

**Nevada's Consolidated Proposal to the
US Navy's Proposed Fallon Range Training Complex Modernization**

**The following Consolidated Proposal was developed and
based on consultation with, and feedback from:**

State Government:

Nevada Departments of: Agriculture, Conservation & Natural Resources*,
Transportation and Wildlife

**Inclusive of: Division of Water Resources, Natural Heritage Program, and
State Historic Preservation Office.*

Nevada Division of Minerals

Nevada Governor's Office of Energy

Local Government:

Churchill County, Eureka County, Nye County, and the Nevada Association of Counties**

***Representing Lander, Mineral and Pershing Counties on this project.*

Points of Contact:

State Government: Bradley R. Crowell, Director, Nevada Department of Conservation and
Natural Resources

Local Government: Vinson Guthreau, Deputy Director, Nevada Association of Counties

Technical Support: Jeremy Drew, Resource Concepts, Inc., Representing Churchill County

Background:

The above-listed signatories of this proposal support the US Navy's (Navy) training mission in Nevada and Naval Air Station (NAS) Fallon. These groups have been engaged in the Fallon Range Training Complex (FRTC) Modernization Project since its inception, offering volumes of input and formal comment through the National Environmental Policy Act (NEPA) process, some as formal Cooperating Agencies.

The signatories are concerned that the full impacts of the FRTC Modernization have not been fully disclosed or accurately characterized to this point in the NEPA process and as a result, proposed mitigation is inadequate. As described in the Fallon Range Training Complex Modernization Draft Environmental Impact Statement, the signatories do NOT support the Navy's: Alternative 1, Alternative 2 or No Action Alternative.

Signatories hereby request that the Navy incorporate the following proposals into the Navy's Preferred Alternative (Alternative 3).

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I. Desired Changes that Could be Incorporated by the Navy:

The below listed changes could be made by the Navy through its NEPA process and presented to Congress as part of the Navy's formal recommendation for the FRTC Modernization Project. If these changes are not incorporated by the Navy, then the signatories would request that Congress incorporate them into the National Defense Authorization Act (NDAA) and/or other appropriate legislation.

I.A Specific to Private Property (Including Land, Mineral Claims and Water Rights):

All private landowners within the proposed withdrawal area must be properly notified (i.e. certified mail) and compensated for any and all losses.

I.B Specific to all Bravo Ranges: The Navy should reduce all Bravo Range withdrawal areas to match the proposed Weapons Danger Zone(s) by utilizing the smallest possible sectional breakdown. **See Map Item I.B.**

I.C Specific to Bravo 16: The Navy should reduce the boundaries of B-16 in order to:

1. Avoid the West-wide Energy corridor, existing power transmission line and existing access road along the western edge of the withdrawal area (**See Map Item I.C.1**);
2. Allow re-routing of Sand Canyon Road / Red Mountain Road around the north perimeter of the withdrawal area. Portions of other existing dirt roads may be utilized to accomplish this depending on how far the withdrawal area is reduced (**See Map Item I.C.2**);
3. Allow enough corridor (1 mile minimum) for the I-11, B-2 Corridor between the northeast corner of withdrawal area and existing private property at the end of Lone Tree Road (**See Map Item I.C.3**); and,
4. Avoid Simpson Road to the south of the withdrawal area (currently included in Alternative 3).

I.D Specific to Bravo 17: Adjust the withdrawal area to avoid: existing corrals, laydown area and water well (associated with stockwater right) immediately adjacent to SR 839, approximately 12 acres (**See Map Item I.D.1**).

Avoid target placement in areas of high biological and cultural values (i.e. Bell Flat, **See Map Item I.D.2**). Targets should also be placed in a manner that accommodates controlled access (i.e. avoid Earthquake Fault and Bell Flat Roads, **See Map Item I.D.3**).

I.E Specific to Bravo 19: Work with appropriate tribal representatives to address the existing contamination issue on the Walker River Reservation.

