

5 Other Considerations Required by NEPA

5.1 Consistency with Other Federal, State, and Local Laws, Plans, Policies, and Regulations

In accordance with 40 Code of Federal Regulations (CFR) section 1502.16(c), analysis of environmental consequences shall include discussion of possible conflicts between the Proposed Action and the objectives of federal, regional, state and local land use plans, policies, and controls. Table 5-1 identifies the principal federal and state laws and regulations that are applicable to the Proposed Action, and describes briefly how compliance with these laws and regulations would be accomplished.

Table 5-1 Principal Federal and State Laws Applicable to the Action Alternative

| <i>Federal, State, Local, and Regional Land Use Plans, Policies, and Controls</i> | <i>Status of Compliance</i> |
|---|---|
| National Environmental Policy Act (NEPA); Council on Environmental Quality (CEQ) NEPA implementing regulations; Navy procedures for Implementing NEPA | This environmental documentation has been prepared in accordance with the CEQ regulations implementing NEPA, and Navy NEPA procedures. Appropriate public participation and review are being conducted in compliance with NEPA. |
| Clean Air Act | The air quality analysis concludes that under the Action Alternative’s proposed emissions: (1) would not create a major regional source of air pollutants or affect the current attainment status at Naval Air Station (NAS) Oceana and Naval Auxiliary Landing Field (NALF) Fentress in Virginia, and (2) would comply with all applicable state and regional air agency rules and regulations. |
| Coastal Zone Management Act | The Navy has determined that implementing the Action Alternative is consistent, to the maximum extent practicable, with the enforceable policies the Virginia Coastal Management Program. The Federal Coastal Consistency Determination is in Appendix B. On September 12, 2017, the Virginia Department of Environmental Quality (VDEQ) concurred that the Navy’s Proposed Action at NAS Oceana is consistent with the enforceable policies of the Virginia Coastal Zone Management Program. |
| National Historic Preservation Act | The Navy has concluded there would be no adverse effects to NRHP-listed or eligible cultural resources. In their September 20, 2017 memorandum to the Navy, the Virginia Department of Historic Resources (DHR) concluded that no historic properties will be affected by the project. |
| Endangered Species Act | No adverse effect to listed species is anticipated under the Action Alternative. |

Table 5-1 Principal Federal and State Laws Applicable to the Action Alternative

| <i>Federal, State, Local, and Regional Land Use Plans, Policies, and Controls</i> | <i>Status of Compliance</i> |
|--|---|
| Migratory Bird Treaty Act | Migratory birds would not be significantly impacted from proposed increases in aircraft noise in the study area under the Action Alternative, and no harm to or incidental takes of migratory birds are anticipated from noise. Based on previous statistics, bird aircraft strike incidents can be anticipated. The Navy would continue to actively manage installation airfields and adjacent areas to eliminate attractants and other features that may attract migratory birds to minimize potential BASH impacts to migratory birds. |
| Bald and Golden Eagle Protection Act | No takes or significant impacts to bald and golden eagles under the Action Alternative; no permit is required under the Bald and Golden Eagle Protection Act. |
| Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations | Minority and low-income populations affected under the Action Alternative would not experience disproportionately high and adverse noise or safety effects. |
| Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks | The Navy concludes the Action Alternative would not result in environmental health risks or safety risks that may disproportionately affect children. |
| Executive Order 13175, Consultation and Coordination with Indian Tribal Governments | The Navy concluded there would be no adverse effects to traditional cultural properties and has consulted with federally recognized tribes under Section 106. |

5.2 Irreversible or Irretrievable Commitments of Resources

Resources that are irreversibly or irretrievably committed to a project are those that are used on a long-term or permanent basis. This includes the use of non-renewable resources such as metal and fuel, and natural or cultural resources. These resources are irretrievable in that they would be used for this project when they could have been used for other purposes. Human labor is also considered an irretrievable resource. Another impact that falls under this category is the unavoidable destruction of natural resources that could limit the range of potential uses of that particular environment.

Implementation of the Action Alternative would involve human labor; the consumption of fuel, oil, and lubricants for aircraft; and operation of the aircraft. Implementation of the Action Alternative would not result in significant irreversible or irretrievable commitment of resources.

5.3 Unavoidable Adverse Impacts

This environmental document has determined that the Action Alternative would not result in significant impacts. Avoidance, minimization, or mitigation of adverse impacts were integrated into the Action Alternative to the greatest extent practicable; however, all impacts may not be completely avoided and/or mitigated. As presented in Chapter 3, the Action Alternative could result in the following

unavoidable adverse impacts related to noise. Noise exposure, noise levels ≥ 65 decibels (dB) day-night average sound level (DNL), would affect 3,180 additional acres and 6,100 more people. Though, DNL would increase no more than 1.6 dB DNL and would be barely noticeable.

5.4 Relationship between Short-Term Use of the Environment and Long-Term Productivity

The National Environmental Policy Act (NEPA) requires an analysis of the relationship between a project's short-term impacts on the environment and the effects that these impacts may have on the maintenance and enhancement of the long-term productivity of the affected environment. Impacts that narrow the range of beneficial uses of the environment are of particular concern. This refers to the possibility that choosing one development site reduces future flexibility in pursuing other options, or that using a parcel of land or other resources often eliminates the possibility of other uses at that site.

As discussed in Chapters 3 and 4, environmental consequences for the Action Alternative would result in both short- and long-term environmental effects. However, implementation is not expected to result in the types of impacts that would reduce environmental productivity, affect biodiversity, or narrow the range of potential long-term beneficial uses of the environment.

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6 References

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Responsible for: Biology Senior Review

Lori Thursby (Cardno GS)
M.A.H. Architectural History
Years of Experience: 21
Responsible for: Cultural Resources

Laurent Cartayrade (AECOM)
Ph.D. History
Years of Experience: 20
Responsible for: Public Involvement

Kelly Stoll (AECOM)
B.S. Journalism and Public Relations
Years of Experience: 14
Responsible for: Public Involvement

Fang Yang (AECOM)
M.S. Atmospheric Science
Years of Experience: 27
Responsible for: Air Quality

Micah Downing (Blue Ridge Research and Consulting)
Ph.D. Mechanical Engineering
Years of Experience: 23
Responsible for: Noise Analysis

Josh Mellon (Blue Ridge Research and Consulting)
M.S. Applied Physics; B.S. Physics
Years of Experience: 9
Responsible for: Aircraft Noise Modeling, Report Development

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