

Sandy Watts  
Acting Regional Forester  
333 Broadway Blvd. SE  
Albuquerque, NM  
87102

*Submitted via e-mail to objections-southwestern-regional-office@usda.gov*

USAF Training on Cibola National Forest

July 15, 2020

Dear Ms. Watts:

Pursuant to 26 C.F.R. Section 218, the parties listed below hereby object to the proposed decision of Forest Supervisor Steve Hattenbach to approve the Decision Notice, Finding of No Significant Impact, and Final Environmental Assessment for the United States Air Force (USAF) Training Area, which would have impacts upon and be located on the Cibola National Forest.

We are happy to attempt to resolve our objection through the informal resolution process provided in 36 C.F.R. Section 218.11(a).

Objectors previously raised the issues addressed in this objection in our comment letter dated August 20, 2013, and our letter to former Forest Supervisor Elaine Kohrman dated October 22, 2014.

Sincerely,



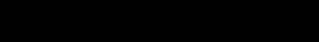
Logan Glasenapp  
Staff Attorney  
Lead Objector  
New Mexico Wilderness Alliance  
317 Commercial St. NE, Ste. 300  
Albuquerque, NM 87102  
414-719-0352  
logan@nmwild.org

Arian Pregenzer  
Property Owner  
[REDACTED]

Susan Ostlie and Linda Starr  
Co-Leaders  
Rio Grande Valley Broadband  
Great Old Broads for Wilderness



Michael Mideke



Oscar Simpson  
President, New Mexico Horse Council  
State Chair, New Mexico Sportsmen  
Public Lands Chair, Rio Grande Indivisible



Michael Casaus  
New Mexico State Director  
The Wilderness Society  
317 Commercial St. NE, Ste. 313  
Albuquerque, NM 87102  
[Michael\\_casaus@tws.org](mailto:Michael_casaus@tws.org)

## ARGUMENTS IN SUPPORT OF OBJECTION

### 1- The agencies did not consider an adequate range of alternatives

The United States Forest Service (USFS) National Environmental Policy Act (NEPA) Manual, as well as Council on Environmental Quality (CEQ) guidelines, require federal agencies to consider all reasonable alternatives when conducting NEPA analyses.<sup>1</sup> If many alternatives are present, agencies may choose to analyze a reasonable range of alternatives as long as the range covers the spectrum of alternatives.<sup>2</sup> USFS guidance adds that the Forest Service should “ensure the range of alternatives does not prematurely foreclose options that might protect, restore, and enhance the environment.<sup>3</sup> Further, it directs the agency to address unresolved conflicts in its alternatives development, and to consider alternatives even if they are outside the agency’s jurisdiction.<sup>4</sup>

The USAF and USFS analyzed three alternatives in the EA: a no action alternative where no military training would occur on the Cibola National Forest; Alternative 1 where units would continue their current training programs; and Alternative 2 which is both the proposed action and the preferred alternative and involves a significant increase in students and classes in the Magdalena Ranger District. As we stated in our 2013 comment letter, this is not a range of reasonable alternatives. The USAF and USFS failed to consider several obvious reasonable alternatives in this EA, leaving the analysis incomplete.

Other than the proposed action/preferred alternative, the USAF and USFS developed only two alternatives and neither would meet the USAF’s purpose and need statement, which reads in part:

...the proposed increase in numbers of students and classes in Pararescuemen/Combat Rescue Office School is needed to achieve mission readiness.<sup>5</sup>

Specifically, two of the three alternatives would not allow for the USAF to increase the number of students and classes. This means the USAF and USFS analyzed only one alternative---the proposed action/preferred alternative---that would fulfill the purpose and need statement thereby making it the only action alternative that would meet the stated need for the project. The USAF and USFS must analyze a range of reasonable alternatives that would enable the USAF to meet the purpose and need of expanding its operations at locations that provide efficient and effective training on variable terrain and landscaping sites. Indeed, the identification and evaluation of alternative ways of meeting the purpose and need of the proposed action is the heart of the NEPA analysis.

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<sup>1</sup> Forest Service Handbook 1909.15-2012-3 (Section 14).

<sup>2</sup> Draft Environmental Assessment Military Training within the Cibola National Forest Near Kirtland Airforce Base, NM, July 2013, pages 2-1 and 2-2.

<sup>3</sup> Forest Service Handbook 1909.15-2012-3 (Section 14).

<sup>4</sup> *Id.*

<sup>5</sup> Final EA at 1-2.

In our 2013 comment letter, we offered two alternatives that would have enabled the USAF to provide for their proposed increase in the number of students.<sup>6</sup> We also offered a third alternative that would reduce the number of students and classes. These alternatives meet the CEQ's definition for a reasonable alternative. That is, in terms of meeting the purpose and need, these alternatives are practical or feasible from the technical and economic standpoint and apply common sense.<sup>7</sup> The USAF and USFS failed to analyze these reasonable alternatives and provided inadequate reasoning for their failure to do so.

Regarding the selection of location alternatives, the USAD developed three selection standards: two cost related standards and a standard related to terrain and landscapes. The USAF identified locations in five states: Colorado, Arizona, California, North Carolina, and New Mexico. Then, the USAF applied the three selection standards to the locations in the five different states.<sup>8</sup> Using this approach, the USAF determined that the locations in New Mexico scored the best. This approach for selecting location alternatives was not conducive to developing a range of reasonable alternatives. Specifically, only the New Mexico locations were capable of meeting the two cost-related selection standards, which are two of the three criteria. The locations in the other four states were deemed too expensive. In these times of fiscal austerity, we understand the USAF's emphasis on cost savings when identifying locations. Our concern rests not with using cost as a selection standard but with the fact that the locations in New Mexico were clearly the obvious choice based on the three selection standards that were used. Given this, why were additional locations within New Mexico not considered? It seems only reasonable that the USAF would have attempted to analyze more than one location scenario in New Mexico in addition to the currently used location given that New Mexico was the only state capable of being selected. We again request that the USAF and USFS consider a range of alternatives within New Mexico. To this end, two of the alternatives we offered in 2013 and again below for the USAF and USFS to consider relate to alternative locations.

a- The EA must consider an alternative that locates the proposed trainings on military lands

The mission of the USFS is "to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations." The USFS's purpose is grounded in conserving the natural resources of our forests and grasslands for the people. Our nation's forests and grasslands are the public's lands. Indeed, the leading use of our national forests is recreation. Meanwhile, the Department of Defense (DOD) has its own lands. The DOD administers 19 million acres in military bases, training ranges, and more, making it the fifth largest land manager in the country. In New Mexico alone, the DOD administers 3,395,090 acres of land.<sup>9</sup> Unlike our national forests, DOD lands are not available for general public access and use, which is understandable. DOD land holdings were established in order to provide for

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<sup>6</sup> See Attachment A, pp 3-8.

<sup>7</sup> Council on Environmental Quality, NEPA's Forty Most-Asked Questions, 1981, Question 2a (*Environmental Assessments*), available at <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>.

<sup>8</sup> Final EA, Table 2-1.

<sup>9</sup> Congressional Research Service, Federal Land Ownership: Overview and Data. February 8, 2012. Available online at: <https://fas.org/sgp/crs/misc/R42346.pdf>.

the needs of our military, such as training exercises; precisely the activities involved with this project.

In our 2013 comment letter, we requested that the USAF and USFS analyze an alternative that does not involve the use of our nation's public forest land for these training activities.<sup>10</sup> The intense level of training activities proposed in the EA is incompatible with national forest land. These proposed training activities will make these lands unusable and unsuitable for public use and, in some places, will permanently degrade natural resources (i.e., soils, vegetation cover, and habitat). DOD land holdings were created in order to provide for the needs of our military. As such, it only makes sense that the USAF and USFS consider an alternative to conduct military trainings on military lands, conduct an adequate analysis of this alternative, and allow for public comment on an EA or, more appropriately, an EIS that considers this alternative.

Specifically, there are over 2.3 million acres of land among Kirtland Air Force Base (AFB), Holloman AFB, and White Sands Missile Range (WSMR) in New Mexico. Fort Bliss, although in Texas, is adjacent and adds another 1.12 million acres. Cannon AFB and the Melrose Air Force Range add over 73,000 acres. Combined, this is nearly 5,500 square miles of land---nearly the size of Connecticut. Certainly there must be a few hundred acres among these 3.5 million acres of military lands that would offer a reasonable alternative to the Cibola National Forest. Specifically, the WSMR would offer plenty of options for pursuing military trainings. At 3,200 square miles, the WSMR is the largest military installation in the United States. The WSMR is close to the Magdalena and Mountainair Ranger Districts so any effects to the costs would be negligible when compared to the proposed action in terms of transportation and relocation, two of the three criteria used to decide on the location of the trainings. In fact, this alternative might cost less but that determination is impossible to make without an adequate analysis of an alternative wherein these trainings would take place on military lands.

Based on the photos in the EA's archeological survey, topographic maps provided in the EA, and personal knowledge of the area, the terrain that would be used for the helicopter maneuvers and the ground trainings in the Magdalena Ranger District's Bear Mountains is, for the most part, relatively flat. The vegetation and landscaping associated with the helicopter maneuvers is sparse, low grassland with widely scattered low shrubs. The vegetation and landscaping associated with the field trainings appears to be both forested and low grassland with scattered low shrubs. In other words, there appears to be nothing particularly unique about the terrain and landscaping found in this area of the Cibola National Forest. This type of terrain and landscaping should be easy to find elsewhere. It seems plausible that these general conditions could be found in the 3,200 square mile WSMR.

The EA provides no compelling rationale regarding why an alternative on military lands was not analyzed. Indeed, conducting these trainings solely over land already managed by, and under the jurisdiction of the military would completely resolve all conflicts between the military and other forest users. We requested in 2013 that the USAF and USFS analyze an alternative that

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<sup>10</sup> Attachment A, pp 4-6.

utilizes DOD lands for these training exercises.<sup>11</sup> This continues to be a reasonable alternative for responding to the USAF's purpose and need and would address unresolved conflict on USFS land.

Rather than analyzing this alternative, publishing a new draft EA, and allowing public comment on that new draft EA, the Cibola National Forest completely dismissed and disregarded our reasonable request, saying "All reasonable alternatives were considered and presented in Section 2.2."