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I.F Specific to Bravo 20: Reduce the boundaries of B-20 in order to:

1. Allow re-routing of Pole Line Road around the northwest perimeter of the withdrawal area. Portions of existing Pole Line Road may be utilized to accomplish this depending on how far the withdrawal area is reduced (**See Map Item I.F.1**);
2. Avoid the Fallon National Wildlife Refuge (**See Map Item I.F.2**);
3. Avoid East County Road to the east of the withdrawal area (currently included in Alternative 3); and,
4. Avoid the Stillwater National Wildlife Refuge to the south of the withdrawal area (currently included in Alternative 3).

I.G Specific to the Dixie Valley Training Area (DVTA): Renew withdrawal of the existing DVTA with stipulations described in the Draft EIS (**See Map Item I.G.1**). **See Section II.B for the need to Congressionally codify all allowances and restrictions within the DVTA withdrawal area.**

Designate a Special Land Management Overlay (SLMO) rather than expanding the existing DVTA (**See Map Item I.G.2**). The new SLMO area would have the same conditions as the SLMO proposed south of Highway 50 under Alternative 3. The SLMO would remain open to public access, still be managed by the Bureau of Land Management and available for all Bureau of Land Management (BLM) allowable uses. The BLM would be required to consult with the Navy prior to issuing decisions on projects, permits, leases, studies and other land uses. **See Section II.C for the need to Congressionally codify all allowances and restrictions within the SLMO area.**

I.H Specific to the designation of a Special Land Management Overlay (SLMO): Retain the proposed SLMO south of Highway 50 (currently included in Alternative 3) and expand the same designation north of Highway 50 rather than expanding the DVTA. **See Section II.C for the need to Congressionally codify all allowances and restrictions within the SLMO.**

Specific to resolution of Wilderness Study Area (WSA) under the expanded SLMO north of Highway 50, see Section IV. The signatories support resolution of WSA as part of a Lands Bill process rather than proposed release by the Navy.

I.I Specific to Energy Development and Energy Transmission: The proposed changes (listed in Sections I.A – I.H) to avoid expansion of the DVTA in lieu of SLMO designation will help to minimize impacts to energy development and transmission in the Dixie Valley area by providing allowances for future development in coordination with the Navy. Similar positive benefits will be realized by altering and minimizing withdrawal footprints on the Bravo Ranges; however, the balance of the Navy's proposal will still significantly impact future energy development.

I.J Specific to Mining and Mineral Resources (including geothermal): The proposed changes (listed in Sections I.A – I.H) to avoid expansion of the DVTA in lieu of SLMO designation will help to minimize impacts to mining and mineral development in the Dixie Valley area by providing allowances for future development in coordination with the Navy.

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Similar positive benefits will be realized by altering and minimizing withdrawal footprints on the Bravo Ranges; however, the balance of the Navy's proposal will still significantly impact future mining and mineral development.

All mining claimants within the final withdrawal areas (Bravo Ranges and DVTA) must be properly notified and compensated for any and all losses.

I.K Specific to Grazing: The Navy should be working directly with grazing permittees on an allotment by allotment basis to avoid or minimize impacts. For any unavoidable impacts: all public land grazing permittees and lease holders within the final Withdrawal Area (Bravo Ranges) must be fairly compensated for any and all losses, including but not limited to: lost Animal Unit Months; remaining balance on business loan for lease payments; lost range improvements; and, costs associated with pursuing new or revised grazing permits.

Compensation must be for the full term of the Navy withdrawal, NOT only the remaining term of the grazing permit as presently suggested by the Navy (see Section III.D). Fair compensation should be determined by a private agricultural appraisal process.

I.L Specific to Ground Transportation: The Navy must recognize and honor all existing Federal, State and County rights-of-way.

The following federal highways must be avoided by the Navy's land withdrawals: US 50 & 95. **(See Map Item I.L.1).**

The following state highways must be avoided by the Navy's land withdrawals: SR 121 and 839 (currently included in Alternative 3). The Navy must recognize and honor all existing State rights-of-way.

