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**LAND-BASED RANGES: BUILDING
MILITARY READINESS WHILE
PROTECTING NATURAL AND
CULTURAL RESOURCES**

HEARING

BEFORE THE

SUBCOMMITTEE ON READINESS

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

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AND CULTURAL RESOURCES**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON READINESS,
Washington, DC, Wednesday, February 12, 2020.

The subcommittee met, pursuant to call, at 2:30 p.m., in room 2212, Rayburn House Office Building, Hon. John Garamendi (chairman of the subcommittee) presiding.

OPENING STATEMENT OF HON. JOHN GARAMENDI, A REPRESENTATIVE FROM CALIFORNIA, CHAIRMAN, SUBCOMMITTEE ON READINESS

Mr. GARAMENDI. This committee will come to order.

A couple of things, some housekeeping, before I read a very brief statement.

I expect to have some Representatives from Nevada joining us. So, I ask unanimous consent that non-committee-members, if any, be allowed to participate in today's hearing after the committee members have the opportunity to ask questions, as long as we get out of here by 3:30.

Mr. LAMBORN. Mr. Chairman, with Mr. Amodei, it is based on his good behavior. I will just—and I agree, I give consent.

Mr. GARAMENDI. To my knowledge, Mr. Amodei has never displayed good behavior. We will keep that in mind.

So, without objection, non-committee-members will be recognized at the appropriate time.

So, ladies and gentlemen, I call to order this hearing of the Readiness Subcommittee of the Armed Services Committee.

Our land-based training ranges are the foundation of the military services' training and testing capability. They are places where new weapons, tactics, and techniques are tested. They are also places where our service members get vital training prior to being deployed overseas.

We are told that, even with the advances in simulator and virtual training technology, there is no place for live-fire training evolution—no replacement. The associated feedback from range instructors prior to deployment to a combat area is absolutely essential.

While the importance of these ranges is paramount, as with every military installation, the services must ensure that the ranges are also good neighbors. Many have asked if readiness and stewardship of the natural and cultural resources are inherently incompatible. The answer is an unequivocal “no.”

Effective communication, relationships, and use of tools such as integrated natural resource management plans and on-installation cultural resource managers and early consultations with Tribes and other stakeholders will ensure that these ranges meet readiness requirements and remain viable into future generations.

This is especially true for the proposed expansion of two of our Nation's premier air-to-ground training and testing facilities. The Fallon Range Complex and the Nevada Test and Training Range propose significant expansions and have considerable implications for the surrounding communities, including Native Americans.

Due to the size and the nature of the expansions, stakeholders ranging from Governors to Tribal governments, to environmental groups, outdoor recreation enthusiasts, have all expressed concerns about the proposals. The services must engage in effective communication and with all stakeholders so that their concerns are at least understood and, if possible, addressed.

Today's witnesses oversee the processes and the personnel that attempt to balance these equities to ensure that the services maximize readiness while still addressing the concerns of non-military stakeholders. I look forward to hearing their testimonies.

With that, I yield to my ranking member and friend, Doug Lamborn of Colorado.

[The prepared statement of Mr. Garamendi can be found in the Appendix on page 27.]

**STATEMENT OF HON. DOUG LAMBORN, A REPRESENTATIVE
FROM COLORADO, RANKING MEMBER, SUBCOMMITTEE ON
READINESS**

Mr. LAMBORN. Thank you, Mr. Chairman, for that and for having this hearing.

I am going to ask that my full statement be entered into the record without me reciting it. However, I do want to stress that, yes—

Mr. GARAMENDI. First, without objection, so ordered.

Mr. LAMBORN. Okay. Thank you.

And there are some definite Natural Resources Committee issues here that we all respect, such as protecting the environment, Tribal consultation, energy development, access to hunting, and other kinds of issues.

I do want to say that Ranking Member Rob Bishop of that full committee and myself on this subcommittee and maybe a few others are on both committees. And we will work—and hopefully there is a great working relationship with them as we go forward on this, because they do have primary jurisdiction on the reservation and expansion issue.

However, I want to stress, this is a unique public land. There are national security implications for not doing the expansion and withdrawal that I think would be very detrimental.

So, yes, let's look at all of the concerns, but, to me, first and foremost, there are national security concerns with making sure that both of these ranges are fully functional many, many years into the future.

And, with that, I yield back.

[The prepared statement of Mr. Lamborn can be found in the Appendix on page 28.]

Mr. GARAMENDI. Thank you, Mr. Lamborn.

Before I move on to the witnesses, we did receive a letter from Chairman Grijalva. We will put that into the record and make sure that all the members have a copy of that letter.

[The information referred to can be found in the Appendix on page 51.]

Mr. GARAMENDI. He did point out that, yep, they do have primary jurisdiction in the House Natural Resources Committee. He did also thank us for our work in collaborating with them.

He did express concerns about the many facets of the current proposals, including their impact on natural resources and Tribal lands. He asked that we continue to work closely with them.

We may or may not have a double referral, depending upon how well we are able to resolve the issues that are out there. I would hope that we are able to resolve the issues, allow the committee to review, and avoid a double referral. Okay?

With that, let's get on with the witnesses: Mr. Jordan Gillis, Principal Deputy Assistant Secretary of the Army for Energy, Installations, and Environment; Mr. Todd Mellon, Principal Deputy Assistant Secretary of the Navy for Energy, Installations, and Environment; and Ms. Jennifer Miller, Principal Deputy Assistant Secretary of the Air Force for Energy, Installations, and Environment.

Your formal testimony will be in the record. I suggest you not read the whole thing but summarize, and we will move along here.

Which one of you would like to start? Army? Navy? Do we get to fight that out?

Mr. MELLON. We will let the oldest go first.

Mr. GILLIS. The oldest service, that is.

Mr. GARAMENDI. Yeah. Okay.

STATEMENT OF JORDAN GILLIS, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR INSTALLATIONS, ENERGY, AND ENVIRONMENT, DEPARTMENT OF THE ARMY

Mr. GILLIS. Thank you, sir. So, I will be brief and summarize.

Chairman Garamendi, Ranking Member Lamborn, distinguished members of the subcommittee, thank you for the opportunity to testify on this important topic. It is always an honor to be in front of the subcommittee, and it is always a pleasure to appear alongside my colleagues.

Land is the most important resource—or one of the most important resources needed to accomplish Army training. It provides commanders and units maneuver space and weapons range complexes to execute individual, crew, collective, and unit operational training requirements, as well as provide space to conduct programs of instruction for Army institutional locations.

For the Army, our ranges are more than just the places that have “range” in their title. For example, in CONUS [contiguous United States], two of our most important ranges are the National Training Center [NTC] at Fort Irwin, California, and the Joint Readiness Training Center [JRTC] at Fort Polk, Louisiana.

And beyond that, then there are all of the training areas around the country where units prepare for events like NTC and JRTC and real-world operations.

I will just reiterate here that, to better illustrate that, you all have open invitations to participate in—or, well, probably witness—a parachute drop in Fort Bragg or ride in an armored vehicle in the maneuver lanes at Fort Stewart or Fort Riley or anything or anywhere else under the Army purview.

Mr. GARAMENDI. I would remind you, the committee has taken extensive testimony on rollovers, and we are cautious.

Mr. GILLIS. Sir, I understand.

The key drivers of Army training land requirements are Department of Defense guidance, notably the National Defense Strategy, and then evolving joint and Army doctrine and training strategies and modernization efforts.

Based on those, since 2004, the Army has invested approximately \$3.5 billion in military construction projects that have modernized, improved, and acquired Army ranges and training lands.

That includes the successful acquisition of approximately 275,000 acres of new training land through a planning process that assesses requirements against available land contiguous or near existing Army installations.

Most installations were established decades ago, some well over a century ago, at remote locations intentionally selected to minimize impacts to the local community. Today, these communities have grown. Our installations share a special bond with them. Our soldiers and their families contribute to the local economy and attend the local schools.

However, the growth of these communities has resulted in an increase of encroachment issues that impact training. But the Army is dedicated to working with the local communities to mitigate encroachment challenges through numerous programs, including the Army Compatible Use Buffer program and DOD's [Department of Defense's] Readiness and Environment Protection Integration Program.

At the installation level, the master planning process at any installation with significant holdings includes an integrated natural resources management plan and an integrated cultural resources management plan. These plans and programs demonstrate the Army's commitment to management strategies that sustain Army readiness while we serve as stewards of natural and cultural resources.

So, to summarize, or to conclude, readiness is the Army's top priority. Ranges and training land are direct enablers of readiness. We value what we have and strive to be good stewards and good neighbors, while not losing sight of the fact that all this is in support of our mission to provide an operationally ready force.

Thank you for the opportunity to present this testimony. Thank you for your continued support of the Army's soldiers, civilians, and families. And I look forward to your questions.

[The prepared statement of Mr. Gillis can be found in the Appendix on page 30.]

Mr. GARAMENDI. Thank you.

Mr. Mellon.

STATEMENT OF TODD C. MELLON, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE NAVY FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT, DEPARTMENT OF THE NAVY

Mr. MELLON. Chairman Garamendi, Ranking Member Lamborn, distinguished members of the Readiness Committee, and other congressional Members, thank you for the opportunity to testify on the Department of the Navy's land-based ranges.

The use of land-based ranges is essential for us to meet critical priorities outlined in the National Defense Strategy, which, among other things, requires us to prepare for peer and non-peer competitors. Congress has placed public lands in our custody for this purpose.

To ensure we can train on these lands frequently, repeatedly, we protect and manage the natural and cultural resources entrusted to us. We believe that military readiness and good stewardship go hand in hand, and the Department has an excellent track record of balancing these priorities.

The Department of the Navy conducts training activities on lands and in designated airspace across the country and in cooperation with many partners, including State governments, Tribal governments, and private landowners.

In particular, we value the collaboration with the Department of the Interior and other Federal agencies. In recent years, we have experienced a high level of partnership to balance national security with the needs and goals of our country to manage our natural resources.

The importance of our ordnance ranges for naval gunfire, aviation, and combined arms training cannot be overstated. Training in a real-world environment that is representative of current and future weapons capabilities is essential in ensuring our warfighters are fully prepared to survive in combat.

While virtual and constructive training is an important element in building warfighter skills, it cannot replicate all the skills that must be honed prior to an actual enemy engagement. Some of these skills can only be obtained through hands-on, realistic training.

We recognize frequent and repeated use of live-fire ranges has a potential to affect the environment. Those ranges also provide an important habitat for wildlife, including endangered species, and contain important cultural resources. To address this, we consult and partner with U.S. Fish and Wildlife Service and State natural resource agencies to prepare and implement robust, integrated natural resource management plans. These partnerships have been very effective and beneficial to improving wildlife populations and habitat.

With regard to cultural resources, we develop integrated cultural resource management plans in partnership with State historic preservation offices and Tribal leadership. We are proud of our efforts to safeguard the many cultural sites on our installations, which includes over 15,000 archeological sites and over 20,000 historical structures.

The Department of the Navy is currently working on several withdrawal actions, of which one is a land withdrawal extension for El Centro Range Complex in California with no change in area or purpose. On another, we are working with the Air Force to extend

the withdrawal for the Barry Goldwater Range in Arizona. And, lastly, with regard to the Fallon Range Training Complex, we are proposing an extension and expansion of the complex and a change in purpose to include tactical ground mobility training for Sea, Air, Land—SEAL—teams.

In closing, the Department has a proven track record of environmental stewardship and working with our partners. We remain committed to collaborating with State, local, Tribal, and Federal Government agencies to deliver the range capabilities the Department of the Navy requires to meet present and future challenges of our peer and near-peer competitors in a manner that protects natural and cultural resources.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Mellon can be found in the Appendix on page 35.]

Mr. GARAMENDI. Thank you.

Ms. Miller.

STATEMENT OF JENNIFER MILLER, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE FOR INSTALLATIONS, ENVIRONMENT, AND ENERGY, DEPARTMENT OF THE AIR FORCE

Ms. MILLER. Chairman Garamendi, Ranking Member Lamborn, and distinguished members of the subcommittee, it is an honor to represent airmen and senior Air Force leaders today.

My full written statement has been submitted for the record. Thank you for the opportunity to discuss this topic vital to military readiness and national military strategy, the withdrawal extension and expansion of the Nevada Test and Training Range, or NTTR.

The Air Force understands that we are temporary stewards of the NTTR and take seriously that responsibility with which we are entrusted. It is through that lens that we look forward to discussing proposals to meet our expanding requirements while preserving this land for future generations.

The Air Force is currently working to withdraw two ranges, the NTTR and the Barry M. Goldwater Range just mentioned, or BMGR, in Arizona. We plan to use some of the best practices from the BMGR as the basis for the upcoming NTTR renewal.

The NTTR is the crown jewel in Air Force test and training. It is the best location in the world to train our warfighters. Only at the NTTR can we integrate all aspects of air warfare in a manner similar to what our airmen will see in real combat. This is due to two factors: the sheer size and remoteness of the NTTR and the huge \$8 billion range infrastructure. We maximize this NTTR investment with between 16- and 24-hour-a-day operations. The NTTR cannot be replicated elsewhere.

The NTTR is over capacity. Without an expansion, the NTTR will fail to meet military training requirements. This extension can increase its capacity by up to 30 percent.

Five years ago, we began the process of developing a legislative environmental impact statement, or LEIS, for the NTTR withdrawal renewal. We used that process to balance mission requirements with minimal impacts to the public, environment, and the taxpayer.

The U.S. Fish and Wildlife Service, Bureau of Land Management, Department of Energy, Nevada Department of Wildlife, and the Nevada Association of Counties were all formal cooperating agencies in this effort, as were 17 local Tribes through the Consolidated Group of Tribes and Organizations.

The Air Force has worked extensively with these and other stakeholders over several years to develop a proposal with almost no impact to the land or species. Our proposal would restrict public access to some areas but only areas where public access is already severely limited.

The NTTR currently has an 842,000-acre overlap with the Desert National Wildlife Refuge, or the DNWR. We propose to expand this overlap by an additional 284,000 acres to provide public protection for the increased size of the new weapons safety footprints.

It is important to note that we are not proposing to expand any of the current bombing areas. The primary use of this expansion is for this public safety buffer. It would leave the land virtually untouched and pristine.

To increase the capacity and realism required for the high-end fight and modern military mission, the Air Force is proposing to allow low-impact ground access in the overlapping portions of the DNWR.

However, in total, we plan to disturb less than 35 acres of that potential expansion. This minor disturbance would be limited to emplacing up to 15 equipment pads, maintaining the existing roads, and using a dry lake bed for aircraft to drop off small special forces teams for use in the area.

Under the current Fish and Wildlife Service restrictions, the military cannot conduct this critical mission training in the DNWR.

