

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

**ADOPTION OF FINAL ENVIRONMENTAL ASSESSMENT
AND
FINDING OF NO SIGNIFICANT IMPACT/RECORD OF DECISION
FOR**

**PINECASTLE RANGE COMPLEX RESTRICTED AREA
NAVAL AIR STATION, JACKSONVILLE, FL**

I. Introduction

This document serves as the Federal Aviation Administration's (FAA) adoption and Finding of No Significant Impact (FONSI)/Record of Decision (ROD) of the United States Navy's Fleet Forces Command "Final Environmental Assessment" dated August 2012 (FEA) regarding the expansion of the Pinecastle Range Complex (PRC) Restricted Area, described below. The Navy prepared its FEA and FONSI in compliance with the National Environmental Policy Act (NEPA) and Navy-specific environmental regulations.

Pursuant to section 102(C) of the NEPA of 1969, and the Council on Environmental Quality (CEQ) regulations (40 CFR parts 1500-1508), the FAA announces its decision regarding the United States Navy's FEA.

II. Background

As the lead agency, the United States Navy (Navy) published the FEA in accordance with NEPA. Additionally, in accordance with the Memorandum of Understanding between the FAA and Department of Defense, "Concerning Environmental Review of Special Use Airspace (SUA) Actions", dated October 4, 2005, the FAA is a Cooperating Agency. The Navy has proposed to expand the existing restricted areas within the Palatka 1 and Palatka 2 Military Operations Areas (MOAs), incorporating the corridors between existing Restricted Areas R-2906, R-2907, and R-2910. This would result in a larger and contiguous Restricted Area to allow for a safer environment for participating and nonparticipating aircraft.

The Region of Influence (ROI) was previously analyzed in the Final SEIS *Renewal of Authorization to Use Pinecastle Range, Ocala National Forest, Florida* (Navy 2010), and the FEIS *Authorization to Use Pinecastle Range, Ocala National Forest, Florida*, (Navy 2002). Those EISs were for the authorization to use the Pinecastle Range for the Navy's training activities and the renewal of the same in light of new modeling programs. FAA was not a Cooperating Agency in those environmental documents.

During the planning process for these SUA actions, the FAA conducted an aeronautical analysis to determine any aeronautical impact that might result from the publication and charting of the MOA proposal. The proposal was circulated by the Eastern Service Center as FAA Airspace Case Number: 2010-ASO-025, and was published on December 22, 2010, with the comment period ending February 7, 2011. Three environmental comments were received during this process regarding overflights of the wilderness areas in the low restricted areas. As a result of comments received, the FAA and the Navy revised the internal dimensions and operating

conditions of the Preferred Alternative (Alternative 1) to further reduce the potential for minor impacts and inconveniences to the public.

Following completion of the FEA and issuance of the Navy's FONSI, but prior to the FAA implementing the new rule, the FAA requested that the Navy review the 1,800 foot mean sea level (MSL) vertical split of the corridors. The FAA asked the Navy to consider what impacts, if any, would arise if the vertical split altitude was raised to 2,000 ft MSL to better accommodate civilian visual flight rules (VFR) traffic. Upon review, the Navy determined that the change would pose no impact to training. Therefore, the FAA, as the rulemaking authority in this matter, now proposes to implement a vertical split altitude of the corridors at 2,000 ft MSL.

III. Proposed Federal Action

The Proposed Action is to expand the existing Restricted Areas within the Palatka 1 and 2 MOAs, incorporating the corridors between existing Restricted Areas R-2906, R-2907, and R-2910. This would result in a larger and contiguous restricted area to allow for a safer environment for participating and nonparticipating aircraft. The lateral dimensions of the PRC would not change.

As currently configured, the military-controlled restricted areas associated with these ranges vary in altitude and are noncontiguous, with narrow corridors or alleyways between them. When lasers are used in military training events, nonparticipating aircraft using these corridors are exposed to a hazard. As a result, the Navy, in coordination with the FAA, is proposing to link or connect the restricted areas associated with these ranges to minimize the risk presented by this potential hazard. Therefore, the Proposed Action is to expand the existing restricted areas within the Palatka 1 and 2 MOAs, incorporating the corridors between existing Restricted Areas R-2906, R-2907, and R-2910. This would result in a larger and contiguous restricted area to allow for a safer environment for nonparticipating aircraft.

