton Roads, Virginia.

Based on the analysis presented in the EA, the Navy finds that implementation of the Proposed Action will not significantly impact the quality of the human environment.

Proposed Action: The Proposed Action is to conduct Navy expeditionary training events in the inland areas of the VACAPES Range Complex in the Hampton Roads fleet concentration area located in southeastern Virginia. Training events are exercises intended to introduce, build, and maintain skills necessary for meeting the mission safely and professionally. The activities analyzed in the EA have been ongoing for decades and include beach landings, equipment use, explosives use on land, personnel movement, underwater movement, vehicle movement, vessel movement, and weapons firing (blank fire and non-lethal training ammunition).

The study area is located in southeastern Virginia in a region known as Hampton Roads. The study area comprises the inland areas of the VACAPES Range Complex in the Hampton Roads fleet concentration area and includes Navy installations and non-Navy-owned training areas that support Navy training requirements. The EA study area includes eight Navy-owned training areas as listed below:

1. Joint Expeditionary Base (JEB) Little Creek

2. JEB Fort Story
3. Dam Neck Annex (and neighboring State Military Reservation Camp Pendleton)
4. Naval Auxiliary Landing Field Fentress
5. Northwest Annex
6. St. Juliens Creek Annex
7. Naval Weapons Station Yorktown
8. Cheatham Annex

Inland training events occur at all of the Navy installations listed above. The non-Navy-owned training areas that support Navy training requirements in the study area are listed below:

1. First Landing State Park
2. Southern Branch of the Elizabeth River

Purpose and Need: The purpose for the Proposed Action is to maintain Navy readiness by continuing to execute current types of inland (land-based and inland waterway) training at current levels and in current locations; accommodate changes in annual frequency of training; support future training requirements; achieve and sustain readiness of naval forces; and support the acquisition and implementation of advanced military technology into the fleet. In 10 U.S.C. section 8062, Congress has provided that "The Navy shall be organized, trained, and equipped primarily for prompt and sustained combat incident to operations at sea."

The need for the Proposed Action is to prepare combat-capable forces that are ready to deploy worldwide for prompt and sustained combat incident to operations at sea consistent with 10 U.S.C. section 8062. The Navy meets that mandate, in part, by conducting inland training and by ensuring that naval forces have access to the required training environments where the Navy can develop and maintain skills for military missions.

Alternatives Considered: In developing the proposed range of alternatives to meet the purpose of and need for the Proposed Action, the Navy considered such factors as:

- access to "backyard" or local training areas for all types of training from individual unit level to multiple unit level;

- range locations that minimize impacts on equipment and personnel (e.g., transportation and increased maintenance costs) and maximize training time (closer ranges allow for more training time "on station") as well as reuse of existing infrastructure and ranges as dictated by Secretary of the Navy and DoD policies;
- the ability to train in realistic environments; and
- sufficient range capacity to support future training requirements, new equipment, and potential changes in operational tempos to respond to emerging world events

Based on these factors, several alternatives were considered but eliminated from further consideration in the EA. In addition to the No Action Alternative, the Navy evaluated two action alternatives. A description of each of these alternatives follows:

No Action Alternative – The No Action Alternative is to continue the current level and intensity of inland training events within the study area (i.e., baseline/continuing training events).

Alternative 1 – Alternative 1 includes the events analyzed under the No Action Alternative as well as additional Explosive Ordnance Disposal, maritime prepositioning, and expeditionary and mine countermeasure training required to meet emerging training requirements. The events under Alternative 1 would occur at the same locations as the events in the No Action Alternative. Including these additional events would meet Navy readiness requirements into the foreseeable future.

Alternative 2 (Preferred Alternative) – Alternative 2 includes the same training events that occur on the Navy-owned and non-Navy-owned training areas under Alternative 1 as well as training events at additional, Navy-owned locations. The alternate locations used in Alternative 2 would provide increased flexibility and diversity of training environments throughout the Hampton Roads fleet concentration area and would meet Navy readiness requirements into the foreseeable future.

Environmental Effects: No significant direct, indirect, or cumulative environmental impacts would occur from implementing the Proposed Action. Potential environmental impacts on air quality, water resources, biological resources, cultural resources, noise, public health and safety, hazardous materials and waste, socioeconomics, and cumulative impacts are summarized here.

Air Quality: No significant impacts on local or regional air quality would be expected under the Proposed Action. The Hampton Roads Intrastate Air Quality Control Region (AQCR) is in attainment for all criteria air pollutants, with the exception of ozone (maintenance).