The Air Force has extensive environmental and cultural resource programs for the NTTR. We will not only continue but expand these programs. The Fish and Wildlife Service does not currently spend money to manage the DNWR overlapping area. Instead, the Air Force manages these lands in accordance with the Sikes Act and through integrated natural and cultural resources management plans. The Air Force spends, on average, over \$3.5 million annually on the environmental and cultural management activities in this area.

The proposed withdrawal has been a collaborative, multiyear, public process, weighing multiple equities to propose the best, holistic way to manage emerging military requirements and other Federal, State, private, and public interests.

The Air Force modified our proposals based on requests that we received throughout the LEIS process. We reduced the proposed expansions to support identified recreational activities. We will continue to enable the bighorn sheep hunts and local Tribal access for cultural purposes. Finally, the Air Force will support a public access program through the cooperative development of an access management plan with significant public input.

Thank you for inviting me to appear today and for your continued support of our airmen. I look forward to your questions.

[The prepared statement of Ms. Miller can be found in the Appendix on page 44.]

Mr. GARAMENDI. Thank you very much, Ms. Miller.

I note the arrival of Mr. Amodei. Thank you.

We had an extensive meeting with both the Navy and the Air Force with regard to their proposals. Going forward, I believe it entirely possible that we can accommodate the multiple needs of both the military as well as surrounding community and other interest groups.

It is going to take additional discussions and specificity as to exactly what the military needs to do and where they need to do it, as well as disturbances or activities that occur in the key parts of the ranges that would make it difficult or impossible for the military to carry out its task in either of these two, Fallon and the Nevada Test and Training Range.

The final point I want to make is that there are solutions to these questions. And we intend to hear from the members of the committee about concerns that they may have, specifically about these two that are on the table today, Fallon and the Nevada Test and Training Range. There are other facilities that members may be interested in, and when they have a chance to talk, they should take that.

Mr. Lamborn, I will turn it over to you.

Mr. LAMBORN. Thank you.

Ms. Miller, thanks for being here.

Thank you all for being here and what you do for our country.

In your written testimony, you highlighted that the Nevada test range could not accommodate some program requests due to physical capacity constraints. Could you elaborate on that, please?

Ms. MILLER. Yes, sir. So, right now, even with operating many days up to 24 hours a day, the Nevada Test and Training Range does have limitations. We are turning away right now 16 percent of the programs requested to be flown on the NTTR that we just cannot accommodate with capacity.

Each of those programs can involve hundreds of flights, so you are talking about hundreds of sorties, and 16 percent of those we have not been able to accommodate.

We believe with the expansion of the southern range for the NTTR we could increase capacity by up to 30 percent, moving some of those missions that we can now only perform in the northwest end of the range down to be able to perform those in the south.

Mr. LAMBORN. Thank you very much.

And, Mr. Mellon, in a similar vein, it seems counterintuitive at Fallon that we are using precision-guided munitions and wanting to expand that use but that that requires a larger complex, although more targeted munitions. Could you explain what is going on there?

Mr. MELLON. Yes, sir. While they are much more accurate and higher technology compared with many of our what we would consider gravity bombs, the difference really has to do with the delivery mode.

Due to the size constraints on the Fallon ranges today, a typical strike mission for an air-to-ground integrated attack would occur at altitudes of about 10,000 to 12,000 feet, and they would be dropping ordnance from about 2 to 4 miles from the target.

That is not at all representative of the current operational environment, nor is it representative of the altitude and distances we

would actually employ for weapons that we use today. Those altitudes change to closer to 30,000 feet. The speed you deliver goes from about 300 knots to about 600 knots. And the distance from target goes from that 2 to 4 miles I was discussing to 10 to 12 miles.

So, while the weapon itself is fundamentally more accurate, the issue becomes that safety area surrounding that should there be a mechanical failure of the weapon or the weapons guidance system itself. It is really from a safety perspective, should there be something that happens with the weapon or something that happens in the procedure, to provide that additional buffer.

The other point I will make is, our new weapons systems, in particular the F-35, bring with it a different and higher power targeting device in their EOTS [Electro-Optical Targeting System] and laser system, and, with that, there is a larger safety zone associated with what is called stray laser energy. So, in order to protect the public from that laser targeting system, those areas have to be larger as well.

So that is fundamentally the reason behind—

Mr. LAMBORN. Okay. Thank you very much.

And my last question is for Mr. Gillis from the Army perspective. You did mention in your, I believe, written testimony the National Environmental Policy Act, NEPA. And one thing that it did is it let the Army identify public opposition to acquisition land down at Piñon Canyon Maneuver Site, which people at Fort Carson, which is in my district, go to train at, although that is in another congressional district.

There is an issue now at Piñon Canyon having to do with a natural gas pipeline that goes right through the middle of it, and that restricts the ability to use live-fire exercises unless you want a potential huge natural gas explosion.

So, if live-fire were added to the Piñon Canyon repertoire, would that help readiness? And what is the Army doing to look at solving the problem of the pipeline so that that readiness could be enhanced?

Mr. GILLIS. So, short answer, yes, sir, that would help, and that would broaden the training that we can do at Piñon Canyon.

To be fair, though, the pipeline was there when we acquired the property, so we can't be too indignant about it.

What we would like to do, though, is work with the community and work with the pipeline owners to get to a solution that would potentially help us move the pipeline. I think there are two ways to look at it.

There was an accident out there, not related to Army training, where natural gas had to be routed around part of the pipeline that goes through the training area. And, as far as I know, that didn't disrupt supply, so I think that there is a way to work it.

And then there may be a way to work whatever recapitalization is required to address the issues that caused the accident with the pipeline. We would like to be able to work with the community to leverage that to see if there is a way to reroute the pipeline when the capital improvements are made.

Mr. LAMBORN. Okay. Thank you very much.

Mr. Chairman, I yield back.

Mr. GARAMENDI. Thank you, Mr. Lamborn.

Ms. Torres Small, you are next.

Ms. TORRES SMALL. Thank you, Mr. Chair.

And thank—

Mr. GARAMENDI. Excuse me for a moment. We are going to go to the 5-minute clock, and so—thank you.

Ms. TORRES SMALL. Thank you, Mr. Chair.

Just a few quick questions.

One, for the Fallon Range, I noted that there is the private transactions. If you are purchasing private land, would that acquired land then be taken into the PILT [Payments in Lieu of Taxes Program] and SRS [Secure Rural Schools and Community Self-Determination Act] formulas for reimbursement to compensate for local taxes impacted?

Mr. MELLON. I think we are working through that process. It is certainly under consideration, from a Navy perspective. We continue to work through the details of that with the county governments on how we are going to approach that.

Many of the lands we are talking about purchasing are actually State-owned. They are not necessarily private landownership. But that is certainly something we are willing to work with.

Ms. TORRES SMALL. And is there any Tribal land that would be impacted, whether it is in fee or trust or allotment?

Mr. MELLON. There is no direct impact on Tribal lands. I think the big issue with most of the Tribal leadership has been cultural resource and resource access.

Ms. TORRES SMALL. That is great. That is my next question. I was pleased to hear Ms. Miller speaking when it comes to the NTTR, the consultation that has happened there. Can you just briefly describe the consultation process that you have had?

Mr. MELLON. Yeah. We have been in ongoing consultation for the last 2 or 3 years with local Tribal governments. I think part of the challenge has been the consistency of that engagement. And I don't mean consistency in terms of frequency, but it is more consistency of representation and level of representation. It wasn't apparent to me until mid last year that there was an expectation of more senior leadership engagement with the Department of the Navy as part of that consultation process.

Ms. TORRES SMALL. I think that is one of the challenges with government-to-government consultation, is expecting the highest levels for negotiation.

Mr. MELLON. Yeah. And we had a bit of that—actually, we just had a meeting out there 2 weeks ago, and part of the discussion we had is, from a Department of the Navy perspective, our most senior local representation is that base commander. So, from a Department perspective, when our base commander goes, he is senior Navy leadership. I am not certain that is always recognized the same way.

And we have had good discussions about that, and we fundamentally changed that level of engagement. I have been actively engaged since September/October of last year and participated in four or five separate meetings with Tribal leadership.

Ms. TORRES SMALL. I deeply appreciate that, and I hope that that continues.

Relatedly, I know that you are looking at acquiring new land. White Sands Missile Range, which is in the district that I represent, they have a different formula of call-up areas. So, where they are planning to use that land, they have an existing contract with the private landowner so that it will change, kind of, access. Is that a model that you have looked into?

Mr. MELLON. It is not a model we have looked into. Most of the lands we are talking about acquiring are associated with a range called B20, which is the northwestern corner of the property. And if you look at that, that is actually a checkerboard, when you look at a checkerboard. So, the, quote/unquote, "private lands" or non-governmental lands are actually intermixed amongst a checkerboard of federally controlled properties.

So, I think those kinds of things would be difficult, but I don't know that they are impossible. It hasn't been proposed as an alternative from anybody from Nevada at least, to my knowledge, none of the meetings I have been in. We haven't had any opposition to our proposal to go forward with the acquisition of those properties.

Ms. TORRES SMALL. Well, I mention it specifically in relation to the challenges with Tribal consultation. If it is about cultural access, if there is—instead, it is notifying when that land will be in use, as opposed to acquiring all of that land.

Mr. MELLON. Oh, I am sorry. I misunderstood your question.

We are actually proposing a full access management approach for all cultural resources on the ranges. I think the question becomes, how do you manage that? What is that level of access? And we are actively engaged and want to continue to be engaged with the Tribes to develop that plan.

Ms. TORRES SMALL. Great.

And just because I have 40 seconds left, Ms. Miller, same question for you. Have you considered the call-up model as an alternative to your preferred alternative?

Ms. MILLER. So, we have been very open with our current cultural management plan, working extensively with the Tribes, and have met with them. In fact, our Appendix K that we submitted with the legislative environmental impact statement was written by the Tribes.

Ms. TORRES SMALL. Yes. And I apologize; specifically about the call-up model. And perhaps for you it would be more relevant in terms of the wildlife range.

Ms. MILLER. Right. So, there is no private property involved here, but here it is all Federal land right now. So, we would continue to allow access for the cultural resources and are happy to continue to work with the Tribes to the maximum extent that we can.

Ms. TORRES SMALL. Thank you.

I yield the remainder of my time.

Mr. GARAMENDI. Thank you.

Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

Before I yield my time, Mr. Gillis, I understand you are from Georgia?

Mr. GILLIS. Yes, sir.

Mr. SCOTT. Did a little time at Fort Stewart? Third ID [Infantry Division], I assume?

Mr. GILLIS. Hooah.

Mr. SCOTT. And we just want to say hello and thank you for your service. And when you get done at Washington, I hope you will move back. Certainly we had hoped that you would select Fort Benning instead of some lesser base in Kentucky this past week.

But, with that, Mr. Chairman, I will yield the remainder of my time to Mr. Amodei.

Mr. GARAMENDI. I would prefer not to do that. The rules of the committee being what they are, we are going to take committee members first.

Mr. SCOTT. Okay. Well, then I will ask my questions.

Mr. GARAMENDI. So, go for your questions.

Mr. SCOTT. But since we were talking about his State, I thought I would yield to him.

So, the range expansions support full operational test and evaluation of future munitions——

Mr. GARAMENDI. Excuse me, Mr. Scott

Mr. SCOTT. Sir.

Mr. GARAMENDI. The keeper of the rules just tapped me on your shoulder and said, "Mr. Chairman, you are wrong."

Mr. SCOTT. I knew you were wrong, but I didn't want to argue with the chair.

Mr. Amodei, that means you have 3 minutes and 40 seconds.

Mr. GARAMENDI. We will restore the time. You have 4 minutes.

Mr. AMODEI. Thank you, Mr. Chairman, for letting anybody, regardless of pedigree, sit in on the committee meeting today; Mr. Ranking Member. I know the decision is provisional, so I will attempt to behave as the committee is used to from its regular members.

Ms. Miller, how are things going with the Fish and Wildlife and all the folks on the sheep?

Ms. MILLER. Particular to the bighorn sheep, there will be no impact as a result of this proposal. So, we have worked very effectively with them on this LEIS with the bighorn sheep.

Mr. AMODEI. Okay. Let me rephrase that then. Is anybody from Fish and Wildlife or any wildlife groups going to show up when Chairman Garamendi opens the hearings up, and are they going to show up and say, "We love what the Air Force did," and everything is going to be fine?

Ms. MILLER. Sir, I would say probably not.

Mr. AMODEI. Okay.

Ms. MILLER. We have worked extensively with Fish and Wildlife. We were able to share our draft legislative environmental impact statement with them and incorporated all, 100 percent, of their requests up through the Department of the Interior to the current version that is with the Office of Management and Budget.

We are also open to—and they had recommended a number of things, even up to including, to the extent that we don't live up to our obligations laid out with the access management plan, that we would lose access to the withdrawal. And we will continue to work with them.

Mr. AMODEI. Okay. Great.

Ms. MILLER. Yes, sir.

Mr. AMODEI. Has the Air Force evaluated or do they have any position with whether or not amendments to the Southern Nevada Public Lands Management Act are okay once your bill gets to Congress, in terms of trying to deal holistically with Clark County? Is that something you folks have thought about at all or care about?

Ms. MILLER. Yes, sir. So, the challenge is that the legislation passed in Nevada, we were not able to consult in advance of that. We will continue to work with Nevada locally and Fish and Wildlife nationally and locally to try to come up with a consensus-type language for the withdrawal, sir.

Mr. AMODEI. Okay. Great. Thank you.

Mr. Mellon, first of all, thank you for what the Navy has done in terms of being responsive. And I am not picking on the Air Force; it is just that, since you are kind of in the middle of my district, your folks have been very responsive. That is not something that we take for granted, and I want to thank you for that. And I know that there are a lot of moving parts in that, but being absent from the discussion or being hard to get a hold of is not one of them. So, thank you and to your staff for that.

Moving on to maybe some of the stuff that my colleague from New Mexico alluded to, to the extent that impact areas are going to increase, even though the munitions are much more precision, is it in your plan right now that, before you start—and these are my words, nobody else's—bombing new areas, that those are going to be cleared for all cultural resource purposes?

Mr. MELLON. Yes, sir, Congressman. As a matter fact, all of the proposed target sites for the new range expansion have all had 100 percent pedestrian surveys done on them. So, any of the proposed new target sites, we have already done those pedestrian surveys. And we are positioned to go further based on further consultation with the Tribes as we work through both those target sites and additional surveys beyond that.

We are in the process of kicking off a study with them which is going to drive us towards additional studies that will need to be done before those ranges go operational.

Mr. AMODEI. Okay. Thank you.

