



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

December 21, 2018

The Honorable John W. Henderson
Assistant Secretary for Installations, Environment, and Energy
United States Air Force
1665 Air Force Pentagon
Washington, DC 20330-1665

Dear Assistant Secretary Henderson:

This letter is in response to your December 21, 2018 request that the Council on Environmental Quality (CEQ) provide alternative arrangements for National Environmental Policy Act (NEPA) compliance, under 40 CFR 1506.11, so that the Air Force may respond to a pilot manning crisis that presents significant national security implications. The emergency is the Air Force's need to restore training of replacement pilots for the F-22 by January 31, 2019. As detailed in your letter of December 21, the Air Force proposes to relocate the F-22 Formal Training Unit (FTU) from its home at Tyndall Air Force Base (AFB) to Eglin AFB. Because the relocation of the F-22 FTU has not been assessed in the environmental impact statement (EIS) for operations at Eglin AFB, the Air Force proposes to conduct a rapid environmental review with public involvement, mitigation of the significant environmental effects of the selected alternative to the extent practicable, and comprehensive analysis of the long-term effects on alternative F-22 training program locations.

The President has already determined that the damage resulting from Hurricane Michael (DR-4399) was of sufficient severity and magnitude to warrant a major disaster declaration under the Stafford Act, 42 U.S.C. §§ 5121-5206, and declared that such a major disaster exists in this part of the State of Florida. Your letter details the damage sustained by Tyndall AFB that prevents the resumption of normal operation of the F-22 FTU. CEQ defers to the Air Force in its expert assessment of the implications of the current suspension of F-22 pilot training for national security and its assessment that emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of the CEQ and Air Force regulations implementing NEPA. The following alternative arrangements for compliance with NEPA are limited to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review.

Existing NEPA Analysis of Effects of Eglin AFB Operations

The proposed relocation of the F-22 FTU is preceded by Air Force consideration of the effects of other aircraft operations at Eglin AFB, most recently in the Air Force's 2014 Final

Supplemental EIS for basing F-35 aircraft. Current operations at Eglin AFB are the subject of a 2008 Final Environmental Impact Statement for the Proposed Implementation of the Base Realignment and Closure (BRAC) 2005 Decisions and Related Actions at Eglin AFB (2008 EIS) and a 2014 Supplemental Final Environmental Impact Statement for F-35 beddown at Eglin AFB, Florida (2014 SEIS). The 2008 EIS resulted in a Record of Decision in 2009 implementing a portion of the BRAC 2005 decisions, including the beddown of 59 F-35 aircraft at Eglin AFB, associated cantonment construction, and limited flight training operations. In March 2010, because of a lawsuit brought by the city of Valparaiso, FL, the Air Force entered into a settlement agreement that formed a noise committee comprised of personnel from Eglin AFB and local government representatives from the counties and municipalities of Walton, Okaloosa, and Santa Rosa Counties to meet on a quarterly basis.

The 2014 SEIS resulted in a record of decision in June 2014 (2014 ROD) allowing for continued limited operations of the 59 F-35 aircraft. In April 2015, the Air Force issued an addendum to the 2014 ROD allowing a one-time temporary increase in certain F-35 operations on Runway 01/19 due to a construction-related closure of Runway 12/30 for up to four months from approximately May 1, 2015 through August 31, 2015.

The Air Force moved F-22s from Langley AFB to Eglin AFB on November 23, 2018, pursuant to a categorical exclusion. This is a temporary reassignment that has not resulted in an increase in the operations considered in the 2014 SEIS.

Issues for Environmental Assessment

The Air Force proposes to initiate immediately the preparation of a concise environmental assessment (EA) for the F-22 FTU interim beddown at Eglin AFB, tiering off the Air Force's 2014 SEIS for basing F-35 aircraft at Eglin AFB. The proposed EA would analyze the noise and other relevant impacts from the F-22 FTU interim beddown and operations, potential operational mitigations to reduce noise impacts, and any other relevant mitigation.

Building off of the analysis of environmental effects in its 2014 SEIS, the Air Force analysis of the impacts of F-22 beddown at Eglin AFB must describe the potentially significant effects of the F-22 beddown that differ from effects of the F-35 previously analyzed. In particular, the EA should explain the effects of overlapping F-22 and T-38 operations with those of the Navy F-35Cs that will be operating out of Eglin AFB until their relocation scheduled for completion by July 1, 2019. This would necessarily include an evaluation of the differences between noise effects of the range of reasonably foreseeable aircraft operations, including impacts from the standpoint of sound exposure levels and their Day-Night Average Sound Level (DNL) noise contours around Eglin Main, Tyndall AFB, and other areas subject to closed-pattern and departure operations. The EA should also evaluate the effects of planned construction at Eglin AFB that will focus air traffic on Runway 01/19 for several months. Consistent with 40 CFR 1508.9, the resulting EA should provide the Air Force and the public with a clear and concise statement of need for the proposed action, of alternatives as required by NEPA, of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted by the Air Force.

