

For immediate release July 25, 2012

For information, contact Betty Munson 760-364-2646 ranchotaj@gmail.com

Neighbors of 29 Palms Marine Base question battle training in Johnson Valley under BLM permit

Two months for air-ground combat, 10 months for public access not workable, argues the Homestead Valley Community Council

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In a letter to federal officials, the Homestead Valley Community Council (HVCC) spell out their reasons opposing the idea of any military/public shared use of Johnson Valley.

HVCC represents the community associations in four homestead settlements on Highway 247. They live on and near the borders of the 29 Palms Marine Corps Air Ground Combat Center (MCAGCC) in San Bernardino County in the high desert of Southern California.

The HVCC communicated their conclusions to the same federal officials who received a letter in June from County Supervisor Brad Mitzelfelt. The Supervisor's letter was headlined everywhere as an endorsement of shared use of the Johnson Valley Off Highway Vehicle area between the military and the public, and was also signed by Supervisor Neil Derry. The proposal was for the Marines to train under permit from the Bureau of Land Management for two months, and a small portion of Johnson Valley remain open to the public the rest of the year. The Marines preferred alternative in their Draft Environmental Impact Statement was to absorb most of this vast open area inside expanded Base borders.

The Supervisors' letter discloses their grave concern that the loss of Johnson Valley to public access would be a major loss to the neighboring communities. Closer reading of shows they also endorse Base expansion into the study area east of the existing Base as being the least destructive and economically disruptive to Base neighbors, the County and the State (a view Supervisor Derry also expressed at a candidates forum).

The HVCC mailed out 19 packages containing their letter. The reference documents include HVCC resolutions detailing the damage to Base neighbors. Other documents were written by Homestead Valley property owners and Off Highway Vehicle groups with local members. Some documents point out the many flaws in the Marines' Draft Environmental Impact Statement, still under review.

Many people even today have not heard of the Base expansion plans, though it has been under discussion for years. HVCC presents the pitfalls of the shared use plan from the standpoint of the people most impacted by the effects of battleground training, and shutting visitors, filmmakers and others out of Johnson Valley.

The final decision on the matter will be made in Washington.

Attachments:

Letter to US Congressman Howard "Buck" McKeon

Letter to Mr. Leon Panetta, Secretary of Defense

Appendix B: HVCC Resolution opposing Base expansion Jan 2009

Appendix C: Comment letter from San Bernardino County Land Use Services Department, Jan 2009

Appendix D: HVCC comment on Draft Environmental Impact Statement, May 2011

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Appendix F: JV resident comment on Draft Environmental Impact Statement, May 2011
"Shared Use"

Appendix G: California Off-Road Vehicle Association comment on Draft Environmental Impact Statement, May 2011

c/c:

Supervisor Brad Mitzelfelt

Supervisor Neil Derry

Sen. Dianne Feinstein

Sen. Barbara Boxer, chair, Environment and Public Works

Sen. James Inhofe, ranking member Environment and Public Works

Sen. Ron Wyden, chair, Subcommittee on Public Land

Sen. Jeff Bingaman, chair, Energy and Natural Resources

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Rep. Edward Markey, ranking member, Natural Resources committee

Rep. Rob Bishop, chair, Subcommittee on National Parks, Forests and Public Lands

Honorable Howard “Buck” McKeon
2184 Rayburn House Office Building
Washington DC 20515

**RE: letter from San Bernardino County Supervisors Mitzelfelt and Derry, June 1, 2012,
in support of a plan for the expansion of the Marine Corps Air Ground Combat Center
Twentynine Palms, not considered in the Draft Environmental Impact Statement:**

Dear Congressman McKeon:

Please bear with us as we try to give you an overview of this very complex issue from the standpoint of the people who are the most affected.

The Marine Corps from the outset have made it very plain their true objective is expansion of the 29 Palms Base westward into the Johnson Valley Off-Highway recreation area.

Supervisors Mitzelfelt and Derry in their letter were eloquent in their description of the unique resources of Johnson Valley, not only for recreation, but also for mining and the film industry, and its economic benefits to the communities that surround the Base and the approaches to the off-road area.

We agree with their description wholeheartedly.

Who we are: The Homestead Valley Community Council (HVCC) represents the community associations of Landers, Johnson Valley, Yucca Mesa and Flamingo Heights...all close neighbors of the Marine Base. It is our mission to address issues that affect these communities. We undertake projects that benefit their citizens, *and* the Marine Corps.

The Homestead Valley borders the existing Base and always has. The training given the troops there is second to none, impressive on many levels. We were used to the training noises and accepted them. But we are more and more feeling the impacts of the growing power of modern weaponry. Bombs bursting in air, on the ground and below the ground are truly shock and awe. Our homes shake. Our animals shake. Our nerves shake. These exercises have taught us to dread the prospect of our desert quiet being broken by a “minimum of 48 hours of live-fire air-ground combat training of three battalions simultaneously.” We are further dismayed by statements from people who live near Camp Pendleton vividly describing the effects of many hours of Marine training on their lives and property.

Besides the HVCC, many Off-Highway Vehicle groups, San Bernardino County officials, business groups, and hundreds of individuals have poured out opposition to the takeover of Johnson Valley OHV area. We stand amazed at the landslide of thoughtful and acute comment on the subject, and grateful for it. These observers and users who love Johnson Valley far outnumber our small populations.

But in the last analysis, they only visit. We live here. Many of us are off-highway enthusiasts, too, but we don't leave when the weekend is over.

Why we are writing: As you know, the Marine Corps issued a huge Draft Environmental Impact Statement last year, including their preferred joint-use plan, Alternative 6.

In their letter to you, Supervisors Mitzelfelt and Derry endorse another plan, floated *after* the comment period for the Draft EIS was past, saying it was proposed by OHV stakeholders. Their reference is to military use of training under permit on federal land and leads us to believe that they mean training with no live fire.

However, the Marine Corps' preferred Alternative 6 uses most of the Johnson Valley OHV lands, and the very project is designed for live-fire air-ground combat training. Other alternatives, not preferred, called for non-dud-producing ordnance outside the boundaries of the existing Base. These choices are what is under examination now in the NEPA process.

What you ought to know: If you are not familiar with the terrain and the surrounding communities, we enclose some materials we feel will be valuable to you. You might not otherwise have the opportunity to see some of them, certainly not before the Final EIS is published.

Supervisor Mitzelfelt long ago recommended modifications to designated wilderness areas adjacent to the eastward expansion area. You will be interested to note the comment from the California Off-Road Vehicle Association. They contend the Marine Corps pre-decisional dismissal of use of these questionable wilderness areas as a fatal flaw in the Draft EIS.

Why not Johnson Valley? The Supervisors' letter ends with the declaration they support Base expansion into the eastern study area, not westward into Johnson Valley.

The Homestead Valley Community Council feels the Draft EIS failed to make it clear that the viability of the historic Homestead Valley communities is threatened under all the Base expansion plans. Before an informed decision can be made in Congress, the Marine Corps must correct the flaws in the Draft Environmental Impact Statement.

They must make it clear to the decision makers that this is not just a conflict between recreation and national security.

They must make it clear that people live here, people who have chosen to live here, people who had the freedom to choose to live here. Much of this freedom we owe to the military. Many of us are veterans.

You will not find much anti-military bias here in the high desert of Southern California. National Security is important to us.

But also we do know this territory well.

Therefore we think shared use of Johnson Valley between the military and the public is doomed to end in the closure of this immense land to public use, due to the very size of it and cost of managing it. We know notification of training to visitors to the area is doomed to end in failure, due to the very numbers of them and their locations all over the country and all over the world. Too many people can come from too far away and enter the area from too many points in complete ignorance of any kind of planned training. Some visitors to this day have not heard of the Base expansion plans at all.

Please heed Supervisors Mitzelfelt and Derry where they urge Base expansion to the east, not into Johnson Valley.

Or consider the No Action Alternative, by far the best choice for all the citizens who are neighbors of the Base and the nations' taxpayers. This Alternative is also urged by the California Off-Highway Motor Vehicle Recreation Commission, who had the advantage of a day-long comprehensive tour of Johnson Valley's vast territory as well as verbal comments from many stakeholders, including residents, as well as the Marine Corps. They voted for no expansion at all.

Thank you for your attention to this matter.

Rick Sayers



President HVCC

APPENDIX A

The Homestead Valley Community Council has solicited support for this letter from several stakeholder groups, including:

- The Partnership for Johnson Valley, Harry Baker (OHV and other organizations, local members)
- Lucerne Valley Economic Development Association, Chuck Bell (local business, local members)
- Friends of Giant Rock, Mike Hawkins (OHV, land use, local members)
- California Off-Road Vehicle Association (CORVA), Amy Granat (OHV, land use, local and statewide)
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”Marine Corps Fails to Establish Purpose and Need,”

“The Marine Corps Have Failed to Consider Reasonable Alternatives, including the No Action Alternative,”

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July 16, 2012

P.O. Box 3694 Landers, CA 92285 www.hvccsite.org

Honorable Leon Panetta
1400 Defense Pentagon
Washington DC 20301-1400

RE: letter from San Bernardino County Supervisors Mitzelfelt and Derry, June 1, 2012, in support of a plan for the expansion of the Marine Corps Air Ground Combat Center Twentynine Palms, not considered in the Draft Environmental Impact Statement:

Dear Mr Secretary:

Please bear with us as we try to give you an overview of this very complex issue from the standpoint of the people who are the most affected.