And I will yield back what little time I have left.

Mr. GARAMENDI. No, you actually have another minute.

Mr. AMODEI. Oh, okay. Then I won't yield it back. Thank you, Mr. Chairman.

Mr. Mellon, the Fallon Paiute-Shoshone folks have got some concerns about stuff within the existing boundaries of the base, in terms of historical practices. Any thoughts on how to remediate that, make that pot right, address those concerns?

Mr. MELLON. Yeah. So, we are moving forward with a couple of different things.

First of all, we are in the process of hiring a full-time Tribal liaison on the staff for NAS [Naval Air Station] Fallon. Today, we have a community liaison, so it is beyond just Tribal liaison, and then it is the skipper of the base. We want a full-time individual whose pure focus is working those relationships with the local Tribes to ensure we are doing the things in their best interests.

Secondly, for access to cultural resources, we want to work with them on a cultural resource management plan and strategy as well as an access program. And we actually want to hire Tribal representation as part of that access program to essentially facilitate that access, help us manage those schedules when the ranges aren't in use.

Mr. AMODEI. Same kind of answer for the folks in the Walker River Paiute Tribe?

Mr. MELLON. Yes, sir.

Mr. AMODEI. There are some preexisting issues, as well, going forward. So, I am not going to think that they are taken care of, but that is ongoing between now and as we go through the process further?

Mr. MELLON. Yes, sir. I actually met with Walker River about 2 weeks ago. We have put an idea on the table for them. We have some more work to do with DOI [Department of the Interior] and some other entities, but I think we actually have a little bit of a path forward to help resolve some of those old off-range ordnance issues with Walker River.

Mr. AMODEI. Okay. Great.

Now I would like you to——

Mr. GARAMENDI. No. At this time——

Mr. AMODEI. I would like to yield back, Mr. Chairman.

Mr. GARAMENDI. Thank you. Appreciate that, as does Mr. Bishop.

Mr. Bishop, you are next.

Mr. BISHOP. Thank you, sir.

Mr. Mellon, let me ask you a couple questions.

Goldwater Range. I understand that you are not talking about expanding the footprint of that, just using the same area, same mission, same everything else. If that were—and that is up in 2024, right?

Mr. MELLON. That is correct.

Mr. BISHOP. So if that were to be extended in some way, just for the existing range, existing conditions, everything else, if this bill were to—if the NDAA [National Defense Authorization Act] were to extend that, how much would that save the Air Force or how much would that save the Navy?

Mr. MELLON. I will defer the cost estimate for the LEIS to the Air Force, and the Air Force has actually done the full budget for the LEIS.

From a Department of the Navy perspective, we believe our current resource management, our cultural management approach, the custodial care we have done for those ranges has put us in a good position.

I think the one thing we lose as part of that is that good community engagement as part of the process. I don't know that that should necessarily drive us to an LEIS, but I am not certain that that lack of community engagement as part of the extension shouldn't be accommodated.

Mr. BISHOP. Ms. Miller, what would the cost be?

Ms. MILLER. Sir, the cost for the NTTR LEIS is \$13 million. That did include an expansion consideration, so you can anticipate that it would be less than that for——

Mr. BISHOP. Do you have one for Goldwater if you are not talking about expansions, just renewal?

Ms. MILLER. It would be much smaller, sir, but I don't have the number. I will have to get back to you with that.

Mr. BISHOP. Okay. Well, I would guess half. In years past, you know, it was about a \$7 million cost for over several years if you were just doing a simple renewal. So, it sounds like you are back in the same ballpark on Fallon or Nellis.

Could you explain, if your proposal were to go through, how would the desert habitat management be changed if Congress were to support your position?

Ms. MILLER. Sir, so we have a map that shows the hashed area. I don't know if you have that in front of you. It is somewhat of a helpful reference because it shows that there is already a significant area between our range and the DNWR. Our proposal is that, if there were an extension, it would be into that same DNWR area.

What we would like is to have some of the restrictions removed that currently don't allow us to do anything outside of the small box impact areas and the smaller areas on the withdrawn land. So, our proposal would be to enable certain things, such as a landing on a small dry lake bed, special-ops-type, and land overwatch navigation, irregular-warfare-type operations outside the current boxed area.

Mr. BISHOP. So, using Amodei's words, like, you are not going to really bomb other areas. If you take on that habitat responsibility, that is an additional task for the military to deal with. Why would you want to expand to do that? I mean, what are you really after here?

Ms. MILLER. Yes, sir. So, it is less the management of the land that is of interest to the Air Force and more the operations that we can perform on the land.

Mr. BISHOP. So, you are talking about the need for a buffer?

Ms. MILLER. Sir, there are two things. So, to the east, the area that is hashed in pink on the map, is an area that is a weapons safety footprint. That allows us to do more realistic training, so that really is more of a buffer.

The area in the current DNWR that we would like to—irrespective of the management of that, but to provide it to be able to perform additional operations in, would be to be able to go out there at all.

Right now, other than recreation and species management, the Fish and Wildlife does not permit the Air Force to go out into that area for any military operations, because it is treated as though it is wilderness area. That is the way that Fish and Wildlife currently treat it. It has been designated as wilderness study area since 1974.

So, they are treating it as though it is wilderness area. We cannot perform any military operations in that area. And under no circumstances are we recommending it as an additional impact area.

Mr. BISHOP. So the reason, if I am hearing this correctly, based on other stuff that we have, the reason that ranges, not just the ones you are talking about, but, you know, real ranges, like UTTR [Utah Test and Training Range], the reason those ranges need ad-

ditional space is primarily because of the fifth-generation equipment that we now have.

Ms. MILLER. Yeah.

Mr. BISHOP. You are not going to bomb more area, but you just need more space to get the work done.

Ms. MILLER. Absolutely.

Right now, we can't train like we fight. We are unable to put emitters out in the area to the east of the range. What that means is that, right now, after our pilots fight through the enemy, the red team, they would typically then have the enemy IADS [integrated air defense system] there that would be emitters. And so, what we would like to do is put these footprints down, these up to 15 dirt footprints, where we could do these mobile emitters to put them out there to simulate the enemy.

Right now, additionally, without the weapons safety footprint, our pilots have to say, "I would release now," they continue flying at a different elevation, different range, and then they are able to release their weapons. It is not realistic combat training.

Mr. BISHOP. Thank you.

Thank you, sir.

Mr. GARAMENDI. Thank you, Mr. Bishop.

Ms. Stefanik.

Ms. STEFANIK. Thank you.

Mr. Gillis, I wanted to touch on a few issues related to Fort Drum.

First, I wanted to highlight the recent victory we had locally with the continuation of the ReEnergy contract with Fort Drum. As you know, Fort Drum is the only Army installation that is 100 percent renewable energy. It is energy secure; it is energy independent.

And for our viewers and the members in the audience today, this is a biomass facility, and it creates many, many local jobs. So, having that certainty, I think, is really important for the base.

That is a comment. My question related to Fort Drum is, as a part of the integrated natural resources management plan, Fort Drum is actually the largest Fish and Wildlife Management Act cooperative hunting area in the entire State. So, as the ranges and capabilities of weapons increase, what is the impact of that on the cooperative hunting areas like the one we have on Fort Drum?

Mr. GILLIS. Thanks for the question.

So, it really varies by installation. And what we have seen, really across the board, is that we have been able to maintain that partnership and that access to the land for hunting. And it is not just the community that takes advantage of it, but soldiers and their families do as well. So, it is important for us to maintain that capability, and we seek to do that wherever we can.

Ms. STEFANIK. Absolutely. You know, we have many avid sportsmen in my district, and that is really, really important. And Fort Drum really is the model when it comes to the community support for the base. It is something that we take very seriously and we are very proud of.

And, with that, I yield back.

Mr. GARAMENDI. Thank you.

Having completed all of the members, Mr. Amodei, if you would like to ask another question, it is 5 minutes.

Mr. AMODEI. Thank you, Mr. Chairman.

Mr. BISHOP. Wait, Mr. Chairman. Does that mean we have to listen to him?

Mr. GARAMENDI. No, you don't. You could leave.

Mr. BISHOP. Oh, okay. Thank you.

Mr. AMODEI. Thank you, Mr. Chairman.

And I would note the presence of the dean of the West and just what a privilege it is to be sitting on the dais below the dean of the West, for the record.

Mr. Mellon, I appreciate the fact that you guys have to get the bill out of the Pentagon first before it comes up here. And I think you guys know what I am talking about in terms of some concerns, whether it is folks whose agricultural impacts are going to be ones that perhaps your lawyers—and no offense to your lawyers. And I realize that the young lady from the Air Force is a former JAG [Judge Advocate General's Corps] officer too, so no offense intended.

But it is like, in terms of doing the right thing by folks who are going to be displaced, even if there is not statutory authority, as long as those—theoretically, as long as trying to make the pot right for some of those folks doesn't involve operational objectives for the Navy in this expansion, I mean, is that something that I would assume would be looked at with an open mind, if we are not talking about operations?

Mr. MELLON. Sir, it absolutely is something we are looking at with an open mind. So, everything from mining claims and how we adjudicate or mine out certain claims—we have worked with Bell Mountain on a proposal they had on how we can change the survey, actually, for a particular area of B17 to accommodate their mining. We have a proposal from them. It is an evaluation. We believe we can make it work.

Similarly for grazing permits and the impact of loss of grazing permits for some of those cattle ranchers. We have developed a valuation process, we believe, that looks at it more holistically. And we have a methodology that we believe is going to be fair and reasonable that we have made available to the public.

Mr. AMODEI. Okay. Thank you.

How are things going with Churchill County?

Mr. MELLON. We continue to make progress with Churchill County. They still have a handful of sticking points. We just got the State's consolidated position back. That came in late Monday or early yesterday. Our team is still working through that.

I have a meeting set up with Churchill County representation when they are in town at the end of March—or, I am sorry, the end of February, early March. So, I am going to sit down and meet with them. We are going over to their spaces here, and we are going to talk about where their proposal is. My team will have our review done.

We have a couple of sticking points, I think, that are going to be hard. Probably the hardest one is going to be access to Pole Line Road and continued access for that. I think the rest of them we can come to resolution on in one way, shape, or form. I don't know that either side is going to get 100 percent of what they want.

Mr. AMODEI. Okay.

Since we are talking around 600,000 acres, and a lot of that is the way you folks fight these days, in terms of not looking down and hitting the—and pickling the ordnance off the airframe and stuff like that, do you have an idea of—because a lot of things, whether they are Native American, whether they are the State's concerns, Churchill County concerns—like, okay, so you need 600,000 additional acres to train in the way you fight. And I know that you don't need them because you are going to need that once every 3 weeks or something like that.

But do you feel like, in terms of providing access in those times for those things that are very important to those State and local governments, is access—how would you describe your present plan as far as access for other folks who have traditionally had access to the land for municipal or other sorts of needs, Tribal?

Mr. MELLON. Yeah. So, one thing I want to—so the additional withdrawal or acquisition of the 600,000 acres, almost half of that is related to Dixie Valley and the expansion of the Dixie Valley range. The Department of the Navy is proposing no change in the access to those withdrawals associated with Dixie Valley. And, in fact, those would continue to be managed by BLM [Bureau of Land Management] in the process.

The only thing the Department is looking for associated with Dixie Valley is the management of lighting and associated lighting resources for any future development, as well as an ability to monitor and control the electromagnetic environment in that region.

So, as an example, if a developer were to come in and say they wanted to put 5G in the area—

Mr. AMODEI. I don't—

Mr. MELLON. Sorry.

Mr. AMODEI [continuing]. Mean to cut you off—

Mr. MELLON. Yes, sir.

Mr. AMODEI [continuing]. But I am about to get cut off, so all I am going to say is this: Be careful what you ask for. Because what you are asking for has sage hen habitat on it, needs fuels reduction for fires if you are going to be a good neighbor, and the ever-present wild horse.

So, I will be looking forward to seeing what the plans are for your stewardship in those areas, among others.

Thank you.

And thank you, Mr. Chairman.

Mr. GARAMENDI. Thank you, Mr. Amodei, for joining us.

Ms. Haaland.

Ms. HAALAND. Thank you, Chairman.

And good afternoon, and thank you all so much for being here today.

Assistant Secretary Mellon, I want to start off with a few questions to make sure I follow the process here. In a few weeks, the Navy plans to submit a request to Congress for legislative action on a land withdrawal at the Fallon Range Training Complex. Is that correct?

Mr. MELLON. Yes, ma'am, it is.

Ms. HAALAND. And that request is pursuant to the end of a 20-year withdrawal last authorized by Congress in the 1999 NDAA. Is that correct?

Mr. MELLON. That is correct. Ma'am, I want to clarify. OMB [Office of Management and Budget] will actually submit that legislative proposal.

Ms. HAALAND. Okay. Thank you for that.

It is also my understanding that the Navy plans to request in that package that an additional 660,000 acres be withdrawn in order to meet readiness needs. Is that correct?

Mr. MELLON. About 600,000 acres would be withdrawn; about 60,000 acres would be purchased.

Ms. HAALAND. Okay. Thank you for that clarification as well.

And has the military done cultural resource surveys for all of the additional acreage included in that withdrawal?

Mr. MELLON. We have not done 100 percent pedestrian surveys for all of those resources.

Ms. HAALAND. So, you haven't done 100 percent. What have you done? Twenty percent? Thirty percent?

Mr. MELLON. We have done 100 percent pedestrian surveys for the proposed new target areas, and we will continue to expand those based on additional studies and focus areas as we continue to work with Tribes in the details of those cultural resource management plans.

Ms. HAALAND. Okay. So, I have a couple questions on that.

Can you share whether any Tribe—the Tribe, any Tribe—was consulted and whether their use of the land or their cultural resources were considered before the Navy began crafting this proposal or only after the proposal was developed? In other words, can you please provide me with a basic timeline? And just note that I only have 3 minutes left.

Mr. MELLON. Yes, ma'am. I think what I would rather do is, rather than try and recall from memory the specific engagements for all of the Tribal engagements, if I can take that for the record, I would be happy to get those details back to you.

Ms. HAALAND. Yes. Please do that.

[The information referred to can be found in the Appendix on page 57.]

Ms. HAALAND. And while you are doing that, I would like a list of any Tribes that have offered written support of the Fallon expansion. Do you know of any right now?

Mr. MELLON. I was just going to say, I think that is a fairly short list because I do not believe there are any local Tribes that are supportive of the expansion.

Ms. HAALAND. Do you understand why?

Mr. MELLON. I do, ma'am.

Ms. HAALAND. Tell me just in a few words.

Mr. MELLON. The predominant reason associated with their objection to the expansion is driven by two things: One is access to cultural resources, and the second one is potential damage or loss of those resources as a result of future training engagements.