We recognize that the NEPA process for this project has been extensive and time-consuming but an inadequate EA will ultimately lead to more delays and a more onerous process than conducting the analysis properly from the start would have. With this in mind, we urge the USAF and USFS to withdraw the FONSI, Draft Decision Notice, and Final EA in order to analyze an alternative wherein these trainings take place on military land.

b. The USAF and USFS must consider an alternative that minimizes impacts on the Scott Mesa and Goat Springs Inventoried Roadless Areas

Undeveloped natural lands provide numerous ecological benefits. They contribute to biodiversity, enhance ecosystem representation, and facilitate connectivity,<sup>12</sup> and provide high quality or undisturbed water, soil, and air.<sup>13</sup>

USFS roadless lands, in particular, are heralded for the conservation values they provide. These are described at length in the preamble of the Roadless Area Conservation Rule (RACR)<sup>14</sup> as well as in the Final Environmental Impact Statement (FEIS) for the RACR,<sup>15</sup> and include: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing landscapes with high scenic quality; traditional cultural properties and sacred sites; and other locally identified unique characteristics (e.g., uncommon geological formations, unique wetland complexes, exceptional hunting and fishing opportunities).

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<sup>11</sup> Attachment A, pp. 4-6.

<sup>12</sup> Loucks et al, 2003, "USDA Forest Service Roadless Areas: Potential Biodiversity Conservation Reserves," *Conservation Ecology* 7(2): 5, <http://www.Consecol.org/vol7/iss2/art5>; USDA Forest Service 2000, Roadless Area Conservation Final Environmental Impact Statement, available online at [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5057895.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5057895.pdf); Crist and Wilmer, 2002, "Roadless Areas: The Missing Link on Conservation," The Wilderness Society; Stritholt and Dellasalla, 2001, "Importance of roadless areas in biodiversity conservation in forested ecosystem: case study of the Klamath-Siskiyou ecoregion of the United States," *Conservation Biology* 15(6):1742-1754; DeVilice and Martin, 2001, "Assessing the Extent to which Roadless Areas Complement the Conservation of Biological Diversity," *Ecological Applications*, 11(4), 2001, pp. 1008-1018.

<sup>13</sup> Anderson et al., 2012, "Watershed Health in Wilderness, Roadless, and Roaded Areas of the National Forest System," The Wilderness Society, Washington, D.C., available at [https://www.fs.usda.gov/nfs/11558/www/nepa/100663\\_FSPLT3\\_4102738.pdf](https://www.fs.usda.gov/nfs/11558/www/nepa/100663_FSPLT3_4102738.pdf); Dellasalla et al., 2011, "Roadless areas and clean water," *Journal of Soil and Water Conservation*, vol. 66, no. 3, May/June 2011.

<sup>14</sup> 66 Fed. Reg. 3245, January 12, 2001.

<sup>15</sup> Final Environmental Impact Statement, Vol. 1, 3-3 to 3-7.

In addition to the description of the value of roadless lands to the conservation of biodiversity in the FEIS, numerous articles in the scientific literature recognize the contribution of roadless and undeveloped lands for biodiversity, connectivity, and conservation reserve networks. For example, Loucks et al (2003) examined the potential contributions of roadless areas to the conservation of biodiversity, and found that more than 25% of Inventoried Roadless Areas (IRAs) are located in globally or regionally outstanding ecoregions and that 77% of IRAs have the potential to conserve threatened, endangered, or imperiled species. Arcese and Sinclair (1997) highlighted the contribution that IRAs could make toward building a representative network of conservation reserves in the United States, finding that protecting these areas as reserves would expand ecoregional representation, increase the area of reserves at lower elevations, and increase the number of areas large enough to provide refugia for species needing large tracts relatively undisturbed by people. Crist and Wilmer (2002) looked at the ecological value of roadless lands in the Northern Rockies and found that protection of national forest roadless areas, when added to existing federal conservation lands in the study area, would 1) increase the representation of virtually all land cover types on conservation lands at both the regional and ecosystem scales, some by more than 100%; 2) help protect rare, species-rich, and often-declining vegetation communities; and 3) connect conservation units to create bigger and more cohesive habitat “patches.”

Roadless lands also are responsible for higher quality water and watersheds. Anderson et al (2012) assessed the relationship of watershed condition and land management status and found a strong spatial association between watershed health and protective designations. Dellasalla et al (2011) found that undeveloped and roadless watersheds are important for supplying downstream users with high-quality drinking water, and developing these watersheds comes at significant costs associated with declining water quality and availability. The authors recommend a light-touch ecological footprint to sustain the many values that derive from roadless areas including healthy watersheds.

Undeveloped areas on the Cibola National Forest contribute to the biological diversity and ecosystem integrity of the National Forest and surrounding areas. The Cibola “sky islands” region of New Mexico is ecologically rich, hosting more species of birds and mammals than any other ecoregion in the Southwest, and is home to more than 200 rare plants and animals, of which more than 30 are listed as endangered or threatened by the federal or state governments. New Mexico Game and Fish, in its Comprehensive Wildlife Conservation Strategy,<sup>16</sup> identified 80 species of greatest conservation need in the Arizona-New Mexico Mountains Ecoregion, ranking it the second out of six ecoregions in the state for species of greatest conservation need. Similarly, it identified 53 species of greatest conservation need in the Rio Grande Watershed, which contains the Cibola National Forest’s four mountain districts, ranking it second out of eight watershed regions for species of greatest conservation needs.

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<sup>16</sup> New Mexico Department of Game and Fish, 2016, “State Wildlife Action Plan,” New Mexico Department of Game and Fish, Santa Fe, New Mexico, available online at <http://www.wildlife.state.nm.us/download/conservation/swap/New-Mexico-State-Wildlife-Action-Plan-SWAP-Final-2019.pdf>.

We were, and continue to be, extremely concerned about the impacts that these training activities will have on the Scott Mesa and Goat Springs IRAs. We realize that the preferred alternative is proposing very little wheeled motorized vehicle use within the boundaries of these IRAs, and we realize that the helicopter landing and drop zones are proposed outside of the IRAs, but we remain concerned about the impacts that these activities will have on roadless character. There is a tremendous amount of wheeled motorized travel and helicopter maneuvering proposed directly over these IRAs---sometimes just a few hundred feet above the ground---as well as the large amount of munitions---including smoke grenades, flares, surface to air missiles, and blank rounds---that will be fired during the field training exercises both adjacent to and within IRA boundaries. The sights (flares, smoke grenades, and low flying helicopters) and sounds which are expected to travel deep into these roadless areas based on the EA's impacts analysis will certainly degrade the roadless character of these IRAs. The USAF and USFS did not analyze an alternative that would locate these trainings in a different area of the Cibola National Forest. Both action alternatives are limited to the areas where the trainings are currently happening. We would be interested in exploring options with the USFS and USAF that would help the USAF meet its stated purpose and need while also protecting the roadless character of the IRAs.

c- The USAF and USFS did not consider a reduction in the numbers and levels of training exercises taking place within the forest.

The USAF and USFS did not consider a third, obvious, and reasonable alternative in this EA, leaving the analysis incomplete. The USAF and USFS did not consider a reduction in the numbers and levels of training exercises taking place within the forest.<sup>17</sup> The range of alternatives presented in the EA would undoubtedly foreclose more environmentally protective options, and would not address unresolved conflicts. This is exacerbated by the Cibola National Forest's ongoing Forest Plan Revision because the trainings contemplated by this NEPA process have affected the alternatives developed for the Forest Plan Revision draft EIS. This is even more true considering the fact that this permit will last twenty or more years. Without analyzing the alternatives presented by these groups in 2013, and again here, the USAF and USFS have failed to analyze a reasonable range of alternatives.

In response to the reasonable alternatives we suggested in our 2013 comment letter, the USAF and USFS stated: "All reasonable alternatives were considered and presented in Section 2.2." This dismissive statement does not address any of the concerns raised. The EA and supporting documents do not provide a reason why our suggested alternatives were not analyzed, despite their clear reasonability and ability to meet the purpose and need of the USAF. Without consideration and analysis of these reasonable alternatives, the USAF and USFS cannot conclude that the proposed action best fits the purpose and need of the USAF. Furthermore, lack of consideration of these alternatives calls into question many of the conclusions in the EA and supporting documentation. The entire process seems to be a rubber stamp process to simply approve the past training exercises, to increase those exercises, and to allow the trainings to continue to occur on the Cibola National Forest because the administrative apparatus is already

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<sup>17</sup> Final EA Ch. 2, pp. 2-1 to 2-18.

in place. Any additional costs or inconvenience of planning these trainings on military lands cannot be used to conduct inadequate environmental analysis.

We understand that an alternative that reduces the trainings on the Cibola National Forest does not “meet the purpose and need of accommodating the [US]AF training needs[,]”<sup>18</sup> however this alone does not address our concerns. We note that the USAF and USFS analyzed an alternative wherein no trainings would occur on the Cibola National Forest, the no action alternative. An alternative which reduces, but does not eliminate, trainings is in fact closer to the purpose and need than the no action alternative. Why, then, was an alternative analyzed which would reduce the trainings?

## 2- The agencies should have analyzed this project via an Environmental Impact Statement

As we did in 2013,<sup>19</sup> we continue to believe that in this circumstance, an EIS is required because the EA demonstrates that impacts to the environment are likely to be significant, the EA is too long, and reasonable alternatives were not considered. Additionally, since 2004, this permit has been renewed only “by letter,”<sup>20</sup> meaning in-depth environmental analysis has not occurred since 1988 when the permit was first issued, and the permit has technically been expired since 2003.

### a. The EA indicates the impacts are likely to be significant.

NEPA and subsequent guidance requires an EIS when an EA indicates a proposed action may have a significant effect on the environment.<sup>21</sup> When determining what qualifies as a “significant” impact, agencies must look at the following factors, among others, according to NEPA regulations and CEQ guidance (40 C.F.R. § 1508.27):

1. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
2. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
3. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
4. The degree to which the proposed action affects public health or safety.

The USFS NEPA guidance is similar to the CEQ guidance, but also lists altering the character of an IRA as one example of a proposed action which would normally require the preparation of an EIS.<sup>22</sup> As we did in 2013, we continue to believe this proposal meets the “significant” standard for all of these criteria.

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<sup>18</sup> Final EA at A-32, Response Number PA-12.

<sup>19</sup> Attachment A, pp. 8-11

<sup>20</sup> “By letter dated 18 June 2004, the USFS has authorized continued training on the Cibola NF pending re-issuance of a Special Use Permit.” (Draft Environmental Assessment Military Training within the Cibola National Forest Near Kirtland Airforce Base, NM, July 2013, page 1-1).

<sup>21</sup> 42 U.S.C. § 4332 (1969).

<sup>22</sup> Forest Service Handbook 1909.15-2012-3 (Section 21.2(2)).

The proposed area includes portions of two IRAs and the Sierra Ladrones Wilderness Study Area (WSA), and may impact them through noise pollution, light pollution, falling debris, uncollected spent munitions canisters, shells, and other litter that is overlooked during clean up, and increased risk of fire, among other things. Wilderness-quality lands only remain so when they are left un-impacted by humanity's activities. Allowing fly-overs, explosions, and drops around and within these IRAs undoubtedly removes the tranquility people seek when they use the forests for recreation, and impacts the wildlife which depends on quiet undisturbed areas.

