

**Final
Finding of No Significant Impact (FONSI) for
Modification and Addition of the Evers Military Operations Area**

1.0 INTRODUCTION

The Air National Guard (ANG) has prepared this Environmental Assessment (EA) to consider the potential consequences to the human and natural environment associated with the modification, expansion, and utilization of the Evers Military Operations Area (MOA) to accommodate the training requirements of the 113th Wing (WG). The 113 WG is the air component of the District of Columbia Air National Guard (DCANG) and is the only federal National Guard unit. The federal mission of the 113 WG is to maintain combat forces ready for mobilization, deployment and employment as needed to support national security objectives. The purpose of the action is to expand the Evers MOA laterally and vertically to train and prepare military pilots and aircrews for current and future conflicts. The action provides reasonable flexibility for aircrew usage and air traffic control de-confliction. Larger training airspace than the current confines of the Evers MOA is required for the diverse training mission sets. The Proposed Action (1) is within a reasonable distance (200 miles) of the primary end-user; (2) provides an adequate size and shape for both air-to-air and air-to-ground training; (3) has adequate availability to the primary end-user; and (4) is controlled by a single Federal Aviation Administration (FAA) Air Route Traffic Control Center (ARTCC).

This Finding of No Significant Impact (FONSI) is provided in accordance with 32 CFR 989.15 (e)(2)(v) because the Proposed Action is a change to military training airspace. This FONSI is finalized and signed after the public review period was completed and all comments were considered and addressed, as applicable.

2.0 PROPOSED ACTION

The Proposed Action would expand beyond the lateral footprint of the current Evers MOA, subdivide the new airspace volume into five portions to increase Washington ARTCC's ability to accommodate civil aviation operations, and establish three Air Traffic Control Assigned Airspaces (ATCAAs) above the MOA complex. The Evers East and Evers Low MOAs would be delineated within the existing Evers MOA. The components of the Proposed Action include:

- Delineate new airspace
 - Evers North, Center and South MOAs (11,000 feet [ft] – 17,999 ft above mean sea level [MSL])
 - Evers Low MOA (1,000 ft above ground level [AGL] – 10,999 ft above MSL)
 - Evers East MOA (1,000 ft AGL to 17,999 ft above MSL)
- Create three ATCAAs
 - Diesel North, Center and South ATCAA (Flight Level [FL]180 – FL230 MSL)

EVERS MOA FONSI

The proposed Evers MOA Complex would occur over all or parts of the following West Virginia counties: Harrison, Barbour, Tucker, Pendleton, Lewis, Upshur, Randolph, Braxton, Webster, Pocahontas, Nicholas, and Greenbrier. In addition, parts of the following Virginia counties would underlie the proposed expansion and modification: Highland, Alleghany, Bath, and Botetourt.

Times of use would be from sunrise to sunset daily and other times by Notice to Airmen (NOTAM). Under the Proposed Action, there would be no infrastructure changes, no ground-disturbing activities, no supersonic flight activities, no release of chaff and flares, no weapons firing, and no ordnance deployment within the proposed airspace.

The 113th WG operates the F-16C which is a multi-role fighter platform currently in service. The F-16C is responsible for Defensive Counter Air (DCA), Offensive Counter Air – Attack Operations (OCA-AO), Combat Search and Rescue (CSAR), Close Air Support (CAS), Forward Air Control-Airborne (FAC-A), and Air Interdiction (AI). Operational activities would consist of MOA flight operations to include tactical combat maneuvering with abrupt, unpredictable changes in altitude and direction of flight. Other expected users of the proposed Evers MOA Complex include 104 FS (A-10C), 27 FS (F-22), 71st Fighter Training Squadron (T-38A), 333 FS (F-15E), 167th Airlift Squadron (AS, C-17), and 130 AS (C-130). Other military users (for example U.S. Navy) could participate in exercises hosted by any of the expected users.