The Marine Corps from the outset have made it very plain their true objective is expansion of the 29 Palms Base westward into the Johnson Valley Off-Highway recreation area.

Supervisors Mitzelfelt and Derry in their letter were eloquent in their description of the unique resources of Johnson Valley, not only for recreation, but also for mining and the film industry, and its economic benefits to the communities that surround the Base and the approaches to the off-road area.

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**A resolution of the Homestead Valley Community Council opposing
the westward expansion option of the Twentynine Palms Marine Air Ground Combat Center.**

WHEREAS, The Homestead Valley Community Council (HVCC) recognizes the desire to increase the size of the Twentynine Palms Marine Air Ground Combat Center to facilitate large scale air, ground, fire, and maneuver training; and

WHEREAS, the HVCC respects our military, are proud of their service to our country, and support their efforts to improve readiness; and

WHEREAS, HVCC council members are aware of the Twenty Nine Palms Marine Base expansion proposal, and the option to expand the base to the west through Johnson Valley and the Johnson Valley Off-Highway Vehicle Area, referred to hereafter as the JV OHV Area; and

WHEREAS, eliminating access to the JV OHV Area will severely impact the families who rely on this recreation area as one of the few remaining open areas set aside for off-highway vehicle activities; and

WHEREAS, eliminating access to the JV OHV Area will severely impact the locally owned businesses located in the JV OHV Area : businesses that will lose substantial revenues received through patronage by year round OHV activity participants; and

WHEREAS, legislation has been passed restricting off-road vehicle use on unpaved roads, private lands, and other areas outside the JV OHV Area; and

WHEREAS, eliminating access to the JV OHV Area will inevitably lead to increased unlawful ridership in these areas that are not suitable for off-road vehicle use; and

WHEREAS, Johnson Valley is a historic Homestead Community with well established homes, located in close proximity to, and in some cases within, the proposed westward expansion of the Twentynine Palms Marine Air Ground Combat Center; and

WHEREAS, residents of the Johnson Valley Community may be adversely affected by reduced air quality, increased noise, and increased traffic on Highway 247 traversing Johnson Valley, all resulting from the westward expansion option into the Johnson Valley area.

Now, therefore, the Homestead Valley Community Council resolves that it opposes the westward expansion option of the Twentynine Palms Marine Air Ground Combat Center into the Johnson Valley Off-Highway Vehicle Area .

Approved and adopted on this 28th day of January, 2009.

Bradley D. Thornton

President, Homestead Valley Community Council

LAND USE SERVICES DEPARTMENT

385 North Arrowhead Avenue • San Bernardino, CA 92415-0182
(909) 387-4141 • Fax (909) 387-4228
<http://www.sbcounty.gov/landuseservices>



COUNTY OF SAN BERNARDINO
PUBLIC AND SUPPORT
SERVICES GROUP

JULIE RYNERSON ROCK
Director

January 30, 2009

Mr. Joseph Ross
Box 788104, Building 1554, Room 138
MAGTFTC/MCAGCC
Twentynine Palms, CA 92278-8104

Subject: Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Acquisition of Lands and Establishment of Airspace Contiguous to the Marine Corps Air Ground Combat Center in Twentynine Palms, California

Dear Mr. Ross:

San Bernardino County appreciates this opportunity to submit comments regarding the Notice of Intent for the proposed expansion of the U.S. Marine Corps' Air Ground Combat Center in Twentynine Palms. We strongly support the national defense mission of the Corps, and are proud of their presence in the County. We recognize that weapons and tactics evolve over time, and that the Corps requires a flexible and well-trained force that is available for a variety of deployment situations

The County requests that the following issues be addressed in your EIS for the proposed base expansion.

The EIS must include a full justification for the expansion. Much of the justification that the County and public have seen to-date in preliminary presentations involves the need for large units and large-scale ground maneuver training. The Department of the Navy should assess the warfare situations that may likely face Marines in the next 25 years and whether the more likely future scenarios will be similar to the current engagements of small units in semi-urban settings.

The public has expressed several concerns regarding existing uses of the Johnson Valley property for recreation, by the film industry and for development of valid existing mining rights. The County concurs that those issues must be addressed, including potential off-site effects that could occur should such current uses be displaced. The EIS must address and propose possible mitigation for the public values lost. If recreation use is simply displaced without providing alternative areas for use within the same travel parameters, then the EIS must address the costs to both BLM and local law enforcement agencies to deal with trespass and resource damage that would likely occur.

MARK UFFER
County Administrative Officer

NORMAN A. KANOLD
Assistant County Administrator
Public and Support Services Group

Board of Supervisors

BRAD MITZELFELT First District NEIL DERRY Third District
PAUL BIANE Second District GARY C. OVITT, Chair Fourth District
JOSIE GONZALES, Vice Chair Fifth District

While the NEPA process focuses primarily on environmental impacts, we urge a comprehensive consideration of socio-economic impacts. Many businesses in the Lucerne Valley area survive on the basis of the outdoor recreation use of Johnson Valley. The EIS should address the potential losses in that area that might occur as a result of lost recreational opportunities.

Hazardous materials related to unexploded ordnance, ordnance fragments, and noise impacts from maneuvers should be addressed relative to health and safety of residents in the vicinity.

Air quality issues related to dust and other particulate matter that would result from large scale maneuvers must be addressed. While we are aware that the current ambient air quality may well be affected negatively from recreation uses, that use is largely limited to weekends. Military training would, we anticipate, be much more intensive and over longer periods of time.

The County looks forward to reviewing the cultural resources reports and biological resources inventory, particularly in regard to desert tortoise, Mohave ground squirrel, and plants including Joshua trees and yucca plants.

Although the County looks more favorably on the eastern expansion scenario as expressed in the comment letter sent to Bureau of Land Management (BLM) during the segregation process, there are several issues associated with that alternative that should be addressed in the EIS. These include the increased use of and potential re-routing of Amboy Road between Twentynine Palms and Amboy.

The County of San Bernardino looks forward to working with the Departments of the Navy and Interior as the NEPA process unfolds so as to fully reflect its views and those of its constituents. Please include the County of San Bernardino on your mailing list so we can be notified to comment on the Draft and Final EIS. Should you have any questions or need further information, please do not hesitate to contact me at (909) 387-4141.

Sincerely,



(for)

Julie Rynerson Rock, AICP

Director of Land Use Services

JRR:cu

cc: Brad Mitzelfelt, First District Supervisor
Neil Derry, Third District Supervisor
Lance Larson, Director of Legislative Affairs
Vana Olson, Director of Public Works
James M. Squire, Deputy Director of Advance Planning
U.S. Representative Howard P. "Buck" McKeon, 25th District
U.S. Representative Jerry Lewis, 41st District
U.S. Senator Dianne Feinstein
Andy Takata, Town Manager, Town of Yucca Valley
Michael Tree, City Manager, City of Twentynine Palms
Chuck Bell, Lucerne Valley Economic Development Association
Gerald Hillier, Consultant



P.O. Box 3694 Landers, CA 92285 www.hvccsite.org

To:
Naval Facilities Engineering Command, Southwest
ATTN: 29Palms EIS Project Manager
1220 Pacific Highway
San Diego, CA 92132-5190

May 26, 2011

Re: 29Palms Base expansion Draft Environmental Impact Statement

Dear Sir:

The Homestead Valley Community Council (HVCC) is an organization made up of representatives from the community associations in Landers, Johnson Valley, Yucca Mesa and Flamingo Heights. These unincorporated communities are located along Hwy 247 in an area mapped in the San Bernardino County General Plan as the Homestead Valley.

The HVCC brings issues we have in common to local, county, state and federal officials. We undertake projects of benefit to citizens of the communities, and to the Marine Corps.

Our monthly meetings are regularly attended by representatives of the Fire Department, County Code Enforcement, and the Third Supervisorial District, as well as residents who bring us issues that need to be reported to any of these officials. The HVCC made a comment opposing the 29Palms Base expansion during the public scoping period.

See www.hvccsite.org for more information about the Council and the historic communities.

We know a lot of time and effort has been put into the DEIS, but we are highly disturbed by deficiencies in the document relating to studies of the effects of the proposed expansion of the 29Palms Base and the increase in training activities, and the lack of any mention of the Homestead Valley communities and their historic roots.

The DEIS states that potential impacts from six action alternatives and the No-Action Alternative have been analyzed, including the impacts on cultural resources.

The DEIS states that cultural resources would be managed in accordance with the provisions of federal laws and regulations as well as Marine Corps policy. The Programmatic Agreement (PA) Between the United States Marine Corps and the California State Historic Preservation Officer ... would be amended to include any lands acquired as a consequence of the proposed action alternative.

On Page 29 there is a Table showing Alternative 1, Cultural Resources, which states that less than significant impacts may result from weapons fire, MEB operations, group and individual traffic, battalion movements, aviation Weapons Danger Zone, and construction.

It also states that Special Conservation Measures and other measures would be implemented to avoid or reduce impacts to resources, and that there are no impacts anticipated from airspace establishment.

Similar judgements are made in this Table and further on in the document for the other Alternatives.

However, this analysis is stated to be made WITHIN the areas being studied for acquisition, where there are few if any residents.