Emissions from the Proposed Action would represent a negligible percentage of the air emissions inventoried locally in each city or county and the AQCR. None of the potential emissions would cause or contribute to a violation of any National Ambient Air Quality Standards. Therefore, no significant impacts on local or regional air quality are expected. Because the region of influence is within an AQCR that is in maintenance status for ozone, a General Conformity applicability analysis was conducted. Annual emissions of relevant ozone precursor pollutants were determined to be well below the General Conformity Rule *de minimis* thresholds. A General Conformity Record of Non-Applicability was prepared.

In terms of greenhouse gases (GHGs), implementing the Proposed Action would contribute directly to emissions of GHGs from the combustion of fossil fuels. GHG emissions under the No Action Alternative represent approximately 0.53 percent of the regional GHG emissions, which is nominal. GHG emissions would increase by 0.03 percent under Alternative 1 and 0.05 percent under Alternative 2, so climate change would be negligibly impacted by implementation of either action alternative. GHGs emissions from the Proposed Action are similar among action alternatives and would be in compliance with local/regional and Navy emission reduction policies.

Climate change has important implications for Navy operations. Factors driving this include the potential impact of sea level rise on installations, operations, and plans; changing storm patterns and severity; and water and resource challenges. The potential effects of the GHG emissions from the Proposed Action are negligible, although

impacts of GHG emissions are by nature global and cumulative, even if individual sources of GHG emissions are not large enough to have an appreciable effect on global climate change. Climate change, such as sea level rise and extreme weather events, may alter the impacts of the Proposed Action, including causing increased flooding events. However, the Navy and local/regional governments are actively planning to address these impacts.

None of the action alternatives would introduce significant emissions to affect climate change. The DoD is planning to meet GHG reduction targets by developing energy efficiency in facilities, identifying new strategies to minimize GHG emissions, and using innovative approaches and renewable energy. As climate science advances, DoD and the U.S. Navy will regularly evaluate climate change risks and opportunities in order to develop policies and plans to manage its effects on the DoD operating environment, missions, and facilities.

Water Resources: No significant impacts on water resources (surface waters, sediments, and wetlands) would be expected under the Proposed Action. Surface water impacts from physical disturbance would not be significant because training activities would not release pollutants or increase turbidity to receiving waters. Wetland areas are present within and adjacent to training areas; however, destruction or modification of wetlands would not occur. No significant impacts on water quality, surface water bodies, wetlands, or floodplains would be expected.

Biological Resources: No significant impacts on biological resources (habitats and vegetation; mammals; invertebrates; fish; reptiles and amphibians; birds; and federally protected species and critical habitats) would be expected under the Proposed Action.

While physical disturbance associated with beach landings, personnel movement, vehicle movement, and explosives use on land have the potential to disturb individual plants and soils, which could degrade habitats over time, training that utilizes beach habitats is typically restricted to unvegetated portions of the beach, and vehicles training at inland areas typically use existing roads and trails. Integrated Natural Resources Management Plans (INRMPs) exist for all study area locations with the exception of St.

Juliens Creek Annex, First Landing State Park, and the Southern Branch of the Elizabeth River. The Navy would continue to conduct training on installations with adherence to INRMP management measures.

Physical strike associated with beach landings, personnel movement, vehicle movement, vessel movement, explosives use on land and weapons firing of non-lethal training ammunition has the potential to impact wildlife. However, most mammals, reptiles, amphibians, and birds are highly mobile and agile and would likely move away from a training activity or, in the case of small mammals, invertebrates, less mobile reptiles, and amphibians, would move into a protected location, such as a burrow or vegetation, for cover. The Navy has determined that the Proposed Action would not result in the reasonably foreseeable "take" of a marine mammal species by harassment, injury, or mortality as defined under the Marine Mammal Protection Act (MMPA); therefore, an application for takings under the MMPA is not required.

Endangered Species Act (ESA) consultations with the U.S. Fish and Wildlife Service (USFWS) are complete with USFWS concurrence received on December 2, 2021. As detailed in the EA and final project review consultation package, two existing biological opinions for beach activities at JEB Fort Story (2019) and Dam Neck Annex/State Military Reservation Camp Pendleton (2016) cover existing and proposed SUITEA training activities as they relate to sea turtles under USFWS jurisdiction. As described in these biological opinions, SUITEA training activities may affect and are likely to adversely affect nesting loggerhead sea turtles (*Caretta caretta*), green sea turtles (*Chelonia mydas*) and Kemp's ridley sea turtles (*Lepidochelys kempii*); and SUITEA training activities may affect, but are not likely to adversely affect leatherback sea turtles (*Dermochelys coriacea*) and hawksbill sea turtles (*Eretmochelys imbricata*). All reasonable and prudent measures necessary and appropriate to minimize take of Kemp's ridley, green, and loggerhead sea turtles have been incorporated into installation management actions.

Furthermore, the Navy determined that implementation of the Proposed Action may affect, but is not likely to adversely affect the following threatened and endangered species: piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), roseate tern (*Sterna dougallii dougallii*), and Northern long-eared bat (*Myotis septentrionalis*).

