

November 15, 2011

Dear Sir or Madame:

As President of the Wagon Mound Development Association and as a staff member with the Intertribal Territories Recovery Institute (both located in Mora County) I oppose the low altitude training that is proposed for our area. I oppose what Cannon Air Force Base proposes to do as follows:

- Fly CV-22 Osprey and the C-130 airplanes
- Fly at altitudes of 300 feet above ground level
- At night
- At speeds up to 350 MPH
- These maneuvers include in-flight refueling
- Three (3) flights per night (688 per year)
- Fly approximately five hours in duration as low as 200-300 feet overhead (airliners fly at 30,000 feet overhead!!)
- Fly over the mountains and valleys of a 60,700 square mile area of northern New Mexico and southern Colorado
- Use skilled pilots to fly missions "simulating defense against threats"
- Require that tribes and ranchers REPORT their activities to air force to avoid over-flights during their activities--ceremonies, calving, weaning, branding....

**These activities would have the following impact on the citizens and life systems (animal, air, water):**

- The poisoning of the headwaters of the Rio Grande and Colorado, local rivers, acequias--jet fuel contains perchlorate, which according to Dr. Theo Colborn, damages the thyroid at any level of exposure.
- Poisoning the land and air with low level jet fuel emissions, night after night--jet fuel contains diesel fuels (benzene, xylene, toluene, etc.)
- Damage to elk and other wildlife habitat particularly during mating, spring calving, migration
- Disruption to quality of life for the human population--post traumatic stress (PTS)
- Stampeding live stock and wildlife herds
- Damage to adobe structures (shatter at 52 decibels!)
- More destruction of the Taos Pueblo like the huge crack caused by a sonic boom in the 1970's and avalanche dangerty Commissioners.)

**I just attended the New Mexico Tourism Association conference held in Albuquerque, NM on November 2-3rd. I, along with four other residents of Wagon Mound (Mora County) were**

**representing the Wagon Mound Bean Day Association in our efforts to develop year round tourism at our rodeo grounds which has now been expanded to 41 acres. In developing this acreage, our number 1 goal is attracting both in-state and out of state tourists to our area, which is currently pristine, quiet, and abundant in clean air, water and land - that are being assaulted throughout our region and country. A close by example is San Juan County which has gone from an agricultural to industrial area because of the oil and gas development - namely fracking " that has gone on there. The flyovers would destroy our chance to attract tourists to our area.**

**The citizens of this area have every right to maintain our clean environment, as provided for in both the U.S and New Mexico State Constitutions. I believe that the LATN is really about the following:**

- Expanding the U.S. military industrial complex here In New Mexico and bringing a form of revenue to the state government through their operations in spite of the impacts upon the environment and the people
- Cannon Air Force base has been supported by our state and federal representatives for expansion--\$5 million in land and water rights acquisition
  - \$500,000 to a new overpass to the base --New schools
  - (a total of \$15 million to Curry County in which Cannon Air Force Base resides)
- Using hunter-killer teams, assassins and death squads to fight against the citizens in Afghanistan and Iraq
- The three evening practice flights are preparation for the continued assault on innocent people all to protect corporate power.
- Today, over 70-80% of the U.S. budget goes to the military, while the health care, education, social security, infrastructure and other human needs (ie. local post offices being closed within our rural communities!!) are money strapped and eroding. It costs \$11,000 per hour for the military to fly an osprey.

I ask that you STOP THE INSANITY and STOP the LATN initiative. I would also suggest that you read the following article which outlines why we are having to deal with this LATN proposal in the first place.

Sincerely,

Theresa Carmody  
P.O. Box 128  
Wagon Mound, NM 87752

New Study Says U.S. Night Raids Aimed at Afghan Civilians  
<http://www.commondreams.org/headline/2011/09/21-3>

Published on Wednesday, September 21, 2011 by Inter Press Service  
New Study Says U.S. Night Raids Aimed at Afghan Civilians  
by Gareth Porter

WASHINGTON - U.S. Special Operations Forces have been increasingly aiming their night-time raids, which have been the primary cause of Afghan anger at the U.S. military presence, at civilian non-combatants in order to exploit

their possible intelligence value, according to a new study published by the Open Society Foundation and The Liaison Office.

The study provides new evidence of the degree to which the criteria used for targeting of individuals in night raids and for seizing them during raids have been loosened to include people who have not been identified as insurgents.

Based on interviews with current and former U.S. military officials with knowledge of the strategic thinking behind the raids, as well as Afghans who have been caught up in the raids, the authors of the study write that large numbers of civilians are being detained for brief periods of time merely to find out what they know about local insurgents a practice the authors suggest may violate the Geneva Conventions on warfare.

A military officer who had approved night raids told one of the authors that targeting individuals believed to know one of the insurgents is a key factor in planning the raids. "If you can't get the guy you want," said the officer, "you get the guy who knows him."

Even when people who are known to be civilians have not been targeted in a given raid, they have been detained when found on the compound of the target, on the ground that a person's involvement in the insurgency "is not always clear until questioned", according to military officer who has been involved in operational questions surrounding the raids interviewed for the report.

Raids prompted by the desire for intelligence can result in the deaths of civilians. The Afghan Analysts Network, a group of independent researchers based in Kabul, investigated a series of night raids in Nangarhar province in October-November 2010, and found that the raids were all targeting people who had met with a local religious cleric who was believed to be the Taliban shadow province governor.

Two civilians were killed in those raids when family members came to the defence of their relatives.

The report notes that many Afghans interviewed said night-time operations had targeted a number of compounds simultaneously, in some cases covering entire villages.

In a village in Qui Tapa district of Konduz province, SOF units, accompanied by Afghan army troops, conducted a raid that detained 80 to 100 people, according to the report. The interviewees said a masked informant pointed out those people to be taken a U.S. base to be interrogated.

The idea of using military operations to round up civilians to exploit their presumed knowledge of the insurgency has a long history in the U.S.-NATO war in Afghanistan.

The Pentagon official in charge of detainee affairs until the end of 2005 told IPS that concerns about "over-broad detention" in Afghanistan - meaning the practice of sweeping up large numbers of civilians - were countered by

pressures for "more aggressive detention operations".

As then head of NATO intelligence in Afghanistan, Canadian Brig. Gen. Jim Ferron, explained in a newspaper interview in May 2007, "The detainees are detained for a reason. They have information we need."

It is not clear that civilians actually provide important intelligence on insurgents, however. The civilian victims of night raids are family and friends of Taliban fighters and commanders, who have no incentive to provide information that would make it easier for SOF units to track them down.

But another factor inclines the Special Operations Forces commanders in Afghanistan to focus more on people for whom the evidence of involvement in the insurgency is weak or nonexistent, according to the new report. After taking heavy losses, in 2010, Taliban commanders at district level and above are increasingly residing in Pakistan rather than in towns in Afghanistan where they can be more easily targeted.

Without those targets on their lists, SOF units in Afghanistan may have had to choose between going after more civilians or reducing the number of operations. And the growth in the number of operations and the statistics on alleged insurgents killed or captured are a key measure of the relevance of SOF units.

An average of 19 raids per night were conducted during the period from December 2010 through February 2011, according to data published by Reuters last February. But a senior U.S. military adviser interviewed for the report in April 2011 said that as many as 40 raids were taking place in a single night.

A military officer involved in the night raids told an author of the study that there were no longer enough mid- to high-level commanders still active in Afghanistan to justify the present high rate of raids, and many raids were now likely to be targeting people who are known not to be insurgents but who might know something about specific insurgents.

Other officers interviewed for the report denied that contention, however, claiming there were still plenty of commanders left to target.

The report suggests that it is dangerous to detain family members in particular in order to exploit their knowledge of relatives in the insurgency, because it further inflames an already angry population across the country.

"If that is the criteria, they might as well arrest all southerners," said one Afghan journalist living in Kandahar. "The person who is an active Taliban is either my uncle, cousin (or) nephew."

Based on interviews with residents in villages where raids have taken place in the past several months, the report concludes that communities "see raids as deliberately targeting and harassing civilians, in order to discourage communities from providing food and shelter to insurgents, or to pressure them to supply intelligence on the insurgency."

Most of those civilians targeted or swept up in night raids are released within a few days, according to the report. That assessment is consistent with the revelation, reported by IPS in September 2010, that roughly 90 percent of the individuals who were said by ISAF in August 2010 to have been "captured insurgents" were in fact released either within two weeks of initial detention or within a few months after being sent to Parwan detention facility.

The authors of the report conclude that deliberately targeting and rounding up civilians who are not suspected of being insurgents merely to exploit possible intelligence value "may constitute an arbitrary deprivation of liberty" and thus "inhumane treatment" in violation of Article 3 of the Geneva Conventions.

The report suggests there is "anecdotal" evidence that the targeting for the raids has become more accurate.

But that anecdotal evidence appears to be contradicted by other anecdotal evidence that the targeting has become more indiscriminate in deliberately targeting civilians.

\*Gareth Porter is an investigative historian and journalist specializing in U.S. national security policy. The paperback edition of his latest book, "Perils of Dominance: Imbalance of Power and the Road to War in Vietnam", was published in 2006.

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November 15, 2011

Hello,

I am writing as a concerned citizen regarding the proposed low altitude training flights by Canon Air Force Base over Northern New Mexico. I have been following this issue and am upset that the public will not have a 'voice' at the Nov. 23rd meeting at the Capital. I hope that will change between now and then (and I encourage you to support that change). I wish like to express my outrage that apparently, no impacts will be introduced, discussed, heard, or studied. This is blasphemous! There is too much at risk not to give this issue the fullest consideration.

Sincerely,

Lisa Styles

Santa Fe, NM

November 18, 2011

I understand that the Military and Veterans Affairs Interim Committee will hold a hearing this Wednesday about the proposed low altitude training flights over northern NM and that no public comment will be permitted at that hearing. So, please accept this written message as an expression of my strong opposition to such flights over northern New Mexico.

Sincerely,

Paula McGee  
Santa Fe, NM

November 18, 2011

Dear Co-Chairs Garcia and Ulibarri,

I have received the agenda for the Interim Committee on Military and Veterans Affairs for the meeting on Wednesday, November 23 and am concerned that a balanced presentation on the impacts of low altitude flights is not part of the consideration of the Committee and that public comment is not going to be permitted.

I attended ten of the seventeen meetings held by Cannon, 6 in northern New Mexico and 4 in Colorado. This has given me a unique perspective on the public, tribal, and local government response to the proposal. I am requesting time to speak on Wednesday in order to share the public sentiment with the Committee.

Attached is a Joint Memorial passed by the Legislature of the State of Maine regarding an effort to establish a low altitude flight zone (LATN) over its airspace. The Cannon LATN is only one of many being proposed at this time.

As part of the Environmental Assessment for the Cannon LATA, the public has learned the current extent of military airspace and the massive expansion efforts proposed over the continental United States which are underway. It is likely that no additional airspace is needed by Cannon or any other air force base, but better scheduling and more effective use of existing airspace will meet training needs. The attached map shows the extent of existing Cannon airspace within New Mexico and parts of adjacent airspace in Colorado, Texas and Kansas.

Please allow me the opportunity to speak on Wednesday. Thank you.

Sincerely,  
Carol Miller

[http://www.maine.gov/legis/house/hcal/h\\_20100209.htm](http://www.maine.gov/legis/house/hcal/h_20100209.htm)

(4-2) On motion of Representative SAVIELLO of Wilton, the following Joint Resolution: (H.P. 1268) (Cosponsored by Senator GOOLEY of Franklin and Representatives: CROCKETT of Bethel, GILBERT of Jay, HARVELL of Farmington, MITCHELL of the Penobscot Nation, PETERSON of Rumford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 214)

**JOINT RESOLUTION MEMORIALIZING THE MAINE CONGRESSIONAL DELEGATION TO OPPOSE LOW-LEVEL FLIGHTS IN WESTERN MAINE**

WE, your Memorialists, the Members of the One Hundred and Twenty-fourth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the Maine Congressional Delegation as follows:

WHEREAS, the Massachusetts Air National Guard proposes to change the use of low-level training flights in the military operations airspace area in western Maine, known as "the Condor airspace"; and

WHEREAS, the Massachusetts Air National Guard's proposal will allow for low-altitude combat simulation flights within the Condor airspace and the proposal has been met with opposition by the residents near the flight paths, as well as concerned citizens throughout the State; and

WHEREAS, the major problems are the low altitude of the jets, the potential of an increase in flights, the existing small private aircraft flights in the area and the increased noise levels that will disturb agriculture and wildlife, the serenity of the area and the quality of life for both residents and tourists; and

WHEREAS, the Massachusetts Air National Guard's draft environmental impact statement for these flights is incomplete and fails to meet minimum standards for adequate research and publication, containing errors, omissions and unsupported conclusions related to flight safety, environmental damage and quality of life; and

WHEREAS, specifically, recent economic reports and recommendations on "quality of place" and the effect of low-level aircraft flights have not been addressed by the draft environmental impact statement; and

WHEREAS, another issue is that noise data for F-18, F-22 and F-35 aircraft are omitted from the draft environmental impact statement, despite the likely use of the airspace by these significantly louder aircraft, and independent analysis of the noise data has not been completed; and

WHEREAS, no meaningful mitigation measures have been considered or suggested to protect the people and environment regarding these concerns and the State would have no binding control over low-level flight activity; and

WHEREAS, the Penobscot Nation, a federally recognized sovereign Indian tribe, has serious concerns about the effects of this proposal, and the approximately 47,600 acres of tribal lands affected by the proposed expansion of military training flights are lands that were recovered by the Penobscot Nation under the terms of the federal Maine Indian Claims Settlement Act of 1980, 25 United States Code, Sections 1721 to 1735; and

WHEREAS, this proposal may result in unintended restrictions on the uses of the tribe's lands and resources, which may constitute a violation of the Maine Indian Claims Settlement Act of 1980, and an executive order of the President of the United States and federal law require that all federal agencies formally consult with federally recognized Indian tribes when their proposed actions potentially affect such tribes, and to date the Massachusetts Air National Guard has not initiated the required consultation process; and

WHEREAS, communication between the Massachusetts Air National Guard, the citizens of the State and the Governor of Maine has been incomplete and the Massachusetts Air National Guard has been unresponsive to questions and requests for information; and

WHEREAS, important environmental issues in the State have not been properly addressed, such as how these flights will affect endangered and protected species, such as the Barrow's Goldeneye duck and the American Bald Eagle; and

WHEREAS, the impact of the flights on the locations of present and future wind energy sites has not been properly addressed and the safety of the aircraft flying out of local airports has not been properly addressed; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to express our dissatisfaction with the present notification and hearing process for low-level flights over the western portion of our State and we urge the Maine Congressional Delegation to request that any action by the Federal Aviation Administration be delayed until the draft environmental impact statement is complete and addresses all the above identified concerns; and be it further

RESOLVED: That We call upon the Maine Congressional Delegation to urge the Federal Aviation Administration to hold a public hearing on this proposed airspace change and to request the Massachusetts Air National Guard to withdraw proposals to modify the Condor military operating areas until the previous requests are implemented; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Massachusetts Air National Guard and to each Member of the Maine Congressional Delegation.

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(4-3) On motion of Representative ROTUNDO of Lewiston, the following Joint Resolution: (H.P. 1269) (Cosponsored by Senator ROSEN of Hancock and Representatives: ADAMS of Portland, AUSTIN of Gray, AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BICKFORD of Auburn, BLANCHARD of Old Town, BLODGETT of Augusta, BOLAND of Sanford, BOLDUC of Auburn, BRIGGS of Mexico, BROWNE of Vassalboro, BRYANT of Windham, BURNS of Whiting, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CASAVANT of Biddeford, CEBRA of Naples, CELLI of Brewer, CHASE of Wells, CLARK of Millinocket, CLARK of Easton, CLEARY of Houlton, COHEN of Portland, CONNOR of Kennebunk, CORNELL du HOUX of Brunswick, COTTA of China, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CURTIS of Madison, CUSHING of Hampden, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, DRISCOLL of Westbrook, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGECOMB of Caribou, EVES of North Berwick, FINCH of Fairfield, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, FLETCHER of Winslow, FLOOD of Winthrop, FOSSEL of Alna, GIFFORD of Lincoln, GILBERT of Jay, GILES of Belfast, GOODE of Bangor, GREELEY of Levant, HAMPER of Oxford, HANLEY of Gardiner, HARLOW of Portland, HARVELL of Farmington, HASKELL of Portland, HAYES of Buckfield, HILL of York, HINCK of Portland, HOGAN of Old Orchard Beach, HUNT of Buxton, WALSH INNES of Yarmouth, JOHNSON of Greenville, JONES of Mount Vernon, JOY of Crystal, KAENRATH of South Portland, KENT of Woolwich, KNAPP of Gorham, KNIGHT of Livermore Falls, KRUGER of Thomaston, LAJOIE of Lewiston, LANGLEY of Ellsworth, LEGG of Kennebunk, LEWIN of Eliot, LOVEJOY of Portland, MacDONALD of Boothbay, MAGNAN of Stockton Springs, MARTIN of Orono, MARTIN of Eagle Lake, MAZUREK of Rockland, McCABE of Skowhegan, McFADDEN of Dennysville, McKANE of Newcastle, McLEOD of Lee, MILLER of Somerville, MILLETT of Waterford, MITCHELL of the Penobscot Nation, MORRISON of South Portland, NASS of Acton, NELSON of Falmouth, NUTTING of Oakland, O'BRIEN of Lincolnville, PENDLETON of Scarborough, PEOPLES of Westbrook, PERCY of Phippsburg, PERRY of Calais, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PINKHAM of Lexington