This contradicts the public scoping issues (4.3.1.3) listed on page 532, which include:

- Decrease of revenue and employment and associated tax revenue from tourism recreational and film industries**
- Devaluation of surrounding private property.**
- Increased costs to federal, state and local jurisdictions for increased law enforcement.**

All of these impacts would occur OUTSIDE the proposed expansion areas, and have major consequences to the Homestead Valley communities.

This contradiction in the DEIS must be corrected. The Homestead Valley communities are close neighbors to the Base and to the westward expansion area, and therefore must be included by name in all analyses, and in particular under Cultural Resources. It must also be stated that the DEIS did not do this.

These communities were founded under the Small Homestead Act of 1939, an Act of Congress in which the Federal Government, to spur growth and utilization of our desert lands, provided individuals with 5-acre parcels of land under the condition that they would build a residence on the property within two years of award. This plan to stimulate recreational use and settlement of the vast desert lands directly led to the settlement of the Homestead Valley.

The National Historic Preservation Act, Section 106, establishes historic eligibility under various criteria including: Association with Historic Events. The Homestead Valley fulfills that criterion.

Because of the history of the four homestead communities, linking their founding to the Small Homestead Act, they have historic eligibility status since they were created under that historic Act (as is the case with the original Homestead Act of 1862), and should be included in the DEIS for study as cultural resources.

"The stories of these intrepid homesteaders, their isolated cabins, their adjustments to the wild land and its wildlife, are preserved today in old newspapers, journals and tall and short tales.

"Wild as the life was, they still determined that a few 20th century amenities were necessary. These four communities grew,

and raised the funds, broke the grounds and established their community centers. They worked with the county to install road signs; they brought in water, electric, telephone and postal service.

"Today they work together under the banner of the HVCC to insure that county, state and federal officials are aware of their rural needs in the sprawling clamor of 21st century California –from the HVCC Brochure, “4 high desert settlements on a historic trail...”

The westward expansion area includes Means Dry Lake, site of the historic Means Well. This well was dug by workers from the Heart Bar Ranch which was active from the early 1900's till after World War II. Heart Bar grazed cattle herds all along Old Woman Springs Rd, a route now followed by Hwy 247. They also dug Ames Well and others now inside the Base boundaries.

Their history is part of the history of the Homestead Valley, and all relics of it should be recognized in the DEIS.

-These historic homestead communities have existed as long as the Base has existed. However, noise and shock effects have increased in recent times. The DEIS says training exercises under each Alternative are planned to increase both in intensity and duration. The DEIS must be changed to state that the escalation of noise and vibration is recognized outside the study area. It must be reported as having significant socio-economic and environmental justice impacts on the surrounding homestead communities, which must be considered as Cultural Resources.

-Very few people consider it desirable to move to a home that will feel the effects of hours of live fire air-ground combat. The DEIS must recognize that even the announcement of the proposed expansion has impacted property sales, and if approved will adversely impact property values.

-Rural inconveniences are outweighed by open spaces and rural quiet to those who choose to live in these historic places. The DEIS must state that expansion will make properties in the Homestead Valley less desirable, causing financial hardship, and possible desolation.

The DEIS must be changed to address all impacts on the Homestead Valley as historic cultural resources, survivals of pioneer days in California.

Under all Alternatives the document must state there will be significant impacts to these communities, and that the DEIS overlooked this. The preparers of the document were made aware during the scoping period that a large percentage of the property owners within the Homestead Valley use and love the Johnson Valley OHV area, not just as riders or racers, but as users of OHVs to get where they want to go to camp, rockhound, trail ride or simply experience the open desert.

The DEIS does not make it plain to the average reader the inadequacy of mitigation lands to replace OHV recreational areas removed from public access. There are not enough public lands in the California Desert Conservation Area to mitigate the proposed Base expansion. There certainly are no lands available in the vicinity of the Johnson Valley OHV area, contiguous to or accessible from the existing area.

Therefore there is no mitigation for the economic losses to the Homestead Valley (see below). There are no potential mitigation measures stated for Socio-economics, Cultural Resources and Environmental Justice in the Homestead Valley.

Therefore, because there is no discussion of how the issue of mitigation lands can be addressed, the document cannot meet NEPA requirements.

On Page 33, Table ES-3 states: Mitigation measures will be developed in consultation with SHPO, the Tribes and interested parties. In addition, the ICRMP would be modified and developed in consultation with SHPO and the Native American Tribes that have an interest in lands under the jurisdiction of the Marine Corps.

(To the reader feeling battered by an assault of initials, the fine print below the Table explains:

SHPO=State Historic Preservation Officer ICRMP=Integrated Cultural Resource Plan)

However, as the DEIS area does NOT include the Homestead Valley communities per se, it is not clear what mitigation measures, if any, will be considered for them.

Stating mitigation measures will be developed in the future leaves no basis for judgement as to whether any mitigation measures are possible at all.

Therefore, the DEIS must be changed to clarify and enumerate any mitigation measures, or state in words of one syllable, if you live next to us, you will be hurt.

Minimization continues throughout the Socio-economic section of the document. The DEIS estimates revenue lost due to reduction in OHV visits in the Lucerne Valley area, an historic agricultural settlement that is a close neighbor of the Homestead Valley; it also mentions the Town of Yucca Valley. They are described as “the nearest communities with any appreciable retail and traveler services presence (though limited) that can support the purchasing needs of people visiting Johnson Valley.” It is true that both have markets, fuel, restaurants and other services within a half-hour drive of the OHV area. But the DEIS is completely dismissing the presence of the commercial zone on Hwy 247 in Flamingo Heights that also enjoys a huge increase in business on the big weekends, and are even closer to the OHV area. These merchants and restaurants are very important to residents in the Homestead Valley. However, there is not enough local population to keep them in business. They rely heavily on travelers on Hwy 247.

What the DEIS does not report is that most grocery stores operate on a profit of 3 to 5 percent. Loss of 7 plus percent, as is stated for the Lucerne Valley Market and Hardware, almost guarantees closure of the business. The smaller businesses in the Homestead Valley also would be severely impacted. The document must be corrected to give the true picture of what the base expansion will do to these neighbors.

Johnson Valley, Landers, Flamingo Heights and Yucca Mesa are already significantly impacted by noise, vibration, air pollution and/or light pollution all around and above their heads. The proposed expansion of training exercises and Combat Center area will increase these very significant impacts. There is a large percentage of residents who are too old, and in financial circumstances too restricted, to move away from the stress of noise and vibration. They face the possibility of an extra burden of traveling further for food and fuel if the businesses along Hwy 247 fail due to loss of revenues from decreasing numbers of new residents and visitors.

-The DEIS compares loss of property tax from acquired lands to total county dollars received from taxes, rather than make the comparison with other rural desert communities' tax dollars. Therefore the reader is completely misled as to the true magnitude of the loss. Not only should the comparison be between rural desert communities, the preparers do not address what those lost dollars have been supporting, and how that loss will impact these communities (i.e. waste management, library, park, county services, etc.) The seemingly small number of tax dollars may just mean the difference between a facility remaining open or closed, or services being provided or not. The county of San Bernardino is already undergoing severe budget cuts, due to economic conditions that did not exist when these expansion plans were initiated. Therefore the DEIS fails to accurately portray and evaluate impacts, and must be corrected to reflect real-time conditions, which are not forecast to change very soon.

-The DEIS estimates creation of 90 new jobs, of which about 77 will be on base and 13 off base. The DEIS states lost merchant jobs and dollars from reduced recreational opportunities are not significant and will likely be made up by the new jobs created and more Marines moving in and out of 29 Palms.

As most of the new jobs, if not all, are likely to be located in the city of 29 Palms (the base headquarters) the preparers of this DEIS have cruelly marginalized the impact of lost dollars on more distant communities in the Homestead Valley and beyond. The death or near death of small but historic desert communities near the Johnson Valley OHV Area has not been given due consideration. The redistribution of jobs and incomes from one part of the desert to another part of the desert has not been adequately portrayed or addressed. Neither has the redistribution of sales tax revenue.

Also the Force Structure Review of 2010 includes in its significant force structure changes a 13% reduction in civilian employees. Where this reduction will occur, and how many employees at MCAGCC will be affected is not clear. The document must address this reduction and spell out the difference it makes between the Draft estimates and the Final estimates of new jobs.

At any rate, the DEIS fails to give a true picture of the very significant impacts on the job market in the Homestead Valley, and it must be corrected.

The DEIS does say that under the Marines' preferred Alternative 6, access to and use of approximately 56% of the Johnson Valley OHV Area would be lost, representing a significant impact. It does acknowledge that the resource is unique to the region, given its combination of vast open space, large variety of desert views and scenic vistas, and unique geologic formations. It does not emphasize the region is considered unique to the entire country, and draws visitors from all over the world. 44% of the Johnson Valley OHV Area would be available for public recreation for an unspecified and possibly variable 10 months per year (for the portion acquired as Restricted Public Access area), or all of the year (for the area not acquired, which is the farthest west). It does acknowledge that the displacement of recreational users to the remaining portion of the Johnson Valley OHV Area would result in significant impacts to recreational resources in the west study area.

This brings us to the impact on the community next to the westward expansion area, less than five miles outside the study area.

The unincorporated community of Johnson Valley lies directly south of what became the Johnson Valley OHV Area over 30 years ago. The Johnson Valley Improvement Association (JVIA) was founded 53 years ago for the benefit of the early homesteaders.