The following county roads must be avoided (currently included in Alternative 3) by the Navy's land withdrawals: Simpson Road (B-16 in Churchill and Lyon Counties), Earthquake Fault, Fairview Peak (B-17 in Churchill County) and Rawhide Road (B-17 in Mineral County) and East County Road (B-20 in Churchill County). The Navy must recognize and honor all existing county rights-of-way, including those roads that would qualify under RS 2477.

The following roads must be relocated at the Navy's expense:

- Sand Canyon / Red Mountain Road (B-16 in Churchill County) which must be designed and built to County standards for unpaved roads **(See Map Item I.L.4)**;
- State Route 361, which must be designed and built to Nevada Department of Transportation (NDOT) Standards (B-17 in Churchill, Mineral and Nye Counties) **(See Map Item I.L.5)**; and,
- Pole Line Road (B-20 in Churchill and Pershing Counties) which must be designed and built to County standards for unpaved roads **(See Map Item I.L.6)**.

Lone Tree Road, including that portion of State Route 761, must be reconstructed at the Navy's expense to safely pass large vehicle traffic as a result of Navy access to B-16 **(See Map Item**

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I.L.7). This road must be designed and built to the appropriate NDOT or County standard for paved roads in a rural residential area.

I.M Specific to Airspace: Military Operating Areas (MOAs) with a proposed floor of less than 500' above ground level (AGL) should be changed to 500' AGL per 90-Days to Combat. Signatories also support improved radio coverage, at Navy's expense, in order to provide uninterrupted radio coverage from Desert Control to the entire Special Use Area as a safety measure.

The signatories support an Airport Exclusion Area (5 mile radius and 0-1,500' AGL) around the Gabbs, Crescent Valley and Eureka airports.

A Visual Flight Rules (VFR) Corridor must be provided over Highway 50 and Highway 95 in order to provide continual access by civilian aircraft. Specifications for the VFR are:

- Vertically = 0' – 10,000' Above Ground Level; and,
- Horizontally = 5 miles wide (2.5 miles either side of highway centerline).

I.N Specific to Noise: A 5-mile noise avoidance buffer must be placed beyond the outer limits of the towns, rather than a centroid point, and must include the same offset from the perimeter of the General Improvement Districts in southern Diamond Valley as part of the Town of Eureka noise buffer.

The Navy must fund a research project regarding potential impacts to Greater Sage Grouse within FRTC Modernization Project and commit to Adaptive Management if impacts are found to occur. All efforts must be closely coordinated with the State of Nevada.

I.O Specific to Water Rights: The Navy must properly and thoroughly identify all water rights and must work with individual water right holders to avoid, minimize or rectify impacts, to all existing rights within the proposed Bravo Range expansions. Any impacts that cannot be avoided should result in compensation for any and all loss. This must include any impacted claims of vested right that have not been adjudicated by the Nevada Division of Water Resources.

Any water rights acquired by the Navy must be relinquished to the State of Nevada, or otherwise appropriated for Navy use per State Water law. Any water rights acquired or held by the Navy will be subject to appropriate State of Nevada fees.

Guaranteed assurances need to be made by the Navy to allow implementation of the Dixie Valley Water Project. This includes, but is not limited to: rights-of-way for wells, pipelines, power lines and other appropriate infrastructure, as well as temporary rights-of-way for construction and access for continued monitoring and study of the aquifer (**See Map Item I.O**).

I.P Specific to Biological Resources: Administrative access by the Nevada Department of Wildlife must be guaranteed in all withdrawal areas and Navy airspace for the full term of the Navy withdrawal. This is necessary in order to continue wildlife management activities,

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including, but not limited to: monitoring of big game herds, disease surveillance, monitoring and maintenance of water developments, and possible trap and transplant of wildlife species.

See "Bravo 17" section above for avoidance of biologically sensitive areas with target placement. See "noise" section above for specific request on studying noise impacts on Greater Sage Grouse. See "public health and safety" below for request on wildfire management.

The Navy should ensure dedicated funding to offset direct impacts to wildlife, as well as a loss of public access to wildlife resources within the proposed Bravo Ranges.