Township, PIOTTI of Unity, PLUMMER of Windham, PRATT of Eddington, PRESCOTT of Topsham, PRIEST of Brunswick, RANKIN of Hiram, RICHARDSON of Carmel, RICHARDSON of Warren, ROBINSON of Raymond, ROSEN of Bucksport, RUSSELL of Portland, SANBORN of Gorham, SARTY of Denmark, SAVIELLO of Wilton, SCHATZ of Blue Hill, SHAW of Standish, SIROIS of Turner, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STEVENS of Bangor, STRANG BURGESS of Cumberland, STUCKEY of Portland, SUTHERLAND of Chapman, SYKES of Harrison, TARDY of Newport, THERIAULT of Madawaska, THIBODEAU of Winterport, THOMAS of Ripley, TILTON of Harrington, TREAT of Hallowell, TRINWARD of Waterville, TUTTLE of Sanford, VALENTINO of Saco, VAN WIE of New Gloucester, WAGNER of Lyman, WAGNER of Lewiston, WATSON of Bath, WEAVER of York, WEBSTER of Freeport, WELSH of Rockport, WHEELER of Kittery, WILLETTE of Presque Isle, WRIGHT of Berwick, Senators: ALFOND of Cumberland, BARTLETT of Cumberland, BLISS of Cumberland, BOWMAN of York, BRANNIGAN of Cumberland, BRYANT of Oxford, COURTNEY of York, CRAVEN of Androscoggin, DAMON of Hancock, DAVIS of Cumberland, DIAMOND of Cumberland, GERZOFKY of Cumberland, GOODALL of Sagadahoc, GOOLEY of Franklin, HASTINGS of Oxford, HOBBS of York, JACKSON of Aroostook, MARRACHÉ of Kennebec, McCORMICK of Kennebec, MILLS of Somerset, President MITCHELL of Kennebec, NASS of York, NUTTING of Androscoggin, PERRY of Penobscot, PLOWMAN of Penobscot, RAYE of Washington, RECTOR of Knox, SCHNEIDER of Penobscot, SHERMAN of Aroostook, SIMPSON of Androscoggin, SMITH of Piscataquis, SULLIVAN of York, TRAHAN of Lincoln, WESTON of Waldo)

EA for the Establishment of Low Altitude Training for Cannon AFB, New Mexico

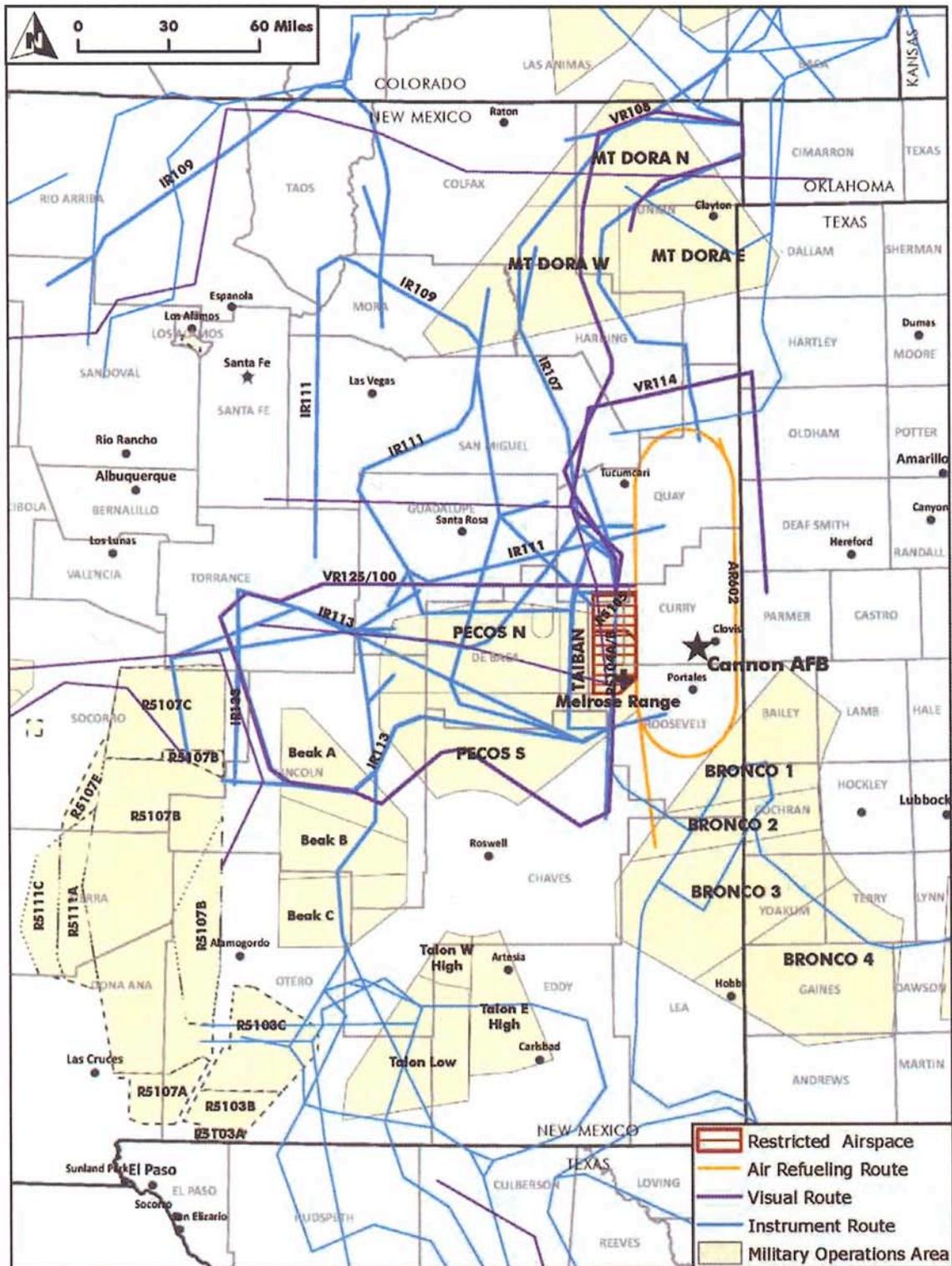


Figure 3-1. Military Training Area Near Cannon AFB and Melrose AFR

November 18, 2011

RE: Low Altitude Tactical Navigation Flights

I am a resident of Miami, NM; because of work obligations I have not been able to attend nearby community meetings scheduled for Las Vegas, Raton or Clayton.

It is crucial that a detailed Environmental Impact Study be made regarding the Air Force's proposal; the cursory draft Environmental Assessment of "No Significant Impact" is insufficient to address vital concerns that many in our region share regarding the proposed flights. Only a partial list of those concerns: the invasive and disturbing disruption of tranquility in a beautiful place which has always attracted potential residents and recreational visitors, health reasons relating to repeated loud noise resulting in stress and countless other negative effects, population shift and reduction in property values, and danger to animals, both livestock and wildlife.

Ample documented evidence shows the US military is responsible for the most widespread pollution and degradation of the planet, and that the Pentagon is so huge and so lacking in financial controls that it can not even follow its own money (Government Accountability Office report). It is revealing that the US spends more on defense than the next 17 top-spending countries combined. The Commission on Wartime Contracting concluded that contract waste and fraud in Iraq and Afghanistan alone amounts to somewhere between \$30 and \$60 billion. According to the GAO, the cost of an MV-22 is \$64 million and a CV-22 is \$76 million; operating costs are \$11,000 per flying hour; the total cost of the V-22 program from 1982-2008 equaled \$25.7 billion! A further GAO finding: **"Failure to re-examine the V-22 program at this point risks the expenditure of billions of dollars on an approach that may be less effective than alternatives. We maintain our recommendation for a new alternatives analysis."**

Sincerely,

Landon Young

November 21, 2011

Ms. Stokes:

Please accept my comments for discussion at Committee Hearing in Santa Fe 23 November 2011.

I am a direct appointee of VA Home Loan Guaranty as the state's only Prior Approval Lender.

In working with Veterans since the inception of the 'mortgage crisis' and prior to this time I have discovered numerous abuses and violations of 38CFR regarding how New Mexico Veterans have been victimized by banks and mortgage lenders that have purposely directed the Veteran to financing far less advantageous to that of the Veteran home loan benefits.

Further, as we have seen the downward spiral in the economy, many senior, disabled and unemployed Veterans have been victimized by illicit foreclosure procedures and in effect are having their homes overtly 'stolen'.

The hardships of these financial adversities are significant to any one who has had the misfortune of confronting the "bulldozer" of foreclosure mill law firms, the inequity of the administrative law procedures in State courts and the total lack of consumer protection afforded New Mexico Veterans.

FYI - at age 55 and over 50.2% of New Mexico homeowners are Veterans (statistic obtained from the UNM Bureau of Business & Economic Research).

Further, I sit as a participant of the Veterans First State Advisory Council, in so doing as an economist, MBA and 40 plus year veteran of the financial services industry at Vice President levels, I have had the opportunity to interface with clinicians, physicians, psychologists and social services professionals discussing the trauma of PTSD Combat Veterans.... The financial services industry and specifically the mortgage investors are adding secondary trauma that has been artificially contrived on top of the real-world trauma of combat to Veterans who have been victimized by spurious procedures in the origination, servicing and foreclosure of their homes.

The findings of over 20 years work with Veterans, VA home loans and my efforts to thwart the confiscation of Veterans homes has specific and documented evidence plus Veterans who are first-hand victims and will be witnesses to the futility of working with mortgage investors and servicers to save their homes.

The consequential impact on social transfer costs to government, the willful abuse of Veterans benefits and grave inhumanity to Veterans by ner-de-well ill-trained and generally incompetent mortgage employees is beyond any comprehension.

I seek the Military & Veterans' Committee of the NM Legislature, who I had a first hand part in bringing to being, to develop and sponsor legislation for the mediation of

foreclosure of Veterans homes, for the direct representation of Veterans in distress situations with proper counseling and defense against an industry "HELL BENT" on adding to the despicable statistics of Veterans homeless.

I wish the opportunity to do an oral presentation this Wednesday at the Committee Hearing in Santa Fe.

Your kind response and agreement to my presentation will be greatly appreciated by the numerous Veterans that I have had the distinct opportunity to offer my professional assistance and aid to block the loss of their homes.

Sincerely,

**Donald K. Arnold**  
**VA PRIOR APPROVAL LENDER #9598360000**  
**tel: 505-298-9800**  
**fax: 858-712-3769**  
**email: [arnold\\_don@comcast.net](mailto:arnold_don@comcast.net)**  
**P.O. Box 21842**  
**Albuquerque, New Mexico 87154-1842**

November 21, 2011

Dear Reps. Garcia & Alcon,

Please accept my opinion that the low altitude flights from Cannon are of no benefit for our state. My father was a link pilot trainer in WW2. Computer simulator are so advanced now that training via air time is a waste of jet fuel and taxpayer monies. NM needs sustainable projects that create jobs and reverses man's environmental impact. Remember the job creating/ low- water usage tilapia farm that was proposed at the same time as the vote to fund the spaceport? That one project could have provided food, cut flowers and jobs. Instead, we got a private enterprise for joyrides. Enough of the joyrides and provide for our State's future.

Regards,

Jean Crawford  
Santa Fe

November 21, 2011

Dear Sir:

We are quite concerned about Cannon Air Force taking our air space in N. New Mexico and S. Colorado. It doesn't seem democratic to censor the public in advance from participating in this legislative meeting with Cannon. We are no longer the United State of America, but are fast becoming a communist county like Russia. Are you aware that Cannon's EA was done by a military contractor. How valid is that? The intent of House Memorial 70 is being violated as no impacts will be presented, considered or studied. The legislature is using N. M. taxpayer money to pour millions into Cannon while making drastic cuts to other state programs.

The Air Force, the Marines and the Army have become a joint force. The Army at the Pinion Canyon Maneuver Site wants millions more acres of land, so if the Air Force takes all our air space in Northern New Mexico and Southern Colorado how long will it be before the Army and the Air Force start taking our land. They want some place to practice their robotic warfare. It's not as if they don't already have millions of acres of land and millions of miles of air space in other places they could use. We think you should stand with your constituents.

Fred and Catherine Daniel

November 21, 2011

Why would the public not be allowed to speak at this hearing on Wednesday? Seems a bit cavalier (bot & paid for?) to allow the military industrial complex to have its say, but not they who are affected by this activity.

I am opposed to LATA over this area. If it were the Blue Angels, that would be fine. But several wings at Cannon are involved in black ops, including a variety of drones. If they can't learn how to use their toys on the millions of acres they already have available to them, then I question their purpose. I no longer trust any federal administration to do what is right by We the People. They could readily determine the residents of this area are racist-conspiracy theory-terrorists (as defined by the Southern Poverty Law Center, the HSA and the MIAC Report), clinging to our guns and bibles, and turn their weapons of war on us. The current administration is particularly psychopathic and Congress has a 9% approval rating. They haven't listened to We the People in years.

Also, if we refuse to relocate under the Agenda 21 Wildlands project, someone might decide we are enemy combatants and use LATA training accidents to remove us from our land. Permitting LATA now lets the camel's nose under the tent for future trouble.

Far too much money has been forked over to subsidize the Cannon resurrection at the expense of other NM needs. This is not right. Our tax dollars should stay with us, not subsidize the banksters warmongering and drug running while they are looting the nation.

If I seem a bit fed up with the globalist agenda, I am. Here is an excellent opportunity for NM to stop supporting this nonsense and make a step towards restoring the principles of subsidiarity. We don't want the Air Force, with its myriad shadowy programs, expanding them here more than they already are. They are not working for We the People and the so-called War on Terror is a fraud. (How can you have a war on an adjective? Only if you have good psy-ops and the public is so dumbed down they never question anything.)

Sincerely,

Paula Devlin

Raton

November 21, 2011

To the Members of the Military and Veteran Affairs Committee,

I am a resident of Arroyo Seco, New Mexico, directly in the flight path of the proposed training flights. My Hispanic father-in-law, a veteran of the Korean War who lived next door to us, died last February having received full disability benefits due to post-traumatic stress disorder. Our community has a disproportionately high number of veterans due to a culture that values military service, and many suffer with PTSD.

VA Stress Disorder Treatment Team Coordinator Diane T. Castillo states that “higher rates of PTSD are found in ethnic minorities, particularly Hispanic veterans.” (Veritas NM.) Another member of my Hispanic family, an Iraq War veteran, also lives in Arroyo Seco, and has experienced symptoms of PTSD. It seems highly unfair to submit veterans suffering with PTSD to the barrage of noise from low overflights that would be certain to aggravate their anxiety and stress. I know that my father-in-law would have been deeply impacted by such an experience, as any loud noise was extremely stressful for him.

In addition to this concern for veterans among my family and community, I am deeply angered by the lack of an Environmental Impact Statement for this proposed training corridor. I would prefer that employees of Cannon Air Force Base were paid to conduct community service or spend time with their families, and keep afloat our faltering state economy in this manner, rather than destroy the World Heritage Site of Taos Pueblo, and devastate the wildlife habitat for our few remaining miles of wilderness in the Mountains of the Carson National Forest.

Beth Enson  
PO Box 503  
Arroyo Seco, NM 87514  
575-776-3238  
wildmushroomsoup@gmail.com

November 21, 2011

Representative Tomas Garcia  
Military and Veterans Affairs Committee

Dear Sir;

As important as defending our country is, damaging it while training to protect it is a poor option. I am concerned about the proposed Cannon AFB Low Altitude Training Area (LATA) flights over a large part of the mountains, grasslands, and deserts of New Mexico. I feel that it would have a negative impact on the economy and peace of mind of anyone who lives, ranches, or recreates in the fly-over area. The disruption to wildlife and livestock is potentially devastating.

In addition to the potential damage and disruption, it is foolish to advocate spending money on military operations when so many human services programs in New Mexico are being cut back. When did practicing for war in Afghanistan become more important than education and health services in our State? Our children are under attack by the lack of funds, not by the Taliban.

Please consider recommending that this training not be held in the proposed area. There are large areas set aside in southern New Mexico for military operations which are practiced there on a daily basis.

Thank you,

Richard McCracken  
PO Box 586  
Arroyo Hondo, NM 87513

November 22, 2011

Dear Mr. Burciaga,

I am sending this information to you with a copy to Ms. Stokes because members of the public have been concerned to receive an autoreply from Stokes which states that she is out of the office.

HM 70 passed in the 2011 session calls for:

"the appropriate interim legislative committee to study the impact of the proposed low altitude tactical navigation training flights in northern New Mexico and how to address those impacts." We do not believe that a presentation by Col Munz complies in any way with the Memorial. The interim committee has conducted no study, nor even a discussion of the impacts.

The information attached is a sampling of the more than one thousand comments on the Draft EA received by Cannon. Three are from organizations and two are from individuals contesting the Cannon "finding of no significant impact" (FONSI); one a biologist and the other is my personal comment on economic and public health effects of the proposal.

Please provide these to the members of the Interim Committee on Military and Veterans Affairs prior to the meeting tomorrow.

I have asked to speak and that request is being forwarded to you as a separate email for your information. It includes a Joint Resolution passed by the Maine Legislature opposing a LATN there and a map of Cannon's extensive existing airspace. If there had been an actual study with public involvement, it would become clear to the legislators that Cannon and adjacent bases have more than enough air space without this destructive expansion over the last pristine area of the nation.

Thank you,

Carol Miller

LATN Draft Environmental Assessment comments; Jon Klingel

47 Star Vista Rd.  
Santa Fe, NM 87505  
November 2, 2011

Canon AFB Public Affairs Office  
110 E. Sextant Avenue, Suite 1150  
Canon AFB, NM 88103  
email: [27SOWpublicaffairs@cannon.af.mil](mailto:27SOWpublicaffairs@cannon.af.mil)

Re: NEPA Environmental Assessment Comments for Proposed LATN Area

Dear Colonel Clark:

Thank you for the opportunity to provide comments for the proposed LATN Draft Environmental Assessment (EA) in northern New Mexico and western Colorado. I have been a resident of northern NM for more than 30 years, am a retired biologist and have many years of forest fires suppression experience. I own property in the mountains near Taos and spend considerable time, summer and winter, in the back country of northern NM and the mountains of Colorado.

**GENERAL COMMENTS:**

The USAF Environmental Assessment (EA) does not meet the requirements of NEPA. The "Proposed Action" and the "No Action" alternatives will result in significant impacts to the quality of the human environment. A Finding of No Significant Impact (FONSI) is not warranted and a full Environmental Impact Statement (EIS) is required. The EIS needs to have a full range of alternatives (including a true No Action alternative). The cumulative impacts analysis in the EIS needs to include all low level routes and areas. The cumulative impacts analysis in the EA completely fails to analyze any cumulative impacts.

During the public scoping meetings the USAF stated its objective is to fly low-level, night training flights over the mountains of northern New Mexico and western Colorado. These areas are occupied with towns, communities, houses, cabins, and campers (especially during spring, summer and fall). Flying undetected is not possible anywhere in the mountains of New Mexico or Colorado. The USAF can not meet its stated objective.

The USAF's proposed flights will result in significant adverse impacts to our quality of life: solitude, pure air, clean water, plants and wildlife, contrary to conclusions in the EA. The USAF proposal is not compatible with this region.

The USAF proposal will require burning large amounts of jet fuel contributing to pollution, climate change and the risk of starting forest fires with potential air plane crashes or refueling accidents.

The US military already has considerable land suitable for flight training and there are less disruptive alternatives than turning this region into a practice war zone.

