

Table 3.2.1-1, which is the current baseline condition, had a minor error. Please see below in red. The error did not affect the baseline totals used for the proposed flight numbers found in Table 3.2.2-2.

Table 3.2.1-1. Baseline Conditions: 58 SOW Training in Magdalena Ranger District

HLZ/DZ/OPFOR and Aircraft Type	Average Training Days per Week/Year	Sorties per Average Training Day/Year	Total Events (Average Busy Day/Annual)	Daytime Events (Average Busy Day/Annual)	Environmental Nighttime Events (Average Busy Day/Annual)
HLZ 26					
CV-22	4/208	5/1,040	30/6,240	15/3,120	15/3,120
HH-60	6/312	8/1,716	46/10,296	23/5,148	23/5,148
UH-1N	2/104	3/208	18/1,248	9/624	9/624
Total	--	16/2,964	94/17,784	47/8,892	47/8,892
Cunningham DZ					
MC-130	0.19/10	1/10	3/30	1.5/15	1.5/15
Total (Grand totals)	--	17/2,974	97/17,814	48.5/8,907	48.5/8,907

We are able to confirm there are errors made in the calculations in Table 3.2.2-2 and corresponding text – corrections are made in red and a grand total line was also added.

Table 3.2.2-2. Proposed Action: 58 SOW Training Activities in Magdalena RD – Proposed Action

HLZ/DZ/RD and Aircraft Type	Average Training Days per Week/Year	Sorties per Average Training Day/Year	Total Events (Average Busy Day/Annual)	Daytime Events (Average Busy Day/Annual)	Environmental Nighttime Events (Average Busy Day/Annual)
Cunningham DZ (Magdalena RD)					
CV-22B	1/52	1.25/260	7.5/1,560	3.75/780	3.75/780
HH-60	0/0	0/0	0/0	0/0	0/0
MC-130	0.19/10	1/10	3/30	1.5/15	1.5/15
UH-1N	0/0	0/0	0/0	0/0	0/0
Total	--	2.25/270	10.5/1,590	5.25/795	5.25/795
HLZ 26 (Magdalena RD)					
CV-22B	1/52	1.25/260	7.5/1,560	3.75/780	3.75/780
HH-60	6/312	8/1,716	46/10,296	23/5,148	23/5,148
MC-130	0/0	0/0	0/0	0/0	0/0
UH-1N	1/52	1/52	6/312	3/156	3/156
Total	--	10.25/2,028	59.5/12,168	29.75/6,084	29.75/6,084
HLZ X (Magdalena RD)					
CV-22B	2/104	2.5/520	15/3,120	7.5/1560	7.5/1560
HH-60	0/0	0/0	0/0	0/0	0/0
MC-130	0/0	0/0	0/0	0/0	0/0
UH-1N	0/0	0/0	0/0	0/0	0/0
Total	--	2.5/520	15/3,120	7.5/1560	7.5/1560
HLZ Y (Magdalena RD)					
CV-22B	2/104	2.5/520	15/3,120	7.5/1560	7.5/1560
HH-60	0/0	0/0	0/0	0/0	0/0
MC-130	0/0	0/0	0/0	0/0	0/0
UH-1N	0/0	0/0	0/0	0/0	0/0
Total	--	2.5/520	15/3,120	7.5/1560	7.5/1560
HLZ Z (Magdalena RD)					

CV-22B	2/104	2.5/520	15/3,120	7.5/1560	7.5/1560
HH-60	0/0	0/0	0/0	0/0	0/0
MC-130	0/0	0/0	0/0	0/0	0/0
UH-1N	0/0	0/0	0/0	0/0	0/0
Total	--	2.5/520	15/3,120	7.5/1560	7.5/1560
GRAND TOTALS	--	20/3,858	115/23,118	57.5/11,559	57.5/11,559

Notes: Number of air events per sortie varies between 6 and 8, depending on the aircraft type and type or training.
DZ – drop zone
HLZ – helicopter landing zone

The number of events that would take place at Cunningham DZ would increase from 3 per average busy day to 10.5 and from 30 per average busy year to 1,590. The number of events that would take place at HLZ 26 would decrease from 94 per average busy day to 59.5 and from 17,784 per average busy year to 12,168. Each of the new HLZs would experience 2.5 air events per average busy day and 520 per average busy year.