This Proposed Action is being sought to address the safety concerns associated with nonparticipating aircraft proximate to military aircraft maneuvering tactically while the military pilots are focused on honing skills related to the rapid and accurate employment of lasers and weapons. The Proposed Action would not require any change in the quantity and type of military aircraft operations or flight profiles, or any increase in operating hours for the airspace and the PRC addressed in the FEA.

IV. Purpose and Need

The purpose and need for the Proposed Action is to support the operational readiness of military aircraft. There is currently a narrow corridor of airspace between R-2907 and R-2910 in which it is possible for nonparticipating aircraft to cross the laser beam of military aircraft participating in laser guided missile training. The Proposed Action would help protect nonparticipating airmen, during periods of active weapons training, from levels of laser radiation that could cause eye damage or blindness.

The PRC is heavily used by aircraft carrier battle groups preparing for deployment and by aircrews of local units needing to maintain proficiency in their weapon systems. With the arrival of high performance multi-role fighters in the U.S. arsenal, tactics have become more complex

requiring an expansion of restricted airspace to fully exploit their capabilities. As an example, because of the performance and speed of the fighters and the stand-off capabilities made available by advanced radar and long-range weapons delivery profiles (i.e., laser-guided weapons), the modern fighter requires access to a large area of both lateral and vertical airspace. Expanding the current restricted areas associated with the PRC would provide the necessary airspace required by the fighter/attack community to safely conduct those long-range weapons delivery profiles. Per FAA Order 7400.2J, *Procedures for Handling Airspace Matters*, dated February 2, 2012, Chapter 23-1-2, “Restricted Areas are established when determined necessary to confine or segregate activities considered hazardous to nonparticipating aircraft.”

Alternatives

Alternative 1 (Preferred Alternative) - This alternative would laterally expand portions of the existing restricted areas within the Palatka 1 and 2 MOAs to include the unrestricted corridors between them. Under this alternative, the unrestricted corridors would become horizontally subdivided restricted areas ranging, in the lower-altitude portions (R-2907C and R-2910E), from 500 ft above MSL to less than 2,000 ft MSL and, in the upper-altitude portions (R-2907B and R-2910D), from 2,000 ft MSL to flight level 23,000 ft (FL 230). There would be a maximum of 800 training hours per year within the newly-designated, lower-altitude portions of the restricted area corridors. These lower-altitude restricted areas would be active only during hazardous training events. There would be no time limit restrictions on the upper-altitude restricted areas in the corridors; although training primarily occurs intermittently between the hours of 0800 and 2400. These upper-altitude restricted areas would be closed to all civilian aircraft during training events. Portions of the existing restricted areas would also be expanded vertically to ensure a consistent ceiling altitude of FL 230 across the airspace, except in the existing Rodman Restricted Area (R-2906) which will remain 14,000 ft MSL and the southeastern corner of R-2910 which will remain 6,000 ft MSL. The restricted area in the southeastern corner of R-2910, which is outside the Palatka 1 and 2 MOAs, will be split into two separate restricted areas, R-2910B and R2910C. In order to improve coordination with commercial traffic, the southernmost restricted area, R-2910C, would be activated separately. Implementation of the Preferred Alternative would not result in any change in the quantity and type of aircraft operations, flight profiles, or increase in the operating hours of the PRC.

Alternative 2- The restricted area for Alternative 2 would be the entirety of both the Palatka 1 and Palatka 2 MOAs, versus simply extending the borders of the existing restricted areas to fill in between the corridors as in Alternative 1. The two Restricted Areas outside of the MOAs, R-2910B and R-2910C, would be reconfigured as in Alternative 1. The quantity and type of aircraft operations and flight profiles would not change and there would be no increase in the operating hours of the PRC as a result of the implementation of Alternative 2.

Under Alternative 2, both the Palatka 1 and 2 MOAs would be amended and designated as one restricted area. This additional proposed restricted area would encompass the entire MOA from 500 ft MSL to FL 230, except for the ceiling of the existing Rodman Restricted Area, R-2906, which would remain at 14,000 ft MSL. The southeastern corner of the PRC, R-2910B and R-2910C, would continue to extend from the surface up to 6,000 feet MSL. All currently designated restricted areas would retain their floors at the surface. The ceilings are the same as in Alternative 1.

Training activities would occur within the confines of the proposed restricted areas by all participating units. When the range is active, penetration of the restricted areas without authorization from the using or controlling agency would be prohibited. If the restricted areas are not active and have been released to the FAA, the air traffic control (ATC) facility would allow nonparticipating aircraft to operate in the restricted areas without issuing specific clearance for them to do so.