The public needs to be provided with a military phone number for all low level, military flights so

they have a place to register violations. The numerous Military Training Routes (MTR) and Military Operating Areas (MOA) in the mountains of northern NM have been generating complaints for years. While working for NM Department of Game and Fish, I received phone calls and/or letters complaining about low level military aircraft in northern NM. I called the USAF, for information on their flights but found no one willing to admit it was their aircraft. However, the USAF did admit to one incident in which a jet flying within the Rio Grande Gorge, west of Taos, hit the high voltage power lines cutting off power to the Town of Taos. The pilot was killed and the crashed USAF aircraft made responsibility difficult to deny.

At the Santa Fe meeting, the USAF stated that the USAF will not fly low, training flights over Wilderness Areas, but Wilderness areas aren't mentioned in the EA. Why are there currently low level flights over the Gila Wilderness Area? What about Wilderness Study Areas, and Wild and Scenic Rivers? What are the prescribed horizontal and vertical clearance distances alluded to during public meetings? The EA states the aircraft will stay at least 3,000' Above Ground Level (AGL) over the corridor near the Colorado border (Valle Vidal and Vermejo Park Ranch). Three sorties per night means there will be, at least, 6 flights per night through that corridor. Agency personnel report that they have recently observed a military flight, at night, over the Valle Vidal at about 300' AGL. Again, we have to question whether the stated minimum altitudes will be adhered to or whether it is just a number on paper.

A multi-agency and multi-organization task force is needed to examine all of the existing low level activity in NM and CO to assess their impacts, appropriateness and need for further activity. It is apparent from Figure 2-3 that most of NM already has excessive low level flight activity. Representatives need to sit down face to face and determine where, if anywhere, these types of flights are suitable. Despite the extensive low level military flight activity all over NM there has never been a cumulative impacts analysis. The task force also needs to determine which routes/areas need to be closed. For example, will the MTR designed for use by F-16 aircraft previously flown from Cannon AFB, be closed?

Has the USAF violated NEPA by fragmenting the Canon AFB activities into smaller components? NEPA specifies that a project can not be broken down into smaller components to avoid dealing with the full impacts. The August 20, 2007 Record of Decision approved the "beddown of AFSOC personnel and equipment at Cannon AFB and created a new AFSOC Wing, the 27<sup>th</sup> SOW". Likely, the supposed need to fly low-level, night-time, high mountain training was recognized at that time. It would appear that the USAF has intentionally and illegally broken down these foreseeable related actions into smaller pieces.

During the public meeting in Santa Fe the USAF talked about how much money Canon AFB is contributing to the economy of Clovis, NM. While this may help the community of Clovis, it does not justify turning northern NM and western CO into a practice war zone thereby negatively impacting the quality of life, diminished economy and subsequent property values. If turning our region into a practice war zone is a condition of having Canon AFB in NM then Canon AFB should be closed.

## **SPECIFIC COMMENTS:**

### **NOISE**

Noise from the proposed project will have a significant adverse impact on the quality of life and the human environment, contrary to the conclusion in the EA. The conclusion stated in the EA, “noise impacts would not be expected to be significant.” is false. Further the EA is incomplete lacking critical information necessary as part of the current analysis process. Neither the public nor USAF can fully assess the potential impacts without this missing information.

The stated purpose of the USAF project is night-time training flights at low levels in the mountains. The EA states there will be three sorties per night and they will be randomly distributed over the entire project area. This is not true in the mountains where flights will be concentrated in the canyons, valleys, and through passes. There are a limited number of mountain canyons, valleys and passes, and each flight through a pass will involve two valleys. It is likely that each sortie will fly through several passes. It is highly probable that flights through any particular valley will be common, not rare. The EA states, “Since over flights of any given location would be relatively rare...” and “...estimate that any given location would be overflown within 1,000' on the average, approximately three times per month.” How many existing valleys are suitable for USAF training within the project area? How many repeat flights will actually occur through the same valley, canyon and pass? The EA estimates are low and based on a faulty assumption; the conclusions are likely incorrect.

The mountain valleys and canyons are where humans, wildlife, streams and fish are concentrated. In a quiet mountain canyon, a night-time low level, loud ( EA states 80-98 decibels) aircraft will wake everyone in a house, cabin or camp, every time, whether windows are open or closed. People sleeping in quiet surroundings often wake up when a coyote howls or an owl calls so an 80-98 decibel noise will wake people. Do canyons amplify the noise, as seems to be the case? Will the noise actually be louder ? In at least, some industries (possibly OSHA regulation) personnel are not allowed to enter an area (even for a few moments) with greater than 82 decibel noise without hearing protection (ear plugs or ear muffs). In areas with noise greater than 100 decibels, personnel must use double hearing protection (ear plugs and ear muffs) before entering the area.

Not addressed in the EA is the human response to a sudden, surprising, loud noise in one's immediate environment. The factors of surprise, loudness intensity, speed, and the specific setting of the experience appear to be important in determining the severity of the human reaction. From personal experience, any such noise at close range is experienced as an attack with an adrenalin fight or flight response, not just an annoyance as stated in the EA

Ambient noise levels were modeled according to the EA. I suggest a better and more accurate approach would be to go into a quiet mountain canyon on a cool, calm, clear night and actually measure the sound level.

The EA states communities will be avoided, but the project boundary in eastern NM (San Miguel, Mora and Colfax Counties) includes numerous small communities. Similarly, in Colorado, there are small communities throughout the mountains. Where is the map showing areas that will be avoided?

The EA states that the USAF you will coordinate with the Forest Service and National Grasslands to determine flight avoidance areas. This must be part of the NEPA process, not something that might be done in the future. Agencies (including other land management agencies such as BLM, NM Department of Game and Fish, CO Division of Wildlife, USFWS Refuges, etc.) already know where they have recreation and other resources that will be incompatible with the proposal. The location of all incompatible areas needs to be included in the analysis. All entities with land and resources which could be impacted need to be contacted and avoidance areas determined. The EA/EIS needs to present maps of all proposed and existing avoidance areas. The current EA is incomplete.

#### CHEMICALS AND AIR QUALITY

Analysis in the air quality section of the EA focuses on legal limits of toxins and other chemicals that may be dumped into the environment. An EA/EIS needs to assess the impacts, not just legal limits. Your analysis does not show how our air quality will be diminished. Clean air is an important part of the quality of life in northern New Mexico and western Colorado. Decreasing air quality is a problem and needs to be thoroughly assessed as required by law. Further, decreasing air quality, even though still above a legal limit, does not necessarily constitute or justify a conclusion of "no significant impact" in this region. Because the USAF doesn't plan to decrease air quality to the level of Los Angeles or New York does not justify the EA's conclusion. There is no cumulative impacts analysis of the military and non-military contamination of air quality in the project area which is required by law. Because air moves, some of the contaminants that will be released may not come down within the project area, but they will come down somewhere. Much of our air comes from the southwest (e.g., Arizona and California). The EA analysis needs to include the condition of the air coming into the project area, impacts to areas where the pollutants will come down including the project area and likely Kansas, Oklahoma and Texas.

Material (chemicals and particles) dumped into the atmosphere, does not stay in the atmosphere indefinitely. It does return to the surface of the earth, some materials more quickly than others, and some chemicals are changed in the process. For example, SO<sub>2</sub> combines with rain to form sulfuric acid (i.e., acid rain). What will happen to each of the chemicals that will be dumped into our atmosphere? They will end up on the land, in streams, wetlands, ponds and rivers. How will they affect plants and animals, including invertebrates, soil, and water quality? There is no analysis of direct, indirect or cumulative impacts, as required by law.

The EA states that there is no mixing in the atmosphere above and below 3,000'. Perhaps this is true on a calm, cool day in flat country but in the mountains and even in flat terrain during weather with vertical instability (common throughout the SW and elsewhere) this seems like a false assertion. For example, thunderstorms, which can rise to several miles high, can have vertical winds of 100 miles per hour resulting in extensive mixing and which can bring pollutants from a high elevation to the ground via rain and hail. I assume the USAF is familiar with wind shear associated with cumulous clouds.

Green House Gases (GHG) are a serious concern in this region. Climate change (caused at least in significant part by GHG) forecasts for NM are hotter and dryer. In this semi-arid region where availability of water is already marginal, hotter and dryer is very serious. Any action contributing to climate change is a significant adverse impact in this region. Conclusions in the EA are not correct. Further, the cumulative affects analysis needs to consider the large projected increase in airline

activities in the next few years.

#### WATER QUALITY, PLANTS AND SOIL

The EA begins with the false assumption that the tons of pollutants put into the atmosphere by the proposal will not reach the ground. This suggests that they will stay in the atmosphere forever. Based on this false assumption, the EA concludes that there will be no impact to water, wetlands, plants (domestic or wild), or soil so that there is no need to assess the impacts. A complete analysis of each of the pollutants and their direct, indirect and cumulative impacts to water, plants, soil and wildlife is necessary. We, the public, have a right to know and it is required by law.

#### WILDLIFE

There are a number of problems with the analysis of impacts to wildlife and the conclusions in the EA:

- 1) The conclusion, no adverse impacts to wildlife, is not supported by the EA.
- 2) No study is cited pertinent to night-time disturbance of wildlife.
- 3) Day-time studies of a few species do not predict night-time impacts to broad groups of species.
- 4) USAF apparently has not determined which species occur in the project area.
- 5) The EA does not address seasonal sensitivities such as lambing and calving.
- 6) The EA falsely assumes mammals are uniformly distributed throughout the project area.
- 7) Some economically important game species (e.g. elk, bear & turkey) are not mentioned in the EA.
- 8) Wildlife avoidance areas have not been identified or mapped in the EA.
- 9) Impacts to birds and bats from direct aircraft strikes are not assessed in the EA.

Wildlife is an extremely important part of the human environment in the proposed project area. Within the New Mexico counties USAF proposes to fly, there are over 600 vertebrate species. The EA does not contain a list of vertebrate species occurring in the project area, which should be the first step in attempting to assess the impacts to wildlife of any project. A few possible species are mentioned based on the Bailey's ecoregion system which is a very general land classification system. It is too general to be of use in determining which species actually occur in project area and where. Threatened or Endangered (T&E) species are listed. These are species formally listed as threatened, endangered or candidate by the federal government, State of NM and/or State of CO. Many other species are of special concern and not mentioned in the EA. These include species listed as Species of Greatest Conservation Need and game species listed by the States of NM and/or CO. Where is the Biological Opinion from the US Fish and Wildlife Service, as required by law? The EA also fails to address US Forest Service sensitive species, US BLM sensitive species, Navajo Nation threatened, endangered and candidate species, and species of cultural importance to Pueblo tribes. The EA doesn't even mention (much less assess impacts) some of the region's most economically important game species such as elk, bear and turkey. The EA is incomplete both in addressing high profile and other wildlife species occurring in the project area.

The reaction of some wildlife will probably be similar to humans, discussed above. Expected reactions include a strong physiological response, an adrenalin charge, running for cover; interruption of feeding, breeding and resting behavior; increased energy consumption, etc. In the arctic, small low level aircraft resulted in grizzlies running full speed at the first sound of a plane. Dall sheep bunch and run, and noise affects use of critical mineral licks. How will bighorn sheep and black bears react to large loud low aircraft at night? While the EA cites studies on some species, those studies were conducted during

daytime. What is the affect of night time disturbance? Overt and physiological responses need to be assessed. Wildlife, unlike domestic animals which are fed by humans, are often at or near carrying capacity of the habitat. Generally, this means they are already under some stress and increasing stress levels may have serious consequences for individuals and populations. The EA fails to assess the direct, indirect and cumulative impacts of night-time disturbance to wildlife in the project area. No study is cited pertinent to night-time impacts; the studies cited are of a few species and done during the day-time. If the affects of low level loud fast night-time aircraft aren't known, studies need to be conducted prior to and included in the NEPA analysis. The EA conclusion that there will be no adverse impacts to wildlife is not supported by the document.

There appears to be no scientific justification for assuming that night disturbance will be the same as day-time disturbance. Because a species of owl, a nocturnal animal, does not leave its roost during the day, tells us nothing about what its reaction will be at night when it is hunting. Further, to extrapolate to other species of owls is not justified. Likely reactions will vary between species and it is unreasonable to assume that reactions will be the same among groups of related species. Even closely related species often occur in very different habitats and reactions to disturbance may be different.

The EA falsely assumes that flights will be randomly distributed throughout the project area. This assumption is false in the mountains as discussed above. The EA also falsely assumes "a uniform distribution of mammal species". Probably no mammals (or other species) are uniformly distributed throughout the project area. Bighorn sheep are not randomly distributed, nor are elk, deer, bats, marten, etc. Concentrations of wildlife, species diversity, and number of people are highest in mountain valleys. Because this is where flights will be concentrated, impacts will likely be most severe.

Elk, one of the première game species in the area, aren't even mentioned in the EA. Elk are sensitive to disturbance, especially during calving season which is the reason portions of the Valle Vidal are closed seasonally to public entry. How will elk be affected at different times of the year and different localities (e.g., calving areas, winter range and migration corridors)? Where are the elk herds located at different seasons? Where are the calving areas? Will there be avoidance areas for elk? Big horn sheep react to aircraft, apparently especially during lambing season. The NM Dept. of Game and Fish requested the US Border Patrol not fly into mountain top sites in sheep habitat during lambing season. How will bighorn sheep be affected at different times of the year by night-time disturbance? Will there be avoidance areas for bighorn sheep? What impact will the proposal have on black bears, American marten, foxes, owls, bats, etc.? Avoidance areas for wildlife need to be identified and mapped in the NEPA document.

Bird strikes are discussed in the EA, but only from the standpoint of risk to the aircraft. The EA is an environmental assessment. What are the potential impacts to wildlife, especially those that fly at night, such as bats and some birds? Nocturnal birds include several species of owls, and possibly night hawks earlier in the evening. There are several bat species in the project area. What species are at risk during migration from low level night-time flights? Small birds and bats may not pose a threat to giant aircraft, but what are the risks to the animals from low level night-time flights? Bats, nocturnal flying mammals, are not even mentioned in the EA. The Rio Grande is a flyway for some birds such as sandhill cranes and is not mentioned in the EA. The USAF flight path crosses the Rio Grande in

northern NM in the 15 mile wide corridor. How does the project propose to avoid sandhill cranes, and other species, migrating up and down the Rio Grande? The EA states the number of Air Force bird strikes within the ROI in NM is two. From the map Figure 3-7, I count about 38 bird strikes. The risk to birds and bats from direct aircraft strikes is incomplete in the EA. The impact to wildlife needs to be assessed in the NEPA document.

In T&E table 3-7, there are omissions. Peregrine falcon is a status omission while the remainder are county distribution omissions.

Peregrine falcon was federal listed and has been delisted

Canada lynx, occur in the Sange de Cristo mountains as far south a Santa Fe, NM.

Includes the counties of Taos, Colfax, Rio Arriba, Mora and possibly San Miguel, NM.

Gunnison's prairie dogs occur in the mountain valley of northern NM. Counties include:

Colfax, Mora, Rio Arriba, San Juan, San Miguel, Santa Fe, Taos and Torrence.

Wolverine almost certainly did occur in NM but there are no specimen records. Likely occurred in northern Sangre de Cristo and San Juan mountains.

American marten likely occur in the project area in Colfax and Mora counties, NM.

Kit fox are known from the following NM counties: Chaves, De Baca, Guadalupe, Rio Arriba, San Juan, Santa Fe, and Torrence.

Boreal owl occurs in the high elevation spruce-fir forests in NM Counties of Colfax, Mora, San Miguel, Santa Fe and Taos.

## ECONOMICS

EA statements and conclusions in the Socioeconomics section are not true. The EA states : "... would not adversely affect economic decisions, property values, or other socioeconomic resources in the areas underlying the proposed low altitude training area." The value of real estate will, especially in mountain valleys, be affected. As part of disclosure of material facts, a realtor will likely have to disclose the low-level, loud, night-time military aircraft activities. Because most buyers who want mountains property, place a high value on solitude, the property value and salability of noise- impacted property will decrease. The EA cites a study that found prices decrease by 0.5 to 0.6% per decibel. The stated USAF aircraft noise of 80-98 decibel range, will adversely affect sales and value. Additionally, the proposal will have some adverse economic impact on the area with decreased tourism and recreational visits. The conclusions in the EA are not correct.

## SOCIAL JUSTICE

Social justice is a concern. I can't help but wonder why the USAF chose northern NM and western CO for this training area. It seems that the choice may have been made because we are a poor region with a large hispanic and Native American population. There are other areas in the US with higher mountains and more suitable terrain. I suspect the fact that this is a poor region has much to do with the decision. The EA compares the minority composition of the project area counties to the state of NM as a whole which is also low income and largely a minority population. The EA needs to compare the project area to the country as a whole. States like California, Oregon, Washington, Idaho or Montana which have similar terrain, would likely generate more well-healed resistance.

## OTHER POTENTIAL IMPACTS TO THE HUMAN ENVIRONMENT

The EA indicates that the risk of fire is small because the risk of a crash is small. This may be true, although low-level, high-speed, night-time flying probably has a much higher crash risk than daylight flights. We have been experiencing extreme burning conditions in recent years which are likely related to climate change, which increased flights will exacerbate. An aircraft-caused fire, during extreme burning conditions, would likely be catastrophic to our environment. These begin as large fires, unlike most, and would likely be difficult or impossible to control under extreme conditions. Does the USAF plan to fly during extreme burning conditions?

The EA states that in an emergency, the aircraft would climb to 2,000' before dumping fuel. I suspect it would depend on the type of emergency and if the pilot had the time and power to climb. During an emergency, fire fighting retardant air tankers dump their retardant load as the first action, regardless of altitude or location.

In your Cultural Resources section you state, "... could introduce visual and/or audible elements that are out of character with historic property. ... would not diminish the ... setting, ...feeling, ... or otherwise affect the characteristic of a historic property ....". The EA statement, as presented, may have some truth, but primarily because the flights are at night and most people visiting a historic site will be there during the day. For people present at night, such as campers, your proposal will adversely impact the experience of many cultural places.

In the section on Regional and Cultural Sensitive Areas the EA references identifying avoidance or noise sensitive areas where noise or electromagnetic effects could interfere with activity: Please elaborate and assess what the "electromagnetic" outputs are from the proposed project.

A typo on page 4-9, states, " ... would amount to 136 ... flights per year." It should read 688 flights per year.

## LAND USE AND RECREATION

In this section the EA states, "Land use and recreational resources are evaluated to determine if any proposed activities would preclude or alter the suitability of an area for ongoing or intended land uses. ... impacts would occur if activities were (1) inconsistent with ... plans and policies, (2) ... or severely diminishing its attributes for ongoing uses ...". Loud low level night-time flights over areas with considerable recreation such as hiking and camping (especially mountain valleys) will certainly diminish the use and value for ongoing activities. The map Figure 3-8 is inadequate, you only show ski areas. It should also include camp grounds and valleys with recreational activity such as hiking, camping and skiing. You state, "... lakes and reservoirs have high value for recreation." Rivers and streams, especially in the mountains, also have very high recreational value and are heavily used throughout the project area. Your conclusion, "There would be no anticipated change in general land use patterns, ... land ownership, land management plans, and special use areas for the lands underlying the proposed training area", is false.