JVIA volunteers built, maintain and operate the Johnson Valley Community Center, which is the hub of social and educational activities in this isolated and widely scattered settlement. It also served as an emergency center after the 1992 earthquake. Three meals a day for over two weeks were served to all comers, and those who needed shelter found it there.

The DEIS does not specifically address impacts on the Johnson Valley community, although researchers for the document and other Marine representatives repeatedly visited during the scoping period. Several focus group meetings were held in the Johnson Valley Community Center building, overlooking the valley the Marines wish to close to public access. When the expansion plans were originally formed, the planners may not have known that citizens lived in Johnson Valley. But USMC representatives did come

and meet them. They listened closely to the citizens' comments, and took copious notes. But as was feared, the overwhelming impact of the proposed actions on Johnson Valley is not reflected in the DEIS. To a reader in another part of the US who may know nothing about the California high desert and its history, the impacts are rated as less than significant, and therefore the document is misleading and must be corrected.

The HVCC strongly supports JVIA (a member association) in its efforts to make the Marines understand what this Base expansion would do. Of major concern, the Johnson Valley Community Center is largely supported in all its activities by the breakfast it serves each Saturday (cooked and served by volunteers) to the "weekenders" who own property in Johnson Valley, and the OHV visitors from across the highway.

Page 557, Table 4.3-13 shows the estimated loss of 24.6% in direct expenditures in the area if the preferred Alternative 6 is chosen. This will be even greater for the Community Center during the two or more months the public would not be allowed access during training exercises. Those two months will be during Spring and Fall, avoiding the extremes of heat and cold the desert climate is noted for. These are also the months of largest attendance at the Saturday Breakfast. It is not unusual to serve 120+ guests on long weekends when the weather is good. It is not unusual to see that number dwindle to 40 in the high summertime.

Therefore the denial of public access to the remnant "shared use" area will inevitably reduce the numbers of guests at the Saturday Breakfast, as well as the number of potential property owners attracted to Johnson Valley. The loss of Saturday Breakfast revenues will inevitably jeopardize the future of the JVIA and of the Community Center.

Therefore, the DEIS must be corrected to make it very clear to even the most cursory of readers that the economy, and very existence of Johnson Valley, and indeed the viability of all the historic Homestead Valley communities, are threatened under all Alternatives except #3, due to the closure or partial denial of public access to the Johnson Valley OHV area. The noise and other effects of increased and intensified training exercises under Alternative #3 also threaten these communities. It must also state that these impacts were not properly presented in the draft document.

The HVCC also strongly urges an extension of the May 26 public comment period, as there are many citizens who are only now learning about the proposed Base expansion, and need more time to go into this enormous document in detail. There was also confusion as to the correct address to send comments. In order to preserve their good relations with their neighbors, the Marines should grant this extension.

Sincerely,

A handwritten signature in cursive script that reads "Jim Harvey". The signature is written in black ink on a white background.

James Harvey,
President HVCC

May 23, 2011

Naval Facilities Engineering Command,
Southwest
ATTN: 29 Palms EIS Project Manager
1220 Pacific Highway
San Diego, CA 92132-5190

Gentlemen:

I am submitting these comments on the Draft EIS for the Marine Base Expansion in 29 Palms.

I am a property owner in Johnson Valley. I have a renovated Homestead Cabin which I use on weekends and also rent out to desert vacationers.

I have reviewed the document and have the following comments:

CEQA:

I question why there is no explanation in the document as to why there is no Environmental Impact Review under CEQA for the project. There is mention in the document of acquisition of private and state lands. There is mention of the need to build new roads and install gates at existing roads into the OHV areas. There is mention that the construction of the Communications Towers may require that "authorities acquire easements, lease, permit or...to construct the communications tower". The OHV lands that will be confiscated for the expansion are currently under the supervision of the California Department of Parks and Recreation/Off Highway Motor Vehicle Recreation Division. There must be agreements between State Parks and BLM regarding the use and oversight of these lands. If surrender of these lands involves alteration or suspension of these agreements, that might constitute an action on the part of a State Agency that triggers CEQA.

If any of these required actions are on the part of State or County agencies, then that means that a CEQA review of the project would be necessary.

Why then is there no mention of CEQA in the EIS document? This needs to be addressed.

NOISE:

The noise sections are most misleading and gravely flawed. The models used evaluate and predict averaged noise projections for the aircraft and ordnance explosions. The Community Noise Equivalent Level (CCNEL) metrics used in

the document are “daily noise metrics”. That means that the individual aircraft flyovers, bombings and ordnance and gunfire noise have been averaged over a 24 hour period. People will hear these explosions gunfire and aircraft bombings as individual events not a 24 hour average!

This noise data therefore needs to be expressed in “Lmax” decibel amounts for the residents living in proximity of the combat training sites. Otherwise the noise impacts will be significantly underestimated. “Lmax” is the metric used to measure individual noise events. Bombs and ordnance explosions should be measured as individual noise events. None of this data is provided in the DEIS.

Use of the CCNEL is misleading. You can use this metric when measuring noise from a highway which tends to be steady and perceived as a constant drone. This is not the case with bombs and explosions. You cannot average the noise coming from bombs exploding or helicopters flying over your house. Because that is an individual noise event! We want to know what the individual bomb decibel readings are going to be.

Furthermore, the EIS indicates that the plan is to explode more than a million rounds of munitions ground to ground and more than 1.5 million rounds air to ground during the various exercises each year. These explosions are to be squeezed into two one month training exercises each year. The EIS projects that 22% of that will be detonated from 7:00 pm until 10:00 pm and 16% will be detonated from 10:00 pm until 7:00 am. Night-time noise has a more significant impact than daytime because of the quieter night time noise conditions. Typically night time noise ordinances require reduction of noise because of the increased sensitivity of resident to noise during the evening hours. There is no analysis of this increased noise impact during the evening hours presented in the EIS document.

Again this is entirely misleading to the public. The bombings and explosion of ordnance and gunfire accompanied by airplanes and helicopters will destroy the lives of residents in the vicinity of the base expansion denying us the peaceful enjoyment of our property.

The EIS needs to provide the “Lmax “ noise levels from the sites of the combat exercises. The EIS also needs to determine how far away the combat exercises need to be so that the “Lmax” noise levels are diminished to the CCNEL levels of 62 decibels which are presented in the DEIS as the acceptable noise level under the CCNEL.

This might restrict the combat exercises to a distance of twenty miles from the sensitive receptors. This might disallow evening combat exercises. If so, so be it!

VIBRATIONS:

The draft EIS makes no mention of vibration impacts!

Ground born vibrations will be generated by the combat activities of bombs, ordnance explosions and gunfire. Currently, I can feel the vibrations from combat training activities at the existing marine base which is more than 20 miles away. The EIS needs to present what the vibration levels will be coming from the planned base expansion combat training activities.

The vibration impacts are likely to be significant and extremely annoying. They will feel like earthquake tremors and may pose risk to residential structures. Also a significant portion of the vibration impacts will be experienced in the evening combat exercises. The EIS needs to address this issue with a detailed analysis and modeled projections of vibration impacts on the community.

BIOLOGICAL IMPACTS:

The EIS clearly states that it will significantly impact Desert Tortoise. Tortoises will be bombed, and run over and their habitat destroyed. The EIS does not address the trauma that the tortoises will experience from the noise and vibrations resulting from the bombing of ordnance and gunfire during the combat training exercises. This needs to be addressed. The trauma might prevent the tortoise from mating or nesting and have a further deleterious impact on their dwindling population. This should not be allowed.

Why are the regulations written to protect endangered species being over-ridden by the Marines expansion objectives? How is this justified?

SECTION 106:

There is no discussion of the Homestead Valley Communities in the EIS. Johnson Valley and the other Homestead Communities were founded under the Jack Rabbit Homestead Act or Small Homestead Act of 1939. As such they can be considered eligible for historic status under Section 106 of the National Historic Preservation Act since their creation is associated with an Act of Congress. There should be a discussion of this. Note that these communities do not need to be determined to be Historic in order for the reviews to be required under Section 106. Mere eligibility qualifies them for consideration under Section 106.

There should be discussion and analysis of the impacts of highway and traffic development, light, noise, vibrations and air quality degradation that will impact these communities. All these impacts to the Homestead Communities might be significant and need to be addressed. Keep in mind that the noise section of the DEIS is flawed and cannot be applied as presented to a Section 106 analysis.

Once the noise section is properly corrected to reflect “LMax” noise levels from the bombs and exploding ordnance then the direct impacts of noise and vibration could be assessed regarding its impacts on these historic homestead communities.

ENVIRONMENTAL JUSTICE:

The environmental justice provisions of NEPA require that the proposed project not disproportionately impact disadvantaged or minority communities. Right now the EIS is flawed because it understates the environmental impacts from the project in categories such as noise and vibrations, air quality, traffic, local economics.

Johnson Valley residents are mostly elderly and of below average income. They qualify as disadvantaged. The EIS needs to complete a thorough analysis of the impacts of the project on this community under the NEPA provisions of environmental justice.

Because the EIS analyses are flawed in areas such as noise and vibration impacts, the elderly and those of lower income are more likely to be significantly impacted because they are more sedentary and less likely or able to avoid, or move away from the area of significant impacts such as noise and vibrations.

This needs further analysis.