Ms. HAALAND. Right.

And so, it is just concerning to me that the Navy could craft their end-product proposal, having it essentially ready to come up here, and then call a few conversations with Tribal leaders "consultation." That is not consultation. It is not just a box you can check.

These are sacred homelands and resources for Native Americans, who have been on this land long before this was ever a country. You understand that we are on Indian land right now, and every single inch of this country was Indian land long before it was ever the United States of America.

They have lived on the land since time immemorial. Their ancestors are buried there. And I hope you understand that as well, that when you have people buried, it becomes hallowed ground. And the idea that this land that is hallowed ground could be used for this type of training, it is really sacrilegious, in a way, to the people whose lives you will affect. So, I want to just be sure that you understand that.

And as chair of the Subcommittee on National Parks, Forests, and Public Lands, I have heard numerous complaints that the military comes to the table with a finished product, then asks for input. And it is not just the military; it is a lot of, you know, departments and agencies in the Federal Government. It is almost like Tribes are an afterthought, when they should be a forethought. They should be the first people that anyone thinks of before they decide to do something with the land.

So, I recognize there are security concerns here, but to the extent practicable, consultation and community engagement has to come first, especially when sacred lands are involved. And I know this may not seem relevant, but there is an assault on sacred sites right now in our country. And I really, as the daughter of a 30-year career Marine, I would like to think that our military has the respect and the ability to be respectful in this way.

So, I will look forward to the reports that you will bring to this committee.

And I thank you all for being here.

Mr. GARAMENDI. Thank you, Ms. Haaland.

We are going to a second round. We expect votes soon, at which time we will, shortly after the call of votes, adjourn. In the meantime—Mr. Lamborn?

Mr. LAMBORN. [Inaudible.]

Mr. GARAMENDI. We are going to move to Ms. Torres Small. I think you have another round of questions.

Ms. TORRES SMALL. Yes, thank you. I only have one additional question, Mr. Chair.

The same question for you, Ms. Miller: Do you have a written list of any Tribes that have offered written support of the NTTR plan?

Ms. MILLER. So, while I don't believe that I have a written list of plans, ma'am, what we have is, as mentioned before, we included the Tribal perspectives in its entirety—

Ms. TORRES SMALL. And just, are there any Tribes that have offered written support for your—

Ms. MILLER. If I can take that one for the record. I don't know the answer to that, ma'am.

[The information referred to can be found in the Appendix on page 57.]

Ms. TORRES SMALL. Okay. And, again, when we talk about meaningful consultation, having a list of who has approved of the plan would be exceptionally helpful in a congressional hearing.

Thank you, Ms. Miller.

I yield the remainder of my time.

Mr. GARAMENDI. Mr. Lamborn, you had a comment or question?

Mr. LAMBORN. Yeah. I am going to ask Mr. Mellon, there was a very heartfelt statement that was just made by Ms. Haaland, and her time expired, so I just wanted to see, if you had any kind of response that you wanted to share into the record, I wanted to give you that opportunity.

Mr. MELLON. Thank you, sir.

My only—it is not a comment. My only perspective on that is, I do know and understand—maybe not understand fully, but I certainly do appreciate your comments.

I don't claim to have those kind of deep roots, and I certainly don't claim to have that kind of lineage. But I can tell you, the Department of the Navy is committed to doing the absolute best we can to manage and protect those cultural resources to the maximum extent that is our ability. I can't account for accidents, nor can I account for mishaps that occur as a result.

Having said that, I am also challenged with coming up with potential solutions that meet the Navy needs in order to ensure the readiness of our aviators, sailors, and Marines as they prepare for combat. And finding that balance between the military need and the local and Tribal aspects of it is something we strive and continue to work towards, and I am committed to absolutely continuing to do that.

Mr. LAMBORN. And as a followup, could you talk about the Native American officer who is helping with the planning?

Mr. MELLON. Yes, sir, I will.

So, I talked earlier—there were some questions. Department of the Navy initiated the process to hire a full-time Tribal liaison on staff at NAS Fallon.

In conjunction with that, we are developing a plan and a strategy to work with local Tribal leaders to actually bring them in to help us develop the details and updates to our cultural management plan as a part of the expansion. Not just bring them in as part of that, but to actually hire them on to help us manage access and be part of that management access program associated with those cultural and natural resources.

Mr. LAMBORN. Okay. Thank you.

And, Mr. Chairman, I yield back.

Mr. GARAMENDI. Thank you. We have completed this round of questions.

Ms. Haaland, further questions?

Ms. HAALAND. No, Chairman, I don't have any further questions.

Mr. GARAMENDI. Very good.

Mr. Amodei?

Mr. AMODEI. No, thank you.

Mr. GARAMENDI. Bishop?

Then we have completed our question period here. I want to wrap this up with a couple of my own comments, and that is, for these two ranges, this is a step in the process for the final determination of what the legislation will be, what restrictions, if any, there will be on it, what land will actually be withdrawn, and how the military will move forward with the concerns of the communities, of all kinds, around these ranges, including both the envi-

ronmental, the Native American communities, and counties and States.

So, we will be conducting continued discussions specifically with regard to both ranges in Nevada. And in those days ahead, weeks ahead, if concerns are brought to the attention of members of the committee, please bring them to Mr. Lamborn and myself. The two of us will be engaged in those discussions. We welcome the involvement of the full committee and others, Representatives from the States involved.

Oh. You can whisper in ear; I won't hear. You can poke me and point.

Ms. Haaland, you have a question.

Ms. HAALAND. Thank you, Chairman. I will absolutely remember that.

I wanted to just—I mean, I am looking at this map, and thank you for the map, but it doesn't have any, you know, sacred—there is no boundary here for where the sacred sites are. And I think that would be relevant to this discussion.

So perhaps you can get with the Tribes to look at a map and overlay, you know, the sacred sites that they have in the area so that we can see where they are on this map, and that would help us tremendously.

And, also, Chairman, you may have said this in a way that I just wasn't understanding, but I feel that we need to actually hear from the Tribes here, or have their report in the record, or something of that nature.

And I yield.

Mr. GARAMENDI. We would certainly welcome direct input from all interested parties—Tribes, other communities, as well as natural resource organizations. And, certainly, Ms. Haaland, you and other members of the committee are more than welcome and encouraged to continue to participate.

I would expect that we will complete this process in the next 3 months, probably work this into the NDAA if we can do so. That will be our goal.

We look forward to continued input, and we will certainly continue the negotiations. I would be happy to hear from Members and try to represent their interests, but Members can present their own interests as we go through this process.

The witnesses, Ms. Miller and—thank you so very much—Mr. Gillis. And the Army got off easy on this one. We will continue to go through these processes.

With that, I believe we will be going to votes, and this committee is adjourned. Thank you.

[Whereupon, at 3:33 p.m., the subcommittee was adjourned.]

A P P E N D I X

FEBRUARY 12, 2020

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

FEBRUARY 12, 2020

**Statement of the Honorable John Garamendi
Chairman, Readiness Subcommittee**

**“Land Based Ranges: Building Military Readiness While Protecting Natural
and Cultural Resources”**

February 12, 2020

Good afternoon.

Ladies and gentlemen, I call to order this hearing of the Readiness Subcommittee of the House Armed Services Committee.

Our land-based training ranges are the foundation of the military services training and testing capability. They are the place where new weapons, tactics, and techniques are tested. They are also the place where our service members get vital training prior to deploying overseas. We are told that even with the advances in simulator and virtual training technology, there is no replacement for live-fire training evolutions and the associated feedback from range instructors prior to deploying to a combat area.

While the importance of these ranges is paramount, as with every military installation, the services must ensure that the ranges are good neighbors in their communities. Many may ask if readiness and the stewardship of natural and cultural resources are inherently incompatible. The answer is an unequivocal “no.” Effective communication, relationships, and use of tools such as Integrated Natural Resource Management Plans, on-installation Cultural Resource Managers, and early consultation with tribes and other stakeholders will ensure that these ranges meet readiness requirements and remain viable into the next generation.

This is especially true for the proposed expansions of two of our nation’s premier air to ground training and testing facilities. The Fallon Range Training Complex and the Nevada Test and Training Range propose significant expansions that have considerable implications for surrounding communities including first nations. Due to the size and nature of the expansion, stakeholders ranging from the Governor to tribal governments to environmental groups and outdoor recreation enthusiasts have expressed reservations about the proposal. The services must engage in effective and continual communication with all stakeholders to address their concerns. Today’s witnesses oversee the processes and personnel that attempt to balance these equities to ensure that the service maximize readiness while still addressing the concerns of non-military stakeholders. I look forward to hearing their testimony on their efforts.

With that, I would like to turn to our Ranking Member, Congressman Doug Lamborn of Colorado, for any remarks he may have.

Ranking Member Lamborn Statement
“Land Based Ranges: Building Military Readiness While Protecting Natural
and Cultural Resources”
February 12, 2020

Thank you, Chairman Garamendi. As our military capabilities have evolved, the adequacy of our testing and training ranges has struggled to keep pace. Our major aviation ranges, for example, were built for platforms that delivered gravity bombs from around 10,000 feet. The precision guided munitions our combat aircraft carry today are delivered at three times that altitude from over 30 miles away. The limitations of these ranges require the services to impose administrative restrictions that prevent realistic training on many missions sets. Not only is training value diminished—in some cases our pilots learn bad habits from these work arounds that could be deadly to them in combat.

With that in mind, the Air Force and the Navy are requesting to extend the land withdrawals for the Nevada Testing and Training Range and the Fallon Range Training Complex, which is also in Nevada. They are also asking Congress to expand the footprints of these withdrawals so that they can safely train with precision guided weapons, employ modern platforms like the F35, and provide much needed additional capacity.

Both the Fallon and Nevada Test range withdrawals and the requested expansions will require the concurrence of the Natural Resources Committee, on which some other members of this Subcommittee and I also serve. We will talk about a host of important issues related to these two land withdrawals today, such as protecting the environment, Tribal consultation, and energy development. Many of these are valid concerns that we should do our absolute best to address. But make no mistake, this is first and foremost about military readiness. It is vital to our national security. I look forward to hearing from our witnesses regarding their efforts to work with the relevant community, environmental, and Tribal stakeholders.

Physical and frequency spectrum encroachment on military training and test ranges also present significant challenges. Our committee routinely hears concerns from communities bordering military installations. The military trains a great deal at night and they are frequently loud. In the case of Fallon, mining and energy development concerns and the ability to hunt game are also factors. The use of land buffers by the services is a win-win. It protects training resources while also preserving natural habitats and providing space so that the military can be good neighbors. These are all reasons to get these land withdrawals right the first time.

In his written testimony, Mr. Gillis stated that “Land is among the important resources to accomplish Army Training.” I could not agree more with that statement. It is also critical to the Air Force and the Navy. Whether they are training for the near peer threats identified in the National Defense Strategy or for counterterrorism, our land forces require large maneuver areas and quality ranges.

The Army does not have any major withdrawals in front of us today, but they also benefit from similar arrangements in places like the National Training Center and White Sand Missile Range.

Thank you to each of our witnesses today for your testimony on this important topic. Mr. Chairman, I yield back.

30

RECORD VERSION

STATEMENT BY

**MR. JORDAN GILLIS
PRINCIPAL DEPUTY ASSISTANT SECRETARY OF THE ARMY FOR
INSTALLATIONS, ENERGY, AND ENVIRONMENT, DEPARTMENT OF THE ARMY**

BEFORE THE

**SUBCOMMITTEE ON READINESS
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES**

SECOND SESSION, 116TH CONGRESS

**ON LAND BASED RANGES:
BUILDING MILITARY READINESS WHILE PROTECTING NATURAL AND
CULTURAL RESOURCES**

FEBRUARY 12, 2020

**NOT FOR PUBLICATION UNTIL RELEASED BY THE
COMMITTEE ON ARMED SERVICES**

Chairman Garamendi, Ranking Member Lamborn, and Members of the Subcommittee: I would like to thank you for this opportunity to discuss the Army's Range Readiness program and status with you.

Land is among the most important resources to accomplish Army training. It serves as the foundation needed to provide Commanders and units the maneuver space and weapons range complexes needed to execute individual, crew, collective, and unit training requirements that support combined arms training strategies for unit operational training and programs of instruction at Army institutional locations.

The Army ensures readiness of training lands and range infrastructure through its Sustainable Range Program (SRP). The SRP consists of four key components that collectively ensures range readiness. The Range Operations component ensures efficient operations and use of Army ranges through effective management and maintenance. The Range Development and Modernization programs ensure that range designs, modifications, new construction, and land acquisitions meet current and evolving doctrine and training strategies while adapting to technological improvements of weapon systems. Finally, the Integrated Training Area Management (ITAM) program, ensures that the Army's existing training land assets continue to support Commanders' training needs through land repair, reconditioning, and reconfiguration.

The key drivers of Army training land requirements are Department of Defense guidance, evolving Joint and Army doctrine, training strategies, and modernization. Those factors drove the Army to invest heavily in training range readiness starting in the early 2000s. Since 2004, the Army invested approximately \$3.5 billion in military construction projects that have modernized, improved and acquired Army ranges and training lands. In that period of time, the Army successfully acquired approximately 275,000 acres of new training land through a planning process that assesses requirements against available land contiguous to our installations.

An example of a successful land acquisition in support of training range needs is Fort Polk, Louisiana. The Army conducted extensive review and analysis of potential alternatives and concluded that a land acquisition would best meet the training requirements of Fort Polk's Joint Readiness Training Center (JRTC), one of the Army's Combat Training Centers which are our premiere unit training venues. Fort Polk

leadership's active involvement and strategic communication focus with land owners adjacent to Fort Polk were key to the successful acquisition of training lands. The result was a high level of public support and support from all levels of government for the acquisition of approximately 43,000 acres. This allowed the Army to build out the training space needed for JRTC to develop high-stress training scenarios, allowing the free-thinking opposing forces to exploit maneuver and create a realistic operating environment that delivers a crucible training experience for rotational Brigade Combat Teams.

Not all Army land acquisition efforts have been as successful as the one at Fort Polk. Generally, the National Environmental Policy Act (NEPA) prescribes the key process the Army relies on to measure public support for all aspects of range modernization. The process not only satisfies legal requirements, but also helps us to maintain a trusted relationship with state and local communities and avoid potential encroachment issues. It was the NEPA process in 2013 that led the Army to identify significant public opposition to the acquisition of land adjacent to Piñon Canyon Maneuver Site, Colorado which led us to abandon the effort in order to maintain a positive relationship with local, state, and tribal communities near Fort Carson, Colorado.