The total events in Magdalena RD will increase from 97 per average busy day to 115 and from 17,814 per average busy year to 23,118.

We confirm that the above statement does match with Dr. Pregenzer's comments in this contention. We agree with the objector's conclusion that the increases will be 18% & 30%, respectively. However, the computation errors found in Table 3.2.2-2 were not carried forward to the noise analysis section (Chapter 3.3). The correct totals were used in the noise analysis (see Table 3.3.2-2 – yellow highlight), therefore, the impacts from the proposed action were properly addressed.

We also noted the following errors in other tables in Section 3

Table 3.2.1-2. Baseline Conditions: 58 SOW Training at HLZ 10, Mountainair Ranger District
(on page 3-13 please note this was not carried through on to Table 3.2.2-3. Proposed Action: 58 SOW Training Activities in Mountainair RD on page 3-21)

Aircraft Type	Average Training Days per Week/Year	Sorties per Average Training Day/Year	Total Events (Average Busy Day/Annual)	Daytime Events (Average Busy Day/Annual)	Environmental Nighttime Events (Average Busy Day/Annual)
CV-22B	0/0	0/0	0/0	0/0	0/0
HH-60	6/312	8/1,716	46/10,296	23/5,148	23/5,148
MC-130	0/0	0/0	0/0	0/0	0/0
UH-1N	2/104	3/208	18/1,248	9/624	9/624
Total	--	11/1,924	64/11,544	32/5,772	32/5,772

Notes: Number of air events per sortie varies between 6 and 8, depending on the aircraft type and type or training.
 DZ – drop zone
 HLZ – helicopter landing zone

Table 3.2.3-1. Alternative 1: 58 SOW Training in Magdalena Ranger District *(on page 3-22)*

HLZ/DZ/OPFOR and Aircraft Type	Average Training Days per Week/Year	Sorties per Average Training Day/Year	Total Events (Average Busy Day/Annual)	Daytime Events (Average Busy Day/Annual)	Environmental Nighttime Events (Average Busy Day/Annual)
HLZ 26					
CV-22B	4/208	5/1,040	30/6,240	15/3,120	15/3,120
HH-60	6/312	8/1,716	46/10,296	23/5,148	23/5,148
UH-1N	2/104	3/208	18/1,248	9/624	9/624
Total	--	16/2,964	94/17,784	47/8,892	47/8,892
Cunningham DZ					
MC-130	0.19/10	1/10	3/30	1.5/15	1.5/15
Total	--	17/2,974	97/17,814	48.5/8,907	48.5/8,907

Notes: Number of air events per sortie varies between 6 and 8, depending on the aircraft type and type or training.
 DZ – drop zone
 HLZ – helicopter landing zone

Table 3.2.3-2. Alternative 1: 58 SOW Training at HLZ 10, Mountainair Ranger District
(on page 3-23)

Aircraft Type	Average Training Days per Week/Year	Sorties per Average Training Day/Year	Total Events (Average Busy Day/Annual)	Daytime Events (Average Busy Day/Annual)	Environmental Nighttime Events (Average Busy Day/Annual)
CV-22B	0/0	0/0	0/0	0/0	0/0
HH-60	6/312	8/1,716	46/10,296	23/5,148	23/5,148
MC-130	0/0	0/0	0/0	0/0	0/0
UH-1N	2/104	3/208	18/1,248	9/624	9/624
Total	--	11/1,924	64/11,544	32/5,772	32/5,772

Notes: Number of air events per sortie varies between 6 and 8, depending on the aircraft type and type or training.
 DZ – drop zone
 HLZ – helicopter landing zone

Table 3.3.2-2. Proposed Action: Magdalena Ranger District HLZ and DZ Operations (on page 3-36)