The fly-over area includes private residences which are already negatively impacted by military training, and USAF and USFS are proposing to increase the frequency and intensity of the activities in the Magdalena Ranger District, making the proposed action controversial with landowners. That the area includes IRAs makes the proposal more controversial to environmental parties as well.

Further, as far as we can tell, these training activities have not received any NEPA analysis since the permit was originally issued over thirty years ago.<sup>23</sup> Conditions on the ground have changed since the permit was originally issued, including more people living near where these trainings occur, IRAs being established, a new forest plan is being developed, and the risk of fire has been exacerbated by drier conditions due to climate change. For these reasons, we believe renewing this permit warrants an EIS.

Finally, because of the risk to private residences as well as to the forest itself through fire, public health and safety could be affected. Despite this risk, however, the USAF and USFS only analyzed the risk to the potential USAF students' health and safety and failed to analyze any risks to the *public* health and safety. This arbitrarily myopic analysis renders the EA's analysis incomplete and flawed, issues that likely would have been noticed and fixed if an EIS were prepared.

The EA itself demonstrates that the effects of the proposed action are likely to be significant. It indicates there will be pyrotechnics, grenades, munitions, flares, and other firing devices.<sup>24</sup> As these will be present extremely close (and sometimes direct over) WSAs and IRAs, the impacts would be significant if a fire were to start.

On the east side of the Bear Mountains in the Magdalena Ranger District alone, three additional landing zones will be built, and 26,238 different events will take place every year, including takeoffs and landings, touch and go landings, flying in closed patterns, hovering, and dropping of personnel or equipment.<sup>25</sup> Another 9,390 helicopter related flight operations/events will occur annually in the Mt. Taylor Ranger District's Zuni Mountain Unit and in the Mountainair Ranger District. The ground tracks of these activities are extensive, as shown in Figure 3.2.2-1. The area around the existing HLZ has been reduced to bare ground, and

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<sup>23</sup> The USFS granted permission to continue these activities by letter in 2004 when the permit originally expired.

<sup>24</sup> Draft Environmental Assessment Military Training within the Cibola National Forest Near Kirtland Air Force Base, NM, July 2013, pages 2-9 through 2-11.

<sup>25</sup> *Id.* at 2-22 and 2-23.

constructing the three additional HLZs will increase the area size of the affected area by a factor of 10.

Base camps to support land-based training also have significant impact. Even under current conditions, the earth is flattened and bare around existing base camps, and vegetation and wildlife habitat is damaged due to driving off-road to turn around and gather fallen objects. The EA proposes vehicle traffic on roads not designated on the USFS maps, and a significant increase in training activities. Increased activity and construction will only worsen the impacts which already exist.

Finally, the EA does not present baseline data of the kinds of impacts these activities have caused over the last few decades since the trainings started. It is difficult to understand how the USAF and USFS are gauging an “increase” in damage, or what “no change” would mean, since NEPA analysis has not occurred in over a decade. This alone presents a reason for completing an EIS.

Combined, these potential impacts have a high likelihood of being significant and warrant the creation of an EIS. Despite this, the USAF and USFS are intent on forcing through this NEPA process with a simple EA and FONSI.

b. The EA is too long.

CEQ guidelines indicate that a typical EA should be in the ten to fifteen page range, and should be a concise document which briefly outlines the evidence and analysis needed to determine whether or not a full EIS is necessary.<sup>26</sup> The guidelines state that lengthy descriptions of collected data are not appropriate for an EA, and that in general, a lengthy EA indicates the need for an EIS.<sup>27</sup>

In this case, Volume I of the EA, which does not include appendices which add hundreds of pages to the document, is almost 350 pages long and contains minute data and analysis. This would not qualify as a brief statement analyzing whether an EIS is appropriate; it is almost an entire EIS in itself, and indicates the USAF and USFS had enough information to create a full EIS (indeed, the USFS NEPA Manual suggests that 150-300 pages is an appropriate length for an EIS).<sup>28</sup>

c. Reasonable alternatives were not analyzed

As we discussed in our 2013 letter,<sup>29</sup> and above in this objection, reasonable alternatives were left out of the EA. Adhering to NEPA’s requirement to consider all reasonable alternatives would create an even larger document, underscoring the need for a full EIS. This is an additional indication that the analysis within the EA is not complete.

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<sup>26</sup> Council on Environmental Quality, NEPA’s Forty Most-Asked Questions, 1981, Question 36a (*Environmental Assessments*), available at <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>.

<sup>27</sup> *Id.* Question 36b (*Lengthy EAs*).

<sup>28</sup> Forest Service Handbook 1909.15-2012-3 (§ 23.1).

<sup>29</sup> Attachment A, pp. 10-11.

d. The USAF and USFS response to comment was inadequate.

In response to the myriad concerns raised in 2013, the USAF and USFS stated: “The Council on Environmental Quality recommends that EAs not be lengthy but this is not a legal requirement. In order to adequately discuss the environments and potential impacts activities over a number of areas and sites in four Ranger District, the EA had to be longer than normal[;]” “Results of the potential environmental impacts indicated there were no significant impacts to warrant an EIS. Therefore, an EA was conducted. The FS will determine if the EA supports a Fin[d]ing of No Significant Impact or that an EIS needs to be prepared[;]” “The proposed project is in compliance with the existing plan, the 1985 Cibola National Forest Land and Resource Management Plan, which is the plan in effect at the time of the project decision[;]” and “It is expected that stress on vegetation due to establishment of base camps would be minimal and vegetation would recover prior to the start of the next training rotation.”

None of these responses adequately address the concerns we have raised, specifically the likelihood of significant impacts, the lack of any NEPA since the original permit was issued, and the startling length of the EA.

We understand that there is no legal mandate to conduct an EIS when an EA gets too lengthy, but the CEQ recommendation, in addition to the likelihood of significant impacts, lead to the reasonable conclusion that a permit of this scale and time period requires a deeper and more thorough analysis than can be conducted via an EA. The lack of adequate analysis only continues to raise a concern that this process was meant to simply rubber stamp the status quo of the USAF trainings and not to actually assess the potential environmental impacts of not only continued trainings but increased trainings.

Additionally, and more concerning, the expectation that stress on vegetation will be temporary completely ignores the present evidence of permanent and irreversible vegetation damage caused by thirty years of USAF activity. This concern was raised by us and other commenters in 2013 and 2014 and there is flatly no response provided in the EA. The USAF and USFS must address this concern before allowing further degradation to occur.

3- The USAF and USFS failed to take a hard look at the impacts of this project

a. USAF and USFS did not take a hard look at the impacts of Inventoried Roadless Areas.

The USAF and USFS are required to analyze the effects of each alternative on IRAs. The environmental analysis must “disclose that significant roadless areas will be affected and take the requisite ‘hard look’ at the environmental consequences of that facts,” including analyses of the plan’s effects on “water resources, soils, wildlife habitat, and recreation opportunities.”<sup>30</sup> “Roadless Area Characteristics” and “[r]esources or features that are often present in and characterize inventoried roadless areas, including:

(1) High quality or undisturbed soil, water, and air;

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<sup>30</sup> *Lands Council v. Martin*, 529 F.3d 1219, 1230, 1232 n. 7 (9th Cir. 2008); *Smith v. U.S. Forest Serv.*, 33 F.3d 1072, 1078 (9th Cir. 1994); *Oregon Natural Desert Ass'n v. Bureau of Land Mgmt.*, 531 F.3d 1114, 1137-38 (9th Cir. 2008).

- (2) Sources of public drinking water;
- (3) Diversity of plant and animal communities;
- (4) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;
- (5) Primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation;
- (6) Reference landscapes;
- (7) Natural appearing landscapes with high scenic quality;
- (8) Traditional cultural properties and sacred sites; and
- (9) Other locally identified unique characteristics.”<sup>31</sup>

These criteria should be used for determining the impacts a proposed project could have to roadless character. However, a major fault in the EA’s impacts analysis for IRAs is that none of the nine roadless characteristics listed in the Roadless Rule were analyzed.

The EA does not analyze the impacts that the proposed training activities will have on IRAs. While IRAs are mentioned in the EA, the closest thing to an analysis of the impacts is as follows:

Portions of PJ/CRO land navigation, tactics, and FTX training would continue to occur in the Scott Mesa and Goat Springs IRAs. PJ/CRO vehicle operation would continue to occur on established roads and trails unless necessary for an emergency. As shown on Figure 2-7, nearly all PJ/CRO vehicle operation would occur on roads on the periphery of or outside the IRAs, with only a short portion of one road in the IRA being used for 1-2 vehicles. Vehicles used by the 58 SOW would continue to be restricted to existing roads and would not travel off the road. No new roads or trails would be required for Air Force training. Activities associated with the Proposed Action would be consistent with the Roadless Area Conservation Final Rule.<sup>32</sup>

This statement is not an analysis of the impacts on roadless areas. The field and helicopter trainings will likely have impacts on soil, the diversity of plant and animal communities, primitive, semi-primitive non-motorized, and semi-primitive motorized classes of dispersed recreation, and natural appearing landscapes. The propagation of noises associated with the helicopter trainings alone will travel deep into both IRAs and convert the primitive nature and roadless character of these areas into something resembling an industrial area. Further, the noise will certainly have an impact on the diversity of animal communities as the local wildlife will likely avoid and abandon this area. According to Figure 4-1, the ground tracks associated with every HLZ and drop zone will cross deep into the IRA. Indeed, the EA acknowledged that those

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<sup>31</sup> 36 C.F.R. § 294.11.

<sup>32</sup> 36 C.F.R. § 294.11.

animals that are mobile, such as birds and mammals, would move out of the area.<sup>33</sup> Soils in IRAs could be disturbed, too. Table 4-4 displays the estimated impact areas for each HLZ. It is unclear whether the larger impact zone crosses into the IRA boundary. If it does, Table 2-11 notes that “long-term or permanent loss of vegetation and erosion of loose fine-grained soil materials resulting in bare rock surface with little or no vegetation at HLZs X, Y, and Z as a result of helicopter activities.

We realize that some of the factors that define an area’s roadless character were analyzed in Chapters 3 and 4 in the EA, but these factors were not analyzed in terms of their association with IRAs. It is necessary to analyze these factors as they exist in IRAs so the agency and public understand the extent to which roadless character will be impacted. In our 2013 comment letter, we respectfully requested that the USAF and USFS properly analyze the nine roadless characteristics. In response to this request, the USAF and USFS stated:

Information demonstrating that the 9 Inventoried Roadless Characteristics identified in the 2001 Roadless Rule are being maintained in the proposed project activities is only necessary if the proposed project includes road construction or reconstruction and timber cutting, sale, or removal of timber within inventoried roadless areas. The military training exercises do not include road construction, road reconstruction, timber cutting, timber sale, or removal of timber within the IRAs located in the project area. Therefore, the proposed action will be in compliance with IRA management direction, laws, regulation, and policy.