Most Army installations were established decades ago at remote locations, intentionally selected to minimize impacts to the local community while also balancing national security considerations. Today, military installations share a special bond with their neighboring communities. Soldiers and their families live in cities like Hinesville, Georgia; Fayetteville, North Carolina; and Fairbanks, Alaska. They contribute to the local economy, attend the local schools, and are valuable members of the community. However, the growth of these communities has resulted in an increase of encroachment issues. Range encroachment challenges associated with light, noise, and environmental regulation emerge as these communities grow. The Army mitigates its encroachment challenges through the Army Compatibility Use Buffer program which identifies and provides a land buffer adjacent to Army lands, and with partner participation, the Army protects these areas from development, thus reducing encroachment and preserving the natural habitat. The Defense Department's

Readiness and Environment Protection Integration (REPI) Program also helps to maintain installation resilience and reduce encroachment pressures by avoiding land-use conflicts outside the fence line.

Every Army installation is required to prepare an Integrated Natural Resources Management Plan (INRMP) and Integrated Cultural Resources Management Plan (ICRMP), in accordance with the Sikes Act and other laws associated with protecting cultural resources. INRMPs and ICRMPs are publicly available resources that demonstrate the Army's commitment to management strategies that sustain Army readiness while being stewards of natural and cultural heritage.

As we move toward the future, the Army is committed to developing new technologies and revising doctrine and training strategies to take advantage of technological advances. The Army has established cross functional teams to develop and field the latest technological innovations. Simply put, weapons shoot farther, are more accurate, and formations are capable of covering larger areas while conducting operations in very complicated, multi-domain environments. Some of these capabilities, like the Mobile Protected Firepower and the Next Generation Squad Weapon, provide Soldiers the ability to engage targets at a greater range with more precision. As these capabilities are delivered to the force, the Army training community will assess and adapt the range capabilities needed to employ new and modernized weapon systems within the confines of our installations. In addition, the Army will continue to conduct extensive review and analysis of potential alternatives to mitigate land acquisition requirements through use of constructive and virtual technologies. However, to be truly combat ready, the Army must continue to have the capability to employ these advanced systems in live training environments that allows the Army to train its combat formations to the fullest extent possible.

Jordan Gillis
Principal Deputy Assistant Secretary of the Army (Installations, Energy and Environment)
Washington, DC

Mr. Jordan Gillis was appointed Principal Deputy Assistant Secretary of the Army for Installations, Energy and Environment and became the Acting Assistant Secretary of the Army for Installations, Energy and Environment on 16 October 2017. On 10 January 2019, Mr. Gillis resumed his duties as the Principal Deputy Assistant Secretary of the Army.

He is the primary advisor to the Assistant Secretary of the Army for Installations, Energy and Environment and provides strategic guidance, supervision, and oversight of policies, plans, and programs under the IE&E purview. This includes Resource Management, Business Transformation, Planning, Programming, Budgeting, and Strategic Planning of IE&E's annual program. Mr. Gillis is the Army Secretariat lead for the Installation Management Reform initiative.

CAREER CHRONOLOGY:

Jan 2019 – Present: Principal Deputy Assistant Secretary of the Army, Installations, Energy and Environment, Washington, DC

Jan 2019 – Jan 2019 Senior Official Performing the Duties of the Assistant Secretary of the Army, Installations, Energy and Environment, Washington, DC

Oct 2017 – Jan 2019: Acting Assistant Secretary of the Army, Installations, Energy and Environment, Washington, DC

Jan 2007 – Oct 2018 – Director in the Energy Practice, ScottMadden, Atlanta, GA

COLLEGE:

MBA, Emory University, Atlanta, GA, 2004

BA, Duke University, Durham, NC, 1996

AWARDS AND HONORS:

Bronze Star Medal, 2006

Purple Heart Medal, 2006

PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS:

Association of the United States Army

American Nuclear Society

NOT FOR PUBLICATION UNTIL RELEASED BY
THE HOUSE ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON READINESS

STATEMENT OF

MR. TODD C. MELLON

PRINCIPAL DEPUTY

ASSISTANT SECRETARY OF THE NAVY FOR ENERGY,
INSTALLATIONS AND ENVIRONMENT

*“Land Based Ranges; Building Military Readiness While Maintaining
Natural and Cultural Resources”*

FEBRUARY 12, 2020

BEFORE THE HOUSE ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON READINESS

NOT FOR PUBLICATION UNTIL RELEASED BY
THE HOUSE ARMED SERVICES COMMITTEE
SUBCOMMITTEE ON READINESS

Chairman Garamendi, Ranking Member Lamborn, distinguished members of the Readiness Subcommittee, thank you for the opportunity to testify on the Department of the Navy's land based ranges. The use of land-based ranges is essential for us to meet critical priorities outlined in the National Defense Strategy, which, among other things, requires us to prepare for peer and near-peer competitors. Congress has placed public lands in our custody for this purpose. To ensure we can train on these lands frequently and repeatedly we protect and manage the natural and cultural resources entrusted to us. We believe that military readiness and good stewardship go hand-in-hand and the Department has an excellent track record of balancing these priorities.

The Department of the Navy conducts training activities on lands and designated airspace across the country with the cooperation of many partners, tribes, and private landowners. In particular, we value our collaboration with the Departments of Interior and Agriculture to allow us to fly over millions of acres they maintain for public or commercial use. In recent years, we have experienced a high level of partnership to balance national security needs with the goals of our country to manage our national resources. When we must protect public safety, the Department has custody of approximately five million acres, which includes about three million acres of land withdrawn from the public domain for military purposes. Most of these lands were set aside for military use as part of the World War II and Korean War build up; their size and configuration reflect the state of technology at that time. The 1990s and 2000s saw a generational change in technology yielding vastly more capable weapon systems. Our ranges, though, did not change to accommodate these more capable weapons systems, and they are quickly outpacing the boundaries of our existing ranges. A result is that, in some cases, the

Department is not able to fully employ the capabilities of many platforms due to limitations presented by ranges fit to match outdated systems.

The importance of our ordnance ranges for naval gunfire, aviation and combined arms cannot be overstated. Training in a real-world environment is essential in ensuring our warfighters are fully prepared to survive in combat. While virtual and constructed training is an important element in building warfighting skills, virtual and constructed training cannot replicate all the skills that must be learned prior to an actual enemy engagement; some of these skills can only be obtained through hands on realistic training.

We recognize that frequent, repeated use of live-fire ranges can affect the environment and those ranges provide important habitat for wildlife, including endangered species, and contain important cultural resources. We consult and partner with the U.S. Fish and Wildlife Service and with State natural resources agencies to prepare and implement robust integrated natural resources management plans. These partnerships have been very effective and beneficial to improving wildlife populations and habitat. For example, with the assistance of all Federal, State and local stakeholders, we are part of the coalition that rescued the endangered Sonoran pronghorn from near extinction on the Barry M. Goldwater Range in Arizona. When we started recovery activities, the population of this species was estimated to be under 20; today, it is over 200. In recognition of our contributions, the Arizona Game and Fish Commission conferred its Award of Excellence to the Marine Corps for stewardship of the natural resources on the Goldwater Range. We have other notable success stories across the nation, including our recovery efforts for the red cockaded woodpecker, desert tortoise, flat-tailed horned lizard and the loggerhead shrike.

With regard to cultural resources, we develop integrated cultural resources management plans in partnership with State Historic Preservation Officers. The Department currently manages over 15,000 archaeological sites and over 20,000 historic structures. We also partner with conservation organizations and States, under the Department of Defense Readiness and Environmental Protection Integration Program (or REPI), to jointly purchase easements over undeveloped land near ranges to prevent encroachment onto military activities. Since 2005, the Department has acquired easements on over 200 thousand acres, including approximately seven thousand acres of easements near Naval Air Station Fallon, and approximately 56 thousand acres of easements around the 37 thousand-acre Townsend Bombing Range in Georgia. I would like to take a moment to thank the Chairman, Mr. Garamendi, and the Ranking Member, Mr. Lamborn, as well as all the members of the committee for your support in the expansion of the Townsend Bombing Range. This range is used by multiple military services and is the premier air-to-ground range for advanced weaponry. With your support, we were able to simultaneously increase the range's training capabilities as well as preserve over 55,000 acres as compatible forests and working lands.

The Department of the Navy is currently working on several withdrawal actions. We are working on a land withdrawal extension for the El Centro Training Range Complex in California with no change in area or purpose. We are also working with the Air Force to extend the land withdrawal for the Barry M. Goldwater Range in Arizona, again with no change in area or purpose. With regard to our land withdrawal proposal for the Fallon Range Training Complex, we are proposing an expansion of the complex and a change in purpose to include tactical ground mobility training for Sea Air Land (SEAL) teams.

The Fallon Range Training Complex (FRTC) is currently operating with significant gaps in air and ground training capability. The size and configuration of existing land and air training space, originally created in 1953, and last updated in 1986, is inadequate, inhibits tactical employment of weapons systems, and prevents aircrews and special operations forces from training in a threat realistic environment.

The Fallon range complex consists of four ordnance ranges and one electronic warfare range, and is currently about 230 thousand acres in size. We are proposing to increase its size to approximately 899 thousand acres. When the range was last modernized in 1986, we were using “gravity” bombs. This type of ordnance has limited or no guidance systems and is essentially unchanged from the Vietnam War era. Gravity bombs are typically dropped one to two miles from the target at an altitude of 12,000 feet and at an airspeed of 300 knots. The introduction of Precision Guided Munitions to the fleet in the early 2000’s fundamentally changed how aviation ordnance is delivered because they have controllable flight surfaces and guidance systems, such as laser and global positioning systems. These controllable flight surfaces and guidance systems allow us to launch ordnance 10 to 12 miles from the target at an altitude of 30,000 feet and at an airspeed of 600 knots. Though counterintuitive, Precision Guided Munitions require greater safety zones than gravity bombs. Hence, the modern range must be significantly larger than before in order to accommodate a larger weapons safety zone. If the flight surface or guidance system of a Precision Guidance Munition fails, then it essentially acts as a “gravity” bomb dropped from a very long-distance. The risk of a Precision Guided Munition failing is extremely low; however, the outcome of such failure can be catastrophic. Because of our unwavering commitment to range safety, we currently launch Precision Guided Munitions under constraints that require us to essentially treat them like gravity bombs. As a result, naval aircrews are only

able to train to 50 percent of required capabilities for laser-guided bombs, 40 percent for joint direct attack munitions, and 40 percent for Hellfire Missiles. Accordingly, we must have sufficient range area to accommodate the rare instance when a Precision Guidance Munition fails so that naval aircrews can train to the full capability of the Precision Guidance Munitions they will employ during real world combat. Our proposal for the Fallon complex includes the land necessary to safely accommodate the use of Precision Guided Munitions to allow Navy aviators to train as they would fight.

Although the expansion would increase our training capabilities, it is only about half of the acreage that would be required to optimize training with these weapons systems. We configured the land withdrawal to accommodate 180 degrees of attack; this allows for weapons launch either with or into the prevailing wind, multiple attack angles, and allows us to develop different training scenarios for aircrews. Ideally, we would have a range complex capable of supporting 360 degrees of attack. We recognize, though, that under current circumstances, such expansion would have unacceptable regional, economic and environmental impacts that would be unacceptable to a broad range of stakeholders.

Though much of our proposal is focused on naval aviation, a key component of our proposal was developed to satisfy live-fire requirements for SEALs during tactical ground mobility training. Currently, SEALs can only meet 17 percent of their required training capabilities for use of 7.62 mm weapons for 360-degree live-fire, and 0 percent for use of 50-cal weapons for 180 degree live-fire during tactical mobility training. Our proposal would provide 100 percent of the capability necessary for SEAL tactical mobility training using all their weapons.

We recognize that our proposal will have significant impacts on the local and regional economy and to the environment; we are working with stakeholders to reduce these impacts so that we can achieve a win-win solution. In support of our potential legislative proposal to modernize the Fallon Range Training Complex and in compliance with the National Environmental Policy Act, the Navy developed an environmental impact statement. During this process, we held over 300 meetings in the last three years with Federal, State, Counties, Tribes and other stakeholders. As a result of these meetings, we modified our proposal to reduce the land withdrawal acreage to lessen the economic and environmental impacts as much as possible while still meeting critical mission needs. For instance, our proposal includes the creation of a Military Spectrum Management Area adjacent to one of our bombing ranges and to the electronic warfare range. This land would remain open to economic use, including all forms of mining, and would be managed by the Bureau of Land Management. However, prior to issuance of a permit for any use, including mining, the Bureau of Land Management would consult with the Navy to develop a means by which the permit could be issued while preserving the training environment.

In addition, we are partnering with the State of Nevada to accommodate bighorn sheep hunting, fire management and restoration activities, and to conduct sage grouse noise impact studies. We are working closely with affected tribes to ensure they have access to important cultural sites within the expanded range footprint. We are also partnering with the tribes, State Historic Preservation Officer and the Advisory Council on Historic Preservation to memorialize a range expansion and modernization process that ensures compliance with the National Historic Preservation Act.

In closing, the Department has a proven track record of environmental stewardship and, working with our partners, we are confident that we can modernize the Fallon range complex in a manner that protects natural and cultural resources. We recognize the economic and environmental impacts our proposal has on our northern Nevada neighbors. We have and will continue to work with all stakeholders to achieve the win-win that all deserve. We believe this is possible and look forward to continuing our partnership with our host community.

Todd C. Mellon
Performing the Duties of Principal Deputy Assistant Secretary of the Navy (Energy, Installations and Environment)

Mr. Todd C. Mellon, SES-3, is currently Performing the Duties of Principal Deputy Assistant Secretary of the Navy (Energy, Installations and Environment) in addition to his duties as Director for Sustainment within the Office of the Assistant Secretary of Navy (Research, Development and Acquisition).

Prior to joining the Secretariat, he was the Executive Director for the F-35 Lightning II Joint Program Office, where he was responsible for acquiring and delivering the Department of Defense's fifth-generation strike aircraft as well as the F-35 Global Sustainment Strategy for three US Services, eight Partner Countries and four Foreign Military Sales customers.

Mr. Mellon graduated from Embry-Riddle Aeronautical University with a bachelor's degree in Aeronautical Engineering in 1986. After graduating from the Logistics Intern Development Program in 1991, Mr. Mellon was promoted to assistant program manager for Logistics for the F/A-18E/F in 1997 and directed the acquisition planning and execution of the logistics support system and successfully developed and implemented the Naval Aviation's first platform level performance-based logistics support contract with industry. In recognition of this significant and unprecedented accomplishment, Mr. Mellon was awarded the Navy's Admiral Stan Arthur Civilian Logistician of the Year Award.