	Proposed Action (HLZ 26)		Proposed Action (HLZ X, Y, Z)		Proposed Action (Cunningham DZ)	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
Sorties per day	11		3		3	
Training days per year	312		104		52	
Annual sorties	12,168		3,120		1,590	
Landings per sortie ⁽¹⁾	8		8		8	
Estimated landings per year ⁽²⁾	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
	6,084	6,084	1,560	1,560	795	795

Notes:

- (1) Landings per sorties assumes up to one landing every 15 mins
- (2) Operations evenly split between acoustic daytime (0700-2200) and acoustic nighttime (2200-0700)

File Code: 1570
Date: August 31, 2020

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**CERTIFIED MAIL –
RETURN RECEIPT REQUESTED**

Dear Mr. Glasenapp:

On behalf of the Cibola National Forest, thank you for your time talking with me and for your involvement in the Military Training Exercises within the Cibola National Forest Project in the Magdalena, Mountainair, Sandia, and Mt. Taylor Ranger Districts. This letter is in response to the objection you filed as a lead objector on the final Environmental Assessment (EA) and draft Decision Notice (DN). I have read and considered your objection, considered our conversation, and reviewed the project record and final EA, including the environmental effects. My review of your objection was conducted in accordance with the administrative review procedures found at 36 CFR 218, Subparts A and B.

PROJECT OVERVIEW

This project would renew the existing Special Use Permit (SUP) to continue to conduct military training exercises, with limited increases in specific types of training, in the Cibola National Forest. Three groups currently train under the existing SUP in the Cibola National Forest included the following: the United States Air Force (USAF) 351 Special Warfare Training Squadron (351 SWTS); the USAF 58th Special Operations Wing (58 SOW); and, the United States Marine Corps 4th Reconnaissance Battalion (4th Recon). Variability in terrain and landscape settings is essential to ensure realistic and real-world training for the units. The USAF has trained in portions of the Cibola National Forest since the 1970s, under various special use permits, conforming to the 1988 *Master Agreement between the Department of Defense and the Department of Agriculture Concerning the Use of National Forest System Lands for Military Activity*. This agreement directs the USDA's Forest Service to make lands available for military training activities when such activities can be made compatible with other uses and conform with forest land management plans, provided the Department of Defense (DOD) determines that lands under its administration are unsuitable or unavailable.

ADMINISTRATIVE REVIEW PROCESS



The legal notice for the objection filing period was published on May 31, 2020. Your timely objection (objection #20-03-00-0025-O218) was received on July 15, 2020. The regulations at 36 CFR 218 provides a pre-decisional administrative review process, in which the objector provides sufficient narrative description of the project, specific issues related to the project, and suggested remedies that would resolve the objections (36 CFR 218.8). The regulations also allow for parties to meet in order to resolve issues. An objection resolution meeting to further discuss your concerns was held on August 20, 2020. This letter, including instructions to the Responsible Official, is my written response to your objections.

OBJECTION RESPONSES

Issues or concerns presented in your objection are summarized and responded to below. You may be addressed as "the objector" in this section.

Contention: The project did not consider an adequate range of reasonable alternatives. There were three alternatives analyzed: a no action alternative (no military training in National Forest System lands), Alternative 1 (continuing current levels of training in National Forest System lands), and Alternative 2 (a significant increase in training in National Forest System lands). Because two of the alternatives analyzed would not meet the purpose and are needed for the project to increase numbers of students and classes, the Agency effectively analyzed only one alternative – the proposed action/preferred alternative. Identifying and evaluating alternative ways of meeting the purpose and need for a proposed action is the heart of the NEPA (National Environmental Policy Act) analysis. In 2013, objectors contended they offered two reasonable alternatives that would have enabled the USAF to provide for the proposed increase in students and classes; however, there was no adequate reason provided for the failure to analyze these alternatives. Rather, the Cibola National Forest dismissed and disregarded the request, saying “All reasonable alternatives were considered and presented in Section 2.2.”

Objectors understand that given the USAF selection standards, New Mexico is the clear choice for location. However, the range of alternatives failed to consider alternative locations, as suggested with the objectors’ 2013 comments. The EA does not display the rationale for why an alternative on military lands was not analyzed. There is nothing that appears unique about the terrain and landscape found in the area of the Cibola proposed. It would seem that similar terrain could be found in the White Sands Missile Range (WSMR), and the WSMR is close to the Magdalena and Mountainair Ranger Districts, so effects on costs should be negligible.