## NEPA

The EA states: "The intent of NEPA is to protect, restore, and enhance the environment through well-informed federal decisions." Unfortunately, the EA does none of these and does not provide well-informed information upon which to base a decision. The document contains numerous erroneous assumptions and false conclusions, often based on no data, studies or pertinent information. The EA does not provide an accurate assessment of the direct, indirect or cumulative adverse impacts to the region. There is a lack of suitable alternatives, as required by NEPA. The "No Action" alternative is still proposing low level night-time flights (i.e., it is not a true No Action alternative).

NEPA requires analysis of a full range of alternatives. The EA only has two alternatives, the supposed "No Action" alternative and the USAF's "Preferred" alternative. Where is the alternative to not fly low level, night-time flights in our mountains? Where is an alternative to move the 27<sup>th</sup> SOW elsewhere to a more suitable location? Where is an alternative to close Cannon AFB and move it to a more suitable location? I find no alternative or discussion of using already designated military land such as White Sands Missile Range or Nevada. I find no mention of the use of flight simulators as an alternative to reduce actual training flights.

NEPA also requires a full cumulative impacts analysis. The cumulative impacts analysis needs to include a complete assessment of all low level areas and routes in New Mexico and Colorado, including a map. The New Mexico Department of Game and Fish has been pointing out this need for years and has been ignored. There has never been a cumulative affects analysis of the low level military routes in New Mexico. I suspect Colorado is similar. The Cumulative Affects analysis in the EA is non-existent; there is no real analysis.

## SUMMARY

**Because the USAF proposal is controversial, will have significant adverse impacts to the resources and human environment of NM and CO, and will have significant adverse economic impacts (all contrary to your conclusions in the EA) a full Environmental Impact Statement (EIS) will be necessary.**

Thank you for the opportunity to provide comments on the EA. I await your draft EIS.

Respectfully,

Jon T. Klingel  
jon@klingel.name

**Peaceful Skies Coalition of New Mexico and Colorado**  
c/o P.O. Box 297  
Arroyo Hondo, New Mexico 87513

November 4, 2011

**VIA E-MAIL**

Cannon AFB Public Affairs Office  
ATTN: LATA Comments  
110 E Sextant Ave, Suite 1150,  
Cannon AFB, NM 88103  
27SOW.PA.NEPA@cannon.af.mil

**Re: Comments on the US Air Force Draft Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, New Mexico**

To Whom It May Concern:

Peaceful Skies Coalition is submitting comments on the Draft Environmental Assessment as required under the National Environmental Policy Act of 1969, 42 U.S.C. § 4331, et seq., (NEPA) for the United States Air Force and Cannon Air Force Base (collectively, the USAF) proposed Low Altitude Training Area and activities (LATA) in New Mexico and Colorado.

These comments are submitted during the requisite comment period by the Peaceful Skies Coalition (Commenters). The Commenters request that Peaceful Skies Coalition members Carol Miller and Clifton Bain be placed on the recipient list to receive notice of any developments in the USAF's NEPA review process for this proposal and any related documents issued by the USAF in the course of its NEPA review of this proposal. The Commenters further request that these comments be included as part of the administrative record. Additional comments may also be submitted separately by members of this organization, its employees/officers, and other interested citizens associated with these organizations. We submit the following comments at this time in order to maintain our standing to challenge in a court of law any Finding of No Significant Impact (FONSI).

Peaceful Skies Coalition submitted comprehensive comments during the 2010 scoping period. The Commenters are disappointed that none of its concerns raised during the initial scoping was fully and appropriately addressed in the Draft Environmental Assessment. The USAF has made no effort to address the concerns of the Commenters, or the many other comments, submitted during the scoping period and instead has issued a Draft Finding of No Significant Impact (FONSI).

The Environmental Assessment signed by Major General O.G. Mannon concludes that "after careful review of the potential impacts, I conclude that implementation of the Proposed Action would not result in significant impacts to the quality of the human or natural environment.

Therefore, a Finding of No Significant Impact (FONSI) is warranted and an Environmental Impact Statement (EIS) is not required for this action.”

### Invalid EA Document: Incomplete and Selective Information

During the research phase of developing these comments, Peaceful Skies Coalition identified a large number, but not all, of Air Force and other branches of the military simultaneously conducting Scoping, Public Hearings, Draft and Final EAs and Draft and Final EISs.

In order to comment on any specific part of this NEPA process, from scoping, EA, and/or EIS, the public needs to be provided information about adjacent and other proposed national military projects. Without complete information there is no way to determine if the expanded airspace is even needed.

The USAF has been asked repeatedly in the so-called “community forums” to provide a real map of where its proposed flights will actually take place. The real map is important because if populated areas, tribal lands, SULMA’s, migratory bird flyways, and other sensitive areas will not be overflowed, the result will be a concentration of flights over the remaining areas.

Because complete disclosure has not been provided, this EA should be withdrawn. The public is being asked to comment on incomplete information and despite numerous requests, Cannon has made no effort to provide additional information.

Wildlife, water and air quality, avian flyways, to name just a few of the potentially affected natural systems, exist in very large bioregions which are not defined by lines drawn on a map around a single base.

### Populated Areas: Moved or Included in the LATA

The Draft EA states on page 1 that “Proposed training area boundaries were moved from those initially presented to the public to avoid large populated areas.” This statement is only partially true. Figure 2-3 shows that there are already pre-existing LATNs, including Jemez and Manzano, in part of the Rio Grande corridor areas that were removed from the Cannon LATA.

Vague references that populated areas will not be overflowed obfuscate rather than clarify. For example, although the Rio Grande corridor from Albuquerque to Taos appears to have been taken out of the LATA, a number of large communities, such as Farmington and Las Vegas, New Mexico, Durango, Montrose, Cortez, Colorado and others are still in the proposed LATA.

### COMMENTS:

During the scoping process, the Commenters affirmed that the proposed action was so large that it would require a full Environmental Impact Statement (EIS). Rather than an EIS, on September 7, 2011, the public was handed an unscientific, poorly documented EA. The EA is in insult to the residents of the 39 affected counties and makes a mockery of the NEPA process. This EA

must be rejected completely and withdrawn.

Federal law requires an EIS for all major federal actions significantly affecting the human environment. 42 USC § 4332(2)(C). The proposed LATA clearly fits this description. The proposal would impose a significant burden on the land-based communities and sensitive environmental and cultural resources in northern New Mexico and Southern Colorado. The deafening noise and powerful vibrations combined with the unexpected intrusion of extraordinarily low flying military aircraft will have the effect of terrorizing wildlife and livestock and has the ability to destroy archaeologically sensitive resources. These flights hold the potential to destroy the eco-tourism economy, which is significant to the overall socioeconomics of the proposed flight areas. As a consequence the USAF's proposed LATA already has generated enormous public controversy and opposition. For all these reasons, NEPA requires that the proposal be subjected to a thorough consideration of the proposed LATA's significant potential impacts and a range of alternatives in a full EIS.

#### Unnecessary: Sufficient Military Air Space is Already Available

During the course of the comment period for the Draft EA and the public meetings, it has become apparent that Cannon AFB has not and cannot justify a need for additional airspace, the proposed LATA. The public has learned of the vast amounts of military airspace already available nationally, and importantly, adjacent to Cannon. At the "community forums" Cannon officials have spoken of airspace scheduling problems among the various Air Force bases and installations and thus the need for this new area.

The people and environment of New Mexico and Colorado must not be exposed to this destructive and invasive plan only because the Air Force is not capable of managing its existing assets.

Members and representatives of the Peaceful Skies Coalition have attended almost all of the Cannon "community forums" that were held. They report nearly universal public opposition to this proposal.

#### Complying With NEPA

If the USAF persists in attempting to advance this proposal it must conduct a full EIS. The following range of issues must be included and analyzed in depth:

1. Direct Impacts. The NEPA EIS will need to carefully analyze the direct impacts of the proposed action. This includes but is not limited to: impacts to the health and socioeconomic and psychological wellbeing of Native American tribes, residents of the area's centuries-old traditional Hispanic land-based communities, and all those who live in and visit northern New Mexico and southern Colorado from around the world; impacts to livestock and other domestic animals; impacts to wildlife and wildlife habitat; impacts to wilderness areas, Areas of Critical Environmental Concern, and other environmentally sensitive areas; air quality impacts; impacts to archaeologically, anthropologically, historically, spiritually, and culturally significant areas,

impacts to scenic areas, impacts to recreation areas; and impacts to tourism.

Northern New Mexico supports an abundant and diverse array of wildlife. Variations in elevation have created four life zones: alpine, subalpine, mixed coniferous, and transition zones. These areas are typified by aspen parklands and spruce-fir forests, where wildlife such as blue grouse, Rocky Mountain elk, mule deer, pronghorn, mountain lion, black bear, bison, wild turkey, and snowshoe hare are found. To the east, northern New Mexico's grasslands support populations of pronghorn, bighorn sheep, wild turkey, and mule deer. The area's playas, or intermittent lakes, provide habitat for waterfowl and shorebirds, such as Canada and snow geese, eared grebe, sandhill crane, and migrating ospreys. The gorges of northern New Mexico, such as the Rio Grande Gorge and Canadian River Gorge, support a wide variety of raptors, including peregrine falcons, ferruginous hawks, and bald and golden eagles.

Northern New Mexico is prime habitat for many of these species and for a number of species listed as threatened and/or endangered under the Endangered Species Act, and irreplaceable in many respects, due to its vast expanse of unbroken wilderness and isolation from human intrusion. The Air Force's proposed LATA area would forever change the nature and character of the lands beneath it, adding the imprint of man where little existed before, destroying a quiet way of life for many small communities, and causing irreparable damage to wildlife populations and habitat.

Finally, many small traditional rural Hispanic land-based communities and Native American Pueblos are scattered throughout northern New Mexico and southern Colorado. These communities all would be directly impacted by the proposed LATA area and must be included in any analysis.

Because of the extent of the terrain to be affected, detailed analysis must be done for each county as well as each bioregion/ecosystem.

2. Indirect Impacts. The NEPA review process must carefully analyze the indirect effects of the proposed action. Indirect effects are effects that are caused by the action but occur later in time or are further removed in distance. *See* 40 C.F.R. § 1508.8 (b). Indirect effects "may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." *Id.* Here, the indirect effects of the proposed LATA area that will need to be addressed in the NEPA review process include, but are not limited to, negative socioeconomic impacts, environmental injustice impacts, and the negative impacts to tourism, public health, hunting, and recreation that will result from the proposed LATA area.

The effects on the real estate market, both home and land values, could be devastating. People purchase houses and property in rural areas to get away from the noise and bustle of urban life. The economies of many of the small communities in the LATA are highly dependent on tourists seeking the quiet and natural ambience of the mountains of New Mexico and Colorado.

3. Cumulative Impacts. The Commenters are herein re-stating the comments provided to

Cannon during the scoping process in 2010 because absolutely no attention was seriously paid to identifying or analyzing any cumulative impacts in the EA. In fact, this failure to consider cumulative impacts was one of the weakest parts of the document provided to the public. It failed to take into account the recommendations submitted by the Commenters or case law about cumulative impacts.

The Commenters advised Cannon that the Federal courts had ruled that the government “cannot isolate a proposed project, viewing it in a vacuum.” However, this is exactly what the Air Force has done with the Draft Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, New Mexico. This failure to address cumulative impacts supports the request by the Commenters that the current EA be withdrawn.

The NEPA review process requires taking a hard look at the cumulative impacts of the proposed action. A cumulative impact is “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” 40 C.F.R. § 1508.7.

With respect to the proposed LATA area, properly analyzing cumulative effects will include: (1) identifying the significant cumulative effects issues associated with the proposed action; (2) establishing the proper geographic scope for the analysis; (3) establishing an appropriate time frame for the analysis; and (4) identifying other actions affecting the resources, ecosystems, and/or human communities of concern.

In this case, establishing the proper geographic scope or boundary for a cumulative impacts analysis is extremely important because the proposed action will have direct, indirect, and “additive” effects on resources *beyond the immediate* area. To determine the appropriate geographic boundaries for a cumulative effects analysis, therefore, the USAF’s environmental analysis should first: (1) determine the area and resources that will be affected by their proposed action (the “project impact zone”); (2) make a list of resources within that area or zone that could be affected by the proposed action; and (3) determine the geographic areas occupied by those resources outside the immediate area or project impact zone. In most cases, the largest of these areas will be the appropriate area for the analysis of cumulative effects. By way of example, for resident or migratory wildlife, the appropriate geographic area for the cumulative impacts analysis will be the species habitat or breeding grounds, migration route, wintering areas, or total range of affected population units. *See e.g., NRDC v. Hodel*, 865 F.2d 288, 297 (D.C. Cir. 1988) (agency violated NEPA by failing to consider the synergistic effect of simultaneous development on migratory whales).

Another important aspect of a cumulative impacts analysis that the USAF will need to consider is an assessment of other past, present, and reasonably foreseeable actions affecting the resources, ecosystems, and/or human communities of concern. According to the CEQ, the “most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time.” Council on

Environmental Quality, *Considering Cumulative Effects Under the National Environmental Policy Act 1* (January 1997) available at <http://ceq.hss.doe.gov/nepa/ccenepa/ccenepa.htm> (last visited November 2, 2011). The requirement to consider cumulative impacts, therefore, is designed to avoid the “combination of individually minor” effects situation – to avoid the “tyranny of small decisions” or death by a thousand cuts scenario. *See e.g., Grand Canyon Trust v. FAA*, 290 F.3d 339, 346 (D.C. Cir. 2002). In particular, an analysis of aggregate noise pollution effects on wildlife must be conducted.

The USAF’s NEPA review will therefore need to take into account and analyze a number of state, private, and other federal actions as well as natural occurrences or events that have taken place, are taking place, or proposed to take place that will similarly impact the region’s wildlife populations and habitat, and human communities. Individually, each flyover – though serious – may not rise to the level of posing a significant risk. Collectively, however, the impacts of all of these and other activities – whether conducted by private individuals, state agencies, or other federal agencies – may be significant and must be analyzed. *See e.g., Grand Canyon Trust*, 290 F.3d at 346 (discussing collective impacts to Zion National Park); *NRDC v. Hodel*, 865 F.2d 288 (D.C. Cir. 1988) (discussing collective impacts to migratory whales). As the D.C. Circuit Court noted, federal agencies must “give a realistic evaluation of the total impacts [of the action] and cannot isolate a proposed project, viewing it in a vacuum.” *Grand Canyon Trust*, 290 F.3d at 342. Even “a slight increase in adverse conditions . . . may sometimes threaten harm that is significant. One more factory . . . may represent the straw that breaks the back of the environmental camel.” *Id.* at 343 (*quoting Hanly v. Kleindienst*, 471 F.2d 823 (2d Cir. 1972)).

Thus, the USAF cannot analyze the direct and indirect effects of the proposed LATA in isolation, but must examine the cumulative effects of the proposed LATA together with all other Department of Defense low altitude training areas and operations in New Mexico, Colorado and at least the rest of the 48 contiguous states. As explained below, this comprehensive analysis is required by NEPA and mandates the preparation of a programmatic EIS that addresses the military’s entire low altitude training program. In addition, the EIS for this specific low altitude training program must consider the same scope of impacts in its cumulative impacts analysis.

Baseline. The USAF’s NEPA review process has not established in this Draft EA a proper baseline upon which to base its impacts analyses and conduct the requisite “trends analysis,” i.e., an assessment of the environmental impacts of all activities affecting the various resources over an extended period of time. By failing to properly define the baseline and from the baseline engage in a trends analysis, the USAF will be unable to track any effects and changes that will occur over time. At a minimum, baseline data on locations of wildlife and migratory bird paths, and the current exposure of animal populations and human communities in northern New Mexico and southern Colorado to sudden heightened noise levels from low altitude overflights is needed in order to properly analyze the impacts (direct, indirect, and cumulative) of the proposed action.

4. Alternatives. The USAF’s NEPA review process will need to consider a reasonable range of alternatives. Under NEPA, federal agencies must “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves

unresolved conflicts concerning alternative uses of available resources.” 42 U.S.C. § 4332(2)(E); *see also* 40 C.F.R. § 1508.9(b). The discussion of reasonable alternatives section is the “heart” of any environmental analysis under NEPA. 40 C.F.R. § 1502.14. In order to comply with this mandate, the USAF’s Draft EA will need to properly define the “purpose and need” of the action. If the “purpose and need” of the action is too narrowly defined, then the range of alternatives considered will likewise be too narrow in scope. The Draft EA presents only very cursory statements regarding alternative training methods, alternative flight locations, frequencies, speeds, and altitudes, as well as what it describes as a reduced LATA area. While the EA states that the area has been reduced, as stated previously in this comment, the area that has been “removed” is either part of other LATNs and/or part of the populated areas, which were not going to be overflowed.

5. Meaningful Public Comment. The goal of the NEPA review process is to “provide full and fair discussion of significant environmental impacts [of a proposed action]” and to “inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.” 40 C.F.R. § 1502.1. With this mandate in mind, and in order to enable meaningful public comment, the USAF’s NEPA analysis for the proposed LATA area will need to be well organized, easy to read and understand, and include proper references and citations to all relevant scientific studies and data.

Despite the Commenters 2010 recommendation that “Given the technical nature of the Draft EA and the need for careful public review and analysis, the EA’s public comment period should also be extended to a minimum of 120 days” the USAF provided an inadequate 60-day comment period. Despite the recommendation that the USAF disclose to the public, as soon as possible, the data and assumptions underlying any analysis that will be used for the Draft EA this never happened. Finally, the recommendation that USAF Draft EA include complete and accurate information, the document as released is both incomplete, inaccurate and overly reliant on old and irrelevant data.

Dissemination of the Draft EA to the public was minimal. Some, but not all of the libraries and post offices in the area, were provided a single copy. Publicity of the locations of these copies was so minimal as to be effectively nonexistent. No copies of the Draft EA were available at most of the “community forums.” This caused a lot of dissension among the members of the public attending the meetings. While some later meetings had one or two copies available, most meetings did not make copies available to attendees. This remained a serious concern expressed by attendees throughout the meetings. In the rural and frontier area of the proposed LATA, many people have very slow internet connections and were not able to download the Draft EA online. Cannon made no accommodation to the access barriers to the Draft EA despite hearing about these barriers at many meetings. Cannon Public Affairs staff actually told meeting attendees that there were insufficient funds to print enough Draft EAs for the numbers of people that were requesting a copy. This attitude toward the public has poisoned the process for many of the meeting attendees.