RECREATIONAL IMPACTS:

The proposed project is going to take away from the public domain the majority of the Johnson Valley OHV lands (over 56%) dedicated for recreational use. These lands are heavily used and the adjacent communities derive significant percentages of their income from the OHV folks. These lands cannot be replaced or mitigated with other desert lands farther away. Johnson Valley is a convenient weekend escape for OHV recreation. OHV areas farther away are too distant for a weekend trip and would cost significantly more to reach with increasingly expensive fuel costs we are currently experiencing. Therefore the proposed base expansion into the Johnson Valley OHV lands will significantly reduce the opportunity for families to escape the megalopolis for a weekend of recreation.

No mitigation is proposed. The EIS does not present a legitimate explanation as to why these recreational lands need to be confiscated from the public.

Thank you for your attention to these matters of significance that must be addressed in the EIS.

Sincerely yours,

Carl Peter Ripaldi
Principal Environmental Specialist
Los Angeles County Metro

310 741-1924

ripaldic@metro.net
ripaldi2001@yahoo.com

From:
Betty Munson
4880 Bonanza Rd.
Johnson Valley CA 92285

To:
Naval Facilities Engineering Command, Southwest
ATTN: 29Palms EIS Project Manager
1220 Pacific Highway
San Diego, CA 92132-5190

May 25, 2011

Re: Draft Environmental Impact Statement on 29Palms Base expansion

Dear Sir:

Concerning the DEIS description of shared use of proposed expansion areas:

- Marine Expeditionary Brigade Exercises: 2 per year for 24 days each. Only non-dud producing ordnance in southern portion of west study area.
- Restricted public access to southern portion of west study area (except for two 984 x 984-foot [300 x 300-meter] Company Objective areas) permitted approximately 10 months/year.

Three of the alternatives for expansion described in the DEIS include a Restricted Public Access Area (RPAA) to allow civilian recreational use to at least a remnant of the Johnson Valley Open Riding Area when military training activities are not being conducted.

The document states that “elements of many public comments (e.g., restricted public access when MEB Exercises are not occurring) have been incorporated into some alternatives carried forward for EIS analysis. Public comments influenced the development of the new Alternative 6. Similar to the Marine Corps’ intent with Alternatives 4 and 5 (formulated before scoping), the development of Alternative 6 is consistent with the public’s suggestion to: Allow for controlled periodic access for occasional public access and activities.”

It is difficult to believe that any member of the public who is used to free and open access to all of Johnson Valley actually used the words “controlled,” or “restricted.” “Periodic” might have been used to describe part-time access. “Restricted” also would have been understood to mean part-time access.

A RPAA is defined in the draft document as an area in which certain public uses may be permitted, subject to restrictions, institutional controls, and mitigating methods designed to provide for public safety.

Already restrictions are multiplying far beyond the assumptions of the public, whose righteous indignation at being shut out of a recreational area set aside by the BLM in 1980, might have been reduced with the idea of shared use.

Being shut out of the area twice a year might seem reasonable, but:

“Access to and use of the area by the general public would only be authorized...when the land is not being utilized for training, and has been designated by the Commanding General as suitable for restricted activities to resume.”

“It is anticipated that the RPAA would be closed to the public twice yearly, for approximately 30 days each time. This would allow for required range preparation, execution of training, and range clearance and public access certification. These periods would be well advertised and published a minimum of 60 to 90 days in advance.”

This failure of the DEIS is, range clearance and certification by the Commanding General are only estimated to fall within the 30-day time period. Also, the DEIS does not address how any delays in certification would be advertised. Indeed, it is difficult to imagine how it would be possible to notify visitors, who could possibly already be en route, that unfortunately, for whatever reason, certification has been delayed (many visitors to Johnson Valley are still just finding out that the Marine Base expansion could exclude them from these traditional public lands).

Therefore, the document must clarify 1) that certification might be delayed indefinitely, and 2) advertising certification delays may not be effective, therefore causing a hardship on those who have traveled to Johnson Valley, with the consequences they may never come again, and they may go to other recreational areas. This would further add to the pressures on those areas already caused by permanent closure of other parts of Johnson Valley.

It is doubtful, given the historic 24-7 free access to the Johnson Valley Open Riding Area, that any person commenting in favor of shared use ever imagined that he or she could visit the RPAA only if all permit requirements and designated safety rules and use restrictions were followed.

Permitting for participants in organized events has been well established. But it is doubtful anyone dreamed that public access to the RPAA would require among other things:

1. each individual (or responsible adult for minors), certify that they have completed the required public education requirement. or:
2. in order to receive the required public education a person must have internet access, or travel to the location and hope to be allowed in.

These unqualified requirements evidently apply to a spectator at an event, as well as a participant; and to a visitor to the area for any purpose. There is no indication as to how long the permit is to be in effect, if there is to be any cost to the visitor, or what happens if the visitor comes to an access point for the permit after hours (unstated in the document). The permit plan must be thought out completely and the what-if's spelled out in the document, or the document must be changed to acknowledge these defects.

The document states the public would be informed by several means that they cannot enter the Restricted Public Access Areas.

“ Barriers would be used to block access routes and reduce the potential for public passage into the training area.” However, frequent visitors familiar with Johnson Valley know there are hundred of trails into the area.

“Additionally, the installation would undertake a public outreach effort to ensure that all potential regional stakeholders would be informed of access restrictions. This effort would involve disseminating informational materials through available means, including the Internet, local community channels, and local recreational organizations similar to those described in Section 2.5.4 (e.g., OHV publication or group website).”

Two criticisms of this statement are:

1. In announcing to the public this long-planned and enormous denial of access to public lands, the Marines only made the outreach efforts that they were required to by law: an announcement in the Federal Register (not daily reading for most), and in the local newspaper of record in 29Palms. We are not aware of other announcements.
2. The BLM announced the segregation of the lands for study.

OHV organizations and Base neighbors spread the word as far as they could to stimulate public comment. Whatever effects this had, there are still those who visit Johnson Valley, and live nearby, who do not know.

The DEIS states extra patrols by Conservation Law Enforcement Officers would occur, permanent signage would be placed on, around, and near the training areas, road crossings, and “likely” access points. Signs would be staggered across the boundary lines at logical intervals to make it difficult for the public to enter the area without encountering a sign. The signs would inform the public that the areas are reserved for exclusive military use. They would also warn of potential dangers and against unauthorized entry.

However, no statement as to the costs to the taxpayer of these measures is shown in the DEIS. To the reader unfamiliar with the area, who does not understand the huge perimeter of the expansion area, even in Alternative 6, who does not understand the porosity of the current borders of the Base, who does not understand the difficulties of creating weatherproof signage for the desert, “logical intervals” sounds logical and do-able. The DEIS must clarify the difficulties and costs of patrolling and signing miles of open desert which will be required to divert visitors who are used to generations of unrestricted access.

The DEIS does not spell out the consequences of inadvertent or deliberate trespass should outreach and border control measures fail. Questions of individual injury and liability must be addressed, and the over-riding question in everyone’s mind: in the case someone trespasses or gets hurt, will the RPAA be closed permanently. The document must be corrected to answer these issues, and must state they were not addressed in the draft version.

As a side note:

The reader scanning the document is likely to come upon this verbiage, and similar foggy language throughout the document, making it almost impossible to understand, where it was possibly meant to simplify:

Table ES-4

Aircraft and Ground-delivered Ordnance – presence of munitions constituents during periods of restricted public access results in a LSI to public health and safety with identified SCMs and other specific RPAA management measures. No cumulative projects would contribute to this impact

Possible translation:

Bombs, rockets and ammo – presence of toxic or hazardous remains of munitions, during periods of access by members of the public who have a permit, results in a less-than-significant impact to public health and safety, given the identified (somewhere?) special cleanup measures, and other restricted public access area management measures including_____. Past, present and reasonably foreseeable future actions will cause no build up of these hazards.

Still not easy, but at least spelled out. At least someone reading it has a better chance to decide if they agree or disagree on the judgement there will be a less-than-significant impact.

It is unfortunate that fairly technical information has not been not presented in plain English where at all possible; it leaves the preparers of the document facing the criticism that their work is deliberately meant to be hard to understand, turning off public response.

Thank you for your attention,



1500 W El Camino Ave. #352 · Sacramento · California · 95833-1945
Phone · 800-42CORVA · Facsimile 805-526-4574 · www.corva.org

May 26, 2011

Naval Facilities Engineering Command Southwest
ATTN: 29Palms EIS Project Manager
1220 Pacific highway
San Diego, CA 92132-5190

via email

Please accept the following as official comments on the Draft Environmental Impact Statement for the 'Land Acquisition and Airspace Establishment at Marines Corps Air Ground Combat Center Twentynine Palms, CA to prepare an Environmental Impact Statement', (DEIS), on behalf of the California Off-Road Vehicle Association (CORVA), it's members and members clubs. These comments shall in no way prevent other members or representatives of CORVA from submitting additional comments that shall also become part of the public record.

The California Off-Road Vehicle Association (CORVA) represents thousands off Outdoor Recreation Enthusiasts who enjoy venturing onto public lands to pursue a wide variety of interests. It's critical for the Marine Corps, while proposing to withdraw thousands and thousands of acres from public purview, to recognize that Americans use off-highway vehicles on public lands to access a multitude of pursuits, including hunting, mineral collection, off-road recreation and competition, as well as to enhance their ability to enjoy the beauty our country has to offer with their children and families.