The EA fails to consider an alternative that would locate the training exercises in a different area of the Cibola National Forest. The alternatives only consider continuing the use in current areas.

The EA did not consider an alternative that included a reduction in the number and level of training exercises within National Forest System lands. The no action alternative would eliminate all training activities in National Forest System lands. Why was an alternative that reduced the number of training activities not considered? [Objection, p. 3-9]

Response: Forest Service regulations state that an alternative should meet the project’s purpose and need and address one or more significant issues related to the proposed action (36 CFR 220.5(e)). In order to effectively train for situations that may be encountered in deployment, the

USAF needs the flexibility to design training programs that include diverse terrain and operational situations. The Response to Comments explains that military lands were analyzed per a Master Agreement between the Department of Agriculture and the DOD. The military sites within New Mexico and nearby states were found to be incompatible with the proposed training [PR 366, pp. A-24 and A-25]. Training locations also need to be near the unit's installation to allow for efficient access to the training areas and the military has identified the areas analyzed as best suited for their training needs. [PR 365, p. 2]. The 1988 Master Agreement between the Department of Defense and the Department of Agriculture Concerning the Use of National Forest System Lands for Military Activity allows the Forest Service to make lands available for military training activities, and military training activities have been going on in this area since the 1970s [PR 366, p. 1-2].

The Purpose and Need section of the final EA explains that the purpose of the proposed action is to renew the existing special use permit and update the training needs of the military. The variety of terrain and landscape ensures realistic training [PR 366, p. 1-2]. The objector is correct, and the three alternatives carried into analysis include No Action, under which authorizations would not be issued and no training would occur; the Proposed Action, under which renews the authorizations and increases types of training on the Forest; and Alternative 1, under which would renew the authorization to continue the current training levels [PR 366, pp. 2-1 to 2-14]. Only the Proposed Action meets the purpose and need of the project.

Contention: The agencies should have analyzed this project via an Environmental Impact Statement (EIS). The objectors contend that the impacts to the environment are likely to be significant; effects from the project meet the standard of significance based on effects to unique characteristics, controversy, precedence for future action, and effect to public health or safety. (Objection, p. 9-11).

Unique characteristics: The objectors contend the EA indicates that the actions are likely to alter the character of the Inventoried Roadless Area (IRA), which would meet the standard of significance and require analysis in an EIS. The proposed area includes portions of two IRAs and the Sierra Ladrones Wilderness Study Area. The EA fails to consider the significant effects to those unique areas.

Effects to the human environment are likely to be highly controversial: The fly-over area includes private residences, making the proposed action controversial with landowners. These training activities have not been analyzed since the original permit was issued over 30 years ago. There are more people living near where these activities will occur and conditions on the ground have changed (Objection, p. 10). Objectors contend that the EA does not present an accurate baseline against which change can be measured because there has been no analysis in "over a decade". With this being stated, there is no way to gauge what an increase or no change would mean.

Precedence for future actions: The objectors contend that the trainings contemplated by this NEPA process have affected the alternatives developed for the Forest Plan Revision draft EIS [Objection, p. 8].

Effect to public health and safety: Objectors contend the analysis only included potential effects to the health and safety of students and did not consider the health and safety of the public. The use of pyrotechnics, grenades, munitions, flares, and other firing devices present a risk for fire starts and to other forest users. [Objection, p. 10].

Response: CEQ (Council on Environmental) NEPA regulations explain that use of the term “significantly” requires considerations of both context and intensity. Considering intensity, CEQ NEPA regulations state that agencies are to evaluate 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 (40 CFR 1508.27(b)(3)). Also, agencies are to assess the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks (40 CFR 1508.27(b)(5)). Further, agencies are to gauge the degree to which the action may set a precedent for future actions with significant effects (40 CFR 1508.27(b)(6)). Finally, agencies are to evaluate the degree to which the proposed action affects public health or safety (40 CFR 1508.27(b)(2)).