I.Q Specific to Cultural Resources: Target placement in Bravo Ranges must avoid culturally sensitive areas and facilitate managed access to such sites. The Navy must properly and thoroughly identify all traditional cultural properties, and commit to managed access to the Bravo Ranges for cultural visits associated for ceremonial, public educational, and research purposes.

I.R Specific to Recreation: The Navy will ensure implementation and fund their operational costs for a guaranteed Managed Access Program for Bravo 17 with a minimum of 15-days of assured access for big game hunting for the full term of the Navy withdrawal. As part of the managed access program, maintain road access (avoid target placement in): Fairview Peak, Bell Canyon (eastern ½), Bell Flat, Slate Mountain and Monte Cristo Mountains (particularly Kaiser Well and wildlife guzzler locations). **See Map Item I.R.**

I.S Specific to Public Health and Safety: The Navy must work with federal (BLM and US Forest Service), state (Nevada Division of Forestry and NDOW), and local partners (affected counties and fire districts) to develop and implement a robust wildfire management plan that addresses fire prevention, suppression, and rehabilitation.

The Navy must secure dedicated funding for said implementation and must establish wildland firefighting capability that includes: staffed type 3 engines, hand crews trained to National Wildfire Coordinating Group standards, and helicopters with water buckets.

The Navy must develop fire management agreements with federal wildland firefighting agencies that will facilitate rapid response and initial attack to wildfires occurring within the FRTC. The Navy must stage military firefighting resources for rapid initial attack based on biological values at risk, forecast fire behavior and proximity to likely ignition sources (active bombing areas). The Navy must also use qualified natural resource specialist(s) develop a rehabilitation plan for each wildfire that will guide efforts to repair damage caused by suppression efforts and restore appropriate vegetative cover on the fire-damaged site to promote full recovery.

Maintaining and/or relocating access roads around the Bravo Ranges will provide critical emergency access and fuel breaks around areas that will be subject to very high wildfire ignition potential (see Sections I.B – I.F).

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I.T Specific to Tribal Concerns: The Governor's Office specifically requests feedback from the Navy as to how they will resolve critical tribal concerns expressed in the following documents:

- Inter-Tribal Council of Nevada, Inc. Resolution No. 06-ITCN-19
- Fallon Paiute-Shoshone Tribe Letters:
 - RE: Request for Consultation and Supplemental Comments on the Draft EIS for Fallon Training Range Complex Modernization EIS dated August 21, 2019
 - RE: Comments on the Draft Environmental Impact Statement (DEIS) for the proposed expansion of Naval Air Station Fallon dated February 14, 2019
- Resolution of the Governing Body of the Walker River Paiute Tribe, Resolution No. WR-19-2019

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II. Desired Changes that Could be Incorporated by Congress:

The below listed items are those that:

- The Navy has indicated it has no authority over;
- The Navy has indicated it needs additional authority to implement; or,
- Must be included in authorizing legislation to ensure implementation as part of the FRTC Modernization Project.

In addition, if the Navy is unwilling to incorporate the changes in Section I, then Congress is the only entity that could do so in the appropriate enabling legislation. The signatories respectfully request that the Nevada Congressional Delegation advance any of the above-listed items not incorporated by the Navy in its Final Environmental Impact Statement and Record of Decision (the Navy's formal recommendation to Congress). The signatories stand ready to assist as needed in this effort.

II.A Specific to all Bravo Ranges: All final boundaries of B-16, B-17, and B-20 will need to be authorized by Congress through the NDAA. See Section I and attached map for Nevada Proposed boundaries.

II.B Specific to the Dixie Valley Training Area (DVTA): All final boundaries of the DVTA will need to be authorized by Congress through the NDAA. See Section I and attached map for Nevada Proposed boundaries.

All restrictions (solar / wind development and locatable mining) imposed, and all allowable future land use authorizations (open public access, grazing, hunting, limited geothermal development, salable mining, limited utilities and rights-of-ways, including the Dixie Valley Water Project, off-highway vehicle usage, camping/hiking, academic / ceremonial visits, management access, and special events) must be codified by authorizing legislation.