No Action Alternative – Under the No Action Alternative, the Navy would continue to rely on the current configuration of restricted areas in the PRC as the primary location for aircraft training. The safety concerns from the laser hazard for nonparticipating aircraft flying through the existing corridors between active restricted areas would continue.

V. Environmental Impacts

Adoption of the Navy's FEA requires an analysis of each impact category identified in Appendix A to FAA Order 1050.1E. In accordance with paragraphs 402, 404d, and 410 of FAA Order 1050.1E, the FAA has conducted an independent evaluation of the FEA and supporting documentation and concurs with the Navy's determinations. The following contains the results of FAA's independent evaluation regarding the potential environmental impacts associated with the expansion of the existing restricted areas within the Palatka 1 and 2 MOAs (R-2906, R-2907, and R-2910) also known as the Proposed Action:

Air Quality: The area has been characterized by the U.S. Environmental Protection Agency as unclassified/attainment for all criteria pollutants. The Navy determined that due to the small quantity of nonparticipating aircraft that might reroute and the small amount of emissions these aircraft contribute compared to commercial and military aircraft, any increase in emissions is expected to be negligible. Consequently, no significant impacts to air quality within the PRC or on regional or local air quality would be expected (Navy 2012 FEA, section 3.1). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Coastal Resources: The Navy determined that the Proposed Action would have no impact on coastal resources and a Negative Determination was prepared under the Coastal Zone Management act of 1972 (16 U.S.C. 1451, et seq.) (Navy 2012 FEA, section 3.6). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Compatible Land Use: The Navy determined that the Proposed Action would not result in any ground-disturbing activities or operational changes and would not impact current landuse (Navy 2012 FEA, section 3.6). After review of the FEA and supporting documentation, as well as conducting independent research, the FAA determined that the land underlying the proposed restricted areas consists entirely of portions of the Ocala National Forest and incorporated wilderness areas managed by the National Forest Service. The FAA determined there are no current land use activities within these areas that are incompatible with the proposed use of the airspace. Additionally, the FAA has reviewed the U.S. Forest Service's *The Forest Plan for the National Forests of Florida*, the overarching planning document for Ocala National Forest and closest equivalent to a community plan, and determined that there are no planned future land use activities that are incompatible with the proposed use of the airspace.

Construction Impacts: The Navy determined that the Proposed Action would not result in any ground-disturbing activities or construction activities (Navy 2012 FEA, section 3.6). The FAA reviewed the proposed action and the alternatives and determined that they do not involve any construction activity, and determined that there are no significant construction impacts.

Department of Transportation Act, Section 4(f): 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." Note that Section 4(f) of the US Department of Transportation Act was codified and renumbered in 1983 as Section 303(c) of Title 49. Although not required under Section 4(f), the FAA and Navy will notify the Federal, state, and local government public lands managers under the proposed restricted areas (i.e., the U.S. Department of Agriculture Forest Service [USFS], Florida Forest Service, Florida Park Service, St. Johns River Water Management District, Volusia County Growth and Resource Management Department, and the Lake County Water Authority) of the FEA and the associated Navy FONSI. The purpose of the notification is to ensure that their aircraft operations and aerial land management plans (i.e., for wildfire monitoring and suppression, vegetation management, herbicide/pesticide application, and prescribed burning) comply and are modified as appropriate (Navy 2012 FEA, section 3.6). The FAA has independently reviewed the FEA and supporting documentation, including the attached agreements between the Navy and the National Forest Service and concurs with the Navy's decision that this action is compliant with Section 4(f).

Farmlands: The Navy determined that the Proposed Action does not include any construction activities and would not result in any ground-disturbing activities or operational changes. (Navy 2010 SEIS, section 4.4). In addition the FAA has examined the land use underlying the airspace involved with the Proposed Action and determined that there are no Farmlands. As such, the FAA has determined that no significant impacts on farmlands would occur under the Proposed Action.

Fish, Wildlife, and Plants: The United States Fish and Wildlife Service (USFWS), in a letter dated February 5, 2010, in the SEIS, found that impacts to federally listed species from mission activities should not change beyond what was previously evaluated in the USFWS's October 24, 2001, Biological Opinion for the Renewal Authorization of the Special Use Permit for the Pinecastle Range. The USFWS also concurred with the USFS's January 8, 2010, letter which states that the time needed, as expressed by the Navy, to enforce closure of the safety zones during mission training will not hinder the USFS in restoration and management of scrub for imperiled species. The USFWS concluded that both the Navy's and the USFS's obligations under Section 7 of the Endangered Species Act, in regard to this project, have been fulfilled, effectively completing USFWS consultation (Navy 2010 SEIS, section 4.6). After reviewing the FEA and supporting documentation, and after concluding that the Proposed Action does not involve any ground-disturbing activities or operational changes, the FAA has determined that there will be no significant impacts on fish, wildlife, or plants.