This does not adequately address our concerns and does nothing to prevent irreversible degradation of these IRAs. The EA and supporting documentation provide no analysis of the impacts on IRAs from spent munitions, foot traffic, and noise. Conducting a full and proper analysis of the nine roadless characteristics would ensure that these IRAs suffer no adverse impacts from these trainings.

b- USAF and USFS did not take a hard look at the direct and cumulative impacts from chronic noise exposure on terrestrial wildlife.

Arguably one of the most significant impacts from noise on wildlife relates to chronic exposure.<sup>34</sup> Noise inhibits perception of sounds, an effect called masking. The helicopter related training exercise will occur for several hours each week. The duration of the permit could last up to twenty years and maybe more. While the EA did include an analysis of the direct impacts from noise on wildlife, the EA did not disclose the impacts on terrestrial species from the chronic exposure to anthropocentric noise. Acoustic ecologists are finding that the impacts from chronic noise exposure of wildlife can be detrimental in many ways and therefore are important to consider.<sup>35</sup> We included both of these reports as Appendix A in our 2013 letter. Because the EA

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<sup>33</sup> Final EA at C-15.

<sup>34</sup> Barber et al, 2009, “The costs of chronic noise exposure for terrestrial organisms,” Trends in Ecology and Evolution Vol. 25 No. 3, pp. 180-189; Turina, 2011, “Annotated Bibliography: Impacts of Noise on Wildlife,” National Park Service, Natural Sounds Program, available online at [https://www.ci.benicia.ca.us/vertical/sites/%7BF991A639-AAED-4E1A-9735-86EA195E2C8D%7D/uploads/NPS\\_Impacts\\_of\\_Noise\\_on\\_Wildlife\\_Annotated\\_Bibliography.pdf](https://www.ci.benicia.ca.us/vertical/sites/%7BF991A639-AAED-4E1A-9735-86EA195E2C8D%7D/uploads/NPS_Impacts_of_Noise_on_Wildlife_Annotated_Bibliography.pdf).

did not include an analysis of the impacts that chronic noise exposure will have on wildlife, the EA failed to take a hard look at the direct and cumulative impacts.

In response to this concern, the USAF and USFS directed us to read Chapter 4 of the EA where the “[c]umulative effects of noise are evaluated[.]”

c. USAF and USFS did not take a hard look at the impacts on mountain lion.

As a large carnivore, mountain lions have significant effect on the ecosystem in which they live. Their predatory behavior regulates the population of their prey and in turn the plant communities that their prey feeds on. The mountain lions’ most important prey species are various deer species. Other listed prey species of the mountain lion include mice, beavers, raccoons, hares, and big horn sheep. As with any predator at or near the top of the food chain, the mountain lion has a tremendous effect on the overall ecosystem they inhabit. The mountains of New Mexico are inhabited by mountain lions. Much of the Magdalena Ranger District, including the Bear Mountains, is considered important habitat for mountain lion.<sup>36</sup> For these reasons, it is important to analyze the potential impacts a project could have on this species. The EA did not include an analysis of the impacts that the proposed training activities will have on mountain lion. The USAF and USFS did not take a hard look at the impacts that the training exercises will have on mountain lion.

4- The conclusions in the Environmental Assessment are arbitrary and capricious

Elk occur in the planning area where the proposed military training activities would occur. The EA concludes that elk would likely habituate to the noise environment from the HLZs in the Magdalena Ranger District thereby reducing the potential for long-term impact on the species.<sup>37</sup> The USAF and USFS provide no rationale explaining why they believe elk will habituate to the noise from low flying helicopters. In fact, this conclusion is contrary to the Bunch study cited earlier in the EA.<sup>38</sup> Bunch specifically studied, among other things, the impact of low flying helicopters on elk. While the findings indicated that other types of animals habituated to most disturbance factors in a short period of time, elk were one of several exceptions of species that did not habituate to low flying helicopters. The USAF and USFS’s conclusion that elk will habituate to the noise from low flying helicopters is arbitrary and capricious.

We raised this concern in our 2013 comment letter.<sup>39</sup> In response, the USAF and USFS stated: “Appendix C, section C.1.2.3 provides a summary of noise effects on animals such as livestock and wildlife. This information is based on long-term studies accepted by the scientific community.” This analysis completely ignores scientific studies to the contrary and shows a

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<sup>35</sup> Barber et al, 2009; Turina et al, 2011.

<sup>36</sup> Menke, 2008, “Locating Potential Cougar (*Puma concolor*) Corridors in New Mexico Using a Least-Cost Path Corridor GIS Analysis,” available online at <https://mountainlion.org/us/nm/LIBRARY/NM-R-Menke-2008-REPORT-Locating-Potential-Cougar-Puma-concolor-Corridors-in-New-Mexico-Using-a-Least-Cost-Path-Corridor-GIS-Analysis.pdf>.

<sup>37</sup> Final EA at 3-95.

<sup>38</sup> *Id.*

<sup>39</sup> Attachment A, pp. 13-14.

selective process by which the USAF and USFS made their conclusions. Science cannot and should not be used simply as a means to justify the ends; rather, it should be used as a tool to make the best possible decision. Failure to consider scientific studies that show the long term adverse impacts of noise on wildlife, especially elk, shows that the conclusion that there will not be significant impacts on wildlife is arbitrary and capricious.

#### 5- Suitability Analysis issues

We are aware that the USAF conducted a suitability analysis, purporting to analyze numerous alternative sites for these trainings but concluding that no military lands met its needs. We obtained a copy of this suitability analysis and submitted a letter to then-Forest Supervisor Kohrman in October 2014. The concerns raised in that letter have not been addressed and there continues to be a complete lack of reasonable analysis made available to the public, rendering this entire process far from transparent. Without meaningful and thoughtful analysis, it appears as though the process was merely a rubber stamp exercise to administratively approve the continued trainings on the Cibola National Forest without the work required under the law and regulations. Rubber stamping our public lands away is simply unacceptable.

As we said in our 2014 letter, the suitability analysis provides very little additional analysis than that already provided by the EA.<sup>40</sup> The suitability analysis is more appropriately called a suitability conclusion because it consists almost entirely of conclusory statements. This is simply an inadequate exercise that seems to have only benefited the foregone conclusion that only the Cibola National Forest is adequate for these trainings.

We requested: (1) information about the total budget for PJ/CRO training in the Cibola and the current costs of training in the Magdalena Ranger District, so that the impact of the incremental costs of moving these activities can be judged, (2) evidence that 15,000 acres within the WSMR's more than 2,000,000 acres are not available for ground-based training, and (3) a more vigorous assessment of the suitability of military lands for HLZ-26 and proposed future HLZs. None of these requests were addressed in the final EA and as far as we can tell there have been no revisions to the suitability analysis.

The USAF and USFS can amend these issues by conducting a thorough, honest, and objective suitability analysis.

#### 5- The Final EA differs enough from the Draft EA to require an additional public comment period

There is significant new information and changes in the Final EA, when compared to the Draft EA. Such changes require what the USAF and USFS are calling a "Final EA" to be published as a Second Draft EA and allow for an additional public comment period. For example, the 2013 Draft EA briefly discussed the suitability analysis conducted by the USAF but the Final EA relegates any mention of the suitability analysis to responses to public comments and only to say that the agencies have agreed to keep the suitability analysis out of the record of this NEPA process.

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<sup>40</sup> Attachment B, pp. 2-4.

Additionally, the Proposed Action has been substantially changed between 2013 and 2020. For example, the number of helicopter sorties and events in the Final EA is significantly lower than what was proposed in the 2013 Draft EA. This reduction is not reflected in the Changes section of the Final EA. The reduction in these numbers raises the reasonable question as to whether there remains a need to permit additional HLZs. We, along with members of the public, would likely have questions the need for additional HLZs given the new, smaller, number of helicopter sorties and events but we were not given the opportunity to provide comments on this change. While we are glad that the number of events in the Proposed Action have declined, we note that the numbers of sorties and events provided in Table 3.3.3-2 are internally inconsistent and contradict the text about the total events in the Magdalena Ranger District. Corrections are needed to resolve this issue.

Finally, the Final EA provides disappointingly limited information about the siting of a new basecamp. This is a problem in and of itself, but especially so since the Draft EA did not include any information on the potential of siting a new basecamp as part of any alternative. The public should have been given the opportunity to fully understand all aspects of this permit renewal and to provide comments on those details, including the siting of a new basecamp. The location is vague and there is not yet a final decision about where the new basecamps would be located. Until these decisions are final and their impacts have been fully analyzed, this permit should not be renewed.

We note the problematic contradiction between the language of the Proposed Action regarding no fly zones over private residences and the figure provided to illustrate the air space available to the USAF for these trainings.<sup>41</sup> This contradiction must be addressed and included in a new Draft EA, offered to the public with a new comment period, before a final decision can be reached.

## 6- Conclusion

We object to the Final EA, Draft FONSI, and Draft Decision Notice because a number of concerns we raised during the appropriate public comment periods have not been addressed. A final decision cannot be reached in this matter without resolution of these concerns. We will be happy to meet with the appropriate representatives about this objection, but given the continuing and worsening global pandemic we request that this meeting take place via Zoom or a similar web-based interface.

Sincerely,

Logan Glasenapp

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<sup>41</sup> Compare Final EA 2-18 (“No Fly Zones will be established over all private land inholdings within the boundaries of the Cibola NF”) with Final EA 3-20, Figure 3.2.2-1.

Staff Attorney  
New Mexico Wilderness Alliance  
317 Commercial St. NE Ste. 300  
Albuquerque, NM 87102

Arian Pregenzer  
Property Owner  
[REDACTED]

Susan Ostlie and Linda Starr  
Co-Leaders  
Rio Grande Valley Broadband  
Great Old Broads for Wilderness  
[REDACTED]

Michael Mideke  
[REDACTED]

Oscar Simpson  
President, New Mexico Horse Council  
State Chair, New Mexico Sportsmen  
Public Lands Chair, Rio Grande Indivisible  
[REDACTED]

Michael Casaus  
New Mexico State Director  
The Wilderness Society  
317 Commercial St. NE, Ste. 313  
Albuquerque, NM 87102  
[Michael\\_casaus@tws.org](mailto:Michael_casaus@tws.org)

**Attachment A**

August 20, 2013 Comment Letter Re: Military Training Exercises Project

August 20, 2013

Ms. Cheryl Prewitt  
Cibola National Forest  
U.S. Forest Service  
2113 Osuna Rd., NE, Ste. A  
Albuquerque, NM 87113

**Re: Military Training Exercises Project**

Dear Ms. Prewitt:

Thank you for the opportunity to submit comments in response to the U.S. Air Force (USAF) and U.S. Forest Service's (USFS) Environmental Assessment (EA) for the proposed military training exercises project. We understand the military's need to train students in landscapes that replicate actual conditions to which trained units could be deployed. We have concerns, however, about the environmental impacts from the proposed training exercises, particularly in the Magdalena Ranger District. This comment letter identifies insufficiencies with the analysis under the National Environmental Policy Act and includes recommendations that we believe, if adopted in the final decision, would alleviate our concerns. Importantly, we offer three additional alternatives that we request the USAF and USFS to analyze.