According to CEQ NEPA regulations, a Federal Agency determines whether an EIS is needed, or if the proposal is something which normally requires an EIS (40 CFR 1507.3) and Forest Service NEPA regulations identify a limited number of classes of actions which normally require preparation of an EIS; military training exercises do not fall within any of the classes described [36 CFR 220.5].

Unique characteristics – There is further discussion of roadless area characteristics below. However, military training has been going on this area since the 1970s, before there were IRAs. If there were significant effects to roadless area characteristics, it would seem the area would not have been designated as an inventoried roadless area. The Draft DN/FONSI (Finding of No Significant Impact) addresses unique characteristics of the geographic area, stating that there are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas in areas where military training has been ongoing or is proposed [PR 365, p. 6].

Effects to human environment are likely to be highly controversial – The draft DN/FONSI addresses this issue, noting in the FONSI the effects are not highly controversial in a scientific context; training locations are located in undeveloped areas [PR 365, p. A-6]. The airspace over the Cibola National Forest is an uncontrolled airspace, and decisions around activities in uncontrolled airspace are governed by the Federal Aviation Administration (FAA). USDA’s Forest Service’s decision to be made is whether to renew the existing special use permit and update the training needs of the military. The decision would issue a special use permit for the activities requested by the DOD that would take place on the ground within National Forest System lands. The final EA includes the information that the USAF will consider establishment of No-Fly Zones over private property if the request is submitted in writing to Kirtland Public Affairs [PR 366, p. 2-28]. Additionally, no intentional overflight of livestock, wildlife, dwellings, or populated areas would occur, and flights would stay 2,000 feet above Sierra Ladrones Wilderness Study Area and Manzano Wilderness Area [PR 366, p. 2-18]. These design criteria were all added after the 30-day notice and comment periods and public meeting, in response to citizens’ complaints about overflights close to houses.

Precedence for future actions – The draft DN/FONSI addresses this issue, stating that the Proposed Action will not establish a precedent for future actions with significant effects or represent a decision about future consideration [PR 365, p. 6]. The Response to Comments notes the Land Management Plan currently in development will address military activities in a general sense [PR 366, p. A-27]. This does not mean that this project has affected plan revision in any way.

Effects to public health and safety – The draft DN/FONSI addresses these effects, saying that there would be negligible increases in potential for accidents, encountering wildfires, and for students to experience weather-related health threats such as heat stroke. No change in bird-aircraft collisions is expected, and the FONSI states it would be unlikely that any of these bird-aircraft collisions would involve injury to aircrews or the public, or damage to property [PR 365, p. 6]. The Response to Comments further addresses concerns to public health and safety, explaining that the noise analysis concluded that there would be no public health effects, non-auditory health effects, or hearing damage from the proposed action [PR 366, p. A-50]. Design criteria was added to avoid overflights of known tribal and sensitive raptor areas as well [PR 366, p. A-62].

Both the USAF and USDA's Forest Service have responsibilities for conducting the appropriate analysis and both Agency's requirements were followed in preparing the EA, as well as CEQ NEPA regulations [PR 366, p. A-38 to A-39]. The draft DN/FONSI concludes that the Proposed Action is not a major federal action and will not significantly affect the quality of the human environment, therefore an EIS is not needed [PR 365, p. 5].

Contention: The EA is too long and an EIS should be prepared. The objectors contend that the CEQ guidelines indicate the length for a typical EA and, if lengthy descriptions of collected data are needed, it indicates the need for an EIS. If a range of reasonable alternatives is considered, the EA would become even longer, underscoring the need for a full EIS. (Objection, p. 11)

Response: An EA is intended to be a concise public document (40 CFR 1508.9(a)). However, the length of an EA is not a legal requirement. Whether there is a requirement to prepare an EIS is driven by significance of effects, not the number of pages needed to display effects. This EA is larger than may be normally expected to adequately discuss potential effects of several activities over several sites [PR 366, p. A-41].

Contention: The USAF and USDA's Forest Service response to comment was inadequate.