This document must be subject to the strictest public scrutiny as it pertains to the National Environmental Policy Act (NEPA) as defined by the Council on Environmental Quality (CEQ), to evaluate the viability and necessity of the proposed action. However this scrutiny should not be misinterpreted as a lack of support for our country's military. CORVA as an organization, along with our thousands of members, supports the Marine Corps in their mission to protect our country and it's citizens. But any proposed prohibitions or limitations on recreational access must be evaluated as to the full potential effect on the health and well-being of the public. We find that this analysis fails to evaluate the consequences of the proposed action on desert wildlife and the environment, the effect on local residents and communities, as well as the cumulative effects due to the displacement of thousands of recreation enthusiasts. The proposed expansion will have a highly detrimental effect on the future ability of the public to enjoy this unique desert topography.

"Dedicated to protecting our lands for the people, not from the people."



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Phone · 800-42CORVA · Facsimile 805-526-4574 · www.corva.org

The National Environmental Policy Act encourages public input; it requires agencies to "*Make diligent efforts to involve the public in preparing and implementing their NEPA procedures*"¹ CORVA contends that the Marine Corps did not follow the letter and intent of NEPA in the preparation and release of the DEIS. The release of the document was not correctly noticed in the Federal Register, as the due date was incorrectly published, and the correct address for mailing comments by way of the U. S. Postal Service was both unavailable on the project website and missing from all the brochures and information distributed to members of the public. Certainly NEPA never intended that this information, critically needed to submit substantive comments, should be hidden from public view. All federal agencies when preparing NEPA documents must follow the instructions in regulation 40 CFR 1500.2(d) to; "*Encourage and facilitate public involvement in decisions which affect the quality of the human environment.*"².

The Marine Corps, in their actions subsequent to the release of this document:

- did not comply with NEPA regulations.
- did not encourage and facilitate public involvement.

Therefore this document and the public comment period have been irrevocably tainted by these violations.

On behalf of our members, and all the members of the public that will be highly impacted by the proposed expansion, CORVA hereby requests that the Marine Corps reopen this comment period, and correct the grave errors in notification and information that have been committed.

Sincerely,

Amy Granat

Northern Director, California Off-Road Vehicle Association, Inc.
P. O. Box 298
Clarksburg, CA 95612
916-710-1950
granat.amy@gmail.com

1 <http://ceq.hss.doe.gov/nepa/regs/ceq/1506.htm#1506.6>

2 <http://ceq.hss.doe.gov/nepa/regs/ceq/1500.htm#1500.1>

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Comment #1: Marine Corps Fails to Establish Purpose and Need

At the May 25th, 2011 meeting of the OHMVR Commission, representatives of the Marine Corps, including Project Manager Chris Proudfoot, stated to the OHMVR Commissioners and members of the public in attendance, that the entire need for the proposed expansion into the Johnson Valley OHV Area could be succinctly summed up in one word; "Safety".

Yet the word "safety" is nonexistent in the 'Purpose and Need' as published in the Executive Summary of the DEIS. According to NEPA, the Purpose and Need must present the reasoning behind the proposed action, in this case the absolute necessity for the proposed expansion of the 29Palms Marine Base, to insure that this expansion will fulfill a critical need.

Instead, the Purpose and Need (page ES-1), describes a necessity for the Marines to comply with guidelines issued as part of "Marine Corps Strategy 21", a strategy paper released on November 3, 2000, a planning effort to move the Marine Corps into the 21st Century while insuring the readiness for battle. In that strategy paper, Marine Expeditionary Brigades (MEB's) are described as; "...our premier response force for **smaller-scale** [*emph. ad.*] contingencies that are so prevalent in today's security environment".

This document describes both a Marine Corps already trained as one of the finest fighting forces in the world, ready to operate at a moment's notice, and a Service working to; "...evolve our warfighting concepts to enhance our ability to participate as partner in joint and allied concept development..." and striving to "...enhance capabilities to operate in urban and austere environments ...". Words like "interoperability", "coalition" and "allied forces" are used often in this strategy paper, emphasizing the need to work together with other divisions of the United States Armed Services to enhance responsiveness to military emergencies.

The need to train the Marine Corps to respond to smaller scale contingencies is inconsistent with the scenario described in both the Purpose and Need of the DEIS, and the analysis in the entire document. Because responding to smaller scale operations directly opposes the need for the 29Palms Marine Base expansion, this scenario is not mentioned, or referred to in the DEIS at all. In fact, to comply with the above-mentioned strategy paper, the size of the current base should be entirely adequate as is, with no need for any expansion at all. As the Project Manager for the proposed expansion has already gone on public record to confirm that 40% of the area in the current base is completely unused at the present time, training for smaller-scale contingencies should be well-served by the size of the current base.

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The proposed expansion also does not fulfill the need to partner with other divisions of the U. S. Armed Services, as called for in "Marine Corps Strategy 21", as an expansion of training area will not serve to enhance coalitions, amphibious response, or a number of other military strategies as outlined in the above report. Marine Corps Strategy 21 also describes the need to; "...*capitalize on innovation, experimentation and technology...*" as a critical part of future Marine Corps training. None of these points need an expansion into thousands of acres of public land, displacing many citizens, while causing considerable hardship for others.

So the conclusions in "Marine Corps Strategy 21" are all inconsistent with the Purpose and Need as stated in the DEIS, and do not support the expansion into the Johnson Valley OHV Area. The lack of Purpose and Need, and the incorrect documentation and reporting of the points in the strategy paper, which had been cited as the basis for the proposed expansion, presents a fatal flaw in this document

Without a viable Purpose and Need, the document fails to establish:

- ◆ The reasoning for the expansion.
- ◆ The necessity for the expense that will be associated with the proposed expansion.
- ◆ The need for the difficulties it will cause for surrounding communities and residents.
- ◆ The displacement of the large number of the public who enjoy the Johnson Valley OHV Area.

There is no other comparable option for these residents and communities, and for those that enjoy the unique recreational opportunities offered by the Johnson Valley OHV Area. In contrast, many other scenarios are available to the Marine Corps for training. Indeed, these other scenarios available for training may actually help the Marines better prepare for modern warfare strategies, while enhancing partnerships with other divisions of the U. S. Armed Services.

Because the Marine have not established a valid Purpose and Need, this project and proposed expansion must be withdrawn.

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Comment #2: The Marine Corps Have Failed to Consider Reasonable Alternatives, Including the No Action Alternative

Although the formal analysis for the proposed expansion began in 2007/2008, this project had been under consideration since 2002, as has been stated at public meetings. However during those many years, new information, changes in tactical warfare, and changes in technology have failed to be considered by the Marines as they relate to the proposed expansion. Reasonable alternatives to the proposed expansion, including consideration of the No Action Alternative, were not vigorously explored in the DEIS. Per CEQ regulations, the DEIS must contain; "...all reasonable alternatives, which must be rigorously explored and objectively evaluated..."³ The Marines have violated the above NEPA mandate.

Cooperating with the U. S. Army, and considering co-use of the area already occupied by Fort Irwin has been completely dismissed. Although this would give the Marines a chance to partner with another division of the military, and work on 'joint and allied concept development', as required by the previously mentioned "Marine Strategy Paper 21" this option was not seriously considered. Utilizing the previously mentioned unused 40% of the existing base in a more strategic manner, was completely dismissed. Looking for areas closer to the ocean, that would serve to enhance amphibious training, was not considered. There has also been no serious consideration that the proposed action is not warranted given new environmental facts that have emerged in regards to threatened species. Most importantly, no serious discussion has ever been undertaken by the Marines to allow the possibility to adopt Alternative 3, as suggested by the public many times, which shall be discussed in a later comment.

The No Action Alternative, required by NEPA to be included in the DEIS as part of the evaluation, was not seriously considered or analyzed in the document. There has been no representation of the No-Action Alternative to the public at public meetings, maps were not produced or distributed to the public, and scarce information was available to use as a baseline for comparison. Out of 6 alternatives offered, the No Action Alternative was not given a number or represented to the public as a possibility. But the No-Action Alternative is necessary and called for by CEQ regulation. The No Action Alternative is defined as the following; "...involving federal decisions on proposals for projects. "No action" in such cases would mean the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward." ⁴

³ <http://ceq.hss.doe.gov/nepa/regs/40/1-10.HTM#1>

⁴ <http://ceq.hss.doe.gov/nepa/regs/40/1-10.HTM#1>

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CORVA finds the lack of consideration and analysis of the No Action Alternative a violation in letter and spirit of NEPA, and the public trust. As written by the CEQ in 1502.149(d); *"...it is difficult to think of a situation where it would not be appropriate to address a "no action" alternative. Accordingly, the regulations require the analysis of the no action alternative even if the agency is under a court order or legislative command to act".*⁵

There is no excuse for the non-existence and non-consideration of reasonable alternatives, as well as serious consideration of the No-Action Alternative. As this is a serious flaw in the document, the Marines must issue a Supplemental DEIS, if the decision is made to move forward with the proposed expansion, and that Supplemental DEIS must re-examine reasonable alternatives, including the No Action Alternative. If there is no supplemental document released, the Marines must insert a statement into the Final Environmental Impact Statement confirming the fact that they have been asked to review the project and consider the No Action Alternative along with other reasonable alternatives, but they have failed to take this action into consideration.