Please do not hesitate to contact us should you have any questions or concerns.

Regards,

**Joshua Hicks**  
Planning Specialist  
National Forest Action Center  
The Wilderness Society  
303-650-5818 x107  
[josh\\_hicks@tws.org](mailto:josh_hicks@tws.org)

**Judy Calman**  
Staff Attorney  
New Mexico Wilderness Alliance  
505-843-8696 x 102  
[judy@nmwild.org](mailto:judy@nmwild.org)

**Oscar Simpson**  
Chairman, New Mexico Sportsmen  
Public Lands/Legislative Chair, Backcountry  
Horsemen of New Mexico

**Eliza Kretzmann**  
Sierra Club – New Mexico  
505-243-7767  
[eliza.kretzmann@sierraclub.org](mailto:eliza.kretzmann@sierraclub.org)

**Shelley Silbert**  
Executive Director  
Great Old Broads for Wilderness  
970-385-9577  
[shelley@greatoldbroads.org](mailto:shelley@greatoldbroads.org)

## I. The U.S. Forest Service should do more to inform the public about this project

The final decision may approve a special use permit for the military to conduct special operations training across the Cibola National Forest (NF) for up to twenty years, and possibly longer.<sup>1</sup> This comment period in response to the EA was one of the only opportunities the public had to officially weigh in on this federal action for the duration of the permit. The impacts from these trainings exercise are severe and incredibly disruptive. Local residents, forest users, and interested stakeholders deserve more than 30 days to participate in such an important federal action.

Further, the U.S. Air Force (USAF) U.S. Forest Service (USFS) provided only 30 days for the public to review and respond to a 340 page EA, which does not include the 7 page FONSI and 286 pages of appendices. Together, the public was given 30 days to respond to 633 pages of USFS and USAF documentation. This is a very restricted timeframe to review and respond to such an extensive and technical document. Environmental Impact Statements (EIS) often are not this long, and the agency provides a minimum of 45 days to review this level of analysis and sometimes up to 90 and 120 days. Additionally, many members of the public were not aware of this important project. We request that the USFS and USAF to reopen the comment period to give the public a sufficient amount of time to adequately review this massive EA. The USFS noted in its letter dated August 19, 2013 denying our request that it was precluded from extending the comment period due to its regulations at 36 CFR § 215.6(a)(iv). We contend that reopening the comment period is different from extending the comment period beyond 30 days. Further, USFS regulations for Notice, Comment, and Appeal Procedures for National Forest System Projects are subject to the Council of Environmental Qualities NEPA regulations:

The rule of this part complement, but do not replace, numerous other opportunities to participate in and influence the agency's project and activity planning, such as those provided by the National Environmental Policy Act of 1969 (NEPA) implementing regulations and procedures at 40 CFR parts 1500-1508.<sup>2</sup>

Specifically, the CEQ's NEPA regulations state that "[t]he lead agency may extend prescribed periods."<sup>3</sup> Simply put, the CEQ's regulations are still in effect and afford the USFS with the discretion to extend the comment period for this project.

Additionally, we request that the USFS hold public meetings regarding this project. We believe it is particularly important for the agency to hold public meetings in those communities near the Magdalena Ranger District, which is where the military is proposing a significant increase in use. We have spoken with local residents in Socorro County who have been concerned about these military exercises for years. These residents were not aware of the current process that would renew the military's permit. After speaking with these residents about this project, there was an interest in wanting to know more about the project and how to engage. We believe the agency will receive valuable input from residents and other stakeholders if public meetings are held.

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<sup>1</sup> The duration of the permit is unknown as this information is not provided in the EA.

<sup>2</sup> 36 CFR § 215.1(b)

<sup>3</sup> 40 CFR § 1506.10 (b)

We understand and appreciate the need to complete this project in a timely manner and meet internal planning deadlines. Unfortunately, 30 days was simply not enough time to give the analysis the attention it deserves. We are convinced that you value public input and wish to formulate a decision that meets the needs of local residents, forest users, and protects valuable natural resources. To achieve that objective, we urge you to reopen the public comment period to accommodate the numerous stakeholders that are interested in providing informed comments and to hold public meetings for local residents to learn more about the project.

## II. The EA does not include a range of reasonable alternatives

The USFS National Environmental Policy Act (NEPA) Manual, as well as Council on Environmental Quality (CEQ) guidelines, requires federal agencies to consider all reasonable alternatives when conducting NEPA analyses.<sup>4</sup> If many alternatives are present, agencies may choose to analyze a reasonable range of alternatives as long as the range covers the spectrum of alternatives.<sup>5</sup> USFS guidance adds that the Forest Service should “ensure the range of alternatives does not prematurely foreclose options that might protect restore and enhance the environment” (Forest Service Handbook 1909.15-2012-3 (§14)). Further, it directs the agency to address unresolved conflicts in its alternatives development, and to consider alternatives even if they are outside the agency’s jurisdiction (*Id.*).

The USAF and USFS analyzed three alternatives in the EA: a no action alternative where no military training would occur in the Cibola NF, Alternative 1 where units would continue their current training programs, and Alternative 2 which is both the proposed action and the preferred alternative and involves a significant increase in students and classes in the Magdalena Ranger District. We do not believe this is a range of reasonable alternatives. The USAF and USFS did not consider several obvious reasonable alternatives in this EA, leaving the analysis incomplete.

Other than the proposed action/preferred alternative, the USAF and USFS developed only two alternatives and neither would meet the USAF’s purpose and need statement, which reads in part:

*...the proposed increase in numbers of students and classes in Pararescuemen/Combat Rescue Officer School is needed to achieve mission readiness.*

EA at 1-2. Specifically, two of the three alternatives would not allow for the USAF to increase the number of students and classes. This means the USAF and USFS analyzed only one alternative – the proposed action/preferred alternative – that would fulfill the purpose and need statement thereby making it the only action alternative that would meet the stated need for the project. The USAF and USFS must analyze a range of reasonable alternatives that would enable the USAF to meet the purpose

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<sup>4</sup> Forest Service Handbook 1909.15-2012-3 (§14)

<sup>5</sup> Draft Environmental Assessment Military Training within the Cibola National Forest Near Kirtland Airforce Base, NM, July 2013, pages 2-1 and 2-2.

and need of expanding its operations at locations that provide efficient and effective training on variable terrain and landscaping sites. Indeed, the identification and evaluation of alternative ways of meeting the purpose and need of the proposed action is the heart of the NEPA analysis.

We offer two alternatives that would enable the USAF to provide for their proposed increase in the number of students. We offer a third alternative that would reduce the number of students and classes. These alternatives meet the CEQ's definition for a reasonable alternative. That is, in terms of meeting the purpose and need, these alternatives are practical or feasible from the technical and economic standpoint and using common sense.<sup>6</sup>

Regarding the selection of location alternatives, the USAF developed three selection standards: two cost related standards and a standard related to terrain and landscapes. The USAF identified locations in five states: Colorado, Arizona, California, North Carolina, and New Mexico. Then, the USAF applied the three selection standards to the locations in the five different states (Table 2-1). Using this approach, the USAF determined that the locations in New Mexico scored the best. This approach for selecting location alternatives is not conducive to developing a range of reasonable alternatives. Specifically, only the New Mexico locations were capable of meeting the two cost-related selection standards, which are two out of the three criteria. The locations in the other four states were deemed too expensive. In these times of fiscal austerity, we understand the USAF's emphasis on cost savings when identifying locations. Our concern rests not with using cost as a selection standard but with the fact that the locations in New Mexico were clearly the obvious choice based on the three selection standards that were used. Given this, why were additional locations within New Mexico not considered? It seems only reasonable that the USAF would have attempted to analyze more than one location scenario in New Mexico in addition to the currently used location given that New Mexico was the only state capable of being selected. We request that the USAF and USFS consider a range of alternatives within New Mexico. To this end, two of the alternatives we offer below for the USAF and USFS to consider relate to alternative locations.

*a. The EA must consider an alternative that locates the proposed trainings on military lands*

The mission of the USFS is "to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations." The USFS's purpose is grounded in conserving the natural resources of our forests and grasslands for the people. Our nation's forests and grasslands are the public's lands. Indeed, the leading use of our national forests is recreation. Meanwhile, the Department of Defense (DOD) has its own lands. The DOD administers 19 million acres in military bases, training ranges, and more, making it the fifth largest land manager in the country. In New Mexico alone, the DOD administers 3,395,090 acres of land.<sup>7</sup> Unlike our national forests, DOD lands are not available for general public access and use, which is understandable. DOD land holdings were established in order to provide for the needs of our military, such as training exercises; precisely the activities involved with this project.

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<sup>6</sup> Council on Environmental Quality's 40 Most Asked NEPA Questions. Available online here: <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>.

<sup>7</sup> Congressional Research Service. Federal Land Ownership: Overview and Data. February 8, 2012. Available online at <http://www.fas.org/sgp/crs/misc/R42346.pdf>.

We request that the USAF and USFS analyze an alternative that does not involve the use of our nation's public forest land for these training activities. The intense level of training activities proposed in the EA is incompatible with national forest land. These proposed training activities will make these lands unusable and unsuitable for public use and, in some places, will permanently degrade natural resources (i.e., soils, vegetation cover, and habitat). DOD land holdings were created in order to provide for the needs of our military. As such, it only makes sense that the USAF and USFS consider an alternative to conduct military trainings on military lands.

Specifically, there are over 2.3 million acres of land among Kirtland Air Force Base (AFB), Holloman AFB, and White Sands Missile Range (WSMR) in New Mexico. Fort Bliss, although in Texas, is adjacent to the WSMR and adds another 1.12 million acres. Cannon AFB and the Melrose Air Force Range add over 73,000 acres. Combined, this is nearly 5,500 square miles of land - nearly the size of Connecticut. Certainly there must be a few hundred acres among these 3.5 million acres of military lands that would offer a reasonable alternative to the Cibola NF. Specifically, the WSMR in particular should offer plenty of options for pursuing military trainings. At 3,200 square miles, the WSMR is the largest military installation in the United States. The WSMR is close to the Magdalena and Mountainair Ranger Districts so it should not cost much more than the proposed action in terms of transportation and relocation costs, two of three criteria used to decide on the location of the trainings. In fact, this alternative might cost less.