In December 2001, Mr. Mellon was selected as the Division Director for Logistics Information Systems. Mr. Mellon was appointed to the Senior Executive Service as the Director of the Design Interface and Maintenance Planning Department on July 24, 2005. In that capacity, Mr. Mellon led a national organization of over 1400 people and was responsible for ensuring supportability of newly developed weapon systems as well as for the establishment and sustainment of integrated logistics support for fleet operations and maintenance throughout the life cycle of Naval Systems. He was awarded the Presidential Rank Award in 2010 and is the recipient of the Navy Meritorious Civilian Service Award and the Defense Meritorious Civilian Service Award.

**DEPARTMENT OF THE AIR FORCE
PRESENTATION TO THE SUBCOMMITTEE ON READINESS
COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES**

**SUBJECT: LAND BASED RANGES - BUILDING READINESS WHILE
PROTECTING NATURAL AND CULTURAL RESOURCES**

**STATEMENT OF: MS. JENNIFER MILLER
PRINCIPAL DEPUTY
OFFICE OF THE ASSISTANT
SECRETARY OF THE AIR FORCE FOR
INSTALLATIONS, ENVIRONMENT AND ENERGY**

FEBRUARY 12, 2020

**NOT FOR PUBLICATION UNTIL RELEASED
BY THE COMMITTEE ON ARMED SERVICES
UNITED STATES HOUSE OF REPRESENTATIVES**

Introduction:

The Air Force's operational capabilities are advancing at a rate that challenges the geographic boundaries of our ranges. These geographic constraints compromise the Air Force's ability to conduct effective test and evaluation and our ability to conduct realistic and relevant live training. One important aspect driving the need for larger training range boundaries is the increasing size of weapon safety footprints. The Air Force calculates those safety footprints, where public safety mandates restricted access, based on the type of weapons employed, combined with the speed, height, and location of the aircraft are used to by the Air Force to calculate the area that must be controlled for public safety reasons. Paradoxically, as precision guided munitions become more accurate and reliable, the safety footprints become larger in part due to design, but also due to greater aircraft employment distances. For ground safety reasons, the Air Force must control, for the duration of a mission, access by non-mission related personnel and the public to areas where debris or components could land if the weapon employment went catastrophically wrong. We are experiencing challenges across our portfolio, even on the Air Force's most capable range, the Nevada Test and Training Range (NTTR).

Overview:

The NTTR, the preeminent range location for testing and evaluation of weapons systems, tactics development, and advanced training, has reached its limits. In Fiscal Year 19, the NTTR could not accommodate 16 percent of mission requests due to physical capacity constraints. To maximize use, the range is scheduled every day from 7:00 a.m. to 11:00 p.m., but demand often drives 24 hour operations. The NTTR optimizes efficiency, executing 93% of scheduled missions. However, this efficiency comes at a price to personnel and equipment. In FY19 alone, we required more than 24,000 hours of overtime to meet the mission demands. Additionally, current restrictions on military movement throughout the range, and the inability to place equipment in optimal locations, are causing the range to become inadequate. These limitations will result in the NTTR failing to adequately meet future training requirements. Specifically, under the current configuration, the NTTR will not be able to accommodate the increasing requirements associated with fielding the F-35 and other 5th and 6th generation weapons systems.

Way Ahead:

The Air Force is considering solutions to address these deficiencies through the ongoing land withdrawal renewal legislation. The Air Force is assessing the following two primary changes: 1) allowing enhanced flexibility for military operations and emulation of enemy threats on the Desert National Wildlife Range (DNWR); and 2)

expanding the range to accommodate the larger safety footprints and increased throughput capacity.

First, the Air Force is proposing to allow low-impact ground party access to the current overlapping and co-managed portion of the DNWR. This proposal would also allow the placement of equipment pads along existing roads in the DNWR. The U.S. Fish and Wildlife Service currently forbids both of these military activity enhancements within the co-managed portion of DNWR. Second, the Air Force is proposing to expand the boundary of the range by up to 300,000 acres. It is important to note that the Air Force is not proposing to expand any of the current bombing areas. In total, the Air Force plans to disturb no more than 35 acres of the 300,000 acre potential expansion. This minor amount of disturbance would be limited to the placement of up to 15 equipment pads, maintenance of existing roads, and the allowance of assault aircraft landings on a dry lakebed to drop off small Special Forces teams for over-land navigation training. The primary use of the expansion would be to create a public weapons safety footprint buffer and would leave the lands untouched and pristine.

Over the past four years, the Air Force examined the potential impact of these actions through the cooperative development of a Legislative Environmental Impact Statement with the U.S. Fish and Wildlife Service (USFWS), the Bureau of Land Management, the Department of Energy, the Nevada Association of Counties, and the Nevada Department of Wildlife. With the completion of this analysis, the Air Force is confident it can accomplish both of the proposed changes with no significant environmental impact to these important conservation lands. As an example, the Air Force proposes to mark boundaries of the proposed expansion using terrain and signage, not through fencing or other additional physical barriers. This will eliminate the potential impacts to species migration patterns caused by construction and maintenance activities.

The land provided to the Air Force is vital to our national security mission and the land is a national treasure that must be protected and preserved. The Air Force sees this protection as an inherent component of our national security mission. Air Force installations document and manage our process for protecting these resources through Integrated Natural Resources Management Plans (INRMPs), and Integrated Cultural Resources Management Plans (ICRMP). The Air Force develops these plans in concert with the public, tribal governments, and other Federal and state agencies to address stakeholder equities.

The INRMP, required by the Sikes Act, documents conservation goals and objectives for natural resources management. It specifically addresses the areas of fish and wildlife protection, habitat management, threatened and endangered species management, wetland protection, and public access to the installation for outdoor recreation activities such as hunting and fishing. Successful implementation of an INRMP ensures no net loss of mission capability while addressing all these issues. The Sikes Act requires that the Air Force develop INRMPs in cooperation with the USFWS and the head of the state fish and wildlife agency. The plans integrate state and

Federal conservation requirements with broader installation planning, funding priorities, and mission requirements. INRMPs, therefore, represent a tripartite agreement on integrated installation land management goals and objectives to sustain mission requirements and protect sensitive natural resources. As a result of the NTTR INRMP implementation, the Air Force spends on average over three and a half million dollars a year directly on Air Force environmental management activities on the range.

The ICRMP describes the significance of archaeological and cultural resources present on the range, and outlines the state and tribal consultation requirements and procedures to manage them appropriately. The Air Force has identified and continues to manage over 4,000 archaeological sites on the NTTR. The security on the bombing range protects these sites protecting them from vandalism and pilferage as public access is strictly prohibited. The Air Force formally consults with sixteen federally-recognized tribes and one state-recognized tribe on all range activities that may impact tribal resources through the Nellis AFB Heritage program. This program arranges for regular tribal member access and the ability to monitor archaeological site conditions. The affiliated tribes at the NTTR also meet semi-annually in Government-to-Government meetings with the commander to discuss ongoing and proposed projects, get the status of natural resources studies, and share any concerns or ask questions. The tribal program at the NTTR is now in its 23rd year and is a model for other Air Force locations and other DoD agencies.

Conclusion:

The NTTR is a unique national asset that, due to its land area, airspace volume, infrastructure, and remoteness enables military test and training activities that cannot be completed in other national training areas or replicated anywhere else in the world. The enhancements proposed by the Air Force through the ongoing land renewal are required to maintain the relevance of the range, meet the existing and future requirements, and build on the billions of dollars already invested in the range. The Air Force proposals are a result of years of detailed analysis with close stakeholder cooperation. They address the Air Force needs while not adversely impacting the treasure that is the Desert National Wildlife Range. This includes continuing to allow access for hunting activities. Without these enhancements, the Air Force will not be able to meet its training requirements which will have a direct negative impact to military readiness. The Air Force looks forward to working with the committee, staff, and all other concerned parties to ensure any final solution correctly balances the competing needs while protecting the national resource.

Jennifer L. Miller

Jennifer L. Miller, a member of the Senior Executive Service, is the Deputy Assistant Secretary of the Air Force for Installations, Headquarters Air Force, Pentagon, Washington, D.C. Ms. Miller is responsible for the management, policy and oversight of Air Force installation programs. These include base realignments and closures, installations planning and strategy, strategic basing, the Air Force Environmental Impact Analysis Process, compatible and joint land use, encroachment management, public/private partnerships, the Readiness and Environmental Protection Integration program, housing privatization, utilities privatization and real property transactions.

Prior to assuming her current position, Ms. Miller served as the Deputy General Counsel, Installation, Energy and Environment Division, Office of the Air Force General Counsel, Washington, D.C. She was responsible for providing legal advice to the Secretary of the Air Force, Assistant Secretaries, General Counsel and offices of the Secretariat and Air Staff. Ms. Miller led the largest division in the General Counsel's office responsible for real estate, housing privatization, enhanced use leasing, base realignment and closure, basing, land use, military construction, energy, environmental planning, regulatory compliance, cleanup, restoration and environmental safety and occupational health.

Prior to becoming a member of the Senior Executive Service, Ms. Miller spent several years supporting the Air Force's real property and housing privatization programs. Before that, she was a real estate attorney at a Seattle law firm. She is also an Army Reserve Judge Advocate and spent 2013 through 2014 deployed with a special operations joint task force in Afghanistan.

EDUCATION

1997 Bachelor of Arts degree in politics, philosophy and economics, honors in major, magna cum laude, phi beta kappa, Claremont McKenna College, Claremont, Calif.

2001 Juris Doctor degree, cum laude, Seattle University, Wash.

2001 Master in Business Administration degree, Seattle University, Wash.

CAREER CHRONOLOGY

1.1997, legal intern, Smith & Zuccarini, P.S., Bellevue, Wash.

2.1998 - 1999, legal intern, Kent City Attorney's Office, Kent, Wash.

3.1999 - 2000, tax associate, Arthur Anderson, Seattle

4.2000 - 2001, legal intern, Foster Pepper, PLLC, Seattle

5.2001 - 2005, Associate, Foster Pepper, PLLC, Seattle

6.2005 - 2007, Senior Counsel, SAF/GCN - Air Force Housing Privatization (AFCEE/HP)

7.2007 - 2008, Senior Counsel, SAF/GCN - Air Force Real Property Agency

8.2008 - 2009, Chief Counsel, SAF/GCN-AFRPA

9.2009 - 2011, Chief Counsel, SAF/GCN-San Antonio (AFCEE/HP and AFRPA)

10.2011 -2015, Deputy General Counsel, Installations, Energy and Environment

11.2015 - present, Deputy Assistant Secretary of the Air Force for Installations

AWARDS AND HONORS

Meritorious Civilian Service Award

Bronze Star

Meritorious Service Medal

Army Commendation Medal

Army Achievement Medal

PROFESSIONAL MEMBERSHIPS

District of Columbia Bar

(Current as of May 2017)

DOCUMENTS SUBMITTED FOR THE RECORD

FEBRUARY 12, 2020

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

ROB BISHOP OF UTAH
RANKING REPUBLICAN

PARISH BRADEN
REPUBLICAN STAFF DIRECTOR

February 12, 2020

The Honorable Adam Smith
Chair
House Armed Services Committee
2216 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Garamendi
Chair
Subcommittee on Readiness
House Armed Services Committee
2216 Rayburn House Office Building
Washington, D.C. 20515

Dear Chair Smith and Subcommittee Chair Garamendi,

Thank you for your leadership on the House Armed Services Committee (HASC). Your work on important issues during the Fiscal Year (FY) 2020 National Defense Authorization Act (NDAA) process, from increasing tribal consultation to pushing our armed services to seriously consider and act on climate change, was appreciated, as was your Committee's willingness to work with the House Natural Resources Committee on matters of overlapping jurisdiction. I look forward to continuing our productive work together during the FY 2021 NDAA cycle.

In that spirit, and in light of the HASC Subcommittee on Readiness' hearing on Land Based Ranges, I wanted to reach out to share some compelling concerns I have heard from communities impacted by some aspects of the upcoming FY 2021 NDAA proposal.¹

Congress must consider appropriate extensions and potential expansions of military bases on federal lands in the FY 2021 NDAA. This is a typical process, by which Congress evaluates the appropriateness of the withdrawal of federal land, often under the jurisdiction of the Bureau of Land Management (BLM), to be used for military purposes. These withdrawals are typically for 15 to 25 years, after which the military needs to provide information to Congress before requesting an extension, diminishment, or expansion of their withdrawal. Because these withdrawals occur on federal land, they are typically referred to the House Natural Resources Committee.

It is anticipated that this year's NDAA will include withdrawal extension requests for two military installations in Nevada: the Fallon Range Training Complex (FRTC), managed by the U.S. Navy, and the Nellis Air Force Base's Nevada Test and Training Range (NTTR), managed by the U.S. Air Force (USAF). Pursuant to outreach from the Department of Defense (DOD), I anticipate that

¹ Land Based Ranges: Building Military Readiness While Protecting Natural and Cultural Resources: *Hearing before the Subcommittee on Readiness, House, 116th Cong.* (2020). Retrieved from <https://armedservices.house.gov/hearings>

the legislative proposals to withdraw land for both bases will include requests for significant expansions, more than 660,000 acres at FRTC and approximately 260,000 acres at NTTR.

While I recognize and appreciate the DOD's training and readiness interest in these sites, both withdrawals would have significant impacts on the withdrawn land, and thus require careful consideration and stakeholder engagement. To that end, our Committee has heard concerns from tribal leaders, Nevada state officials, and other stakeholders that the careful process needed to build consensus around these expansions has not been consistently followed.

Regarding the FRTC expansion, we have received outreach from the Fallon Paiute Shoshone Tribe noting failures of consultation and consideration for cultural resources at the site. The tribe noted access concerns to sacred sites already within the footprint of the base and noted that the Navy has not performed a meaningful cultural resource review of the land in the proposed expansion. The tribe knows there are cultural and burial sites within the footprint of the expansion and is concerned about assenting to any expanded withdrawal before these sites are identified for protection. Furthermore, the tribe feels that, until recently, their concerns have not been taken seriously by the Navy.

Regarding the NTTR expansion, we have received outreach from tribal leaders, state legislators, and the environmental community opposing the proposed expansion. USAF's expansion proposal is anticipated to include a request to take a significant portion of the Desert National Wildlife Refuge—the largest refuge in the contiguous United States, of which USAF already controls nearly half the footprint. We have heard similar concerns at this site regarding access for tribal communities, in addition to concerns from land managers and the public regarding access and potential impacts on wildlife. We have also heard concerns that USAF has not been willing to meaningfully address stakeholder concerns during the development of this proposal. There is concern that any expansion would lead to further exclusion for land managers and the public.