⁵ <http://ceq.hss.doe.gov/nepa/regs/40/1-10.HTM>

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Comment #3: The Marine Corps Have Failed to Consider Current Training Strategies

Changes in budgetary availabilities considering the country's fiscal difficulties, as well as changes in strategic military training updates have not been considered in this project, or presented in the DEIS.

During the May 25th OHMVR Commission meeting in Ontario, Project Manager Chris Proudfoot was asked about budgetary considerations for the proposed expansion given the current financial crisis occurring in the United States. Mr Proudfoot was directly questioned if any consideration had been given to the financial crisis, or if the Marines felt any responsibility as to fiscal matters related to the proposed expansion. Mr Proudfoot answered that he had no need to consider fiscal issues as concerned the proposed expansion, as this was not his nor the Marines' concern.

But the commanding general of the Marine Corps Combat Development Command, Lt. Gen. George J. Flynn, recently spoke to the media about his serious concerns for the fiscal difficulties facing the Marines. According to an article on the Marine website; *"In September 2010, the Marine Corps formed the Force Structure Review Group to develop the organization, posture and capabilities of the Marine Corps and its role within the joint force in a fiscally constrained, post-Operation Enduring Freedom-Afghanistan environment"*. The article continues to state *"...[Lt. Gen.] Flynn discussed how the re-shaping of the Marine Corps reflects our historic role as the nation's crisis response force and provides unique capabilities to the joint force in terms readiness, adaptability, flexibility and utility at an affordable cost."*⁶ Clearly Lt. Gen. Flynn, as opposed to the statements issued by the Mr Chris Proudfoot, Project Manager of the proposed expansion, recognizes the need for fiscal responsibility to be shown by the Marines Corps in light of the country's economic difficulties.

Another recommendation in the same article, issued by the Marine Corps Force Structure Review, calls for a reduction in forces and the number of ground combat forces including infantry, cannon artillery battalions, and armor. It is clear to all reading the above statements that the Marine Corps is undergoing changes in response to both fiscal difficulties and changes in the world political climate, yet the proposed expansion of the 29Palms Marine Base is in direct contrast to both. None of the alternatives or plans for the expansion have been re-evaluated given current circumstances, when the need for change and adaptation has been clearly shown by those in command.

⁶ <http://www.marines.mil/unit/hqmc/Pages/RestoringbalanceinMarineCorps.aspx>



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In further reference to the above article, Lt. Gen. Flynn, calls for the Marines to return to their historically maritime emphasis. Since maritime activities and training would be impossible to pursue in a desert setting, this would make an expansion into the Johnson Valley OHV Area unnecessary and ill-advised.

While it is clear that Lt. Gen. Flynn understand that conditions in recent years have undergone considerable change, there is no evidence in this document that these concerns have been taken into the account in this DEIS. The plans to expand the 29Palms Marine Base do not take into account current strategies, nor current fiscal conditions. Recently Secretary of Defense Robert Gates, was quoted as saying (in reference to the Marine Corps) that the country does not need another land army, rather forces that can deploy quickly and sustain themselves for a short period of time. This also runs counter to the plans for an expansion of the 29Palms Marine Base.

All of the above statements illustrate the need for the Marine Corps to abandon the proposed expansion of the 29Palms Marine Base. It would be fiscally irresponsible for the Marines to consider this expansion during this time of critical financial difficulties, and this document does not take new military strategies into account. The very leaders the Marine Corps depend upon for guidance have issued a clear mandate that counters the need for the proposed expansion into the Johnson Valley OHV Area.

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Comment #4: The Marines Corps Failed to Analyze Cumulative Impacts

In considering cumulative impacts as required by the CEQ, the Marine Corps failed to consider the impact from displacing off-highway vehicle recreational use to other areas in California. As stated in section 5.3 in the DEIS; "*Reasonably foreseeable future actions that may have impacts additive to the effects of the proposed action are also analyzed*" but in reality, a complete analysis on displaced recreation has not been undertaken. It is reasonable to consider that those who use the Johnson Valley OHV Area, already own off-road vehicles, and enjoy off-road recreation, will continue to partake in this activity. But the significant effects to other areas because of the displacement of off-road recreation are not analyzed nor considered in the DEIS. This presents a fatal flaw in the document.

As opposed to other analyses or considerations, which may be confined to a more localized area, the analysis for displaced recreation must spread out to other OHV areas around Southern California to determine if those areas can absorb the thousands of additional recreation enthusiasts that will visit, after the Johnson Valley OHV Area is effectively closed. The impact on Ocotillo Wells State Vehicular Recreation Area, El Mirage and Jawbone OHV Areas, and San Bernardino National Forest, to name a few that will be affected, have not been even identified in the document as having potential impacts due to displaced recreation, yet it would be unreasonable to consider that they would not see a considerable increase in use. The safety and environmental impacts directly caused by the overcrowding that will result from this proposed action are as yet unknown, but must be analyzed as a cause of action in a Supplemental DEIS.

The preferred alternative, Alternative 6, will close approximately two-thirds of the existing recreation area to all public access, with arrangements for public access for the other one-third of Johnson Valley to be open on a permitted basis part of the year. This represents a major reduction in recreational opportunities to the general public. And there are further problems when considering the availability of the remaining area, when open to the public during approximately 10 months a year. This area has been proposed to be open to some types of public use, dependent upon obtaining a permit to allow entry. The proposed permit process is unreasonable and untenable, as it will require all visitors to obtain permits only available off-site of the OHV area. It is unknown what types of activities the permit will allow, whether the area will be available for day visitors coming on a spontaneous basis, or how many permittees will be allowed entry. No matter what the permit process, any chance of continued use of the remaining area, when it is available to the public, will be considerably impaired, which has not been analyzed in the current DEIS.

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This DEIS represents an incomplete analysis of both the existing recreational use of Johnson Valley, and the effects of the displacement of recreational use at the Johnson Valley OHV Area. Because this analysis is incomplete, if this project is to continue, a supplemental analysis must be completed to correctly determine the true effects of the proposed action. If this is not undertaken, please state in the Final EIS that the effects of displaced recreation have not been completely analyzed, and may cause considerable difficulty and environmental harm to the remaining OHV areas.

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Comment #5: The Marines Corps Failed to Analyze All Evidences of Cultural Heritage

Thousands of recreation enthusiasts currently visit Johnson Valley every year, as they have for over 60 years. For off-road enthusiasts, desert races in the Johnson Valley OHV Area are a cultural heritage, yet they have not been identified as such in the DEIS. The California State Office of Historic Preservation recognizes that historical events that have helped shape the distinctive character of an area, are eligible for listing in the California Register of Historical Resources. The longevity and history of California off-road desert racing is inextricably tied to the Johnson Valley OHV Area, and has significantly contributed to the make-up of the surrounding desert communities. Therefore, it is a cultural heritage that should not be ignored.

The loss of this cultural treasure has not be analyzed in the DEIS, and the complete destruction of desert off-road racing activity in the Johnson Valley OHV Area has not been considered. This is a fatal omission from the DEIS, therefore the document must be withdrawn, and the loss of this cultural activity analyzed. If the Marines do not withdraw the proposed expansion into the Johnson Valley OHV Area, a supplemental DEIS must be prepared that directly analyzes that cultural loss that will result from the proposed action.

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Comment #6: The Marines Corps Failed to Analyze Impacts From Noise and Vibrations

The Draft Environmental Impact Statement is flawed in its conclusion that noise and vibrations beyond the proposed boundaries of the expansion are less than significant.

In the DEIS, models used to measuring noise and vibration only evaluate and predict an average level of both. While averaging the noise and/or vibration caused over a period of time may be appropriate to evaluate the relative annoyance from a highway project when both levels remain fairly static, ordnance (bombing) impacts are completely different in character, and must be analyzed to indicate true effects to surrounding communities and residents. The current method used in the DEIS grossly underestimates the noises from bombs and explosions, and the effects on local residents and wildlife. Each and every explosion must be valued as a singular event, and analyzed as such. Decibel readings must be recorded and reported for each event, and analyzed for impacts on health and well-being.

Individual bomb decibel readings at distances as far away as Morongo Valley and Lucerne Valley must also be included, and impacts from current training exercises that include a significant amount of noise and vibration to local residents analyzed. The DEIS states that plans for the future include exploding more than a million rounds of munitions ground-to-ground, and 1.5 million rounds air-to-ground, during the various exercises every year. It also projects that 22% of that activity will be occur from 7:00 pm until 10:00 pm in the evening, while 16% will be detonated from 10:00 pm until 7:00 am at night. This will greatly effect the health and welfare of local residents, which is not reflected or analyzed anywhere in the document.

If this proposed expansion is not withdrawn, a Supplemental DEIS must be prepared, to correctly analyze these impacts. If the Marines fail to issue a Supplemental DEIS, please correct the Final EIS to state: there will be a significantly higher degree of impact to local communities and residents due to increased noise and vibrations during training exercises, and increased nighttime detonations. Please include a statement indicating that the proposed expansion will greatly increase difficulties to the local residents as it concerns noise and vibration. Also please state that this fact was incorrectly portrayed in the draft document. The under-reported noise levels everywhere in the DEIS, illustrated in tables and further analyses in the document, including the CNEL Contour maps and impact tables, must be changed in line with the above statements.