Based on the photos in the EA's archeological survey, topographic maps provided in the EA, and personal knowledge of the area, the terrain that would be used for the helicopter maneuvers and the ground trainings in the Magdalena Ranger District's Bear Mountains is, for the most part, relatively flat. The vegetation and landscaping associated with the helicopter maneuvers is sparse, low grassland with widely scattered low shrubs. The vegetation and landscaping associated with the field trainings appears to be both forested and low grassland with scattered low shrubs. In other words, there appears to be nothing particularly unique about the terrain and landscaping found in this area of the Cibola NF. This type of terrain and landscaping should be easy to find elsewhere. It seems plausible that these general conditions could be found in the 3,200 square mile WSMR.

The EA provides no compelling rationale regarding why an alternative on military lands was not analyzed. Indeed, conducting these trainings solely over land already managed by, and under the jurisdiction of the military would completely resolve all conflicts between the military and other forest users. We request that the USAF and USFS analyze an alternative that utilizes DOD lands for these training exercises. This would be a reasonable alternative for responding to the USAF's purpose and need and would address unresolved conflict on USFS land.

We recognize that the existing permit expires in January 2014 and that this may not offer enough time for the USAF and USFS to identify, analyze, and relocate its training operations on military lands before the existing permit expires. Inter- and intra-agency complications may impede or delay the formulation and implementation of such an alternative. With this in mind, the USAF and USFS should be flexible in how they develop the military lands alternative. To this end, the USAF and USFS could, for example, design an alternative that enables the USFS to issue a 5-year permit for the proposed training activities

with the requirement that all training operations would be relocated to military lands over the next five years.

*b. The USAF and USFS must consider an alternative that minimizes impacts on the Scott Mesa and Goat Springs Inventoried Roadless Areas.*

Undeveloped natural lands provide numerous ecological benefits. They contribute to biodiversity, enhance ecosystem representation, and facilitate connectivity (Loucks et al, 2003; USDA 2000; Crist and Wilmer, 2002; Strittholt and Dellasala, 2001; DeVlice and Martin, 2001), and provide high quality or undisturbed water, soil and air (Anderson et al, 2012; Dellasalla et al, 2011).

USFS roadless lands, in particular, are heralded for the conservation values they provide. These are described at length in the preamble of the Roadless Area Conservation Rule (RACR)<sup>8</sup> as well as in the Final Environmental Impact Statement (FEIS) for the RACR<sup>9</sup>, and include: high quality or undisturbed soil, water, and air; sources of public drinking water; diversity of plant and animal communities; habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; primitive, semi-primitive non- motorized, and semi-primitive motorized classes of dispersed recreation; reference landscapes; natural appearing landscapes with high scenic quality; traditional cultural properties and sacred sites; and other locally identified unique characteristics (e.g., include uncommon geological formations, unique wetland complexes, exceptional hunting and fishing opportunities).

In addition to the description of the value of roadless lands to the conservation of biodiversity in the FEIS, numerous articles in the scientific literature recognize the contribution of roadless and undeveloped lands for biodiversity, connectivity, and conservation reserve networks. For example, Loucks et al (2003) examined the potential contributions of roadless areas to the conservation of biodiversity, and found that more than 25% of Inventoried Roadless Areas (IRAs) are located in globally or regionally outstanding ecoregions and that 77% of IRAs have the potential to conserve threatened, endangered, or imperiled species. Arcese and Sinclair (1997) highlighted the contribution that IRAs could make toward building a representative network of conservation reserves in the United States, finding that protecting these areas as reserves would expand ecoregional representation, increase the area of reserves at lower elevations, and increase the number of areas large enough to provide refugia for species needing large tracts relatively undisturbed by people. Crist and Wilmer (2002) looked at the ecological value of roadless lands in the Northern Rockies and found that protection of national forest roadless areas, when added to existing federal conservation lands in the study area, would 1) increase the representation of virtually all land cover types on conservation lands at both the regional and ecosystem scales, some by more than 100%; 2) help protect rare, species-rich, and often-declining vegetation communities; and 3) connect conservation units to create bigger and more cohesive habitat "patches."

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<sup>8</sup> Federal Register .Vol. 66, No. 9. January 12, 2001. Pages 3245-3247.

<sup>9</sup> Final Environmental Impact Statement, Vol. 1, 3-3 to 3-7

Roadless lands also are responsible for higher quality water and watersheds. Anderson et al (2012) assessed the relationship of watershed condition and land management status and found a strong spatial association between watershed health and protective designations. Dellasalla et al (2011) found that undeveloped and roadless watersheds are important for supplying downstream users with high-quality drinking water, and developing these watersheds comes at significant costs associated with declining water quality and availability. The authors recommend a light-touch ecological footprint to sustain the many values that derive from roadless areas including healthy watersheds.

Undeveloped areas on the Cibola NF contribute to the biological diversity and ecosystem integrity of the National Forest and surrounding areas. The Cibola 'sky islands' region of New Mexico is ecologically rich, hosting more species of birds and mammals than any other ecoregion in the Southwest, and is home to more than 200 rare plants and animals, of which more than 30 are listed as endangered or threatened by the federal or state governments (The Nature Conservancy, 2009). New Mexico Game and Fish, in its Comprehensive Wildlife Conservation Strategy (New Mexico Game and Fish Department, 2006), identified 80 species of greatest conservation need (SGCN)<sup>10</sup> in the Arizona-New Mexico Mountains Ecoregion, ranking it the second out of six ecoregions in the state for SGCN (See Map 1).<sup>11</sup> Similarly, it identified 53 SGCN in the Rio Grande Watershed, which contains the Cibola NF's four mountain districts, ranking it second out of eight watershed regions for SGCN.<sup>12</sup>

We are extremely concerned about the impacts that these training activities will have on the Scott Mesa and Goat Springs IRAs. We realize that the preferred alternative is proposing very little wheeled motorized vehicle use within the boundaries of these IRAs, and we realize that the helicopter landing and drop zones are proposed outside of the IRAs, but we remain concerned about the impacts that these activities will have on roadless character. There is a tremendous amount of wheeled motorized travel and helicopter landing proposed directly adjacent to these IRAs. This is in addition to the tremendous amount of helicopter maneuvering proposed directly over these IRAs – sometimes just a few hundred feet above the ground – as well as the large amount of munitions – including smoke grenades, flares, surface to air missiles, and blank rounds – that will be fired during the field training exercises both adjacent to and within IRA boundaries. The sights (flares, smoke grenades, and low flying helicopters) and sounds, which are expected to travel deep into these roadless areas based on the EA's impacts analysis, from these activities will certainly degrade the roadless character of these IRAs. The USAF and USFS did not analyze an alternative that would locate these trainings activities in a different area of the Cibola NF. Both action alternatives are limited to the areas where the trainings are currently happening. We would be interested in exploring options with the USFS and USAF that would help the USAF meet its stated purpose and need while also protecting the roadless character of the IRAs.

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<sup>10</sup> SGCN are species with small or declining populations or other characteristics that make them vulnerable, including those currently listed at the state or federal level.

<sup>11</sup> Of the 80 SGCN in the Arizona-New Mexico Ecoregion, there are 4 amphibians, 35 birds, 16 mammals, 15 molluscs, and 10 reptiles.

<sup>12</sup> Of the 53 SGCN in the Rio Grande Watershed, there are 2 crustaceans, 11 fish, 6 amphibians, 18 birds, 6 mammals, 7 molluscs, and 3 reptiles.

c. *The USAF and USFS did not consider a reduction in the numbers and levels of training exercises taking place within the forest*

The USAF and USFS did not consider a third, obvious reasonable alternative in this EA, leaving the analysis incomplete. The USAF and USFS did not consider a *reduction* in the numbers and levels of training exercises taking place within the forest.<sup>13</sup>

The range of alternatives presented in the EA would undoubtedly foreclose more environmentally protective options, and would not address unresolved conflicts. This is exacerbated by the Cibola NF's upcoming Forest Plan Revision because it will affect alternatives development for that EIS, especially since the duration of this permit could last twenty years or more. Without analyzing the alternatives presented above, it is difficult to imagine this to be an adequate range of reasonable alternatives.

**IV. An EIS is required in order to adequately address potential impacts and the public controversy surrounding the issue**

We believe that in this circumstance, an EIS is required because the EA demonstrates that impacts to the environment are likely to be significant, the EA is too long, and reasonable alternatives were not considered. Additionally, since 2004, this permit has been renewed only "by letter"<sup>14</sup> meaning in-depth environmental analysis has not occurred since 1988 when the permit was first issued, and the permit has technically been expired since 2003.

*a. The EA indicates the impacts are likely to be significant*

NEPA and subsequent guidance requires an EIS when an EA indicates a proposed action may have a significant effect on the environment.<sup>15</sup> When determining what qualifies as a "significant" impact, agencies must look at the following factors, among others, according to NEPA regulations and CEQ guidance (40 C.F.R. § 1508.27):

1. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
2. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

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<sup>13</sup>Id. at 2-29.

<sup>14</sup>"By letter dated 18 June 2004, the USFS has authorized continued training on the Cibola NF pending re-issuance of a Special Use Permit" (Draft Environmental Assessment Military Training within the Cibola National Forest Near Kirtland Airforce Base, NM, July 2013, page 1-1).

<sup>15</sup> 42 USC § 4332 (1969).

3. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
4. The degree to which the proposed action affects public health or safety.

The USFS NEPA guidance is similar to the CEQ guidance, but also lists altering the character of an IRA as one example of a proposed action which would normally require the preparation of an EIS.<sup>16</sup> We believe the proposal meets the “significant” standard for all of these criteria.

The proposed area includes portions of two IRAs and the Sierra Ladrones WSA, and may impact them through noise pollution, light pollution, falling debris, uncollected spent munitions canisters, shells, and other litter that is overlooked during clean up, and increased risk of fire, among other things.

Wilderness-quality lands only remain so when they are left un-impacted by man’s activities. Allowing fly-overs, explosions, and drops around and within these IRAs undoubtedly removes the tranquility people seek when they use the forests for recreation, and impacts the wildlife which depends on quiet undisturbed areas.

The fly-over area includes private residences which are already negatively impacted by military training, and USAF and USFS are proposing to increase the frequency and intensity of the activities in the Magdalena Ranger District, making the proposed action controversial with landowners. That the area includes IRAs makes the proposal more controversial to environmental parties as well.

Further, as far as we can tell, these training activities have not received any NEPA analysis since the permit was originally issued nearly thirty years ago.<sup>17</sup> Conditions on the ground have changed since the permit was originally issued, including more people living near where these trainings occur, inventoried roadless areas being established, a new forest plan is being developed, and an exacerbated risk of fire has been exacerbated by drier conditions due to climate change. For these reason, we believe renewing this permit warrants an EIS.