The objectors contend that responses have not adequately addressed the concerns raised, including the likelihood of significant impacts, the lack of NEPA since the original permit was issued, and the startling length of the EA. The lack of analysis raises a concern that the "process was meant to simply rubber stamp the status quo" rather than analyze potential environmental impacts. Objectors contend that findings such as the expectation that the stress on vegetation will be temporary ignores the concerns raised in comments in 2013 and 2014 around the permanent and irreversible damage to vegetation following 30 years of USAF activity. [Objection, p. 12]

Response: CEQ regulations state that agencies must consider comments and can modify alternatives, develop new alternatives, supplement or improve the analysis, make corrections, or explain why the comments do not warrant further Agency response (40 CFR 1503.4). CEQ regulations also require that agencies include comments through review processes and use them in making decisions (40 CFR 1505.1(c), (d)). Agency regulations require that EAs consider public and agency comments and agency responses to those comments (36 CFR 220.4 (c)).

The draft DN is based on the results and findings of the final EA, consideration of public comments, and review of the 1985 Land and Resource Management Plan [PR 365, p. 1]. It summarizes the project's public involvement, which included two 30-day comment periods that took place in 2013 and 2014 [PR 365, p. 4-5].

Though not required with an EA, a response to comments document was compiled. The Response to Comments contains 63 pages of concerns and comments brought forward during the two 30-day comment periods and the November 2013 public meeting and the responses [PR 366, Appendix A]. The section entitled "Changes since Issuance of the Draft EA" summarizes some changes in response to public comment [PR 366, p. 1-5].

The EA acknowledges the potential for long-term effects to vegetation at the location of the helicopter landing zones (HLZs) due to rotor wash. The expected effect in acres relative to the total acreage as a percentage of the Ranger Districts is between 0.0009 and 0.005 percent for the five individual HLZs [EA, p. 2-24, 3-59 to 3-60, 3-61]. The effects of other activities to vegetation are expected to be temporary, and base camps would be located in previously disturbed areas.

Contention: Objectors contend that there is enough change in the proposed action between the draft EA and the final EA that an additional comment period should be offered. In addition, there are errors or contradictions in the document that need to be addressed and provided for additional public comment. [Objection, p. 16-17]

The draft EA briefly discussed the suitability analysis conducted by the USAF, but the final EA relegates any mention of the suitability analysis to the response to comments and only says that the agencies agreed to keep the suitability analysis out of the record of this NEPA process.

The proposed action had been substantially changed between 2013 and 2020; the number of helicopter sorties and events in the final EA is significantly lower than what was proposed in the draft EA; however, this change is not reflected in the Changes section of the final EA. This raises the question whether there is a need to permit the additional HLZs, and objectors contend they were not given the opportunity to comment on this change.

The number 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.

The draft EA did not provide any information about the potential siting of a new basecamp as part of any alternative. The final EA provides limited information about the siting of a new basecamp. Objectors contend there is not yet a final decision about where new basecamps would be located, and their impacts need to be fully analyzed prior to a permit renewal.

There is a 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. This contradiction should be resolved, and the information provided to the public with a new comment period.

Response: Thank you for bringing the errors in tables to our attention. The tables have been corrected, and a track-changes set of tables is included with this letter so that you may see the corrections. As we discussed during the call, the correct numbers were used in the analysis, and the errors in the tables were missed in edits to the final EA.

The objector contends that the project violates NEPA because there is so much change between the draft and final EAs, and because of errors in the final EA an additional comment period should have been offered. According to CEQ, agencies are to make diligent efforts to involve the public in preparing NEPA documentation (40 CFR 1506.6). Forest Service regulations provide opportunities for public comment during scoping and 30-day notice and comment period, at a minimum (36 CFR 218.25). Two comment periods were offered, as well as a public meeting at the Magdalena District Office in November 2013 [PR 366, p. A-37]. Additionally, in spring 2014, the USAF offered two public meetings in the field near Magdalena in order to demonstrate military training activities at those sites. The changes to the EA between draft and final were made in response to comments received from the public, including the groups and people represented by the objector, to clarify the types and numbers of military training activities in way that the public could better understand.