The Nevada State Legislature has nearly unanimously supported resolutions opposing the expansion of either base on behalf of numerous stakeholders within the State, and numerous County governing bodies have followed suit.^{2,3}

As Chair of the Natural Resources Committee, I am committed to protecting the too-often-ignored interests of Native American communities, and to upholding protections for our public lands, wildlife and natural resources. I am concerned that without continued efforts on the part of the military to meaningfully consult with and listen to the voices of those impacted by these proposals, these expansions will engender significant opposition if they were to be included in the FY 2021 NDAA.

Given your leadership on these issues, and our Committee's overlapping jurisdiction in these matters, I hope that we can work together to find solutions that meet the military's readiness needs

² Nevada Legislature. (2019). Assembly Joint Resolution, A.J.R. 2, 80th Session. Retrieved from <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6260/Text>

³ Nevada Legislature. (2019). Assembly Joint Resolution, A.J.R. 7, 80th Session. Retrieved from <https://www.leg.state.nv.us/App/NELIS/REL/80th2019/Bill/6901/Text>

while taking into account the equally important interests of the communities impacted by these proposals.

Sincerely,

A handwritten signature in dark ink, appearing to read "Raúl M. Grijalva". The signature is fluid and cursive, with the first name "Raúl" being the most prominent part.

Raúl M. Grijalva

Chair

Committee on Natural Resources

**WITNESS RESPONSES TO QUESTIONS ASKED DURING
THE HEARING**

FEBRUARY 12, 2020

RESPONSE TO QUESTION SUBMITTED BY MS. TORRES SMALL

Ms. MILLER. The Air Force does not have a list of tribes in support or opposition. Instead, in accordance with Nellis AFB's Integrated Cultural Resources Management Plan, we worked extensively over a number of years with the Consolidated Group of Tribes and Organizations (CGTO) on the development of our proposal. The CTGO consists of the seventeen local tribes listed below and produced the "Native American Perspective" appendix in the published Legislative Environmental Impact Statement (LEIS). While we spoke with many individual tribal leaders through the process, because their positions were reflected in the CGTO submission, we will not attempt to speak for or paraphrase their informed and nuanced position on the land withdrawal. We invite Members to read the Tribes' own words in their Appendix concerning each alternative presented in the LEIS. This Appendix and the rest of the LEIS can be downloaded at www.nttrleis.com/final/documents.aspx. The Air Force provided funding and support so the Tribes could document their concerns and recommendations associated with each of the proposed solutions. Consolidated Group of Tribes and Organizations Las Vegas Paiute Tribe, NV Moapa Band of Paiutes, NV Pahrump Paiute Tribe, NV Kaibab Paiute Tribe, AZ Paiute Indian Tribe of Utah, UT Chemehuevi Indian Tribe, CA Colorado River Indian Tribes, AZ Duckwater Shoshone Tribe, NV Ely Shoshone Tribe, NV Yomba Shoshone Tribe, NV Timbisha Shoshone Tribe, CA Benton Paiute Tribe, CA Bishop Paiute Tribe, CA Big Pine Paiute Tribe, CA Lone Pine Paiute and Shoshone Tribe, CA Fort Independence Indian Reservation, CA Fort Mojave Indian Tribe, AZ [See page 20.]

RESPONSE TO QUESTION SUBMITTED BY MS. HAALAND

Mr. MELLON. The Navy identified early on that the 17 tribes and 1 Inter-Tribal Council would play an integral part in the development of the Fallon Range Modernization Environmental Impact Statement (EIS). To that end, the Navy initiated Government-to-Government (G2G) consultation in the EIS Notice of Intent (NOI) letter that went out to the tribes and other interested stakeholders on August 25 & 26, 2016. Publication of the NOI initiated a scoping process to help the Navy identify issues and proposal alternatives to evaluate in the EIS.

Additionally, in April 2017, the Navy formally invited the tribes to also participate in the NEPA process as Tribal Participants, with the same standing as Cooperating Agency Stakeholders. Throughout the NEPA process we have had quarterly meetings with our Cooperating Agency Stakeholders and tribal participants, have offered them additional reviews of the EIS document as it was developed, and have repeatedly offered to brief them and/or their Agency/Tribal Council on the project.

Additionally, as cultural resources survey reports came in they were sent out to tribes likely to have information regarding the area surveyed in order to solicit comments and information only the tribes may have. These reports went out on 28 Nov 2017 and 28 May 2019. The attached document details the Navy's efforts to consult with the affected tribes and continue a dialogue on important issues throughout the EIS process.

Details of EIS Public Involvement (Including Tribes)

The Navy published a Notice of Intent and Notice of Scoping Meetings in the Federal Register on August 26, 2016. The BLM published a Notice of Withdrawal Application in the Federal Register on September 2, 2016. Naval Air Station Fallon and the BLM distributed news releases to media outlets on August 25, 2016, and on September 1, 2016, respectively. The news releases provided information on the public scoping meetings, Proposed Action, and how to submit comments.

Stakeholder and tribal notification letters were mailed first-class on August 25, 2016, to 26 federal, state, and local elected officials and government agencies, and via certified mail to tribal chairs of 17 federally recognized tribes and one intertribal council. A postcard mailer providing information on the public scoping meetings, the Proposed Action, and how to submit comments was mailed first-class to 589 tribal staff, individuals, landowners, and organizations on August 25, 2016. Display advertisements were placed in 8 local newspapers in various cities on September 1, 8, 15, 22, 29, and on October 6, 2016 to advertise the public's opportunity to comment on

the scope of the analysis. The advertisements included a description of the Proposed Action, the address of the project website, the duration of the comment period, and information on how to provide comments.

At the request of the public, the Navy extended the public scoping period to December 12, 2016, and a Notice of Extension of Public Scoping Period was published in the Federal Register on November 10, 2016. A display advertisement announcing the public comment period extension was placed in eight newspapers on November 11, 12, 13, 16, and 17, 2016. A second tribal letter announcing the public comment period extension was sent via certified mail to the same tribal contacts. A second postcard mailer announcing the public comment period extension was mailed first-class on November 14, 2016, to 700 elected officials, government agencies, tribal staff, individuals, landowners, and organizations.

During the development of the FRTC Modernization Draft EIS, the Navy initiated a mutual exchange of information through early and open communications with cooperating agencies and tribes. Naval Air Station Fallon held formal briefings with cooperating agencies and federally recognized tribes. A dedicated phone line was set up for this project to receive voice messages and went live on August 25, 2016. Voice messages were reviewed and logged daily during business hours, and return calls made, when applicable. A public involvement website (www.frtcmodernization.com) was established for the project, which provided various project-related materials, including fact sheets and videos.

Scoping comments were submitted in three ways:

- Written letters (received any time during the scoping period)
- Comments submitted at a scoping meeting (written or oral)
- Comments submitted directly on the project website (received any time during the scoping period)

The Navy held seven scoping meetings from October 3–7, 2016 in Fallon, Lovelock, Reno, Austin, Eureka, Hawthorne, and Gabbs. In total, 338 people attended seven public scoping meetings. Twenty-one written comment letters and 15 oral comments were submitted at the meetings. A total of 328 scoping comments were received, all of which were considered during preparation of the FRTC Modernization Draft EIS.

The 60-day public comment period on the FRTC Modernization Draft EIS began with a Notice of Public Meetings (83 Federal Register [FR] 57455) in the Federal Register on November 15, 2018, followed by the issuance of the Notice of Availability (83 FR 57726) on November 16, 2018. The Navy notified the public of the release of the Draft EIS and the dates and locations of public meetings to maximize participation during the public review and comment period process. At the request of the public, the Navy extended the public comment period from a 60-days to 90-days. A notice announcing the extension of the comment period was published in the Federal Register on December 27, 2018 (83 FR 66685).

Stakeholder, cooperating agency, and tribal notification letters were mailed first-class on November 7, 2018, to 108 federal, state, and local elected officials; government agencies; and tribal staff. These letters were also sent via certified mail to the tribal chairpersons of 17 federally recognized tribes and one intertribal council. Stakeholder letters were sent on their own or with a Draft EIS CD-ROM, flash drive, or hard copy enclosure. Tribal letters accompanied a Draft EIS hard copy enclosure. A second tribal letter announcing the public review and comment period extension was sent via certified mail to the same federally recognized tribes on December 28, 2018.

In addition, e-mails announcing the extension of the public review and comment period were sent to cooperating agencies and tribal participants on December 28, 2018. A postcard mailer providing information on the public meetings, the Proposed Action, and how to submit comments was mailed first-class to 744 tribal staff, individuals, landowners, and organizations on November 16, 2018. A second postcard mailer announcing the public comment period extension was mailed first-class on December 28, 2018, to 1,018 elected officials, government agencies, tribal staff, individuals, landowners, and organizations.

A flier providing information on the public meetings, the Proposed Action, and how to submit comments was mailed first-class to 42 businesses on November 15, 2018. Display advertisements were placed in local newspapers (Lahontan Valley News [Fallon, NV], Lovelock Review-Miner [Lovelock, NV], Nevada Appeal [Reno, NV], Reno Gazette-Journal [Reno, NV], Battle Mountain Bugle [Austin, NV], Eureka Sentinel [Eureka, NV], Mineral County Independent News [Hawthorne, NV], and Tonopah Times-Bonanza [Gabbs, NV]) to advertise the notice of availability of the Draft EIS, the public meetings, and the public comment period. The advertisements included a description of the Proposed Action, the public meeting dates and locations, the address of the project website, the duration of the comment period, and

information on how to provide comments. A display advertisement announcing the extension of the public comment period was placed in the same newspapers referenced above.

Naval Air Station Fallon distributed news releases to regional media outlets on November 16, 2018, and on December 6, 2018. The news releases provided information on the public meetings, Proposed Action, and how to submit comments. A news release was disseminated on December 27, 2018, announcing the extension of the Draft EIS public review and comment period. A public service announcement announcing the public meetings was also distributed on December 6, 2018.

Additionally, an informational video was posted on the project website. The Draft EIS was available electronically for public viewing at <http://frtcmernization.com/> and hard copies of the FRTC Modernization Draft EIS were also provided to 11 libraries located throughout the FRTC Study Area (Austin Branch Library [Austin, NV], Carson City Library [Carson City, NV], Churchill County Library [Fallon, NV], Crescent Valley Branch Library [Crescent Valley, NV], Downtown Reno Library [Reno, NV], Eureka Branch Library [Eureka, NV], Fernley Branch Library [Fernley, NV], Gabbs Community Library [Gabbs, NV], Mineral County Library [Hawthorne, NV], Pershing County Library [Lovelock, NV], and Yerington Branch Library [Yerington, NV]).

The Navy provided the public with several options for providing comments on the FRTC Modernization Draft EIS. Public comments on the Draft EIS were submitted in three ways:

- Written letters (received any time during the public comment period)
- Comments submitted at a public meeting (written or oral)
- Comments submitted directly on the project website (received any time during the public comment period)

In total, 369 people attended seven public meetings. Twenty-one written comment letters and 51 oral comments were submitted at the meetings. Additionally, 170 postcards (form comments) were received at the public meetings. Seven open house public meetings were held on December 10, 2018 (Hawthorne, NV); December 10, 2018 (Gabbs, NV); December 11, 2018 (Austin, NV); December 11, 2018 (Eureka, NV); December 12, 2018 (Fallon, NV); December 13, 2018 (Lovelock, NV); and December 13, 2018 (Reno, NV). At these meetings, Navy representatives were available to provide information and answer questions posed by members of the public one-on-one. The Navy presented a formal brief that summarized the FRTC Modernization Draft EIS and its conclusions, and a forum was provided in which the Navy received oral comments from the public. Attendees could also provide comments using paper comment forms or via an onsite stenographer. Additionally, the public could provide comments electronically via the project website or by mailing letters to the address provided in all correspondence and outreach materials. Six federal agencies/officials' comments, 14 state agencies/officials' comments, 23 county agencies' comments, 15 Indian Tribes' comments, 49 non-governmental organizations' comments, 37 businesses' comments, and 1,322 private individuals' comments were received for a total of 1,466 comments on the Draft FRTC Modernization EIS.

In response to the comments received through the public comment process, as well as through consultations with regulators, the Navy made adjustments to its Proposed Action that are reflected in the FRTC Modernization Final EIS. Specifically, during the time period between the public Draft EIS and Final EIS, the Navy received public comments requesting the size of the withdrawal and acquisition be reduced as much as possible. The Navy has reduced the size of the withdrawal from the original proposal in the Draft EIS, the details of which can be found in the description of Alternative 3 of the Final EIS. Additional management practices, monitoring, and mitigation measures were included to minimize impacts when those mitigation measures were reasonable and practical to implement.

The Notice of Availability for the FRTC Modernization Final EIS was published in the Federal Register on January 10, 2020 (85 FR 1313). The Navy notified the public of the publication of the FRTC Modernization Final EIS, including using letters, postcards, press releases, project website subscriber emails, and newspaper advertisements. Approximately 123 notification letters were sent to stakeholders and Tribes and 1,067 postcards were mailed to inform the public of the FEIS release. Concurrent with the publication in the Federal Register, the FRTC Modernization Final EIS was also made available on the project website and at the same 11 public libraries listed above throughout cities in Nevada. [See page 19.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

FEBRUARY 12, 2020

QUESTIONS SUBMITTED BY MS. TORRES SMALL

Ms. TORRES SMALL. Are any of the local Native American tribes in support of the proposed expansion at Fallon Range? Please provide a list of those in favor and those opposed.

Mr. MELLON. The Navy invited all Tribes affected by the Fallon Range Training Complex Modernization project to attend all cooperating agencies meetings and hosted separate government-to-government meetings to discuss issues of Tribal interest. The Tribes include the Duckwater Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Fort McDermitt Paiute and Shoshone Tribes, Lovelock Paiute Tribe, Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe, Te-Moak Tribe of Western Shoshone Indians of Nevada (comprising the Battle Mountain Band, Elko Band, South Fork Band, and Wells Band), Washoe Tribe of Nevada and California, Walker River Paiute Tribe, Winnemucca Paiute Tribe, Yerington Paiute Tribe, and the Yomba Shoshone Tribe, as well as the Inter-Tribal Council of Nevada. None of these tribes have indicated support for the proposal.

QUESTIONS SUBMITTED BY MS. ESCOBAR

Ms. ESCOBAR. I'd like to get the witnesses' perspective on a local land management issue: specifically, Castner Range, a retired training range at Fort Bliss that my community has sought to protect since the early 1970s to preserve its unique cultural and environmental qualities while honoring its military history. Existing law prevents development on this land, and the Army is engaged in work on feasibility studies to assess Unexploded Ordnance (UXO) clean up and the possibility of future use. However, the latest update provided to my staff suggests it will be a number of years before the drafts and plans of that study come together, and several more before my community would see a benefit. What would help expeditiously advance projects like these where there is already general consensus between communities and the Service? Is this an issue of prioritizing funding? A manpower challenge? Are there authorities that could help?