Finally, because of the risk to private residences as well as to the forest itself through fire, public health and safety could be affected.

The EA itself demonstrates that the effects of the proposed action are likely to be significant. It indicates there will be pyrotechnics, grenades, munitions, flares, and other firing devices.<sup>18</sup> As these will be present extremely close (and sometimes directly over) WSAs and IRAs, the impact could be extremely significant if a fire were to start.

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<sup>16</sup> Forest Service Handbook 1909.15-2012-3 (§21.2 (2)).

<sup>17</sup> The USFS granted permission to continue these activities “by letter” in 2004 when the permit originally expired.

<sup>18</sup> Draft Environmental Assessment Military Training within the Cibola National Forest Near Kirtland Air Force Base, NM, July 2013, pages 2-9-2-11.

On the east side of the Bear Mountains in the Magdalena Ranger District alone, three additional landing zones will be built, and 26,238 different events will take place every year, including takeoffs and landings, touch and go landings, flying in closed patterns, hovering, and dropping of personnel or equipment.<sup>19</sup> Another 9,390 helicopter related flight operations/events will occur annually in the Mt. Taylor Ranger District's Zuni Mountain Unit and in the Mountainair Ranger District. The ground tracks of these activities are extensive, as shown in Figure 4-1. The area around the existing HLZ has been reduced to bare ground, and constructing the three additional HLZs will increase the area size of the affected area by a factor of 10.

Base camps to support land-based training also have significant impact. Even under current conditions, the earth is flattened and bare around existing base camps, and vegetation and wildlife habitat is damaged due to driving off-road to turn around and gather fallen objects. The EA proposes vehicle traffic on roads not designated on the USFS maps, and a significant increase in training activities. Increased activity and construction will only worsen the impacts which already exist.

Finally, the EA does not present baseline data of the kinds of impacts these activities have caused over the last few decades since the trainings started. It is difficult to understand how the USAF and USFS are gauging an "increase" in damage, or what "no change" would mean, since NEPA analysis has not occurred in over a decade. This alone presents a reason for completing an EIS.

Combined, these potential impacts have a high likelihood of being significant and warrant the creation of an EIS.

*b. The EA is too long*

CEQ guidelines indicate that a typical EA should be in the ten to fifteen page range, and should be a concise document which briefly outlines the evidence and analysis needed to determine whether or not a full EIS is necessary.<sup>20</sup> The guidelines state that lengthy descriptions of collected data are not appropriate for an EA, and that in general, a lengthy EA indicates the need for an EIS.<sup>21</sup>

In this case, Volume I of the EA, which does not include appendices which add hundreds of pages to the document, is almost 350 pages and contains minute data and analysis. This would not qualify as a brief statement analyzing whether an EIS is appropriate; it is almost an entire EIS in itself, and indicates the USAF and USFS had enough information to create a full EIS (indeed, the USFS NEPA Manual suggests that 150-300 pages is an appropriate length for an EIS<sup>22</sup>).

*c. Reasonable alternatives were not analyzed*

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<sup>19</sup> *Id.* at 2-22 and 2-23.

<sup>20</sup> Council on Environmental Quality, NEPA's Forty Most-Asked Questions, 1981, Question 36a (*Environmental Assessments*), available at <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>

<sup>21</sup> *Id.* Question 36b (*Lengthy EAs*).

<sup>22</sup> Forest Service Handbook 1909.15-2012-3 (§23.1)

As we discussed earlier in our letter, reasonable alternatives were left out of the EA. Adhering to NEPA's requirement to consider all reasonable alternatives would create an even larger document, underscoring the need for a full EIS. This is an additional indication that the analysis within the EA is not complete.

#### **IV. The USAF and USFS did not take a “hard look” at the impacts**

##### *a. USAF and USFS did not take a hard look at the impacts on Inventoried Roadless Areas*

The USAF and USFS are required to analyze the effects of each alternative on IRAs. The environmental analysis must “disclose that significant roadless areas will be affected and take the requisite ‘hard look’ at the environmental consequences of that fact,” including analyses of the plan’s effects on “water resources, soils, wildlife habitat, and recreation opportunities.” *Lands Council v. Martin*, 529 F.3d 1219, 1230, 1232 n. 7 (9th Cir. 2008); *Smith v. U.S. Forest Serv.*, 33 F.3d 1072, 1078 (9th Cir. 1994); *Or. Natural Desert Ass’n v. Bureau of Land Mgmt.*, 531 F.3d 1114, 1137-38 (9th Cir. 2008). “Roadless Area Characteristics” are “[r]esources or features that are often present in and characterize inventoried roadless areas, including:

- (1) High quality or undisturbed soil, water, and air;
- (2) Sources of public drinking water;
- (3) Diversity of plant and animal communities;
- (4) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land;
- (5) Primitive, semi-primitive non-motorized and semi-primitive motorized classes of dispersed recreation;
- (6) Reference landscapes;
- (7) Natural appearing landscapes with high scenic quality;
- (8) Traditional cultural properties and sacred sites; and
- (9) Other locally identified unique characteristics.

36 C.F.R. § 294.11. These criteria should be used for determining the impacts a proposed project could have to roadless character. However, a major fault in the EA’s impacts analysis for IRAs is that none of the nine roadless characteristics listed in the Roadless Rule were analyzed.

The EA does not analyze the impacts that the proposed training activities will have on IRAs. While IRAs are mentioned in the EA, the closest thing to an analysis of the impacts is as follows:

Portions of PJ/CRO land navigation, tactics, and FTX training would continue to occur in the Scott Mesa and Goat Spring IRAs. PJ/CRO vehicle operation would continue to occur on established roads and trails unless necessary for an emergency. As shown on Figure 2-7, nearly all PJ/CRO vehicle operation would occur on roads on the periphery of or outside the IRAs, with only a short portion of one road in the IRA being used for 1-2 vehicles. Vehicles used by the 58 SOW would continue to be restricted to existing roads and would not travel off the road. No new roads or trails would be required for Air Force training. Activities associated with the Proposed Action would be consistent with the Roadless Area Conservation Final Rule.

EA at 4-114. This statement is not an analysis of the impacts on roadless areas. The field and helicopter trainings will likely have impacts on soil, the diversity of plant and animal communities, dispersed recreation both primitive, semi-primitive non-motorized and semi-primitive motorized classes of recreation, and natural appearing landscapes. The propagation of noises associated with the helicopter trainings alone will travel deep into both IRAs and convert the primitive nature and roadless character of these areas into something resembling an industrial area. Further, the noise will certainly have an impact on the diversity of animal communities as the local wildlife will likely avoid and abandon this area. According to Figure 4-1, the ground tracks associated with every HLZ and drop zone will cross deep into the IRA. Indeed, the EA acknowledges that those animals that are mobile, such as birds and mammals, would move out of the area. EA at 4-56. Soils in IRAs could be disturbed, too. Table 4-4 displays the estimated impact areas for each HLZ. It is unclear whether the larger impact zone crosses into the IRA boundary. If it does, Table 2-11 notes that “long-term or permanent loss of vegetation and erosion of loose fine-grained soil materials resulting in bare rock surface with little or no vegetation at HLZs X, Y, and Z as a result of helicopter activities.

We realize that some of the factors that define an area's roadless character were analyzed in Chapters 3 and 4 in the EA, but these factors were not analyzed in terms of their association with IRAs. It is necessary to analyze these factors as they exist in IRAs so the agency and public understand the extent to which roadless character will be impacted. We respectfully request that the USAF and USFS properly analyze the nine roadless characteristics.

*b. USAF and USFS did not take a hard look at the direct and cumulative impacts from chronic noise exposure on terrestrial wildlife*

Arguably one of the most significant impacts from noise on wildlife relates to chronic exposure (Barber et al 2009, attached as Appendix A). Noise inhibits perception of sounds, an effect called masking. The helicopter related training exercise will occur for several hours each week. The duration of the permit could last up to twenty years and maybe more. While the EA did include an analysis of the direct impacts from noise on wildlife, the EA did not disclose the impacts on terrestrial species from the chronic exposure to anthropocentric noise. Acoustic ecologists are finding that the impacts from chronic noise exposure of wildlife can be detrimental in many ways and therefore are important to consider (Barber et al, 2009; Turina et al, 2011). We included both of these reports as Appendix A. Because the

EA did not include an analysis of the impacts that chronic noise exposure will have on wildlife, the EA failed to take a hard look at the direct and cumulative impacts.

*c. USAF and USFS did not take a hard look at the impacts on mountain lion*

As a large carnivore, mountain lions have a significant effect on the ecosystem in which they live. Their predatory behavior regulates the population of their prey and in turn the plant communities that their prey feeds on. The mountain lions' most important prey species are various deer species. Other listed prey species of the mountain lion include mice, beavers, raccoons, hares, and big horn sheep. As with any predator at or near the top of the food chain, the mountain lion has a tremendous effect on the overall ecosystem they inhabit. The mountains of New Mexico are inhabited by mountain lions. Much of the Magdalena Ranger District, including the Bear Mountains, is considered important habitat for mountain lion (Menke 2008). For these reasons, it is important to analyze the potential impacts a project could have on this species. The EA did not include an analysis of the impacts that the proposed training activities will have on mountain lion. The USAF and USFS did not take a hard look at the impacts that the training exercises will have on mountain lion.

*d. The USAF and USFS must conduct NEPA jointly with the BLM to adequately analyze impacts to the Sierra Ladrones WSA*

The project area includes the Sierra Ladrones WSA, which would be flown over by helicopters when entering and departing the training area (Draft EA, p. 3-90) and is within the ground tracks for HLZ X and 26 as well as the Cunningham DZ (Draft EA, Figure 4-1, p. 4-4). BLM Manual 6330 – Management of Wilderness Study Areas requires BLM to consider impacts to WSAs when conducting NEPA for activities outside of WSAs (Manual 6330, p. 43, attached as Appendix C) . If any activities may impact the WSA, BLM is required to follow Manual 6330 Section E for Evaluation of Proposed Actions, which includes public notification, documentation of the non-impairment standard, and review of wilderness characteristics, among other requirements.

The BLM was not included in the NEPA analysis for this project even though there could be impacts to the WSA. The USAF and USFS should conduct NEPA jointly with the BLM Socorro Field Office to adequately analyze impacts to the Sierra Ladrones WSA and comply with the agency's guidance regarding management of Wilderness Study Areas.