The change in the number of sorties does not change the need for diverse terrain and operational situations. Additionally, the USAF and USDA's Forest Service worked together to find locations for the proposed base camps near Magdalena in order to improve safety and communications [PR 366, p. A-30]. Alternate base camp locations have been assessed in order to minimize impacts to landowners [PR 366, p. A-17]. The final EA contains maps at differing scales that show three potential base camp locations near Magdalena [PR 366, p. 2-3, 2-4] and these locations are described in subsequent pages in the final EA.

The airspace over the Cibola National Forest is an uncontrolled airspace, and decisions around activities in an uncontrolled airspace are governed by the FAA. The final EA includes the information that the USAF will consider establishment of No-Fly Zones over private property if the request is submitted in writing to Kirtland Public Affairs [PR 366, p. 2-28]. The final EA also includes the incorrect information that No-Fly Zones will be established over all private inholdings within the boundaries of the Cibola National Forest [PR 366, p. 2-28 #4]. The activities in uncontrolled airspace are not within the authority of the Forest Service, and this design criteria will be removed from the final EA. As the objector noted, No-Fly Zones are not reflected in the analysis. USDA's Forest Service's decision to be made is whether to renew the existing special use permit and update the training needs of the military. The decision would issue a special use permit for the activities requested by the DOD that would take place on the ground within National Forest System lands.

Contention: Objectors contend the USAF and USDA's Forest Service must consider an alternative that minimizes impacts on the Scott Mesa and Goat Spring Inventoried Roadless

Areas. Roadless lands provide ecological benefits and conservation values. Objectors are concerned about the impacts that training exercises will have on the IRAs. They acknowledge that there will be little in the way of wheeled activity, but contend there will be helicopter maneuvering and munitions fired during field training exercises both adjacent to and within the IRA boundaries, and contend that an alternative that would locate these trainings in a different area should have been analyzed.

The EA fails to analyze the effects on any of the nine roadless characteristics listed in the Roadless Rule. Field and helicopter trainings will likely have impacts on soil, the diversity of plant and animal communities, dispersed recreation, and natural appearing landscapes. Noise associated with the activities will likely travel deep into IRAs, affecting both the human experience and the diversity of animal communities. Figure 4-1 shows that ground tracks associated with HLZs and drop zones will cross deep into the IRA. Objectors acknowledge that there is some analysis in chapters 3 and 4 of the EA, but contend that these factors were not analyzed in terms of effect on roadless area characteristics, nor does it include an analysis of the impacts on IRAs from spent munitions, foot traffic, and noise. [Objection, p. 6-8, 12-14]

Response: The Cibola National Forest incorrectly contended that because there was no timber being cut nor roads being built, the two prohibited actions in IRA, there was no need to analyze and display effects to roadless area characteristics. As a result, and as you noted in your letter, the draft DN/FONSI fail to articulate the tie between the effects displayed in the final EA and the potential effects to roadless area characteristics.

While the Cibola National Forest did not provide separate effects analysis specifically related to each of the nine roadless characteristics, it did analyze for potential resource effects that are applicable to roadless characteristics. There will be an instruction included with this response that the Cibola National Forest display the applicable consideration of effects to roadless area characteristics.

Contention: The objectors contend that one of the most significant impacts from noise on wildlife relates to chronic exposure. Though the EA included analysis of the direct impacts from noise on wildlife, it did not disclose the impacts from chronic exposure to anthropocentric noise and so failed to take a hard look at the direct and cumulative impacts. [Objection, p. 14-15]

Response: The Cibola National Forest determined that the proposed project could affect two federally listed species, the Mexican Spotted Owl (MSO) and its critical habitat, and the Zuni fleabane. The Cibola National Forest prepared a Biological Assessment (BA) where it determined that the project was not likely to adversely affect the MSO or its critical habitat and the Zuni fleabane [PR 419 and 999]. The Cibola National Forest submitted the BA to the US Fish and Wildlife Service (USFWS) to fulfill consultation requirements. The Cibola National Forest received concurrence on their determination of effects from the USFWS [PR 254]. The Forest also prepared a Biological Evaluation (BE) to analyze effects to sensitive species as required under FSM 2670 [PR 419].