Public notice for so-called “community forums” was also effectively nonexistent. In some communities it has been reported that advertisements of the meeting schedule were buried within

other classified advertisements and in a font so small as to be unreadable. The only serious efforts made to provide notice of the meetings called by Cannon and its contractor, SAIC, were efforts made by concerned members of the public including the Commenters.

6. Best Scientific Information. All agencies, including the USAF “shall insure the professional integrity, including scientific integrity, of the discussions and analyses in environmental impact statements.” 40 C.F.R. §1502.24. Information “must be of high quality.” 40 C.F.R. § 1500.1(b). Accurate “scientific analysis [is] essential to implementing NEPA.” *Id.* The USAF failed to review and collect sufficient scientific data. Much of the data is old and/or unrelated to the specific project. This resulted in a Draft EA that does not provide information sufficient to analyze the direct, indirect, and cumulative impacts of the proposed action.

Topics for study, which were not addressed at all include pollution of watersheds from accumulated perchlorates from jet fuel, fire danger in drought-ridden forests, effects on cattle and ranching. Additionally effects on eco-tourism must be studied. People come from all over the world to this unique area, which contains two-thirds of the nation’s 14,000 foot mountain peaks, over 400 recreation sites, more than 90 State Wildlife Areas, hundreds of campgrounds and RV parks, hundreds of natural wonders and trails, State Parks, Historic Sites, Boating and Fishing areas, to name but a few. This area is also highly used by Outdoor Rehabilitation Programs for Veterans with PTSD. None of this was even mentioned in the EA, each needs to be specifically addressed and researched in detail.

7. Absolute Failure to Address Socioeconomic Factors and Environmental Justice. The preceding pages document a number of weaknesses and violations of both statute and regulation with the Draft EA. The Draft EA fails to establish a baseline, fails to consider cumulative impacts, and presents no relevant science regarding potential impacts to humans or natural systems. Despite these significant, overall shortcomings, no section is as dismissive of impact as the Socioeconomic and Environmental Justice sections which find no potential impacts on the affected human communities. These communities are distributed throughout the entire proposed area.

The diversity of this extremely large area, comprised of 39 counties, cannot be overstated. The racial and ethnic diversity is greater than most places in the nation with large populations of American Indians and Hispanics. There is economic diversity ranging from some of the wealthiest counties in the United States to some of the highest poverty counties in the nation. Many of these Western counties are geographically larger than entire states on the Eastern seaboard. Economic regions within the proposed LATA differ greatly one from the other, some are nature and tourism based, others are based on resource extraction; some are communities where the population commutes to urban areas, others are ranching and farming communities.

Based on a sample of counties below, this data shows the need for a comprehensive study of socioeconomic and environmental justice impacts of the LATA at the county level for each of the 39 counties, as well as at the regional market/services level, many of which cross state and county lines.

San Juan County, New Mexico is a majority minority population with native persons, mostly enrolled members of the Navajo Nation, comprising 36% of the county and Hispanic persons comprising 17.5%. The whole county poverty rate is 21%. For Navajo Nation, the poverty rate is the highest in the US at 54% and the unemployment rate is 44%.

Rio Arriba County, New Mexico has a population which is 71.3% Hispanic and 16% American Indian. Persons below poverty total 19% of the county population.

Mora County, New Mexico is 81% Hispanic, with 23.5% below poverty, child poverty at 35% and official unemployment at 16%.

Montezuma County, Colorado has an American Indian population of 11% and a Hispanic population of 9%, a poverty rate of 17% and unemployment running slightly under 9%.

Pitkin County, Colorado has a poverty rate of 6.5% and an unemployment rate of 6.6%.

Colorado statewide has more than 600,000 people who reported speaking a language other than English in the home with Spanish being the primary language.

Source: Census 2010, US Census Bureau

USAF and its NEPA contractor SAIC did no identifiable research on socioeconomic or environmental justice impacts. Citing as the Draft EA “experts” on socioeconomics are two individuals who graduated undergraduate and masters programs in 2004, only one of whom has a known connection to the LATA region, the other is based in Florida. The conclusion of the “experts” states, “The infrequent overflights would not adversely affect economic decisions, property values, or other socioeconomic resources in the areas underlying the proposed low altitude training area.”

With regard to Environmental Justice, the Draft EA states “No adverse impacts have been identified. No specific area in Colorado or New Mexico with minority, low-income, or youth populations is disproportionately overflown. Therefore, no disproportionately high and adverse human health or environmental impacts are expected.” This statement is absolutely false, as the data sample above has shown. The laughable methodology used to reach this conclusion is a simplistic count of the number of counties with higher and lower than statewide rates of minority, low, income and youth as if this count somehow balances out the environmental injustice to very specific, very large proportions of the geographic area which has been proposed for low altitude flights.

8. Programmatic EIS Must be Completed. The Commenters in 2010 told the USAF that before proceeding with a Draft EA, and the necessary EIS for this particular proposed LATN, the USAF should diligently prepare a comprehensive programmatic EIS for all low altitude training areas, operations and activities in at least the lower 48 states and arguably in the Continent, including Alaska. The Commenters still believe that this must be done.

The Commenters therefore urge withdrawal of the Draft EA for the proposed Cannon LATA and instead initiate a Continent-wide EIS for all US Department of Defense (DOD) low altitude flights and training, whether manned or unmanned, by any and all branches of the military. This is pursuant to the CEQ’s NEPA regulations, actions that: (1) are closely related, i.e., are interdependent parts of a larger action and depend on the larger action for their justification; or

(2) are cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts; or (3) are similar actions that have similarities that provide a basis for evaluating their environmental consequences together, such as common timing and geography, need to be considered in one EIS. *See* 40 C.F.R. § 1508.25. There are a number of individual low altitude training areas and activities, or operations, throughout the western United States, and indeed the entire country, that should be considered in one, single programmatic or comprehensive EIS.

Without question, all of these LATA areas are closely related as they involve the same impacts to resources and are part of a larger, programmatic plan to train pilots and related military staff within the USAF and the other branches of the DOD. When viewed with other proposed actions, the LATA areas have cumulatively significant impacts on human communities and wildlife populations and habitat in the region. These projects also qualify as “similar actions” that have similarities that provide a basis for evaluating their environmental consequences together, such as common timing and geography. These projects therefore must be analyzed in one, programmatic EIS.

In fact, preparing a single comprehensive or programmatic EIS is the only way the USAF genuinely can explore and evaluate a reasonable range of alternatives with varying overflight frequency and alternate locations, as well as alternative methods of training (including virtual flight simulation). This is evidenced by the fact that the DOD previously began preparation of a programmatic EIS for the entire low altitude training program on a nationwide basis, and only discontinued it after administrative drafts revealed cumulatively very significant impacts of low altitude training areas and activities across the country.

(9) Timing. The USAF should not commit to any particular course of action, or in any way limit the available range of alternatives and mitigation measures for the proposed action *until* a DEIS for the proposed LATA area is complete, a Final EIS issued, and Record of Decision (ROD) signed. NEPA procedures are designed to insure that “environmental information is available to public officials and citizens *before decisions are made and before actions are taken*.” 40 C.F.R. § 1500.1. Ultimately, of course, “it is not better documents but better decisions that count.” *Id.* NEPA’s “purpose is not to generate paperwork – even excellent paperwork – but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.” *Id.* As such, it is extremely important that the Draft EIS remain a forward looking document – an environmental assessment that evaluates the impacts of and alternatives to an action *before* the action occurs, as contemplated and required by NEPA. *See e.g., Metcalf v. Daley*, 214 F. 3d 1135, 1144 (9th Cir. 2000) (entering into agreements before preparing EA biases the entire process); *Save the Yaak Committee v. Block*, 840 F.2d 714, 718-719 (9th Cir. 1988) (same).

These comments are submitted on the USAF’s proposed new LATA in New Mexico and Colorado. The mission of the Peaceful Skies Coalition is to participate in this and other important decisions affecting public resources in New Mexico and Colorado. The significance of these proposed overflights in terms of the impacts to human communities in rural New

Mexico and Colorado, and on the survival of unique ecosystems and endemic species in the region cannot be overstated.

In conclusion, we ask that this Draft Environmental Impact Statement be withdrawn and that the DOD first complete an EIS for all continental low altitude flights both manned and unmanned for all DOD branches. After such a study has been completed and a baseline established, if the USAF believes additional low altitude range is needed, it can initiate the NEPA process at that time beginning with scoping and public comment. We do not believe a continental EIS will show a need for additional airspace, high or low altitude. In fact, we believe the public will be outraged to learn how much airspace, how many flights, how much pollution, and how much money is literally burned overhead by the DOD and that the public will demand that continental airspace contract and not expand.

We hope you find these comments to be helpful, informative, and useful in your efforts to comply with the NEPA and other substantive statutes. If you have any questions or comments, or wish to discuss the issues raised in this comment on the Draft Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, New Mexico in greater detail, please do not hesitate to contact the Peaceful Skies Coalition representatives listed below.

Sincerely,



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**Comments on the US Air Force Draft Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, New Mexico**

It is a supreme challenge to comment on the US Air Force Draft Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, New Mexico. This is a highly flawed government document pretending to be in compliance with the National Environmental Policy Act (NEPA).

I will address two broad areas with my comments; first, the inadequacy of the document itself and second, the behavior of air force personnel towards the public from the release of the Draft EA through November 5, 2011 when this comment was submitted.

The USAF should never have accepted this Draft EA when it was submitted by their contractor SAIC. It should have been immediately rejected for being completely out of compliance with NEPA and sent back to be re-done. It is difficult to imagine that any USAF personnel familiar with the requirements of the NEPA read this document before it was released to the public on September 7, 2011. This document is an embarrassment to the air force.

**Part One – A Worthless and Offensive Environmental Assessment**

**Largest Proposed ‘Takings’ of Modern Times**

The massive expanse of terrain desired by the USAF for this special operations practice may be the largest single takings ever subjected to the requirements of the NEPA law. If it is not the largest, it is one of the largest. Thirty-nine counties in two states; a vast area of some 60,000 square miles containing large swaths of the pristine southern Rocky Mountains and short grass prairie. This area is beloved, fiercely beloved, by those who live here and visit.

The vast majority of this area is protected; owned by sovereign American Indian nations, Spanish and Mexican community land grants, or publicly owned. All citizens of the United States own the extensive federal public lands. New Mexico and Colorado residents own extensive public lands in each state.

The Draft EA makes only a passing reference to environmental justice or socioeconomic effects. The cavalier attitude towards culture, community, and natural systems survival is offensive and

out of compliance with standards of civil and human rights.

### **Omission of Potential Impacts on State Lands Trust Funds for Public Education**

The Constitutions of both the State of New Mexico and the State of Colorado designate large amounts of state lands to be forever held in trust for the benefit of public schools and education in each state. There are nearly 20 million acres combined, with the majority in New Mexico, a large part of which are included in the LATA. The Draft EA gives zero recognition of the importance of state trust lands nor any potential change or degradation in value or use that might occur under the proposed LATA. This is a huge omission. It is also symptomatic of the selection of a contractor who is not familiar with the area and uses a lot of generic, boilerplate language rather than the scientific rigor and specific details required by NEPA.

### **References and Self-Citation**

The Draft EA is a cut and paste job, where someone grabbed stock references and irrelevant citations to try to make it contain enough pages to look convincing and serious.

Of the 110 total References cited in the Draft EA, a full 25% (n = 27) were citations of documents produced by the military. Nine of these references are for other DOD EAs and EISs. None of these DOD citations can be considered independent and, in fact, reveal a conflict of interest with the data used for this LATA Draft EA.

<b>DOD Citations</b>		<b>Other EIS or EA</b>
USAF	25	EA 5, EIS 4
ANG	1	EIS 1
US Army	1	EIS 1
Total	27	11

Because of the poor quality of the Draft EA, it is possible to go through it section-by-section and critique each for flawed data, incomplete data, misrepresentation of fact, and failure to address significant requirements of NEPA. I will not do this in my comment because I am aware of numerous technical and legal experts who have provided excellent comments on the errors and omissions. Biologists, physicists, wildlife experts, ranchers, renewable energy organizations, and NEPA legal experts are just a few areas of expertise among the comments which have been submitted. In addition to expert comment, CAFB stated prior to the comment deadline that they had already received more than one thousand comments. The public is weighing in with its expertise as users and caretakers of the land, waters, wildlife and local economies.

### **Peopled Landscapes – the Enduring American Frontier**

I am commenting to refute the concept of sparsely populated, lightly populated communities expressed throughout the Draft EA based on my professional expertise in public health and frontier (remote) communities. I am a co-founder and recently retired 15 year Executive Director of the National Center for Frontier Communities ([www.frontierus.org](http://www.frontierus.org)). The National Center for Frontier Communities (hereinafter referred to as the Center) is the only national organization dedicated to the smallest and most geographically isolated communities in the United States - the Frontier. The mission of the Center is to be the national clearinghouse, conduct research, provide education, and offer leadership on issues of importance to frontier communities. An important

role of the Center is to convene and facilitate annual expert panels and think tanks for the Federal Office of Rural Health Policy at DHHS.

Frontier communities comprise 56% of the land area of the United States, with a population of approximately 10 million people, or 4% of the total population. Ten percent of the frontier residents are located within the proposed LATA. These numbers are based on Census 2000 and the Center is currently finalizing updates based on Census 2010.

As a frontier advocate and representative I have served on numerous national boards, workgroups, task forces and committees. Prior to the founding of the Center, I worked on community health care and the Indian Health Service for the federal government in Washington, DC as a Commissioned Officer in the US Public Health Service and later at the White House. I also worked in DC for the National Rural Health Association Government Relations Department and as their Congressional liaison. Additionally, I have travelled nationally and internationally to and on behalf of frontier communities.

I provide this background only for the purpose of substantiating my knowledge that there are almost no unpopulated areas in the United States. Even on military bases with restricted areas, people are there. People are spread across the entire continent. In 2003, I coined the phrase “Peopled Landscapes” as a way to educate policy makers and the general public that the idea of uninhabited areas is a myth – a dangerous myth.

The proposed LATA area is also the largest extent of public, tribal, and communally held land (Spanish and Mexican land grants) in the Continental United States.

### **850,000 People Live in Proposed LATA Fly Zone**

The proposed LATA throughout this Draft EA is a poster child for the harm caused by the myth of wide open spaces where there are no people. It lulls policy makers to think that anything can be done there. Somehow being an area of few people is interpreted as permission to conduct actions and programs, none of which would be tolerated in more densely populated areas. This line of thinking has brought dangers like nuclear bomb building and its waste, hazardous waste dumpsites, dangerous extractive industries, and all kinds of military activities with their concomitant multiple sources of pollution. This disregard for sparsely populated areas is unacceptable.

**In the aggregate, nearly one million people might be in the sparsely populated areas of the proposed LATA at any given time.** With 850,000 permanent residents (Census 2000), tourists to the area, and large numbers of transients passing through on their way to other places on interstates, US highways, and state roads. Just because the population is a broadly dispersed across the landscape, this is a very significant number of people who the USAF believes can be allowed to suffer all of the impacts of the LATA plan.

The Draft EA completely ignores the existence and reality of this very large number of people, somehow pretending that we don't exist, that somehow almost no people will be under their flights. This alone is reason to **withdraw the Draft EA** and either forego the project completely or begin again and take into account the impacts on human health, livelihood, and communities.

Small communities from the air at night might look uninhabited. I live in a small village, an inholding within the Carson National Forest. The village is in the traditional lands of Picuris Pueblo but was not included in the reduced area the tribe received for its reservation. The community is within two Spanish land grants. A late night drive through this village might have a few houses with lights on and a handful of yard lights. It is very dark – and very quiet. From a car driving along the village road it is difficult to see it as the home of about 400 people. From the air at high speed, this small valley will be nanosecond blur despite the confusion and disruption it will cause these hundreds of people on the ground.

We live with domestic stock and wildlife on a regular basis. Just during the 60-day comment period, around my home I have observed a flock of wild turkey, elk, deer, a golden eagle, long tailed weasel, and signs of bear. There are the nightly coyotes, hundreds of birds including migrating flocks on their way to winter habitat, and numerous other wild and domestic animals. All will be invisible, disregarded, and harmed by the night flying aircrews. Hundreds of small, human and animal inhabited valleys are throughout the proposed LATA terrain.

### **Latest Conquest of Tribal Land**

The sad history of the conquest and genocide of the original inhabitants of the United States is well known. In both my professional work with tribes as well as close friendships and extended family relationships with Indian people, I have been taught this history and know that generational grief over the loss of land and culture to the US government continue. Despite this, tribal communities demonstrate an amazing resilience and strength. They are still here, practicing their religion and struggling to retain the remaining indigenous languages and pass these languages and culture on to their children and on to the Seven Generations.

I am well aware of federal government requirements of consultation with tribes and have myself participated on both sides of the government-to-government relations. The Draft EA references the USAF communications and discussions with tribes and will no doubt hear from a number of them. With the exception of Picuris Pueblo, with whom I work closely, I do not know what the tribes will say to the government. I do know that the ongoing pattern of tribal and federal government relations is that after all the talk, after all the negotiations, the federal government still holds all the power. The pueblo Council of Picuris is absolutely opposed to these flights, over their land or anywhere and has provided its *Resolution 2010-31 Objection to Low Altitude Technical Navigation (LATN) Proposal* to the USAF.

Pueblo leaders, including a former Governor and War Chief have expressed strong and absolute opposition at two of the “community forums.” The USAF has stated that “Native American cultural sites and ceremonial sites” will be identified as “low altitude flight avoidance or noise sensitive areas” if they are notified of the locations and times of usage. This statement shows a massive lack of understanding of native religion and respect for native people almost all of whom are unlikely to share this information with anyone - especially the US military. To a non-native observer this reads like a modern – airborne – final invasion of the small remnants of Native America that remain in the southern Rocky Mountains.

### **Ranching Impacts**

The Draft EA states that it will also temporarily avoid flying over ranching operations such as calving, weaning, and branding when notified. Calving and lambing are natural occurrences not regulated by a calendar and their onset can be affected by weather and other stressors, including low altitude flights. Many ranching operations are beyond the range of telecommunications and the very idea that a rancher's first thought should be to contact Cannon AFB is stunning.

What about the calving and weaning of wildlife? They will not be able to call or email to give their location to Cannon. If harm is admitted to range and domestic animals, it is guaranteed that even greater harm is caused to wildlife. With hundreds of premier species, protected and endangered species, and an overall abundance of wildlife, this area must not become a location for low altitude flights.