Floodplains: The Navy determined that the Proposed Action would not result in any ground-disturbing activities or operational changes and would not impact any floodplains (Navy

2010 SEIS, section 4.5). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Hazardous Materials, Pollution Prevention, and Solid Waste: The Navy concluded that no significant impacts are expected from hazardous materials and solid waste as the Proposed Action would not increase the generation of wastes or change current management of hazardous waste at Pinecastle Range (Navy 2010 SEIS, section 4.7). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Historical, Architectural, Archeological, and Cultural Resources: The Navy concluded that activities associated with the Proposed Action would not cause ground disturbance or operational changes; therefore, cultural resources would not be affected (Navy 2010 SEIS, section 4.8). After reviewing the FEA and supporting documentation, and after screening the underlying portions of the Ocala National Forest for noise sensitive historical, architectural, archeological, and cultural resources, the FAA concurs with the Navy's determination.

Light Emissions and Visual Impacts: The Navy determined that the Proposed Action would not result in any operational changes and would present no new light emissions or visual impacts (Navy 2012 FEA, section 3.6). The FAA reviewed the proposed action and alternatives and determined that they do not involve any change in Navy operations that would result in increased light emissions or visual impacts.

Natural Resources and Energy Supply: The Navy determined that the Proposed Action will not result in any impact to any, natural resources such as timber resources, or utilities (e.g., water, energy [natural gas and electricity]; wastewater treatment, and solid waste management). It may result in slightly longer flying routes for nonparticipating aircraft than under current conditions, which could result in negligible increases in fuel consumption. (Navy 2012 FEA, section 3.6). After reviewing the FEA and supporting documentation, and reviewing portions of *The Forest Plan for the National Forests of Florida* related to natural resources management, the FAA concurs with the Navy's determination.

Noise: Military aircraft operations involved in training at PRC would not change as a result of the implementation of Alternative 1. Under Alternative 1, nonparticipating aircraft would not be able to fly through the existing corridors (i.e., between R-2906 and R-2907 and between R-2907 and R-2910) when the proposed lower altitude R-2907C and R-2910E are active. Pilots could schedule flights when the lower altitude R-2907C and R-2910E are not active or could take an alternate route, possibly flying around the restricted areas during these times. The Navy concluded that only a small number of nonparticipating VFR aircraft operations will be impacted by the Proposed Action, resulting in no significant noise impacts (Navy 2012 FEA, section 3.2). The FAA has no radar data indicating the amount of VFR traffic that currently moves through the proposed restricted areas. FAA has therefore deferred to the Navy's local knowledge and concludes that there are less than 90,000 total propeller based (Design I and II Category aircraft) operations per year. These operations meet the criteria established in FAA Order 1050.1E, paragraph 14.6, and the FAA determined that there are no significant noise impacts and no further noise analysis is warranted.

Secondary (Induced) Impacts: The Navy concluded that since the Proposed Action in this FEA would not result in any ground-disturbing activities or operational changes, and would not result in any significant impacts in any resource area, there would be no significant secondary (induced) impacts (FEA 3.6). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Socioeconomic Impacts: The Navy has concluded that the Proposed Action would not result in a change to the populations within the ROI. There would not be an increased demand on housing, community services, or local roadways. The Proposed Action would have no impact on communities and levels of service of the roads serving the area. **The** Proposed Action would not result in a direct or indirect increase in employment. It may result in slightly longer flying routes for nonparticipating aircraft than under current conditions, which could result in negligible increases in fuel consumption. Therefore, no significant impacts to socioeconomics would be expected under the Proposed Action (Navy 2012 FEA, section 3.5). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Environmental Justice, Children's Environmental Health, Safety Risks: The Navy concluded that since the Proposed Action would not result in a significant change in the noise conditions for the area underlying the proposed restricted areas or areas over which nonparticipating VFR aircraft might reroute, disproportionate impacts on minority, low-income, and youth populations would not be expected (Navy 2012 FEA, section 3.5.). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Water Quality: The Navy concluded that the Proposed Action would not result in any ground-disturbing activities or operational changes and would not impact any water resources (Navy 2010 SEIS, section 4.5). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Wetlands: The Navy concluded that the Proposed Action would not result in any ground-disturbing activities or operational changes, and would therefore, not impact any wetlands (Navy 2010 SEIS, section 4.5). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Wild and Scenic Rivers: The Navy determined that the Proposed Action would not require construction of any facilities or result in ground-disturbing activities in the underlying areas. Consequently, there would be no development-related impacts to wild and scenic rivers as a result of the Proposed Action. (Navy 2012 FEA, section 3.4). After reviewing the FEA and supporting documentation, the FAA concurs with the Navy's determination.