The EA contained analysis of effects for Management Indicator Species (MIS), Golden and Bald Eagles, Migratory Bird Species, and federally listed and sensitive species [PR 366 pp. 3.67-159, 4.1-2, 4.7-8]. All the required analysis for wildlife and botany was completed for this project.

Contention: The USAF and USFS did not take a hard look at the impacts on mountain lions. Much of the Magdalena Ranger District, including the Bear Mountains, is considered important habitat for mountain lions. The objectors contend the analysis failed to include an analysis of the impacts of the proposed training activities to mountain lions. [Objection, p. 15]

Response: The Cibola National Forest completed a BA and informal consultation with the USFWS to complete ESA Section 7 requirements for this project [PR 999]. In addition, the Cibola National Forest completed a BE for sensitive species which is required under FSM 2670 [PR 419]. All required wildlife and botany analysis (e.g. MIS, sensitive species, etc.) was included in the EA [PR 366]. Because mountain lions are not designated with any specified status on the Cibola National Forest, they were not included in the project analysis.

Contention: Objectors contend that the analysis relative to elk is arbitrary and capricious because it fails to consider responsible opposing science. The EA contends that elk will become habituated to the noise from low-flying helicopters; however, the objectors submitted contrary scientific studies that conclude elk do not habituate to noise from low-flying helicopters. The objectors contend that failing to consider the contrary science and conclude that there will not be significant impacts on wildlife is arbitrary and capricious. [Objection, p. 15-16]

Response: All required wildlife and botany analysis (e.g. MIS, sensitive species, etc.) was included in the EA [PR 366]. The Cibola National Forest quotes two studies where elk and other ungulates could be habituated to a variety of sounds e.g. helicopter. [PR 366 p. 3.95]. In the EA, the elk is referred as a MIS and determines the amount of habitat it represents on the Cibola National Forest [PR 366 p. 3.63]. Throughout the analysis for elk in the EA, the Cibola National Forest finds that in some circumstances some minimal damage to vegetation may occur through actions associated with the project. In addition, they find that low or no affects to forest population trends for elk should occur through actions associated by the project. The EA displays that displacement of individuals would likely be localized and temporary [PR 366].

In addition, the Response to Comments addresses this issue, explaining that Appendix D provides a summary of noise effects on animals, based on long-term studies [PR 366, p. A-51]. The final EA analyzes noise effects and effects to wildlife in separate sections of Chapter 3 [PR 366, pp. 3-24 to 3-45 and 3-62 to 3-157, respectively]. This section also analyzes effects to various species, by each training location. This analysis indicates minimal impacts to all the species analyzed.

CONCLUSION

I have reviewed the project in light of the issues presented in the objection letter received and clarified in the objection resolution meeting. My review finds that the project is in compliance with all applicable laws and the Cibola National Forest Plan. However, based on my review, I am instructing Acting Forest Supervisor Matt Rau to:

- Correct the editing errors in numbers in tables.
- More fully acknowledge that nature and concerns of the public who have participated in the comment periods.

- Remove design criteria #4 on page 2-28 of the EA. This information is incorrect as the activities in uncontrolled airspace are not within the authority of the Forest Service.
- Provide clarifying language to specifically address effects to impacted roadless area characteristics relative to the FONSI intensity factor 3 and the consistency findings for other laws/regulation/policy.
- Provide a map that more clearly displays the locations of base camps.

I appreciate the discussion and opportunity to further understand your concerns and explore where we have common interests and goals. The Acting Forest Supervisor may sign the DN for this project once these instructions have been addressed. My review constitutes the final administrative determination of the Department of Agriculture; no further review from any other Forest Service or Department of Agriculture official of my written response to your objection is available [36 CFR218.11(b)(2)].

Sincerely,

SANDRA WATTS
Acting Regional Forester

Enclosure

cc: Matt Rau, Steve Hattenbach, Jay Turner, Zack Parsons, Carl Ciccarelli, Martha Garcia, Roxanne Turley, Blair Halbrooks, Howasta Tahiry