Additionally, no one should believe that the USAF will honor avoidance requests by tribes, ranchers, or others. We met ranchers at the Raton "community forum" who said that ranchers near Holloman AFB are told to call the base. These Roswell area ranchers report that if the base has a scheduled activity that conflicts with the ranchers activities, it is tough luck for the ranchers, the flight schedule is maintained.

### **A Time for Peace**

In addition to the environmental destruction, harms to human health, trauma to wildlife and range animals, economic impacts, and the air and water pollution, which will be caused by the USAF if this project moves forward, it is time to stand up to the US government policies of endless war and endless practice for war.

Not only is the country as a whole suffering economically from these cold war spending priorities, many of the people in the area under the proposed LATA are truly suffering. Cuts to food and income security programs, layoffs among the public sector, cuts to schools and teachers, geographic and financial barriers to health care have taken their toll. New Mexico has the second highest rate of people without health insurance in the United States. Poor health status and high rates of chronic disease are endemic among the un-and-under insured.

Yet money pours into the military and the coffers of war contractors. Most of the national deficit exists from war and militarism. Unlike uniformed military and veterans who enjoy socialized health care, the uninsured are on their own for their own care – even though their tax contributions pay for uniformed and veterans health care.

On a moral and ethical level, I am deeply opposed to the LATA project and the expansion of Special Operations. I do not believe hyper-militarism makes us safer, I believe it endangers the American people at home and abroad.

## **Part Two – A Tainted NEPA Process**

### **Cannon AFB and Contractor Behavior Throughout the Draft EA Comment Period**

On September 7, 2011 Cannon AFB announced the availability of the Draft EA and its FONSI determination.

On September 12, 2011 I called Public Affairs at Cannon to ask why a comment form was not available on their website and why online comments were not being allowed. I spoke to Capt. White and was told “we don’t want a lot of spam in our email” also mentioning a problem with the server.

White then flat out lied to me stating “there is a Congressional Directive” prohibiting Cannon from accepting comments by email or online form. Because I knew there was no such thing as a Congressional Directive, I then requested a copy of the regulation, policy or excerpt of statute that established this “Congressional Directive.” I also contacted Senator Bingaman’s office.

Within 24 hours, Cannon’s policy was changed and email comments were to be allowed.

This flagrant attitude of “when in doubt lie” showed total disregard for the public and set the stage for what has been a very contentious 60 day comment period. A 60-day comment period was too short to begin with for the scope of the Draft EA. Hundreds of members of the public have requested a 60-day extension to no avail.

### **“Community Forums”**

The term “community forums” is bracketed by quotation marks throughout my comments because it is not a term associated with NEPA. Early in the forums, in Santa Fe, an attorney with a lot of NEPA compliance experience testified that the public was actually participating in an unadvertised, public hearing and that is why the testimony was being recorded by a court recorder and video. A public hearing carries a different degree of weight with government officials and the public. Overall attendance might have been improved if these LATA sessions had been appropriately advertised and noticed. When I was a federal employee, I know that some colleagues mocked these types of presentations as dog-and-pony-shows; a requirement where some higher-up or regulatory requirement needed to see a box checked.

The LATA forums certainly met the low standard of the dog-and-pony-show. I attended ten of the seventeen meetings. With three exceptions - Taos, Raton and Las Vegas – the meetings were not well attended. Night after night throughout Colorado and New Mexico, people testified about the lack of notice, non-existent publicity. In various communities, people at the forum remarked that they wanted a well publicized meeting in their community and also suggested other locations in the proposed flight zone that should be respected with its own meeting.

Newspaper ads, did appear in a handful of the 65 local papers in the proposed flight zone. The only one I have actually seen was buried in the classified ad section with a font so small as to be unreadable. I am unaware of any radio publicity for the forums, except for announcements generated by members of the public. Radio is a primary form of communication in isolated communities. The overwhelming majority of people who attended the forums were organized by community members, not in attendance because of the minimal efforts made by the USAF.

### **Structure of the “Community Forums”**

The public at forum after forum requested that the question and answer session be done in the open to provide opportunities to hear all the questions and the responses of USAF and SAIC

contractors. Each time it was denied – with the exception of Las Vegas where the crowd of hundreds insisted that the public speak and the Q/A session was not held at all.

If the goal of the USAF was to breed distrust among the public, this refusal to allow public Q/A more than accomplished that purpose. Community members continue to express anger about the ironclad control of the agenda and the feeling that the USAF wanted to lie, obfuscate and mislead the public by retaining the ability to provide different answers to whoever they were speaking with. For this reason, if for no other, **the Draft EA must be withdrawn.**

### **Did Every Community Hear the Same Information?**

When Col. Smith and later Col. Munz read their prepared script at each of the “community forums,” it stated that a script was being read so that every community would hear the same information. But this was not actually the case.

### **Landings or No Landings?**

When the line of the script stating that there would be no landings I challenged the assertion reading the following directly from the Draft EA

“use of existing public airports or private airfields, would be handled through agreements with entities owning the locations. Required environmental documentation would be prepared for specific locations” (page 2-6),

At the forum the next night, the denial of landings line of script was gone. I challenged its deletion and it was back in for the remaining meetings that I attended. I consistently asked Cannon and its contractor SAIC to tell the public if and where they will be landing. This requested information has NEVER be provided or even acknowledged. The FAA list of New Mexico airports and private airfields numbers in the hundreds. I have not had time to research the Colorado numbers but expect them to also be quite high.

So which is it? Landings, no landings, private side agreements, future environmental documentation – whatever that means – and when if ever will the public be informed about this part of the training plan.

### **Spying, Not Flying**

In the 2010 scoping process, the public and government officials were told that the area was needed to train pilots. Therefore a huge red flag went up when the Draft EA stated right at the beginning that these flights would be flown by their most experienced pilots. This entire project has been presented one way and nuggets of truth are buried deep in this Draft EA and other EAs and EISs for Cannon AFB and its Special Ops mission.

Throughout the Draft EA are numerous statements about mapping, such as,

“Mapping would identify avoidance areas and permit aircrews to plan missions to avoid specific locations the same as they would in combat.” (page 2-15) and

“Mapping of entire area would identify avoidance areas. Procedures would be established to directly notify Cannon AFB of such activities as emergencies, ranching, Native American, or other activities and establish variable or seasonal avoidance areas.” (page 2-17) and

“Overall mapping of area for low altitude training permits management of training missions to include multiple waypoints for mission planning.” (page 2-18) and

“Mapping the entire training area for obstacles and avoidance areas would permit aircrews to work with the entire training area in planning ingress and egress for special operations missions.” (page 2-20)

There are also numerous statements about the type of high tech war practice. A few samples follow. It is important to remember that the purpose of the training is to practice sneaking up on individuals, families and communities at night to document their actions and reactions and when necessary to attack perceived threats from the air or ground.

The million civilians in the proposed LATN on any given night will suffer the consequences of the practice and be collateral damage as stand-ins for enemies - or the “bad guys” as the political leadership has degenerated into calling them.

“The three to five C-130 crewmembers use advanced navigation, communication, threat detection, and countermeasures systems.” (page 2-2)

“Training includes Night Vision Goggle (NVG) use and in-flight refueling as a receiver.”

Note: The CV-22 is the refueling receiver, the C-130 variants and other aircraft will deliver the fuel to the CV-22.

“the aircrew maximizes the use of advanced technologies including electro-optical infrared sensors, NVGs, a warning system for terrain avoidance, an advanced low emitting power radar.” (page 2-3)

“The training area must be configured to allow crews to practice current tactics and make full use of aircraft capabilities while having adequate extended space to plan for and implement procedures to avoid locations, which could compromise the mission. The Air Force proposed training activities would **avoid, to the extent possible**, population exposure to aircraft, including aircraft noise, as part of necessary training.” (page 2-7)

“27 SOW aircrews typically launch at dusk, perform their missions after dark, and conduct most of the mission with Night Vision Goggles (NVGs) and terrain following radar.” (page 2-8)

“The training aircrews would be flying Visual Flight Rules (VFR) using NVGs and advanced radars to maintain situational awareness and enhance see-and-avoid procedures.” (page 2-21)

For the above stated reasons and many others, the Draft EA is a sham and must be withdrawn. A number of the reasons are stated in this comment, describing flaws in the document itself as well as the mismanagement of the 60-day public comment period. Many other reasons for withdrawal, flaws in the document and with the public comment are not included in this

statement because the commenter is aware that other groups, organizations and individuals are also submitting comments.

The public is providing thousands of reasons why this project must not go forward. If the USAF persists, a full EIS must be completed before any flight, any construction, and any supporting activity related to the project proposed in the Draft EA occurs.

A handwritten signature in black ink that reads "Carol Mullen". The signature is written in a cursive style with a long horizontal stroke at the end.



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November 4, 2011

Cannon AFB Public Affairs Office

110 E Sextant Avenue, Suite 1150

Cannon AFB, NM 88103

Via e-mail: 27SOW.PA.NEPA@cannon.af.mil

**RE: Draft Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, New Mexico (August 2011)**

Dear Major General O. G. Mannon:

On behalf of the Board of Directors and over 1,600 family and businesses members, I respectfully submit the following comments and concerns regarding the proposed **Draft Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, New Mexico (August 2011)** (hence referred to as the LAT-DEA). We ask that our concerns be addressed through a thorough Environmental Impact Statement (EIS) to address the numerous areas of controversy associated with the proposed action and the numerous omissions and failings of the LAT-DEA.

Amigos Bravos is a twenty-three year old statewide environmental and social justice organization based in Taos, New Mexico. Amigos Bravos' mission is to protect and restore the rivers of New Mexico and to ensure that healthy rivers provide a sustainable future for human and wildlife communities that depend on the rivers' many resources. Amigos Bravos works locally, statewide and nationally to ensure that the waters of New Mexico are protected by the best policy and regulations possible. Responsible and sustainable management of New Mexico's public lands, natural resources (including air space and ambient sound), wildlife habitat, and economic development is a critical component of our work to protect clean water and the cultures that depend upon clean water in New Mexico. Amigos Bravos is a member of the Southwest Rural Policy Network.

Amigos Bravos is not a newcomer to environmental impacts associated with low flying aircraft. In the 1990s Amigos Bravos was an integral participant in the NEPA process, providing comments and proposing alternatives for both the Taos Municipal Airport Expansion as well as proposed Air Force training flights in the Taos County area. Moreover, in 2001 the late Richard Deertrack, a former member of Taos Pueblo and of the Amigos Bravos Board of Directors, was appointed to the National Parks Overflights Advisory Group by the FAA and the National Park Service. In the case of the Taos Airport Expansion, Amigos Bravos was a member of the Coalition that successfully challenged the proposed Environmental Assessment (EA) and obtained a court order requiring the development of a full EIS. As of today (16 years later) the ROD has yet to be issued. With regards to the training flights controversy, the Air Force abandoned its 1998 plan to undertake low-flying training flights over the Taos area. The National Parks Overflights Advisory Group (and subsequent reports) concluded that low-flying aircraft place considerable stress on human, wildlife, geologic and economic resources, and must be restricted. We are consequently disappointed to see the current proposal raise the same set of controversies despite prior decisions by the courts, the FAA, the National Park Service and the USAF.

We start by filing a public participation due process complaint:

In a letter to Colonel Albert M. Elton II, Commander at Cannon AFB, dated September 20, 2011, Amigos Bravos requested a 30-day extension to the public comment period for the LAT-DEA. We made that request for two reasons:

1. “The number of complex environmental and social issues raised by the proposed action will require a thorough and time-consuming analysis. Given limited resources and an already hefty workload, Amigos Bravos could contribute more to the development of the best analysis of impacts if we had until the first week in December to submit our comments.
2. Due to a full docket until the second week of November, our legal counsel will be hard pressed to provide an adequate review of our comments – resulting in your not receiving the full benefit of our potential contribution to this project.

Amigos Bravos has not received an acknowledgement of our request, let alone a response. Amigos Bravos maintains that we have been denied the rights mandated for public participation by NEPA.

We submit the following comments at this time in order to maintain our standing to challenge in a court of law the Draft Finding of No Significant Impact (DFONSI) and the supporting LAT-DEA. Given an adequate chance to provide public comments, we will submit a more thorough analysis of the LAT-DEA.

The LAT-DEA fails to comply with the requirements of the National Environmental Policy Act (NEPA). NEPA requires a thorough analysis and discussion of the Purpose and Need, Alternatives, the Affected Environment, Environmental Consequences, and Cumulative Impacts.

The LAT-DEA analysis each of these areas from the perspective of a forgone conclusion. The LAT-DEA is totally lacking in specificity and provides no alternatives (other than the No Action Alternative).

Both the "Proposed Action" and the "No Action" alternatives will have significant impacts on residents below the flight paths, as well as many species of wildlife, domestic livestock, air and water resources, the unique natural quiet, and numerous economic and other social factors.

The DFONSI has no basis of fact and its conclusion is arbitrary and capricious.

A full Environmental Impact Statement (EIS) is required. The EIS needs to have a full range of realistic alternatives. The cumulative impacts analysis in the EIS needs to include all low-level routes and areas.

The LAT-DEA provides woefully inadequate descriptions of the land, human communities, wildlife, and economic resources in the areas under the proposed flight paths. In fact, the LAT-DEA does not even provide specific flight paths or even specifics on training activities, so an analysis of impacts is impossible. The LAT-DEA is a product of a broad-brush approach to dealing with major issues and is an affront to NEPA requirements.

For instance:

- The LAT-DEA analyzes impacts from the perspective that impacts will rarely be felt by any one individual or community. However, the reality is that "With the Proposed Action, aircrews would plan to fly low altitude routes in mountainous terrain (especially at high altitudes)..." (DFONSI at 1.). Hence assertion of impacts based on a LAT-wide area instead of site-specific sites are grossly inadequate, and do not meet the requirements of NEPA
- The LAT-DEA not only lacks specificity in its analysis of impacts, but goes so far as to make it a requirement that the public inform the USAF when an activity might be affected by the low altitude flights. In other words, the LAT-DEA acknowledges that the operations will have significant impacts on certain activities but does not attempt to take a close look of those impacts
- The LAT-DEA analyzes numerous impacts (including on air quality, socio-economic and Environmental Justice concerns) from the perspective of a broad area encompassing 38 counties in New Mexico and Colorado, rather than from specific mountain valleys and passes where low level flights will in actuality take place and impacts will be concentrated. Hence the analysis is inadequate
- The LAT-DEA makes numerous assertions about the lack of effect of the flights on "overall noise levels", but it provides no specificity about the magnification of noise levels produced by low flying aircraft in contained mountain topography, and the resulting impacts on wildlife and humans.
- The LAT-DEA does not even analyze potential impacts to water resources. In fact it goes so far as to explicitly exclude an analysis of those potential

impacts. To deny that the “Proposed Action” could have any impacts on water resources is grossly negligent, arbitrary, and capricious. The proposed flights are aimed to train pilots in “challenging environments that closely simulate the conditions and terrain of actual combat” (Purpose and Need at 1-1). The LAT-DEA does not consider the dramatic consequences to water resources from gas spills and devastating wildfires that may result from a Class A mishap. Moreover, the LAT-DEA and DFONSI make the false assumption that the tons of air emissions put into the atmosphere by the Proposed Action will not reach the ground. Yet science is unequivocal about the accumulation of pollutants in the atmosphere and the consequential production of acid rain, and the resulting accumulation of pollutants on water resources.

In addition to these obvious and glaring inadequacies in the identification of the affected environment and the analysis of the environmental consequences from the Proposed Action, we wish to raise the issues of a lack of Alternatives and the inadequacy of the analysis of Cumulative Impacts.

The Proposed Action must be analyzed against a full set of Alternatives. The lack of other Alternatives than the “No Action” Alternative is contrary to NEPA requirements. The Alternatives Development methodology used in the LAT-DEA is deeply flawed. It looks at a series of alternative actions in isolation and does not attempt to combine actions into a feasible alternative that could reduce impacts. By not providing a reasonable alternative the LAT-DEA does not meet the requirements of the law. To address this inadequacy a full EIS must be initiated.

Finally for now, we come to the central topic that we raised in our scoping comments for the *Realistic Bomber Training Initiative* in 1998 and again in our scoping comments for LATN a year ago -- namely, the necessary thorough analysis of Cumulative Impacts. NEPA mandates the analysis of the cumulative impacts on the environment resulting from the incremental impacts of the proposed action added to other past, present, and reasonably foreseeable future actions regardless of what agency or individual undertakes such action. The LAT-DEA makes a number of assertions to justify its conclusion that there are no cumulative impacts without identifying the full range of past, present, and reasonably foreseeable future actions. To rectify this omission, the USAF must prepare a full EIS.

Over the years we have request that the USAF publish a map identifying all low-flying routes for all classes of airplanes training in New Mexico and Colorado. This map should include past, present, and reasonably foreseeable flight routes. In addition to the map we have also request a full accounting of the Greenhouse Gas emissions each route produces on an annual basis.

Once the map is prepared, we request that the USAF assemble an inter-agency advisory group to analyze the cumulative impacts, and help identify the Alternatives to be considered in the preparation of a comprehensive EIS. The advisory group should include

representatives from the All Indian Pueblo Council as well as Colorado, New Mexico, and US agencies responsible for wildlife and environmental protection, historic preservation, and land management. In addition, we would like to see representation in the advisory group from members of the public, EJ populations, and the business community.

The Proposed Action is so huge in geographic scope and so all encompassing in its environmental impacts that it is fraught with controversy and therefore requires the development of a full EIS to analyze all impacts. The current LAT-DEA and DFONSI provide a grossly inadequate level of analysis. Moreover, due to the lack of thorough analysis, the DFONSI reaches conclusions that are totally arbitrary and capricious.

The decision that “the Proposed Action would not result in significant impacts to the quality of the human or the natural environment” (DFONSI at 6) is totally unjustified, cannot be substantiated.

Thank you for taking our comments into consideration. I look forward to your response and I ask that we be included in the mailing list regarding all communications associated with this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Shields", with a long horizontal flourish extending to the right.