Alternative Arrangements

The Air Force request letter proposes the following: 1) preparation of an EIS to assess the permanent location or beddown of the F-22 FTU; 2) preparation of an EA for the F-22 FTU's interim beddown and operations at Eglin Main; and 3) public involvement procedures to provide notice to interested and affected parties. In consultations regarding the Air Force's letter setting forth the emergency circumstances and request for alternative arrangements, CEQ held several meetings with Air Force representatives and reviewed the prior NEPA documents discussed above. CEQ has considered all of the information provided in the letter, meetings, and prior NEPA determinations in the development of these alternative arrangements. These alternative arrangements address the process for assessing the environmental impacts of the interim beddown prior to the completion of the EIS for the permanent beddown.

The following alternative arrangements are intended to be limited to actions necessary to control the immediate impacts of the emergency created by Hurricane Michael and must be superseded as soon as possible by Air Force NEPA compliance in the form of an EIS and record of decision (ROD).

Public Participation Measures

The alternative arrangements include the following public participation measures that supplement the current proposal set forth in the Air Force letter. The Air Force will provide notice of these alternative arrangements and publish this decision letter in the *Federal Register* within 10 business days. The Air Force also will publish notice of these alternative arrangements in local newspapers likely to reach interested parties, including the Northwest Florida Daily News and the Bay Beacon. Additionally, the Air Force will provide notice of these alternative arrangements to the interested parties listed in Appendix A of the 2014 SEIS. The notices will specifically seek input on the interim and final beddown, and include an offer to meet with Air Force and CEQ representatives to discuss the alternative arrangements.

The Air Force will reconstitute and reconvene the noise committee, consistent with Section 1 of the March 2010 settlement agreement, with representatives of the counties and municipalities of Walton, Okaloosa, and Santa Rosa Counties. The Air Force should use the noise committee to gather information for the development of the EA and EIS.

The Air Force will provide CEQ with copies of any notices made in accordance with these alternative arrangements and post notices online at <https://www.eglin.af.mil/>.

Environmental Assessment

The Air Force will undertake an EA of the interim beddown, addressing the issues set forth above. The Air Force will strive to complete the draft EA by February 28, 2019, and issue it for public review and comment for at least 30 days. The draft EA should identify any proposed mitigation measures that would address any significant impacts identified in the draft EA. The Air Force will complete the final EA and issue a ROD no later than April 30, 2019.

The ROD should set forth the practicable mitigation measures that the Air Force will implement for the interim beddown in accordance with 40 CFR 1505.2 and 1505.3.

Environmental Impact Statement

The Air Force will undertake an EIS for the permanent beddown of the F-22 FTU, including an assessment of the reasonable alternatives for the permanent beddown. The Air Force will issue a Notice of Intent to prepare an EIS as soon as possible, but no later than April 1, 2019. The Air Force will develop a timeline for the NEPA process, including all milestones and authorization processes, and submit the timeline to CEQ for its review and approval. Your letter of December 21 indicates that an EIS will be prepared over the course of three to five years. To ensure that NEPA compliance proceeds as expeditiously as possible, and consistent with Executive Order 13807, *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure*, the Air Force should develop a timetable that identifies milestones for this environmental review and authorization process. The Air Force should provide its timetable to CEQ within one month of the date of this letter and update the timetable monthly to ensure that the environmental review process is completed as expeditiously as is practicable, with a goal of completion of a ROD approximately two years (or less) from the date of the Notice of Intent to prepare an EIS. To avoid public confusion regarding the relationship between the draft EA and the scoping process, the Air Force's *Federal Register* notice for the EIS should describe these alternative arrangements and their relationship to the EIS for long-term F-22 beddown decisions.

Other Measures

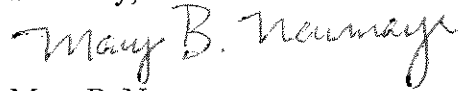
The Air Force and CEQ will convene monthly meetings to discuss the status of the NEPA process with interested components of the Executive Office of the President. At the conclusion of the alternative arrangements and no later than two years from the date of the Notice of Intent to prepare an EIS, the Air Force will provide a report to CEQ on the use of the alternative arrangements that reviews the value and effectiveness of these arrangements. The Air Force will provide notice of the report in the *Federal Register*, local newspapers, including those specified above, and online at <https://www.eglin.af.mil/>.

Conclusion

CEQ has determined that the alternative arrangements set forth in this letter represent appropriate alternative arrangements for compliance with NEPA for the actions taken to respond to this emergency. Alternative arrangements are limited to those actions necessary to control the immediate impacts of the emergency by allowing for the interim beddown of the F-22 FTU at Eglin AFB. These alternative arrangements will remain in effect during the development of, and through the completion of, the permanent beddown EIS or until April 1, 2021, at the latest.

CEQ is available to review these alternative arrangements in the event there are any concerns, questions, or request for clarification from the Air Force, other agencies, and the public. Please do not hesitate to contact Ted Boling, CEQ Associate Director for NEPA, or myself regarding the implementation of these arrangements.

Sincerely,

A handwritten signature in cursive script that reads "Mary B. Neumayr". The signature is written in dark ink and is positioned above the printed name and title.

Mary B. Neumayr
Chief of Staff