Cumulative: There are more than 75 private and public airports and heliports within 30 nautical miles (NM) from the edge of the ROI. The ROI includes Palatka 1 and 2 MOAs, R-2910 (SE Outer), and the land underneath this airspace, which includes the PRC and the areas where the nonparticipating aircraft might reroute when the restricted areas are active. The Proposed Action does not involve any construction or increase in military operations that would result in cumulative impacts to air quality

Accumulation of the negligible increase of air emissions from the Proposed Action resulting from rerouting of VFR aircraft, with current emissions from aircraft operations in the ROI,

would likely result in negligible cumulative adverse impacts to air quality. Therefore, no significant long-term cumulative impact on air quality from increased aircraft operations in the region due to the Proposed Action would be expected. There are no anticipated significant noise impacts resulting from the Proposed Action. Therefore, the Proposed Action would not result in significant cumulative impacts to the community from noise (Navy 2012 FEA, section 4).

The FAA has determined that the FEA and its supporting documentation, as incorporated, adequately assesses and discloses the cumulative effects of the Proposed Action.

VI. Incorporated by Reference

The FAA has also reviewed the following materials which are incorporated herein pursuant to Section 404(d) of FAA Order 1050.1E:

1. Final Environmental Assessment (FEA) for Addressing the Pinecastle Range Complex Restricted Area, August 2012
2. Finding of No Significant Impact (FONSI) for Addressing the Pinecastle Range Complex Restricted Area, October 5, 2012
3. The Final SEIS *Renewal of Authorization to Use Pinecastle Range, Ocala National Forest, Florida*, August 2010.
4. The Forest Plan for the National Forests of Florida, The U.S. Forest Service, 1999.

VII. Decisions and Orders

Adoption

In accordance with FAA Order 1050.1E, paragraphs 402 and 404d, the FAA has conducted an independent evaluation of the FEA and takes full responsibility for the scope and content that addresses FAA activities. The FAA has determined that the FEA and its supporting documentation, as incorporated, adequately assesses and discloses the environmental impacts of the proposed action. Public circularization of the Special Use Airspace proposal was conducted; 33 comments were received concerning potential impacts on aviation. Three comments indicated environmental concern. As a result of comments received, the FAA and the Navy revised the internal dimensions and operating conditions of the Preferred Alternative (Alternative 1) to further reduce the potential minor impacts and inconveniences on the public.

Based on this evaluation, the FAA, as the Cooperating Agency, concludes that adoption of Pinecastle Range Complex Restricted Area Final EA, with incorporation of its supporting documentation, is authorized in accordance with 40 CFR part 1506.3. The FAA has therefore decided to approve and authorize all necessary agency actions to implement the expansion of the existing restricted areas within the Palatka 1 and Palatka 2 Military Operations Areas (R-2906, R-2907, and R-2910), as described in this FONSI/ROD and the FEA.

Finding

The FAA has determined that preparation of an Environmental Impact Statement is not warranted and a Finding of No Significant Impact in accordance with 40 CFR Section 1501.4(e) is appropriate.

Statement

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(a) of the NEPA, as amended, and that it 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.

Order and Right of Appeal

This action is directed to be taken under the authority of 49 U.S.C. §§40101 et. seq, and 49 U.S.C. § 47101. This decision constitutes an order of the Administrator which is subject to review by the Courts of Appeal of the United States in accordance with the provisions of 49 U.S.C. §46110. Any party seeking to stay the implementation of this decision must file an application with the FAA prior to seeking judicial relief, as provided in Rule 18(a), Federal Rules of Appellate Procedure.

Approved:

Gary Norek, Manager
Airspace, Regulations & ATC Procedures Group
Airspace Services
Mission Support Services
Air Traffic Organization
Federal Aviation Administration

Date:

14 June 2013