Additionally, the Navy determined that implementation of the Proposed Action will have no effect on the small whorled pogonia (*Isotria medioloides*). No critical habitat for any species on the species list is present within the study area and therefore the Navy determined that the Proposed Action would have no effect on critical habitat.

ESA consultations with the NMFS are complete. NMFS concurred with the Navy's determination that the Proposed Action is not likely to adversely affect any listed species (i.e., shortnose sturgeon [*Acipenser brevirostrum*] or Atlantic sturgeon [*Acipenser oxyrinchus oxyrinchus*]) or critical habitat under NMFS jurisdiction (December 19, 2017).

Training operations would not have a significant impact on Migratory Bird Treaty Act (MBTA)-protected species at the population level. The Navy has determined that the Proposed Action may result in the "take" of migratory birds. The term "take," as defined by the USFWS for purposes of the MBTA, means to "pursue, hunt, shoot, wound, kill, trap, capture, or collect" (50 CFR Section 10.12). Under the MBTA regulations applicable to military readiness activities (50 CFR Section 21.15), the USFWS has promulgated a rule that authorizes the incidental take of migratory birds, provided it does not result in a significant adverse effect on a population of a migratory bird species. These proposed training activities would not result in a significant adverse impact on a population of a migratory bird species. No impacts on any population of eagles as listed under the Bald and Golden Eagle Protection Act are likely to occur under the Proposed Action.

Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, the Proposed Action does not result in any substantial adverse effects to essential fish habitat (EFH) or Habitat Areas of Particular Concern (HAPC). The Navy submitted its EFH Assessment to NMFS in June 2017. In a letter dated December 08, 2017, NMFS stated that following a review of the information provided in the EFH Assessment, "we [NMFS] concur with your determination that VACAPES Inland Training activities along the Southern Branch of the Elizabeth River will not substantially adversely affect EFH, or sandbar shark and summer flounder HAPC and have no conservation recommendations to provide."

Cultural Resources: The marginal increases in training-related impact stressors (i.e., noise and physical disturbance) for cultural resources under the Proposed Action would not result in any impacts to the cultural resources in the Area of Potential Effects. Therefore, there would be no significant impact on cultural resources with implementation of the Proposed Action. In accordance with Section 106 of the National Historic Preservation Act, the Navy determined that there would be no adverse effects to historic properties with implementation of Alternative 2 (the Preferred Alternative). The Virginia Department of Historic Resources concurred with the Navy's determination (July 7, 2017). The Navy provided notice of the Proposed Action to all federally recognized Native American tribes in the study area. No tribes indicated a desire to initiate Section 106 consultations for the Proposed Action.

Noise: No significant impacts on the existing noise environment would be expected at study area installations or in the surrounding area for all alternatives. Proposed noise-generating training activities would take place in the Hampton Roads region, which has hosted a large number of military units for centuries. Some level of military training noise has been a part of the existing sound environment in the region of influence for decades. The small increase in operations when compared to the total existing operations at study area locations would not result in significant changes to the existing noise environment.

Under all alternatives and at all locations, noise levels above 140 decibels (unweighted peak noise level), which have the potential to be harmful to hearing, would remain within installation boundaries and portions of the Chesapeake Bay that would be confirmed to be clear of non-participants. Although detonations could be disturbing particularly when they occur at night, individual detonation event peak noise levels at JEB Fort Story would not result in significant noise impacts under any alternative. Noise generated during primary training events from sources such as land and amphibious vehicles, equipment, and blank-fire would not result in significant noise impacts under any alternative.

Public Health and Safety: Various Primary Training Event Activities involve potentially hazardous military training elements, for example events with moving vehicles and explosives. For safety purposes, this training occurs within

the confines of military installations from which the public is excluded. These potentially hazardous training events occur within installation boundaries and in accordance with standard operating procedures. Therefore, the Public Health and Safety analysis focused on those training activities with the potential for public interaction (i.e., those vessel movements occurring on the Southern Branch of the Elizabeth River). Under the Proposed Action, public interaction from vessel movement and weapons firing-blank-fire is unlikely. Blank-fire training would occur from Navy vessels if non-participants are greater than 200 feet from the vessels. Vessel movement during training events would be conducted by trained Navy personnel, practicing safe navigation. As a result, there would be no significant impacts on public health and safety under the Proposed Action.