**V. The conclusions in the EA are arbitrary and capricious**

Elk occur in the planning area where the proposed military training activities would occur. The EA concludes that elk would likely habituate to the noise environment from the HLZs in the Magdalena Ranger District thereby reducing the potential for long-term impact on the species. EA at 4-52, 4-55, 4-57, and 4-60. The USAF and USFS provide no rationale explaining why they believe elk will habituate to the noise from low flying helicopters. In fact, this conclusion is contrary to the Bunch (1993) study cited earlier in the EA 4-45. Bunch specifically studied, among other things, the impact of low flying

helicopters on elk. While the findings indicated that other types of animals habituated to most disturbance factors in a short period of time, elk were one of several exceptions of species that did not habituate to low flying helicopters. The USAF and USFS's conclusion that elk will habituate to the noise from low flying helicopters is arbitrary and capricious.

## **V. Conclusion**

We extend our appreciation to the USAF and the USFS for the opportunity to provide these comments regarding the EA for the proposed military training exercises. Our intent in providing these comments is to work cooperatively with the agencies to ensure that the Cibola NF – as a public trust resource – is properly managed for the long-term public interest for the benefit of existing and future generations.

To summarize our comments, we believe the USAF and USFS should do more to inform the public about this project. We request that the agency extend the public comment period and use this extended deadline to hold public meetings in the local communities where these proposed activities will occur. We believe the EA did not include a range of reasonable alternatives, and our letter outlined three additional alternatives that we request the USAF and USFS to analyze. Specifically, we request that the USAF and USFS analyze an alternative that would locate these military trainings on military lands (our preference), an alternative that would better protect IRAs, and an alternative that would reduce the training activity on the Cibola NF. We believe that the impacts from the proposed activities could have significant environmental impacts, and that the development of an EIS is required. Lastly, we believe the NEPA analysis did not take a hard look at the environmental impacts from the proposed activities on forest resources.

We are interested in meeting with the USFS and USAF to go over the concerns raised in our comment letter. We will be in touch to set up a meeting.

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**Attachment B**

**October 22, 2014 Letter Re: Suitability Analysis**

October 22, 2014

Ms. Elaine Kohrman  
Forest Supervisor  
Cibola National Forest  
U.S. Forest Service  
2113 Osuna Rd., NE, Ste. A  
Albuquerque, NM 87113

Dear Ms. Kohrman,

Thank you for forwarding the Air Force's most recent "Suitability Assessment" and for your letter of August 6, 2014. We look forward to seeing revised information about the numbers of flights and noise impacts, as correct numbers are essential to a meaningful Environmental Assessment. Again, we emphasize the need for a complete picture of all land-based and aerial military activity in the area, including activities that are not described by the EA but which significantly impact the area. This is particularly true for low-flying aircraft activity not associated with the HLZs. This information is necessary in order to accurately analyze cumulative impacts.

We remain concerned about conflicting statements about aircraft support of PJ/CRO training and ground-based activities around HLZ-26, and also about inadequate analysis provided by the "Suitability Assessment."

#### **I. Conflicting Statements about Aircraft Support of Land Based Training**

During the last field trip, Sgt. Andes stated that the Cunningham Drop Zone has not been used to support the PJs for some time. Your letter also states that there are no ground-maneuvers near HLZ-26. This contradicts information provided in both the EA and the "Suitability Assessment."

The EA states:

**Field Training Exercise (FTX)** – Training would continue to occur in an area *between HLZ 26 and the Cunningham DZ on the Magdalena RD* (see Figure 2-4). Approximately two hours of training occurs each of four nights per class, beginning at dusk. *Aircraft used to airdrop students and instructors would be MC/HC-130s. After airdrop, students would move in a tactical formation within the FTX area to find a downed pilot, provide medical treatment, and make transport preparations.* Smoke grenades, other pyrotechnics, and blank munitions would be fired sporadically and randomly throughout the FTX area during tactics training. Table 2-4 presents the number of rounds and types of munitions that would be fired. At the end of each tactics training session, instructors

and students would retrieve all brass and empty smoke canisters. All munitions would be used in accordance with prescribed USAF and USFS safety procedures. Sixty percent of the time students and instructors would then be picked up by either CV-22 or HH-60 helicopters at the nearest landing zone. The other 40 percent of the time, they would be driven out by trucks. There would be no overnight use of the Cibola NF by students or instructors for this block of training. Table 2-5 shows approximate acreage and elevations for the PJ/CRO training areas (EA pp. 2-11, emphasis added).

The italicized text clearly states that aircraft are used to support ground based training, and that the area between Cunningham DZ and HLZ 26 is used for training with small arms. Although none of the Air Force officials present on the field trips seemed to have information about these activities, the evidence of small arms training was abundant around HLZ-26.

In addition, the costs of aircraft support for PJ/CRO exercises are included in the “Suitability Assessment.” In fact, the table entitled “Comparison of Cost and Availability Factors for Potential Nearby Training Sites” shows \$100,000 for “Annual flight cost to support PJ/CRO” at the Cunningham / HLZ 26. A copy of this table is included below for your convenience.

**Comparison of Cost and Availability Factors for Potential Nearby Training Sites**

	Possible Military Training Sites				Existing Training Sites		
	WSMR	Holloman	Cannon	Ft Bliss	HLZ 10	Cunningham / HLZ 26	Grants Corner
Round Trip Distance (miles)	162	288	350	384	56	120	226
Cost for round trip flight	\$27,000	\$48,000	\$55,352	\$64,000	\$9,332	\$20,000	\$37,696
Annual Flight cost to support PJ/CRO	\$135,000	\$240,000	\$291,660	\$320,000	\$46,660	\$100,000	\$188,330
Annual Cost for PJ/CRO Land Travel	\$385,000	\$385,000	\$385,000	\$385,000	N/A	N/A	\$92,500
Total Annual Cost of Training	<b>\$520,000</b>	<b>\$625,000</b>	<b>\$676,660</b>	<b>\$705,000</b>	N/A	N/A	<b>\$280,830</b>
Range/Area Available for Landing Trng	No	No	Yes	No	Yes	Yes	Yes
Range/Area Available for Ground Trng <sup>(1)</sup>	No	Limited <sup>(2)</sup>	No	Yes <sup>(3)</sup>	Yes <sup>(3)</sup>	N/A	Yes

Notes:

Again, consistent information and data is essential to providing an adequate assessment of the potential impacts of these training activities. It will be impossible to evaluate how these exercises will affect forest resources without knowing how many activities are actually taking place and where those activities are occurring.

## II. Inadequate Analysis in the “Suitability Assessment”

We find that the “Suitability Assessment” provides little information other than that included in the EA. In fact, it is mostly statements, rather than analysis. A few examples are listed below.

- **Page 1, para 3:** This paragraph contains no more information than the EA (See EA Vol 1, lines 33 - 38 on page 1-1, and pages 2-2 - 2-3.) It is a statement, not an analysis. An analysis would provide information about the exact sites, why they were selected as

alternatives, data relevant to selection criteria (e.g., topographical information, cost of bringing airmen to those locations instead of Kirtland, etc).

- **Page 1, para 4, second sentence:** We do not understand the argument about familiarity. The people being trained come from all over the country and would not be familiar with Kirtland in the first place. Do the same personnel go through the training more than once?
- **Page 1, para 4, fourth sentence:** As before, no evidence is provided to substantiate unavailability of land within the White Sands Missile Range (WSMR). Recall from the data in the EA (page 2-12, Table 2-5) that less than 15,000 acres is required for ground-based training. This is less than 1% of the 3,200 square miles (2,048,000 acres) controlled by WSMR. Is the entirety of the two million acres in use? Would there be ways to coordinate a schedule, since the ground based training only occurs 5 times a year and utilizes a relatively small space? No data is provided on the WSMR schedule, or about possible locations for that training within WSMR. In addition, nothing is stated about the possibility of moving all the HLZs to WSMR.
- **Page 4, Table Comparing Costs:** The description of costs is incomplete and does not mention costs associated with the existing ground-based training locations. To fully evaluate the impact of a change in location, one must know the total budget for PJ/CRO training in the Magdalena Ranger District (MRD), and then the relative difference in cost for moving that training to other sites.
  - We could not find data on the total cost of the PJ/CRO training in FY14, but the FY09 budget was \$12.8M <http://www.saffm.hq.af.mil/shared/media/document/AED-080204-072.pdf>). Thus, the total annual cost of training at WSMR (\$520,000) would be about 4% of the total training budget. It is impossible to compare to that number to the cost of training in the MRD, because those numbers aren't provided. If it were a \$100k increment it would represent 1% of the FY09 budget.
  - For comparison to other expenses incurred by the Air Force, it is worth noting that each Osprey costs around \$70M <http://defensetech.org/2013/10/18/will-the-army-ever-buy-the-v-22-osprey/> ).

Based on these points we respectfully request (over and above previous requests) that USFS provide accurate and complete information about aircraft supported PJ/CRO training activities and ground based training between Cunningham Drop Zone and HLZ-26. We would also appreciate the opportunity to meet the Air Force representatives responsible for this training, perhaps through another field trip.

Additionally, we request that USFS and USAF address the deficiencies in the “Suitability Assessment” as pointed out above. In particular we request: (1) information about the total budget for PJ/CRO training in the Cibola and the current costs of training in the Magdalena Ranger District, so that the impact of the incremental costs of moving these activities can be judged, (2) evidence that 15,000 acres within the WSMR's more than 2,000,000 acres are not

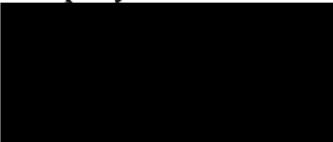
available for ground-based training, and (3) a more vigorous assessment of the suitability of military lands for HLZ-26 and proposed future HLZs, including those issues outlined above.

Finally, we remain convinced that an Environmental Impact Statement is needed to evaluate the impacts of these ground-based military activities. We would also very much appreciate an update on the process of reviewing the Air Force proposal. In particular: When will responses to comments be available? When will a decision be made about revising the EA or doing an EIS?

Thank you very much for your attention to these matters.

Sincerely,

Judy Calman  
Staff Attorney  
New Mexico Wilderness  
Alliance  
(505) 843-8696 x 102  
judy@nmwild.org

Ruth Hamilton  
Property Owner  


Sigrid (Nina) McCabe  


Arian Pregenzer  
Property Owner  


Michael Mideke  


Oscar Simpson  
State Chair, Backcountry  
Hunters & Anglers  
Public Lands / Legislative  
Chair, Back Country  
Horsemen of NM  


Susan Ostlie  
Co-leader of Rio Grande  
Valley Broadband of the Great  
Old Broads for Wildernes  


Copies:

Cheryl Prewitt, NEPA Officer, Cibola National Forest, [cprewitt@fs.fed.us](mailto:cprewitt@fs.fed.us)

Dennis Aldridge, Ranger, Magdalena Ranger District, [daldridge@fs.fed.us](mailto:daldridge@fs.fed.us)

John Cochran, Public Affairs, Kirtland Air Force Base

Col. Stephen Andreasen, 58th Airborne