Brian Shields,  
Executive Director

Cc: The Honorable Senator Jeff Bingaman  
The Honorable Senator Tom Udall  
The Honorable Representative Ben Ray Lujan  
The Honorable Representative Martin Heinrich  
The White House Council on Environmental Quality

**Central Colorado Wilderness Coalition • Colorado Environmental Coalition  
Colorado Mountain Club • Great Old Broads for Wilderness  
High Country Citizens' Alliance • Quiet Use Coalition  
Rocky Mountain Recreation Initiative • Rocky Mountain Wild  
San Juan Citizens Alliance • San Luis Valley Ecosystem Council  
San Luis Valley Renewable Communities Alliance • Sheep Mountain Alliance  
Sierra Club • The Wilderness Society • Western Colorado Congress  
Wild Connections • Wilderness Workshop**

c/o The Wilderness Society  
1660 Wynkoop, #850  
Denver, Colorado 80202

November 4, 2011

27 SOW Public Affairs  
110 East Sextant Avenue, Suite 1150  
Cannon Air Force Base, New Mexico 88103

Greetings,

Thank you for the opportunity to review and comment on a draft environmental assessment analyzing establishment of a low-altitude training area in portions of southern Colorado and northern New Mexico for the 27<sup>th</sup> Special Operations Wing, Cannon Air Force Base.

Operations and aircraft contemplated in this training area proposal—and possible, so far unspecified, future expansion of operations and variety of aircraft in the proposed training area—warrant very thorough analysis and public discussion, and significant adjustments to the proposal itself, before such a proposal can be considered even possibly viable.

**Commenting organizations**

The following comments and recommendations are presented in behalf of the following organization—all non-profit citizen organizations collectively and individually dedicated to the protection of Colorado's unique natural beauty, healthy ecosystems, and healthy opportunities for nature-based recreation.

Central Colorado Wilderness Coalition - *Monument, Colorado Springs, Salida, and Buena Vista Colorado*

By exploring and inventorying the lands in central Colorado, we are seeking to educate ourselves and the public about the wilderness values of the special places and then advocate for their effective public management. Currently, our primary goal is to promote federal legislation to designate specific central Colorado areas as new wilderness. We are putting together a proposal that includes a detailed description of each area along with photos and maps that we will present to our congressional representatives.

Colorado Environmental Coalition – *Denver, Grand Junction, and Craig, Colorado*

Every year, CEC inspires thousands of organizations and individuals who care deeply about Colorado. We work on a variety of issues that span the state and include protecting our public lands, ensuring the quality of the water we drink, preserving wildlife habitat and opportunities for recreation, advocating for good transportation and growth practices, promoting common sense policies in the state legislature, and providing technology resources to other non-profits.

Colorado Mountain Club - *Golden, Colorado*

The Colorado Mountain Club is the oldest outdoor recreation and conservation organization in Colorado. Founded in 1912, the CMC is organized to unite those who cherish, study, and explore the Rocky Mountains to stimulate public interest in the mountains, collect and disseminate information about the mountains on behalf of literature art, recreation, and science, and protect the ecosystems and landscapes of the Rocky Mountains. The CMC's mission is based on the philosophy that outdoor enthusiasts are driven by the desire to protect the places they cherish. Through 14 chapters the CMC serves a membership of over 7,000. The CMC's Conservation Department strives to protect the wildlands, habitats, and the wild experience in the Southern Rockies, as well as forge strong connections between people, communities, and the land.

Great Old Broads for Wilderness - *Durango, Colorado*

Great Old Broads for Wilderness is a non-profit, public lands organization that uses the voices and activism of elders to preserve and protect wilderness and wild lands. Broads was conceived in 1989 by older women who loved wilderness and organized to protect it. The wisdom of their combined years told them that the Broads could bring knowledge, commitment, and humor to the movement to protect our last wild places on earth.

High Country Citizens' Alliance - *Crested Butte, Colorado*

The mission of High County Citizens' Alliance is to champion the protection, conservation and preservation of the natural ecosystems within the Upper Gunnison River Basin. Founded in 1977, HCCA is a grassroots, member-based organization whose goals focus on the health and biodiversity of the local environment – land, water, air and wildlife. We collaborate with interested and affected parties to reduce global warming and protect public lands, endangered species, rangelands and water resources.

Quiet Use Coalition - *Salida, Colorado*

Quiet Use Coalition is a local non-profit organization working to create, preserve, and promote quiet use areas and opportunities on our public lands and waters. We focus mainly on issues in Chaffee and surrounding counties.

Rocky Mountain Recreation Initiative - *Nederland, Colorado*

Rocky Mountain Recreation Initiative is an education and advocacy organization that promotes biology-based recreation policies for Colorado public lands. RMRI supports

recreation planning that maintains wildlife habitat, wetlands, and other elements of healthy ecosystems.

Rocky Mountain Wild - *Denver and Durango, Colorado*

Working throughout Colorado and eastern Utah, Rocky Mountain Wild pursues its mission to protect, connect, and restore wildlife and wildlands.

San Juan Citizens Alliance - *Durango, Dolores, and Cortez, Colorado*

Founded in 1986, San Juan Citizens Alliance is a grassroots organization dedicated to social, economic and environmental justice. We organize San Juan Basin residents to protect our water and air, our public lands, our rural character, and our unique quality of life while embracing the diversity of our region's people, economy and ecology. Our region would be completely covered by the proposed LATN, both in New Mexico and Colorado.

San Luis Valley Renewable Communities Alliance - *Alamosa, Colorado*

San Luis Valley Renewable Communities Alliance is actively working to build local clean energy and self-reliance while sustaining the unique sense of place, intact ecosystems, and health of Colorado's communities.

San Luis Valley Ecosystem Council - *Alamosa, Colorado*

The mission of San Luis Valley Ecosystem Council is to protect and restore the biological diversity, ecosystems, and natural resources of the Upper Rio Grande region, balancing ecological values and human needs.

Sheep Mountain Alliance - *Telluride, Colorado*

Sheep Mountain Alliance is a grassroots citizen organization dedicated to the preservation of the natural environment in the Telluride Region and Southwest Colorado. Sheep Mountain Alliance provides education for and protection of regional ecosystems, wildlife habitats and watersheds.

Sierra Club - *Denver, Colorado*

Since 1892, Sierra Club has been working to protect communities, wild places, and the planet itself. We are the largest and most influential grassroots environmental organization in the United States.

The Wilderness Society - *Denver, Craig, Durango, Glenwood Springs, and Montrose, Colorado*

The Wilderness Society's mission is to protect wilderness and to inspire American's to care for our wild places. Founded in 1935, The Wilderness Society is the leading American conservation organization working to protect our nation's public lands. From well-known icons to hidden gems, these lands provide us all clean air and water, abundant wildlife, havens for recreation, learning, and solitude, and a foundation for a healthy planet.

Western Colorado Congress - *Grand Junction, Colorado*

Western Colorado Congress is an alliance for community action empowering people to protect and enhance their quality of life in western Colorado.

Wild Connections - *Colorado Springs, Colorado*

Wild Connections protects and restores wildlands, native species habitat and biological diversity in the upper reaches of the Arkansas and South Platte Rivers.

Wilderness Workshop - *Carbondale, Colorado*

Wilderness Workshop's mission is to protect and conserve wilderness and the natural resources of the Roaring Fork Watershed, the White River National Forest, and adjacent public lands. We engage in research, education, legal advocacy, and grassroots organizing to protect the ecological integrity of local landscapes and public lands. We focus on the monitoring and conservation of air and water quality, wildlife species and habitat, natural communities, and lands of wilderness quality.

**Insufficient environmental analysis, failure to meet requirements of National Environmental Policy Act**

Environmental assessment inappropriate; environmental impact statement required

The draft environmental assessment presented for this proposal falls far short of the established and logical standards provided in law by the National Environmental Policy Act and in regulatory and administrative requirements based in that law.

Contemplated only in the traditional reasonable-person test, the proposal is of such geographic scale, extent and details of impacts on the human and natural environment, and projected flight timing and frequency to make reliance on an environmental assessment, let alone a finding of no significant impact, laughable.

Flights as low as 300 feet AGL, noise impacts as high as 98 decibels, nighttime operations in hours of very low background noise levels, all applied to some 122,500 square miles (78.4 million acres) of two states simply does not constitute “no significant impact”, and such impacts cannot be adequately evaluated, let alone mitigated, in the context of the comparatively simple and selective format of an environmental assessment.

More specifically, the National Environmental Policy Act (NEPA) requires the relevant agency to prepare an environmental impact statement (EIS)—*not* an environmental assessment—for any proposed action that *may* cause significant impact to the human environment. The determination of “significant” in that requirement is informed by regulations issued and implemented by the Council on Environmental Quality (CEQ):

*Sec. 1508.27 Significantly.*

*"Significantly" as used in NEPA requires considerations of both context and intensity:*

*40 CFR 1508.27:*

*(a) Context. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.*

*(b) Intensity. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:*

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*
- 2. The degree to which the proposed action affects public health or safety.*
- 3. 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.*
- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.*
- 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
- 6. 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.*
- 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.*
- 8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*
- 9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*
- 10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

Key among those CEQ regulatory requirements is examination of both the “context” and the “intensity” of the proposed action to determine its significance, via thorough environmental analysis.

#### *Context*

The immense size of the proposed training area alone triggers this context requirement. In addition, the fact that the proposal would extend very low-altitude flights—and their impacts—to previously unused areas also makes clear that the context threshold is met requiring preparation and public review of an EIS.

Extensive public-lands portions of the proposal area in Colorado remain quiet today and rely on natural quiet and other natural conditions for both ecological health and for healthy human use and recreation on those lands (*cataloged and documented in detail below and in maps and charts accompanying these comments*).

These lands provides important habitat and potential habitat for a myriad of threatened, endangered, and sensitive species, including: lynx, wolverine, pine marten, Colorado River cutthroat trout, deer and elk, black bear, American bittern, Northern goshawk, northern leopard frog, boreal owl, olive-sided flycatcher, flammulated owl, American 3-toed woodpecker, moose, river otter, black swift, wild turkey, ring-necked duck, northern pintail, mallard, American wigeon, and mountain lion, Gunnison sage grouse, and greater sage grouse, among others. Many portions of the proposal area provide very important habitat and critical connectivity for migrating species.

#### *Intensity*

The intensity of the proposed action also makes the necessity of preparing an EIS obvious. The proposed flights—and their extension to previously un-impacted areas:

- may impact public health and safety ((b)(2) above);
- may impact a wide range of ecologically important and diverse areas ((b)(3) above);
- may create precedent for future large-scale training-flight proposals ((b)(6) above);
- may impact threatened, endangered, or candidate species ((b)(9) above).

Consideration of *context* also requires a look at potential short and long-term impacts. Both short-term and long-term impacts have the potential to be significant.

Unlike most site-specific actions where significance depends mostly on effects to a localized and relatively small area, this proposal would affect a much broader set of interests. Correspondingly, it will require a much more thorough analysis to determine the significance of potential impacts. That analysis must be undertaken in an EIS.

This proposed action may have significant impacts on the human environment and necessitates preparation of an EIS.

As noted above, an EIS is required for federal actions "significantly affecting the quality of the human environment." (42 U.S.C. § 4332(2)(C); *see also Colorado Wild v. United States Forest Service*, 435 F.3d 1204, 1209 (10th Cir. 2006)). A federal action "affects" the environment when it "will or may have an effect" on the environment (40 C.F.R. § 1508.3 (*emphasis added*)). Thus, an EIS is required if the agency finds that the proposed action may have a significant impact on the human environment. (*See Utah Env'tl. Cong. v. Bosworth*, 443 F.3d at 736; *see also San Luis Valley Ecosystem v. United States Forest Serv.*, 2007 U.S. Dist. LEXIS 36242, 5-6 (D. Colo. May 17, 2007)). CEQ regulations require consideration of context and intensity in determining whether a proposed action may be significant (40 C.F.R. § 1508.27). FS and BLM regulations provide additional

guidance on how to determine significance. Together these regulations make it evident that this project involves potentially significant impacts and should be analyzed in an EIS.

Additional clarity is found in the recent record of decision (ROD) for the *Barry M. Goldwater Range East Range Enhancements and Environmental Impact Statement* (May 11, 2011). The original proposal in that instance included ten proposed actions, including reduction of military training overflight minimum altitude from 1,500 feet to 500 feet AGL. Although the altitude-adjustment portion of the original proposal was not implemented through the May 11 ROD, it was subjected to the full analysis of an EIS. The current proposal is highly similar to the Goldwater Range proposal, and an EIS is correspondingly appropriate.

Finally, the military's own NEPA regulations indicate that preparation of an EIS is required in this instance. U.S. Air Force NEPA regulations state that an environmental assessment may be used to evaluate proposals that constitute "...*minor modifications to Military Operating Areas (MOAs), air-to-ground weapons ranges, and military training routes...*" (32 C.F.R. Sec. 989.14(k)(4)). Clearly, the proposed action does not constitute a "minor modification", and completion of an EIS is required.

#### Range of alternatives is incomplete and inadequate

Consideration of only two alternatives—including only one action alternative—leaves the draft EA woefully incomplete in variations on means of meeting the stated purpose and need for the proposal or of otherwise meeting military flight training needs, while minimizing adverse impacts. Note that the CEQ regulations mandate that "agencies shall...rigorously explore and objectively evaluate all reasonable alternatives...". (40 CFR 1502.14(a))

Correspondingly, analyses included in the EA are incomplete and inadequate as basis for making choices about training operations, proposal area size, routing variations, and the avoidance or mitigation of negative impacts on the human and natural environment. Essentially, no choices are offered, let alone considered or analyzed.

#### Imprecise and incomplete description of purpose and need

The draft EA asserts that proposal's purpose and need as "...*establish an adequate training area for 27SOW aircrews that meets the special operations low altitude training requirements as defined in Table 1-1...*" and "...The training space be an adequately sized area that overlays appropriate types of terrain..." to provide realistic training for meeting aircraft mission capabilities.

Neither of those statements (nor the referenced Table 1-1), nor any other portion of the EA—including Table 2-4, *Application of Operational Selection Standards*, establishes a spatial connection between the asserted training needs and the actual size of the proposal area; it is not clear whether—and why—the area proposed is enough, barely enough, or more than enough space to fulfill the purpose and need.

Similarly, the draft EA fails to clarify a connection between training needs and specific terrains and landforms or specific areas; again, it is not possible to tell from the EA whether the landscape variety includes all variations needed for successful training, falls short of those needs, or includes unnecessarily redundant variations of particular landforms or types of areas.

This lack of clarity, including the absence of analysis of a range of alternative proposal-area sizes, further demonstrates the need for preparation of a more complete and comprehensive EIS.

Failure to anticipate, disclose, or evaluate full potential array of aircraft used

The environmental assessment asserts that “MC-130J and CV-22 aircraft based at Cannon AFB would be the primary users of the proposed low altitude training area...” The proposal does not explicitly limit operations to those aircraft, however, nor does the environmental assessment evaluate the impacts of other military aircraft to which this training area would be, by implication, open.

The proposal must be adjusted to either a) explicitly state that only the specified aircraft would be used for low-altitude flights in the area, or b) state the more complete range of aircraft that might use the area in the future, and correspondingly document all impacts and environmental consequences of those additional aircraft.

Failure of environmental assessment to respond to comments and information provided during scoping

Scoping comments submitted on November 15, 2010 by San Juan Citizens Alliance *et al* (SJCA), and comments submitted separately on November 15, 2010 by San Luis Valley Ecosystem Council *et al* (SLVEC), specifically documented the necessity of preparing an EIS regarding the proposed action. The inherent inadequacy of a EA for a proposal of such scope, geographic scale, and potential impacts is not addressed in the draft EA.

Related, the same comments included assertion that a finding of no significant impact is not appropriate for the proposed action. The draft EA fails to respond to this assessment.

The same SJCA comments noted that analysis of the proposed action must address compliance with the *National Historic Preservation Act*. The draft EA does not address this compliance or potential impacts to historic sites.

The same SLVEC comments documented specific special-management areas and areas with unique natural or management features that must be protected and that must be addressed in environmental analysis of the proposed action. The draft EA does not address the unique sensitivity of, or impact mitigations for, these specific areas.

The same SLVEC comments documented specific species that are either inherently vulnerable to impacts of the proposed action, or might be. The draft EA does not address the unique sensitivity of, or impact mitigations for, these specific species.

Behavioral and physiological responses by animals to the noise impacts contemplated in the proposed action are not adequately addressed in the draft EA.

Impacts on Gunnison sage grouse are not mentioned in the draft EA (indeed, sage grouse are not mentioned at all). Mitigation of those impacts to sage grouse is not addressed in the draft EA.

#### Additional formal NEPA consultation needed

In preparing a comprehensive EIS for the proposed action, the Air Force should engage in expanded formal consultation with interested, potentially affected, and knowledgeable public entities, as designated cooperative agencies. These should include, but not be limited to, National Park Service, Bureau of Land Management, U.S. Department of the Interior, U.S. Forest Service, U.S. Department of Agriculture, and U.S. Fish & Wildlife Service (including Endangered Species Act consultation).

#### **Sensitive public lands**

Whatever the level and detail of NEPA analysis ultimately undertaken for this proposal, particular portions of the proposal area warrant special review in that analysis, and they require specific actions and restraints in the final proposal to ensure protection of those lands against overflight impacts.

Any ultimate training area designations and training flight activities must be adjusted to accommodate the following unique features, natural values, landscapes, habitats, and recreation experiences.

An extensive array of federal public lands, which lie within the area contemplated under the proposal, warrant careful protection from the impacts of the proposal overflights. All lands in each of the following protected, or potential-protection, categories must be excluded from the proposed low-altitude training area (and from associated military operations areas (MOAs) and military training routes (MTRs)). At the very least, military training overflights below 2,000 feet AGL must not be allowed in any of these areas.

The draft EA refers to “*special use land management areas*” (SULMAs), described as areas that “...are sensitive to even infrequent overflight...” Examples noted in the EA are “...national parks, national monuments, recreational parks during heavy use, and lakes during heavy recreation times...” This list, and the accompanying express intention to avoid noise-sensitive SULMAs represent a helpful beginning toward addressing such important areas, natural values, and public needs. The statements included fall short, however, in at least three ways.

First, the list of noise-sensitive areas, included in the narrative of the EA, is incomplete. Table 3-11 is significantly more complete, but still excludes some essential categories. An outline of land-designations that, among others listed in the EA, must be included in avoidance areas is provided below.

Second, the distance and timing of avoidance is not clearly described.

Third, no specific commitments to maintaining distance or avoidance are included.

An array of noise- and intrusion-sensitive categories are described below, and they are depicted on maps and summary charts accompanying these comments.

#### Designated Wilderness

Existing wilderness areas, designated by Congress as components of the National Wilderness Preservation System, are subject to Department of Defense regulation, *DoD Flight Information Publication, Area Planning, North and South America, 17 December 2009* (and as subsequently reissued February, April, and June 2010 *et al*) limiting military overflights over designated wilderness (and other special-designation federal lands) to a minimum altitude of 2,000 feet AGL. All training flights contemplated in this proposal should refrain from flying over designated wilderness. At the very least, all flights must comply with the 2,000 feet AGL limitation.