II.C Specific to the Special Land Management Overlay (SLMO): All final boundaries of the SLMO will need to be authorized by Congress through the NDAA. See Section I and attached map for Nevada Proposed boundaries.

All restrictions (BLM consultation with the Navy), and all allowable future land management (remaining open to public access and available for all BLM-allowable uses) must be codified by authorizing legislation.

II.D Specific to Land Use under Proposed Navy Airspace: Signatories request Congressional direction that no land use restrictions will be placed on private OR public lands located under proposed MOAs without the approval of the appropriate County Commission and State and Federal Agencies.

II.E Specific to Cultural Resources: Signatories request specific Congressional direction for the Navy to avoid cultural resources and mandate guaranteed controlled access for cultural site visits. Access includes target placement that accommodates access via existing roads.

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II.F Specific to Recreation: Signatories request specific Congressional direction for the Navy to avoid target placement in key biological resource areas and to implement and fund the Navy's operational costs for a guaranteed controlled access for big game hunting and special off highway vehicle events. Access includes target placement that accommodates access via existing roads.

II.G Specific to Public Health and Safety: Congressional direction is required to ensure the following:

- NAS Fallon must complete and fund a comprehensive Fire Management Plan for the FRTC;
- As part of this plan, NAS Fallon should upgrade their firefighting equipment to include wildland firefighting apparatus, particularly for air attack;
- NAS Fallon must be responsible for putting out any fires they start, ignite on Navy owned or withdrawn land, or fund others who do so; and,
- NAS Fallon must pay for fire rehabilitation and seeding costs for fires they start and/or establish a working group and fund a special account to pay others with appropriate experience to do so.

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III. Congressional Items that Require Funding Authorization and Appropriations:

The below listed items are those that, may or may not have been listed above, would warrant both funding authorization through the NDAA, as well as Appropriations through the appropriate legislation.

III.A Specific to Private Property (Including Land, Mineral Claims, and Water Rights):

Authorize and appropriate funding to compensate all private property owners.

III.B Specific to Land Conveyances. Authorize and appropriate funding for a Dedicated Land Consolidation Fund to facilitate special conveyance and resolution of checkerboard land ownership pattern in affected counties. These funds would be available for completing required cultural, environmental and realty actions and documentation to complete conveyance of public lands to non-public owners or vice versa.

III.C Specific to Mining and Mineral Resources (including geothermal): Authorize and appropriate funding to compensate all mining claimants within the proposed withdrawal areas (Bravo Ranges and DVTA).

III.D Specific to Grazing: Authorize and appropriate funding to compensate for any grazing losses to permittees and lease holders. In addition, permittees and lease holders should be given a 3-year tax deferment on the sale of the allotment and any cattle, due to the withdrawal, to allow them to find replacement property.

Compensation must be for the full term of the Navy withdrawal, NOT only the remaining term of the grazing permit as presently suggested by the Navy. Per Navy legal opinion, the Department of Defense only has the authority to compensate for the remaining term of a grazing permit, and therefore must be granted additional authorization to compensate for the full loss of grazing capacity. The Navy does not understand that the ranchers are not typical permittees, but lease holders that have bought into the rights to use BLM land for over 20 years, in some cases.

III.E Specific to Ground Transportation: Authorize and appropriate funding to:

- Relocate State Route 361 (Gabbs Highway) and 761 (Lone Tree Road, State Portion), which must be designed and built to NDOT Standards; and,
- Relocate Pole Line Road (B-20) and Sand Canyon / Red Mountain Road (B-16) which must be designed and built to County standards for unpaved roads, as well as Lone Tree Road (B-16) which must be designed and built to the appropriate County Standard for paved roads in a rural residential area.

III.F Specific to Airspace: Authorize and appropriate funding to upgrade radio coverage in order to ensure all Special Use Airspace and MOAs maintains uninterrupted radio coverage to Desert Control.

III.G Specific to Noise: Authorize and appropriate funding for a noise study specific to Greater Sage Grouse within the FRTC Modernization.