Mr. GILLIS. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601 et seq., the Army worked diligently to investigate the extent to which munitions are present on the surface or in the subsurface of Castner Range. The CERCLA process provides a comprehensive and iterative approach for characterizing and evaluating risks to human health and the environment. The process includes stakeholder involvement and consideration of stakeholder input prior to selection and implementation of necessary remedial actions (cleanup) to allow for the property's safe use. Circumventing the CERCLA process or seeking to allow uncontrolled access to Castner in advance of the Army's completion of required response actions would place the public at risk.

Between 1972 and 2004, the Army completed several removal actions that removed munitions and munitions debris from the surface and subsurface of Castner Range. In 2018, the Army completed a comprehensive remedial investigation of Castner Range. During this CERCLA phase, the Army collected data required to evaluate the extent to which munitions and environmental contamination are present to assess risks to human health, safety, and the environment. This critical information provides the basis for the current feasibility study in which the Army will analyze the feasibility of potential options for cleaning up the land for reasonably anticipated future uses. This analysis will also include the feasibility of conducting certain remedial actions at this former range for varying levels of public access. Following the completion of the feasibility study, which is expected to be completed in 2021, the Army will publish a proposed plan and obtain stakeholder input on the Army's preferred remedial alternatives. The Army has also been working with Texas regulators throughout the cleanup process.

In the interim, the Army has implemented and maintains its 3Rs Explosives Safety Education Program (see 3Rs.mil) at Fort Bliss. The 3Rs is based on a simple, easy to remember message (Recognize—when you may have encountered a munition and that munitions are dangerous; Retreat—do not touch, move or disturb it, but

carefully move away; Report—call 911 to report what you saw and where you saw it).

Ms. ESCOBAR. Since our Armed Forces include technicians who must deal with UXOs in their work, is there a possibility of using areas like Castner Range for training or certification opportunities that would serve the dual benefit of advancing cleanup work at retired sites?

Mr. GILLIS. DOD's Explosive Ordnance Disposal units routinely experience a high tempo of operations, including support to civilian authorities, which limits their use in this manner. Additionally, EOD units are not equipped nor trained to conduct the type of munitions responses (e.g., investigations) required under applicable environmental laws to ensure that this property, if transferred, would be safe for anticipated future uses. Therefore, use of EOD personnel to advance the cleanup work would not be feasible.

Ms. ESCOBAR. Some techniques for addressing UXO remediation can, in fact, be very damaging to the land. Has the Department researched or pursued new techniques enabled by modern technologies to avoid this level of damage?

Mr. GILLIS. The removal of munitions, particularly unexploded ordnance that may be in an armed state, often requires UXO-qualified personnel to detonate munitions in place or, if the risk of movement is acceptable, to consolidate them for destruction by detonation at a nearby location that meets DOD explosives safety criteria. In addition, the area under investigation has to be cleared of long surface vegetation in order to run detection technology.

The DOD has previously investigated the use of contained detonation chambers for the destruction of recovered munitions. However, the use of such technology is limited given most UXO cannot be moved or handled safely for placement in available systems, and the systems capability to destroy the various types of munitions recovered may be limited.

The DOD has, however, sought to reduce unnecessary excavations by using advanced geophysical classification. Using this process, detected subsurface anomalies may be reliably classified as munitions or non-munitions debris without disturbance of the land. The DOD's use of the advanced geophysical classification technology and process helps preserve the environment and is protective of the public.

In the design and implementation of a cleanup, the Army considers and works with natural and cultural resources personnel, as necessary, to evaluate and minimize the impact that response actions may have on natural and cultural resources. The Army complies with applicable Integrated Management plans that address natural and cultural resources that may be encountered on the installation. The presence of these resources and the necessary consultations with stakeholders may result in a delay in response actions or for munitions to be left in place.

Ms. ESCOBAR. Are there any unique challenges in working with Federal partners on range management issues? What about with State-level counterparts, i.e. when land will eventually be transferred to a State agency for management?

Mr. GILLIS. Challenges related to cleanup of former ranges are not unique to working with federal partners versus state-level counterparts. The challenges at these sites often concern compatibility with the proposed or reasonably anticipated future land use.

Additionally, as with most cleanup actions, there are often challenges that arise when considering sometimes diverse stakeholder interests. However, it is the Army's policy is to work collaboratively with environmental regulators and stakeholders to seek consensus on the appropriate remedial actions. Achieving such consensus is sometimes complicated by a number of factors including difficulty agreeing on the level of cleanup required.

Over a decade ago, the Department of Defense established the Munitions Response Dialogue. The Munitions Response Dialogue (MRD), which is still active, is comprised of representatives from the Office of the Secretary of Defense (OSD), DOD Components, U.S. Environmental Protection Agency (EPA), state environmental regulators, and Federal Land Managers. These members use their experiences and expertise to exchange views, and provide information to facilitate response actions at munitions response sites. Although focused on cleanup, this dialogue and other collaborative forums (e.g., the Interstate Technology and Regulatory Council), has provided a myriad of beneficial results. These include:

- Educating non-DOD participants about munitions, explosives safety, and the munitions response process;
- Educating participants about the concerns each agency has with the cleanup of munitions;
- Outlining a collaborative decision-making process acceptable to the participants;
- Helping to ensure the protectiveness and consistency of munitions response actions;

- Identifying the need for and encouraging the development of policy and technical guidance to benchmark and continuously improve munitions response actions; and
- Identifying training needs and technology enhancements that would facilitate and improve munitions responses.

The Munitions Response Dialogue and other collaborative forums in which the Army and states actively participate are mechanisms the Army uses to help prepare and assist federal and state agencies for management of transferred property.

Ms. ESCOBAR. I'd like to get the witnesses' perspective on a local land management issue: specifically, Castner Range, a retired training range at Fort Bliss that my community has sought to protect since the early 1970s to preserve its unique cultural and environmental qualities while honoring its military history. Existing law prevents development on this land, and the Army is engaged in work on feasibility studies to assess Unexploded Ordnance (UXO) clean up and the possibility of future use. However, the latest update provided to my staff suggests it will be a number of years before the drafts and plans of that study come together, and several more before my community would see a benefit. What would help expeditiously advance projects like these where there is already general consensus between communities and the Service? Is this an issue of prioritizing funding? A manpower challenge? Are there authorities that could help?

Mr. MELLON. The DON is not familiar with the challenges at Castner Range. Since Castner Range is an Army range, we defer to the Army regarding the specifics associated with management of this range.

Ms. ESCOBAR. Since our Armed Forces include technicians who must deal with UXOs in their work, is there a possibility of using areas like Castner Range for training or certification opportunities that would serve the dual benefit of advancing cleanup work at retired sites?

Mr. MELLON. The Navy's Explosive Ordnance Disposal units routinely experience a high tempo of operations, including support to civilian authorities, which limits their use in this manner. Additionally, EOD units are not equipped nor trained to conduct the type of munitions responses (e.g., investigations) required under applicable environmental laws to ensure that any transferred property would be safe for anticipated future uses. Therefore, use of Navy EOD personnel to advance cleanup work of property to be transferred would not be feasible.

Ms. ESCOBAR. Some techniques for addressing UXO remediation can, in fact, be very damaging to the land. Has the Department researched or pursued new techniques enabled by modern technologies to avoid this level of damage?

Mr. MELLON. The removal of munitions, particularly unexploded ordnance that may be in an armed state, often requires UXO-qualified personnel to detonate munitions in place or, if the risk of movement is acceptable, to consolidate them for destruction by detonation at a nearby location that meets DOD explosives safety criteria. The Navy has previously investigated the use of contained detonation chambers for the destruction of recovered munitions. However, the use of such technology is limited given most UXO cannot be moved or handled safely for placement in available systems, and the systems capability to destroy the various types of munitions recovered may be limited. The Navy has, however, sought to reduce unnecessary excavations by using advanced geophysical classification. Using this process, detected subsurface anomalies may be reliably classified as munitions or non-munitions debris without disturbance of the land. The Navy's use of the advanced geophysical classification technology and process helps preserve the environment and is protective of the public. In the design and implementation of a cleanup, the Navy considers and works with natural and cultural resources personnel, as appropriate, to evaluate and minimize the impact that response actions may have on natural and cultural resources. The Navy complies with applicable Integrated Natural and Cultural Resource Management Plans that address natural and cultural resources that may be encountered on the installation. While the presence of these resources and the necessary consultations with stakeholders may result in a delay in response actions or for munitions to be left in place, they help minimize damage to these lands while protecting the public.

Ms. ESCOBAR. Are there any unique challenges in working with Federal partners on range management issues? What about with State-level counterparts, i.e. when land will eventually be transferred to a State agency for management?

Mr. MELLON. The Navy has extensive experience working with Federal, state and local partners on managing ranges. We have found our partners to be helpful in managing the natural and cultural resources entrusted to us, and in helping us ensure the health and safety of our host communities. We have also worked extensively with Federal, state and local partners as we make closed facilities available

to communities for economic redevelopment. We have found our partners to be helpful with redevelopment planning.

Ms. ESCOBAR. I'd like to get the witnesses' perspective on a local land management issue: specifically, Castner Range, a retired training range at Fort Bliss that my community has sought to protect since the early 1970s to preserve its unique cultural and environmental qualities while honoring its military history. Existing law prevents development on this land, and the Army is engaged in work on feasibility studies to assess Unexploded Ordnance (UXO) clean up and the possibility of future use. However, the latest update provided to my staff suggests it will be a number of years before the drafts and plans of that study come together, and several more before my community would see a benefit. What would help expeditiously advance projects like these where there is already general consensus between communities and the Service? Is this an issue of prioritizing funding? A manpower challenge? Are there authorities that could help?

Ms. MILLER. Air Force defers to the Army on this topic, as there has never been an Air Force presence at Castner Range.

Ms. ESCOBAR. Since our Armed Forces include technicians who must deal with UXOs in their work, is there a possibility of using areas like Castner Range for training or certification opportunities that would serve the dual benefit of advancing cleanup work at retired sites?

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Ms. ESCOBAR. Some techniques for addressing UXO remediation can, in fact, be very damaging to the land. Has the Department researched or pursued new techniques enabled by modern technologies to avoid this level of damage?

Ms. MILLER. The removal of munitions, particularly unexploded ordnance that may be in an armed state, often requires UXO-qualified personnel to detonate munitions in place or, if the risk of movement is acceptable, to consolidate them for destruction by detonation at a nearby location that meets DOD explosives safety criteria. The DOD has previously investigated the use of contained detonation chambers for the destruction of recovered munitions. However, the use of such technology is limited given most UXO cannot be moved or handled safely for placement in available systems, and the systems capability to destroy the various types of munitions recovered may be limited. The DOD has, however, sought to reduce unnecessary excavations by using advanced geophysical classification. Using this process, detected subsurface anomalies may be reliably classified as munitions or non-munitions debris without disturbance of the land. Although some vegetation must still be cleared, the DOD's use of the advanced geophysical classification technology and process helps preserve the environment and is protective of the public. In the design and implementation of a cleanup, the Air Force considers and works with natural and cultural resources personnel, as necessary, to evaluate and minimize the impact that response actions may have on natural and cultural resources. The Air Force complies with applicable Integrated Management plans that address natural and cultural resources that may be encountered on the installation. The presence of these resources and the necessary consultations with stakeholders may result in a delay in response actions or for munitions to be left in place.

Ms. ESCOBAR. Are there any unique challenges in working with Federal partners on range management issues? What about with State-level counterparts, i.e. when land will eventually be transferred to a State agency for management?

Ms. MILLER. The primary challenge in working with other federal and state partners is simply the conflicting objectives of rangeland usage. The Department of Defense uses ranges for hazardous activities that require the limiting of public access. The goal of most other partners involves the expansion of public access. While these two goals are contradictory, the Air Force has successfully worked with the Bureau of Land Management, the U.S. Fish and Wildlife Service, and various state wildlife agencies in allowing hunting and other recreational activities on ranges when the Air Force is not using them. The coordination between these agencies and the efforts of the Sustainable Ranges Program are undertaken with the specific goal of enabling any future transfer of the land back to public use.

QUESTIONS SUBMITTED BY MS. HAALAND

Ms. HAALAND. Has the Navy conducted ethnographic surveys with Tribal elders and cultural leaders? If so, when did this start and to what extent?

Mr. MELLON. The Navy will complete an ethnographic overstudy of the expanded Fallon Range Training Complex. The Navy will also complete Class III pedestrian surveys of the expanded areas of ranges B-17 and B-20 prior to activating those

ranges. The Navy will involve Tribal elders and cultural leaders in the completion of these efforts.

Ms. HAALAND. Fox Peak is a highly sacred site to the Fallon Paiute Shoshone Tribe, and the BLM has identified this area as a special Area of Critical Environmental Concern. Is it possible to do training without using this area?

Mr. MELLON. The Navy has no plans to conduct any on-the-ground training or install any infrastructure within the Fox Peak Area of Critical Environmental Concern. This area is within special use airspace devoted to Navy aviation training, and we anticipate continued Navy overflights of this area.

Ms. HAALAND. The FEIS notes that there are potential significant impacts from loss of access to cultural sites by Tribal members. Why hasn't the Navy developed an access agreement with affected Tribes? Will one be drafted, and if so by when?

Mr. MELLON. The Navy will seek an access agreement with each interested Tribe. The Navy will work with the tribes beginning in the fall of 2020 to develop access agreements and associated management plans. The Navy will establish a dedicated Tribal Liaison position at NAS Fallon and provide additional resources to assist with range access coordination.

Ms. HAALAND. Given the high risk of fire at Fallon, what is the Navy's fire response plan?

Mr. MELLON. The Navy will develop a fire management plan in coordination with the State of Nevada; we anticipate initiating plan development in late 2020.

Ms. HAALAND. Are there any plans for the Navy to do any remediation to the impacted cultural sites?

Mr. MELLON. The Navy will attempt to avoid cultural sites when establishing new target areas, fencing and other infrastructure. When impacts cannot be avoided, the Navy will follow the process outlined in the recently approved Programmatic Agreement amendment to resolve any adverse effects.

Ms. HAALAND. The Fallon FEIS discusses moving a pipeline, moving multiple highways, building hundreds of miles of fence, and installing significant infrastructure for training. How much, in total, is this all going to cost?

The total cost of the Fallon Range Training Complex Modernization effort is currently estimated to be \$259.42 million. This cost may increase as better information regarding relocation of a portion of Nevada Route 361 and a segment of the Paiute Pipeline Company natural gas pipeline becomes available.