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Please correct the impression in the document that the proposed expansion and increase in training exercises will not have a highly significant impact to all residents and visitors in the neighboring areas. In fact, if analyzed correctly, the proposed expansion will have a highly detrimental effect on all local residents, wildlife and activities, as well as agriculture, emergency services, local schools as activities are intensified, and noise and vibration increased around the clock. Any statement or chart stating that noise impact outside the borders is "less than significant (LSI)" or a "finding of no significant impact (FONSI)" must be changed to state it is of "significant impact (SI)".

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Comment #7: The Marines Corps Failed to Include an Accurate Assessment of Toxic Release

The DEIS describes in detail the procedures used to comply with recording and reporting releases of chemicals, and addresses the Marines' methods for dealing with hazardous material spill abatement, cleanups and contaminated soils, but is incomplete in its analysis.

Although "Munitions Constituents" (MC) from unexploded ordnance and other munitions, and their breakdown elements, are described and mapped for current and historical ranges, potential migration into humans and animals is addressed with somewhat limited studies. Databases on hazardous wastes from many sources and contaminated sites are described as not revealing any relevant sites and the DEIS describes a total of 50 accidental releases in 2002 of toxic substances. However deliberate releases and MC are not itemized. This is an incomplete analysis of what is a very serious and potential polluting subject.

There are more complete analyses available from the Environmental Protection Agency, which show the affect of ordnance on desert environments, but these are not included in the DEIS. Therefore, a Supplemental DEIS must be issued to show not only the methodology for reporting toxic contaminants, but also the kinds and quantities of contaminants and how this would affect the fragile desert environment. It must also clearly state all estimates for increases in toxic releases, analyzed for each alternative. Although the DEIS states that use of munitions would be similar to existing use, therefore potential impacts would be minimal, that does not take into account the proposed increase on both troop strength and training activity.

The Purpose and Need of the DEIS indicate that the numbers of troops training at 29Palms would be greatly increase, therefore it is not possible for ordnance and munitions would stay at the present level. It is more correct to assume that use will be more intensive and of longer duration. A Supplemental DEIS must be issued to reflect that fact, or the Final EIS must state that the draft document was in error, and that toxic releases due to increased munitions usage was not adequately analyzed and the potential effect to local communities, residents and wildlife remain unknown.

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Comment #8: The Marines Corps Failed to Analyze the Effects of the Proposed Expansion as it Refers to Environmental Justice

Environmental Justice concerns the analysis of effects from proposed federal projects on certain ethnic, demographic or social-economic groups. Environmental Justice rules require this analysis to prove that these groups will not bear disproportionate impacts from proposed federal projects, as this places an unfair burden on these segments of society.

The DEIS has failed to analyze the proposed expansion as it will affect lower income, disabled and elderly in the surrounding communities, as required. The document narrowed the scope of the analysis to assess the effects only on residents living in the actual area of the proposed expansion, the Johnson Valley OHV Area. It does not take into account surrounding communities. Since it is clear to everyone who visits the Johnson Valley OHV Area, that residents do not live within the proposed expansion area, but right outside the proposed expansion area, it is an irrelevant analysis. There are many residents living on the proposed border of the expansion, and in surrounding communities. To exclude these residents from the Environmental Justice analysis on the basis of a very miles of road is disingenuous, and a disservice to these communities.

It is clear that the area criteria used in the DEIS is far too narrow, and all the economic and other hardships as they pertain to Environmental Justice need to be reevaluated and the correct area of impact evaluated. The DEIS is highly misleading in this context.

Likewise, Landers and Johnson Valley and their airspace are already significantly impacted by noise, vibration, air pollution and/or light pollution, and the proposed expansion of training exercises and Combat Center area will cause very significant impacts to these populations as well, populations that contains residents who are elderly, disabled and living on a limited income.

A Supplemental DEIS must be released to accurately portray the effects of the proposed expansion on local communities, as required by Environmental Justice laws. If a Supplemental DEIS is not released, the Final EIS must contain a statement that notes that the analysis as it pertains to Environmental Justice is incomplete, and the effects of the proposed expansion unknown on local elderly, disabled and low income residents.

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Comment #9: The Marines Corps Failed to Analyze Seismic Hazards

The DEIS discusses seismic conditions up to the existing boundaries of the 29Palms Marine base, but does not analyze the effects of increased training activities, including tanks and bombing exercises, on known fault lines within Johnson Valley. Although the DEIS states that the Mojave Desert is "highly active seismically", and reports that 50 named and unnamed faults can be found within the greater Mojave Desert area, the DEIS has omitted this critical study. It is clear that the Landers earthquake of 1992 has been forgotten, as well as the fact that current ordnance use on the base causes earthquake-like tremors, as well as considerable vibration in the surrounding communities. The proposed expansion will definitely increase these tremors and vibrations, but no mention is made of that fact in the DEIS.

The DEIS contains a map showing a thick cluster of parallel faults, including the Camp Rock-Emerson Fault, trending northeast to southwest across the entire western Johnson Valley OHV Area, but does not include any analysis of the effects of the proposed expansion on these faults. The only comment as to the effects to seismic activity in the DEIS states; *"The effects of ordnance delivery would be limited to surficial and near-surface soils so the proposed action would not be expected to have an impact on topography or seismic conditions or hazards within the ROI or in the Twentynine Palms region."*

The DEIS seems to discount any possibility of an increase in seismic activity, although there are plans to conduct live-fire air-ground training exercises of high intensity and extended duration. This is a fatal flaw in the DEIS. The potential of increased seismic activity must be analyzed. The Marines have omitted a critical component of the environmental analysis in the DEIS, An analysis and a Supplemental DEIS must be produced to correct this error.

If a Supplemental DEIS is not produced, please reflect in the Final EIS that seismic issues and hazards were omitted from the analysis, and it is unknown how the proposed expansion will effect seismic activity in the expansion area.

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Comment #10: The Marines Corps Failed to Accurately Analyze the Effects of the Proposed Expansion on the Desert Tortoise

The desert tortoise is listed as a threatened species by the U. S. Fish and Wildlife Service, and anyone who engages in activities that harm a tortoise is subject to severe penalties and criminal charges. But the DEIS is silent as to the current status of tortoise fatalities on the existing base, and without that information, there is no accurate method to extrapolate what the potential hazard might be to the desert tortoise population by the proposed expansion of the 29Palms Marine Base into the Johnson Valley OHV Area.

The DEIS gives an estimate of tortoise mortality due to the expansion of the base, stating there will be a range from a low of 154 to a high of 714, estimated over a 50-year project lifetime. But there is no explanation as to what the '154 to 714' is referencing, leaving the reader to wonder if this a yearly figure, an average per year, or a total mortality number for 50 years. Since the current mortality rate is not offered, the numbers that were given for possible tortoise mortality must have been arrived at through conjecture and hypothesis. That is not an adequate analysis for this threatened species and is especially inappropriate given the period of time the base expansion has been considered. This must be corrected by the release of a Supplemental DEIS.

The DEIS is also silent regarding the trauma tortoises may experience in their underground habitat due to noise, vibration and/or seismic waves created by bombing and gunfire used during planned combat training exercises. As this potential trauma may prevent the tortoise from mating or nesting, and have a further detrimental impact on desert tortoise population, it is clear the analysis in the DEIS is incomplete, and has been haphazardly undertaken.

There is, however, a statement in the DEIS that must be corrected. This statement indicates that closure of a portion of Johnson Valley, and the cessation of off-road activity, would benefit the desert tortoise. This hypothesis fails to include an analysis of the impact of increased use of heavy tanks and artillery on the underground habitat of the tortoise. In comparison, the much lighter weight and smaller footprint of a motorcycle, quad or off-road buggy has little impact on underground habitats. This statement and implication is misleading, and must be deleted from the document. Any comparison in the Final EIS between OHV activities and combat training must be very clear as to the impacts not only of increased use of heavy armored vehicles, but also impacts due to increased bombing and cannon fire.

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Comment #11: The Marines Corps used Incorrect Criteria to Eliminate Serious Consideration of Alternative 3

The Screening Criteria presented in the DEIS were devised by the project's Executive Steering Committee, composed of Marine Corps leadership, for use in the evaluation of the proposed alternatives. But the Screening Criteria were applied at random in the evaluation of the alternatives, and incorrectly used to eliminate serious consideration of Alternative 3.

It is noted in the document that Alternative 3 was eliminated from further study because it did not comply with Screening Criteria #5, which states; "*Avoid congressionally-designated wilderness areas, parks, wildlife refuges, designated critical habitat for threatened or endangered species, cities/towns, and interstate highways.*" This is the only reason that is given in the DEIS for excluding Alternative 3 as the preferred alternative, but upon examination it is clear that the Screening Criteria were applied in an inconsistent manner across all the alternatives.

In fact, all alternatives, except Alternative 3 and the unnumbered No Action Alternative, violate Screening Criteria #5 to a much larger degree.

Alternatives 1,2,4,5 and 6:

- Have the closest proximity to cities and towns
- Will cause the highest impact to cities and towns
- Incur the greatest financial impact to surrounding communities and residents
- The potential for the highest mortality rate to the Desert Tortoise and Mojave Ground Squirrel

Only Alternative 3 and the unnumbered No Action Alternative have the highest compliance with all the screening criteria, and one of these should have been chosen as the preferred alternative.

Because the Marines have not applied the Screening Criteria in a consistent manner, the public has been misled. A Supplemental DEIS must be produced that applies the Screening Criteria in a scientific analysis. It is clear that Alternative 3 was eliminated in a haphazard manner, inconsistent with good analysis.

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