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III.H Specific to Water Rights: Authorize and appropriate funding to compensate all water right holders (including those with claims of vested rights and permits) within the final withdrawal area whose rights cannot otherwise be mitigated must be compensated for any and all losses.

III.I Specific to Biological Resources: Authorize and appropriate funding to a Dedicated Wildlife Fund to facilitate State-directed wildlife management that mitigates impacts associated with the FRTC Modernization including the area under Navy air space.

III.J Specific to Recreation: Authorize and appropriate funding to a Dedicated Recreation Fund to facilitate state and local government directed recreational improvements that mitigate impacts associated with the FRTC Modernization.

III.K Specific to Socioeconomics: Authorize and appropriate funding to a Dedicated Planning Fund with programs similar to those offered through the Office of Economic Adjustment for State and Local planning and required planning updates due to the FRTC Modernization.

Appropriate funding to the existing Readiness and Environmental Protection Initiative (REPI) specific to the FRTC area to help offset impacts through cooperative conservation projects (i.e. conservation easements) with private landowners, local governments and state agencies.

Authorize and appropriate funding to a Dedicated PILT Offset Fund to compensate for direct revenue losses to local government from the Federal Payment in Lieu of Taxes program administered by the US Department of Interior as a result of the FRTC Modernization.

III.L Specific to Public Health and Safety: Authorize and appropriate funding to a Dedicated Wildland Fire Suppression Fund in order to provide for state and local government fire management activities within the FRTC (including Navy-owned and withdrawn lands as well as private and public lands located under Navy airspace). This would be in addition to the Navy's internal efforts and improved capacity to manage fire per their own capabilities.

Authorize and appropriate funding to a Dedicated Wildland Fire Restoration Fund in order to provide for state and local government post-fire management restoration activities within the FRTC (including Navy-owned and withdrawn lands as well as private and public lands located under Navy airspace).

Authorize and appropriate funding to a Dedicated Emergency Response Fund to construct a hospital in Tonopah, Nevada in order to provide better emergency services for both on-duty and off-duty Navy personnel.

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IV. Congressional Authorization of County Lands Bills as a Means of Mitigation:

The signatories believe that the impacts of the FRTC Modernization Project on the affected Counties' customs, culture, and future economic prosperity are so profound that additional mitigation (on top of what is listed above) is warranted. This is particularly true for the Counties that include proposed Navy purchase of private land and public land withdrawals (Churchill, Mineral, Pershing, and Nye).

As such, the signatories are supportive of the concept of including individual County Lands Bills for the affected counties into the NDAA given the direct nexus between the FRTC Modernization Project and future land use in the affected counties. Such Lands Bills typically include one or more of the following components:

- Resolution of designated WSA, either by formal Congressional designation as Wilderness Area and/or National Conservation Area OR release from WSA to management as public lands by the appropriate Federal Land Management Agency;
- Conveyance of specific parcels of public lands to State, Local or Private ownership for specific purposes; or,
- Resolution of checkerboard land ownership patterns (alternating sections of public and private land that create significant management challenges for all owners) through a process outlined in the appropriate legislation.

There is a mutual understanding amongst the signatories that inclusion of any County Lands Bills is contingent upon:

- The ability of the respective County Governments to develop a broadly supported Lands Bill; and,
- Appropriate Congressional Procedures.

The inclusion of such Lands Bills does not change nor diminish the importance of the mitigation measures listed in Sections I – III.

Inclusion of Lands Bills, as appropriate, does have the potential to:

- Ensure that private land ownership results in no net loss of private lands within the affected Counties to offset the purchase of 65,278 acres of private lands proposed by the Navy as proposed under Alternative 3.
- Allow continued Navy training while restricting future land uses that may conflict with such training as a result of Wilderness or National Conservation Area designation.
- Allow development of critical resources (mineral and geothermal) in areas with low natural resource conflicts currently designated as WSA as a result of WSA release.
- Provide a more appropriate balance between primitive management (formal designation of portions of WSA) and future use and development (formal release of portions of WSA).