3.0 ALTERNATIVES CONSIDERED

Three alternatives to the Proposed Action were considered but not carried forward because they did not meet the purpose and need for action. Modification of the Duke MOA in Pennsylvania and New York was considered as an alternative but dismissed from further analysis because the distance, shape and size are incompatible with 113 WG's F-16C training requirements. Creation of a new stand-alone MOA was considered but dismissed from further analysis because there was no uncongested airspace within the search area to create a new stand-alone MOA over land. Continued use of Patuxent River Restricted Area R4006 was considered as an alternative but was dismissed due to low predictable availability for the 113 WG to conduct training and R4006 is predominantly over water, making it non-viable as a primary training area for the 113 WG. In addition, the 113 WG investigated the use of other military airspaces to complete their training such as the use of other restricted areas, warning areas, military training routes, and other larger airspaces further away. None of these options meet the purpose and need of the Proposed Action.

4.0 ENVIRONMENTAL EFFECTS

4.1 PROPOSED ACTION

The Proposed Action would have less than significant adverse effects on airspace management, noise, biological resources, cultural resources, and land use. Less than significant cumulative impacts would result from the Proposed Action combined with past, present, and reasonably foreseeable future action related to airspace use and management near the Evers MOA Complex. Management actions and special operating procedures that would be implemented are discussed in Section 5 of the EA.

Airspace Management. The Proposed Action would have less than significant effects to airspace use and management. There would be less than significant adverse effects in the form of conflicts, congestion, or delays to some non-participating aircraft. The Proposed Action would not (1) result in violation of FAA or Department of Defense (DOD) criteria; (2) undermine the safety of military, commercial or civil aviation; or (3) cause conflicts, congestion, or delays for an appreciable number of non-participating aircraft. Cumulative effects on airspace management in the proposed Evers MOA Complex would be less than significant when compared to existing conditions.

Noise. The Proposed Action would have less than significant adverse effects on noise. Effects would be due to noise from low- to mid-altitude military overflights in the proposed Evers Low MOA. Any flights in the new airspace besides the Evers Low MOA would either be high enough to avoid adverse effects or similar in the Evers East MOA to existing activities but at a reduced level of activity. The Proposed Action would not increase noise levels by more than 1.5 A-weighted decibels (dBA) day-night average Sound Level (DNL) in any noise-sensitive area that is exposed to noise above 65 dBA DNL; nor would generate individual acoustic events loud enough to damage hearing or structures. The Proposed Action would increase the average noise levels by 5.2 dBA DNL beneath the proposed Evers Low MOA, for areas not included currently beneath the existing Evers MOA. The ANG has reported to the FAA through this environmental documentation, the anticipated greater than 5 dBA DNL increase, which is not deemed significant. The cumulative effect on the noise environment beneath the proposed Evers MOA Complex would be less than significant when compared to existing airspace conditions.

Biological Resources. The Proposed Action would have less than significant adverse effects on biological resources. Effects would be due to the introduction of low- to mid-altitude military overflights in the proposed Evers Low MOA. The Proposed Action would not reduce the distribution or viability of species or of critical habitats. Effects on wildlife and their habitats beneath the proposed Evers MOA Complex would be negligible, and not measurably different when compared to existing conditions. Avoidance of low-level flights to the maximum extent practicable over noise-sensitive areas and by 1000ft altitude and .5NM laterally over eagle nest locations would be emphasized by 113 WG to all flying units during the flight planning stage and avoid the potential for nest disturbance. Cumulative effects on biological resources beneath the proposed Evers MOA Complex would be less than significant when compared to existing conditions.

Cultural Resources. The Proposed Action would have less than significant adverse effects on cultural resources. While the Proposed Action would introduce noise (a potential effect under 36 CFR §800.5) to historic properties present beneath the Evers MOA, the nature of that noise is such that it would have no effect on the aspects of the properties that make them eligible for listing in the National Register of Historic Places (NRHP). Additionally, nothing within the Proposed Action would have adverse cumulative effects on historic properties when compared to existing conditions.

Land Use. The Proposed Action would have less than significant adverse effects on land use. Effects would be due to the introduction of low- to mid-altitude military overflights in the proposed Evers Low MOA. Noise from aircraft operations under the Proposed Action would not exceed 65 dBA DNL and would

be compatible with all land uses. This includes being compatible with wilderness areas, residential areas churches, schools, and recreational area guidelines. The Proposed Action would not 1) be inconsistent with applicable land use plans or policies; 2) preclude an existing land use; 3) preclude continued use of an area; or 4) be incompatible with adjacent or vicinity land use to the extent that public health or safety is endangered. Avoidance of noise-sensitive areas to the maximum extent practicable would be emphasized by the 113 WG to all flying units during the flight planning stage. A restriction to flying below 2,000 ft AGL over the Cranberry Wilderness would be incorporated into all flight guidance. Cumulative effects on land use beneath the proposed Evers MOA Complex would be less than significant when compared to existing conditions.