Hazardous Materials and Waste: There would be no impacts from hazardous materials, hazardous constituents, or Environmental Restoration Program sites under the Proposed Action. Some of the proposed training activities would require the use of hazardous materials, and would generate hazardous constituents. These materials/constituents would be managed according to established procedures. Based on two conditions applicable to the Proposed Action and stated in 40 CFR section 266.202(a)(1)(i-iii), military munitions are not considered solid waste. Therefore, the Resource Conservation and Recovery Act does not apply with regard to residues from munitions use. No new regulatory thresholds would be exceeded and no new hazardous materials reporting would be required. Proposed activities would not disturb Environmental Restoration Program sites or interfere with existing land use controls (where applicable) on these sites.

Socioeconomics: Implementation of the Proposed Action would have no significant impact on socioeconomic resources such as commercial and recreational vessel traffic, commercial and recreational fishing, or other recreational activities. Navy vessel traffic on the Southern Branch of the Elizabeth River is and will continue to be consistent with commercial and recreational vessel traffic on that waterway. The Navy adheres to standard operating procedures during training activities involving weapons firing – blank-fire and vessel movement – which reduces the potential for interaction between the public and the Navy. Noise from most training activities would primarily occur within Navy installation boundaries and, therefore, is not anticipated to be

disruptive to recreational users in the surrounding area. However, some events may occur on parts of an installation where recreational users of adjacent areas may hear noise associated with these training events. In general, the number of training events spread across the year in the region is small.

Cumulative Impacts: Under the Proposed Action, no significant cumulative impacts would be expected from other past, present, and reasonably foreseeable Navy and non-Navy projects. Resources that would be impacted cumulatively by the Proposed Action include air quality, water resources, biological resources, cultural resources, noise, public health and safety, and socioeconomics. However, these cumulative impacts would not be considered significant because the impacts are minor, short-term, and/or temporary.

Mitigation Measures and Best Management Practices: Based on the analysis contained in this EA, the Navy has determined that implementation of the Proposed Action would not result in significant impacts; therefore, there are no additional proposed mitigation measures except for those measures, programs, and procedures already in place to minimize environmental impacts from Navy activities and to comply with environmental requirements, as well as those that have been incorporated into installation management actions as part of the JEB Fort Story Biological Opinion. Several existing best management practices are incorporated into the Proposed Action including: public notification of training events; protection of inadvertently discovered cultural resources; safe navigation; public safety measures; and range maintenance.

Agency Consultation and Coordination Summary

Endangered Species Act: The Navy informally consulted with the NMFS. On December 19, 2017, NMFS concurred with the Navy's determination that the Proposed Action is not likely to adversely affect any NMFS ESA-listed species (i.e., shortnose sturgeon or Atlantic sturgeon) or critical habitat under NMFS jurisdiction.

The Navy informally consulted with the USFWS with regard to ten federally threatened or endangered species including: one mammal, three bird, two reptile, and one plant species. On December 2, 2021, the USFWS concurred with the Navy's

determinations set forth in the Navy's project review package dated December 1, 2021. A portion of the SUITEA activities that occur at JEB Fort Story were included in a formal consultation conducted by NAVFAC MIDLANT for three additional reptile species for which USFWS issued a biological opinion on September 24, 2019, and amended on December 21, 2020.

Magnuson-Stevens Fishery Conservation and Management Act:

On December 08, 2017, NMFS concluded that VACAPES inland training activities along the Southern Branch of the Elizabeth River will not substantially adversely affect EFH, or sandbar shark and summer flounder HAPC and had no conservation recommendations to provide.

National Historic Preservation Act: On July 7, 2017, the Virginia Department of Historic Resources concurred with the Navy's determination that there would be no adverse effects to historic properties with implementation of the Proposed Action.

Coastal Zone Management Act: No significant impacts to coastal zone resources would be expected under the Proposed Action. The Navy determined that the Proposed Action would be consistent, to the maximum extent practicable, with enforceable policies of Virginia's Coastal Zone Management Program. The Navy prepared a Federal Consistency Determination and delivered it to the Virginia Department of Environmental Quality. The Commonwealth of Virginia issued its concurrence on October 25, 2017.

Public Involvement: The Navy published a Draft EA Notice of Availability in *The Virginian-Pilot* on April 27th, 28th, and 29th, 2018. Copies of the Draft EA were made available at ten local libraries beginning on April 27, 2018, and the Draft EA was posted on the project website for download and comment. A three-week comment period ran from April 27th to May 19th, 2018. No comments were received.

Finding of No Significant Impact: Based on the analysis presented in the EA, which has been prepared in accordance with the requirements of NEPA and Navy policies and procedures (32 CFR Part 775), and in coordination with the USFWS, NMFS, Virginia Department of Historic Resources, and Virginia Department of Environmental Quality the Navy finds, for all alternatives, that implementation of the Proposed Action will not significantly impact the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared. The Navy intends to implement Alternative 2.

The EA prepared by the Navy is on file and interested parties may obtain a copy via download from the project website: <https://www.nepa.navy.mil/SUITEA>.

25 April 2022
Date



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