Resources with Negligible Effects. The Proposed Action would have negligible effects on the following resource areas: Air Quality; Climate; Coastal Resources; Department of Transportation Act: Section 4(f); Farmlands, Hazardous Materials, Solid Waste, and Pollution Prevention; Socioeconomics, Environmental Justice, and Children’s Environmental Health and Safety Risks; Natural Resources and Energy Supply; Visual Effects; and Water Resources. Future conditions with respect to these resources would be indistinguishable from existing conditions with the implementation of the Proposed Action. Section 1.5 of the EA provides a brief overview of, and a discussion of the limited effects on, each of these resources.

4.2 NO ACTION ALTERNATIVE

The Council on Environmental Quality (CEQ) regulation 40 Code of Federal Regulations (CFR) §1502.14(d) specifically requires analysis of the No Action Alternative in all National Environmental Policy Act (NEPA) documents. The No Action Alternative would result in no change to the current Evers MOA. Under the No Action Alternative, local and deployed units would continue to lose specialized adequate training opportunities. Although the No Action Alternative does not meet the selection criteria or fulfill the purpose and need of the action, it has been carried forward for detailed analysis in this EA, as required under NEPA.

5.0 PUBLIC NOTICE

Executive Order (EO) 12372, *Intergovernmental Review of Federal Programs*, requires intergovernmental notifications prior to making any detailed statement of environmental effects. NEPA, 40 CFR §§ 1500-1508, and 32 CFR §989 require public review of the EA before approval of the FONSI and implementation of the Proposed Action. The ANG notified relevant federal, state, and local agencies and allowed them 30 days to make known their environmental concerns specific to the Proposed Action. Similarly, consultation letters were sent to the federally recognized tribes to provide notification of the action and to initiate government-to-government consultation in accordance with Section 106 of the National Historic Preservation Act (NHPA), *Agency and Public Coordination*. Tribal coordination was done through certified mail; follow-up phone calls to tribal recipients were conducted at 2 weeks and at 2 months after receipt verification to ask if there are any questions or concerns regarding the Proposed Action. Comments and concerns submitted by these agencies are subsequently incorporated into the analysis of potential environmental impacts

conducted as part of the EA. A Notice of Availability for public review of the Draft EA and Draft FONSI (Appendix A) was published in the following newspapers and in each newspaper's online edition on the listed dates:

- Inter-Mountain, Elkins, WV, 4 and 18 May 2020, <https://www.theintermountain.com/>;
- The Recorder, Monterey, VA, 7 and 21 May 2020, <https://www.therecorderonline.com/>;
- Pocahontas Times, Marlinton, WV, 7 and 21 May 2020, <https://pocahontastimes.com/>; and
- Mountain Messenger, Lewisburg, WV, 9 and 23 May 2020, <https://mountainmessenger.com/>.

The Draft EA and Draft FONSI were available for 30-day review and download at www.113wg.ang.af.mil/EversMOA and www.wv.ng.mil/evers-moa; and at the following libraries if they become open to the public when closures related to COVID-19 are lifted:

- Elkins-Randolph County Library, Elkins, WV;
- Highland County Public Library, Monterey, VA;
- Pocahontas County Library, Marlinton, WV; and
- Greenbrier County Public Library, Lewisburg, WV.

The Draft EA and Draft FONSI were made available upon request. Fifteen comments were received from the Notice of Availability for public review of the Draft EA and Draft FONSI. Comments were addressed and incorporated in the Final EA and documented in Appendix A.

6.0 FINDING OF NO SIGNIFICANT IMPACT

After careful review, I conclude that the Proposed Action would not have a significant impact on the quality of the human or natural environment, or generate significant public controversy. Accordingly, the requirements of NEPA, CEQ, and 32 CFR 989, et seq. have been fulfilled, and an Environmental Impact Statement (EIS) is not necessary and will not be prepared.

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Date

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