Designated wilderness areas are readily identified in maps and other documentation maintained by the U.S. Congress and by the respective federal land management agencies. Wilderness areas are also identified in the maps and charts accompanying these comments.

#### Bureau of Land Management Wilderness Study Areas

As specifically designated study and interim-protection areas, BLM wilderness Study Areas (WSAs) must be managed and protected to preserve Congress's opportunity to consider them for legislated wilderness designation. All WSAs are correspondingly subject to the same DOD regulation(s) applicable to designated wilderness. All training flights contemplated in this proposal should refrain from flying over designated wilderness. At the very least, all flights must comply with the same 2,000 feet AGL limitation applicable to designated wilderness.

Wilderness study areas are readily identified in maps and other documentation maintained by the Bureau of Land Management. Wilderness study areas are also identified in the maps and charts accompanying these comments.

#### Bureau of Land Management Lands with Wilderness Characteristics

As part of the current phase of BLM revision of field office resource management plans, lands with wilderness characteristics (LWWCs) have been identified, and continue to be identified through that plan-revision process. These lands are identified and documented through a consistent and rigorous review and evaluation by the BLM. This wilderness evaluation is based in the primary characteristics of wilderness, as described in The Wilderness Act of 1964 (*Public Law 88-577, 16 U.S.C. 1131-1136*). Those primary characteristics are: generally and primarily affected by the forces of nature; outstanding opportunities for solitude or for primitive and unconfined recreation; of a size manageable as wilderness; and containing unique features and values.

The BLM evaluates lands with those characteristics in terms of naturalness, solitude, recreation opportunities, special features, manageability, and potentially conflicting uses.

As potential wilderness, the characteristics of which must be preserved for interim management and for potential action by Congress, LWWCs should be subject to the same DOD regulation(s) applicable to designated wilderness. In any case, military training flights contemplated under this proposal should refrain from flying over BLM-identified LWWCs. At the very least, all flights must comply with the 2,000 feet AGL limitation.

Lands with wilderness characteristics are readily identified in maps and other documentation maintained by the Bureau of Land Management. LWWCs are also identified in the maps and charts accompanying these comments.

#### National Forest Recommended Wilderness

Areas recommended to Congress for wilderness designation, as part of national forest land and resource management plans, also must have their wilderness values preserved, essentially maintained to the standards of designated wilderness. Correspondingly, Forest Service-recommended wilderness should be subject to the same DOD regulation(s) applicable to designated wilderness. In any case, military training flights contemplated under this proposal should refrain from flying over Forest Service-recommended wilderness. At the very least, all flights must comply with the 2,000 feet AGL limitation.

Forest Service wilderness recommendations are prepared through a consistent and rigorous review and evaluation, beginning with inventoried roadless areas (described below). This wilderness evaluation is based in the primary characteristics of wilderness, as described in The Wilderness Act of 1964 (*Public Law 88-577, 16 U.S.C. 1131-1136*). Those primary characteristics are: generally and primarily affected by the forces of nature; outstanding opportunities for solitude or for primitive and unconfined recreation; of a size manageable as wilderness; and containing unique features and values.

Individual roadless areas are evaluated by the Forest Service in terms of “capability” (degree to which an area contains basic wilderness characteristics), “availability” (comparison of wilderness capability to other national forest uses and activities), and “need” (importance of particular area to the larger wilderness system).

Forest Service-recommended wilderness areas are readily identified in maps and other documentation maintained by the U.S. Forest Service. These recommended wilderness areas are also identified in the maps and charts accompanying these comments.

#### National Forest Inventoried Roadless Areas

Inventoried roadless areas, identified by the U.S. Forest Service in the initial phases of its wilderness review and evaluation process, also associated with the periodic revision of national forest land and resource management plans. These areas contain many of the basic elements of wilderness, and provide a very high value for wildlife habitat and primitive forms of recreation. Management of these areas is governed by the Roadless Area Conservation Rule (*36 CFR 294 (2001)*), under which roadless area characteristics

must be protected. These include, among other characteristics, "habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependant on large, undisturbed areas of land". (36 CFR 294.11 (2001)).

Correspondingly, Forest Service inventoried roadless areas must be subject to the same DOD regulation. In any case, military training flights contemplated under this proposal should refrain from flying over national forest roadless areas. At the very least, all flights must comply with the 2,000 feet AGL limitation.

National forest inventoried roadless areas are readily identified in maps and other documentation maintained by the U.S. Forest Service and by the U.S. Department of Agriculture (both in the context of individual national forest management plans and in the implementation and enforcement of the federal Roadless Area Conservation Rule of 2001). Inventoried roadless areas are also identified in the maps and charts accompanying these comments.

#### Citizen-proposed Wilderness Areas

Several coalitions of citizen wilderness advocacy organizations in Colorado have prepared and published additional proposals to Congress for wilderness designations. These wilderness proposal areas are inventoried, evaluated, and documented using the same criteria employed by the BLM, the Forest Service, National Park Service, and other respective federal land management agencies—naturalness, outstanding opportunities for solitude or for primitive and unconfined recreation, unique natural values and features.

Lands included in these wilderness proposals therefore meet the same standards met by existing wilderness, by wilderness study areas, by agency-recommended wilderness, and by lands with wilderness characteristics. Specifically, the citizen-proposed wilderness areas noted in the maps and charts accompanying these comments

These citizen-recommended lands have been presented to Congress for its consideration, and these lands have been documented to the respective federal land management agencies as “significant new information”, which must be considered, as required under NEPA, in any proposed federal action that could impact the wilderness values included.

Correspondingly, citizen-proposed wilderness areas should be subject to the same DOD regulation(s) applicable to designated wilderness. Military training flights contemplated under this proposal should refrain flying over citizen-recommended wilderness. At the very least, all flights must comply with the 2,000 feet AGL limitation.

Citizen wilderness proposals are also identified in the maps and charts accompanying these comments.

#### Bureau of Land Management Areas of Critical Environmental Concern

Identification and protective management of areas of critical environmental concern is mandated as a Bureau of Land Management (BLM) priority by the *Federal Land Policy and Management Act of 1976* (FLPMA) (*Public Law 94-579*). These ACECs typically are

identified based on unique natural features or ecological processes found in the areas. Management correspondingly is designed and implemented in order to preserve those features and processes.

Existing BLM areas of critical environmental concern are identified in maps and other documentation maintained by the Bureau of Land Management. Existing ACECs are also identified in the maps and charts accompanying these comments.

It is important to note that additional ACECs are currently under consideration as part of BLM processes revising and updating resource management plans. Both existing and new future ACECs must be avoided and otherwise protected under any military overflight training plan, flight area designation, or operations. At the very least, ACECs should be included in the list of SULMAs to which the 2000' AGL applies.

#### National Landscape Conservation System Units

The National Landscape Conservation System (NLCS), comprising lands created by both presidential and congressional directive, is the largest and most far-reaching conservation initiative in the history of the BLM. The designation of national monuments, as part of the establishment of the NLCS and passage of the *National Landscape Conservation Act*, represents the cornerstone of a new era in land stewardship, in which BLM focuses on a mission to: "conserve, protect, and restore these nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations." (*Omnibus Public Land Management Act of 2009 Pub. L. 111-11, § 2002*)

The NLCS includes national monuments, national conservation areas, wilderness study areas, national scenic and historic trails, and wild and scenic rivers—all managed by the U.S. Department of the Interior.

NLCS units provide outstanding active outdoor recreation opportunities. With minimal infrastructure, these conservation lands provide hikers, paddlers, climbers, hunters and anglers with unique, self-directed rugged outdoor experiences, along with an exceptional forum for scientific research and discovery. These areas also provide habitat important for the survival of many plant and animal species.

BLM manages units of the NLCS not under the Federal Land Policy and Management Act of 1976 (FLPMA) multiple-use mandate, but rather under the language of the proclamation or legislation establishing the monument. This is expressly provided for in FLPMA itself: "*The Secretary shall manage the public lands under the principles of multiple use and sustained yield, in accordance with the land use plans developed by him under section 1712 of this title when they are available, except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.*" (FLPMA, 43 U.S.C. § 1732(a)).

The BLM's obligation to manage the monument lands for protection of the monument objects above all other uses was emphasized by *Secretarial Order 3308* and the *15-Year*

*Strategy for the National Landscape Conservation System.*

*Secretarial Order 3308 states that BLM "[S]hall ensure that the components of the NLCS are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values. If consistent with such protection, appropriate multiple uses may be allowed, consistent with the applicable law and the relevant designations under which the components were established."*

The BLM's *15-Year Strategy for the National Landscape Conservation System* further defines what the primacy of conservation means for the System in Theme 1, including an "*overarching and explicit commitment to conservation and resource protection as the primary objective within these areas.*"

The diversity of these lands, and the distinct recognition by Congress of their values, warrant making them subject to the same DOD regulation(s) applicable to designated wilderness and other protected lands noted in this section. Military training flights contemplated under this proposal should refrain flying over NLCS lands. At the very least, all flights must comply with the 2,000 feet AGL limitation.

NLCS units are also identified in the maps and charts accompanying these comments.

#### Habitat for endangered, threatened, candidate and sensitive wildlife species

The draft EA fails to adequately analyze the direct, indirect and cumulative impacts of the proposed low altitude overflights to endangered, threatened, candidate and sensitive wildlife species.

1. The EA does not include analysis of impacts on all of the threatened, endangered and candidate and sensitive species that may be impacted by low altitude flyovers. In addition to species listed as threatened and endangered Federally and at the state level, the analysis must include 1) species that are currently candidates for listing under the ESA, 2) species listed as sensitive by the Bureau of Land Management and U.S. Forest Service, and 3) species considered to be rare and imperiled that are tracked by the Colorado and New Mexico Natural Heritage Programs. At a minimum, this list of species should include the species and habitat types listed in Appendix X.
2. The EA inappropriately provides only a generic analysis of the impacts of low altitude flyover on groups of species (e.g. birds, amphibians, mammals etc.). The impacts of low altitude flyovers are likely to vary substantially by species, and NEPA requires a species-specific analysis of impacts for threatened, endangered, candidate and sensitive species likely to be impacted by the proposed project. NEPA also requires a species-specific analysis of the likely impacts of the proposed project on common wildlife species, and particularly sensitive habitats for common species (e.g. calving areas for big game etc.) The NEPA analysis for this project must include species-specific analysis of impacts for each species that may be directly, indirectly, or cumulatively impacted by the proposed project, including the threatened, endangered and sensitive species listed in Appendix X, and the sensitive habitat types for common wildlife species listed in Appendix X.

3. This species-specific analysis of impacts must include identification of the location, amount and type of habitat for each species that is found within the area where the proposed low altitude flyovers will occur. The agency must then assess whether there are habitats within the project area where the species is likely to be particularly sensitive to the impacts of low altitude flyovers, due to use of the habitat during a sensitive period in the life-history of the species, or the presence of concentrations of a species in a particular area at a particular time of year, etc..
4. The agency must then determine the likely impacts on each individual species given the amount and type of habitat likely to be affected, and the direct, indirect and cumulative impacts that are likely to result from low altitude flyovers in these habitats.
5. The EA does not include adequate analysis of the direct, indirect and cumulative impacts on each species that could potentially experience significant impacts as a consequence of the proposed action. The NEPA analysis for this project must generally include assessment of the following types of potential direct, indirect and cumulative impacts<sup>1</sup>:
  - The potential impacts of acoustic masking due to noise associated with low altitude flights on:
    - intentional communication (e.g. communication used for reproductive or territorial purposes, alarm calls to warn of predators, and contact calls to maintain group cohesion).
    - Acoustical eavesdropping across species boundaries (e.g. migrating birds using heterospecific calls to make habitat decisions)
    - Auditory surveillance of the acoustical environment for adventitious sounds (e.g. use of sound by predators in detecting prey, use of sound by prey in predator avoidance)
    - The ability of animals to use sound for spatial orientation (e.g. the ability of female frogs to locate calling males during the reproductive season)
  - The potential impacts of disturbance due to low altitude flights, including potential long-term impacts to populations that could result from disturbance due to low-altitude flyovers in particularly sensitive habitats. (e.g. disturbance of Gunnison sage-grouse concentrated at lek sites during the mating season, or in severe winter habitat where birds are concentrated in years with heavy snowfall).
  - The potential impacts of collisions with aircraft for bird and bat species, including assessment of the intersection between migratory routes and other areas that might have high concentrations of bat or bird species and areas likely to experience low altitude flights under the proposed project.
  - Assessment of the species-specific likelihood of habituation if flights are infrequent.

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<sup>1</sup> [Add links to paper on impacts of exposure to noise on terrestrial organisms, and bibliography of sound impacts papers here.](#)

- Analysis of the potential for even infrequent flights to have significant impacts if they take place in critical habitats for threatened, endangered, candidate and sensitive species, or in particularly sensitive habitats for common wildlife species.

5. Once the agency has completed an adequate, species-specific analysis of the potential impacts of low altitude flyovers, as described above, then the agency must determine whether there are particular habitats for endangered, threatened, candidate and sensitive species that should be: a) areas that must be completely avoided by low altitude flights in order to prevent significant impacts, b) areas that must be avoided seasonally in order to prevent significant impacts, c) areas where the flights must be limited to higher altitude flights, d) areas where the number of flights should be minimized, d) areas where other mitigation should be applied to avoid significant impacts. The EA recognizes that there may be a need to avoid low altitude flights over locations and critical habitats for endangered, threatened and candidate species. However, this may also be necessary in certain habitats for sensitive species, and in particularly sensitive habitats for common species. The EA does not consider flight path avoidance or other mitigation measures to avoid significant adverse impacts to critical habitats for sensitive species, or particularly sensitive habitats for common species. Further, NEPA requires that the agency include a detailed description of mitigation measures that will be applied to reduce the impacts of a proposed project, and an analysis of the likely effectiveness of these mitigation measures, in NEPA documentation, prior to making a finding of no significant impact. The agency has failed to provide a detailed and comprehensive mitigation plan in the EA in this case, and instead makes vague reference to mitigation measures (such as potential avoidance of flights below a minimum altitude in habitat for endangered, threatened and candidate species, and a plan to minimize risk of bird strikes) that may be developed and applied in the future. This is unacceptable. The agency must detail the measures that will be used to reduce the impacts to each of the species that could potentially experience negative impacts as a consequence of the proposed action, in the environmental analysis for the project.

We believe there is potential for significant negative impacts of low altitude flyovers on all of the species listed in Appendix X. We are particularly concerned about the potential for significant negative impacts on the following species:

*Gunnison sage-grouse*

The area that could be impacted by flyovers includes occupied habitat for Gunnison sage-grouse, including leks, production habitat, brood rearing habitat, severe winter habitat, and historical habitat important to recovery of the species.

The proposal's assertion that flights over threatened and endangered or candidate species habitat would be avoided by a minimum flight altitude of 1,000 feet AGL is insufficient and unreliable accommodation. Sage grouse are extremely sensitive to both visible movement in the air and to noise. Either impact would disrupt breeding, nesting, brood rearing, winter survival, and safety activities for these extremely rare birds. All occupied Gunnison sage-grouse habitat must be completely excluded from overflight paths. At the very least, overflight altitudes must be remain above minimum levels documented by

qualified and objective grouse-biology experts (from U.S. Fish and Wildlife Service or Colorado Division of Parks and Wildlife *e.g.*).

Gunnison sage grouse is particularly imperiled, so must not be subjected even to marginal increases in habitat intrusion or damage, or to stress caused by overhead movement or unnatural noise. This iconic species is a State of Colorado “Species of Special Concern,” a BLM-designated “Sensitive Species,” and was recently assigned a “Warranted but Precluded” designation by the U.S. Fish and Wildlife Service.<sup>2</sup> This most recent finding designates the bird as a “Candidate Species” under the Endangered Species Act, meaning that there is sufficient scientific and commercial data to propose listing the species as threatened or endangered throughout its range. Despite the critical status of the Gunnison Sage-grouse population, its occurrence in the proposed training area, and numerous comments submitted during scoping expressing concern, the Air Force has chosen to completely ignore the species in its Draft EA. This is unacceptable.

The historic range of the Gunnison Sage-grouse included sagebrush ecosystems in southern Colorado, northern New Mexico, southeastern Utah and northeastern Arizona. Unfortunately, the species has experienced a dramatic reduction in habitat and numbers, and is now limited to approximately 4,000 breeding individuals in eight widely scattered and isolated populations in Colorado and Utah. Colorado contains the following seven populations, six of which are small and at great risk of local extinction: Gunnison Basin, Cerro Summit/Cimarron/Sims Mesa, Crawford, Dove Creek, Piñon Mesa, Poncha Pass and San Miguel Mesa.<sup>3</sup> By far the greatest concentration of the species, and the cornerstone for its long-term survival, is in the Gunnison Basin. This inter-montane basin includes parts of Gunnison and Saguache Counties. The Gunnison Basin population encompasses approximately 590,000 acres and contains over 87 percent of the species’ total number of birds. The remaining populations contain highly fragmented groups of 10 to approximately 200 birds each. All seven Colorado populations are located within the boundaries of the proposed LATN area. Despite this fact, the draft EA neither analyzes impacts to Gunnison Sage-grouse from the proposed activities nor offers species-specific avoidance or mitigation measures.

Much of the Upper Gunnison River Basin in Gunnison and Saguache Counties below approximately 9,200ft elevation is mapped Gunnison Sage-grouse Occupied Habitat. In the Gunnison Basin there are currently 83 leks of various activity levels, found in elevations ranging from approximately 7,500 to 9,200 feet. A small and dwindling number of birds, lack of genetic diversity and isolated populations are casting the future of this species in doubt. As the proposed LATN area blankets the significant majority of

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<sup>2</sup> Endangered and Threatened Wildlife and Plants; Determination for the Gunnison Sage-grouse as a Threatened or Endangered Species, 75 Fed. Reg. 59,804 (September 28, 2010) (to be codified at 50 C.F.R. pt. 17).

<sup>3</sup> U.S. Fish and Wildlife Service Press Release, *Gunnison Sage-Grouse to be Designated a Candidate for Endangered Species Protection*, available at [http://vocuspr.vocus.com/vocuspr30/Newsroom/Query.aspx?SiteName=fws&Entity=PRAsset&SF\\_PRAssetID\\_EQ=111785&XSL=PressRelease&Cache=True](http://vocuspr.vocus.com/vocuspr30/Newsroom/Query.aspx?SiteName=fws&Entity=PRAsset&SF_PRAssetID_EQ=111785&XSL=PressRelease&Cache=True).

the species' current and historic range, we continue to be extremely concerned about potential negative implications for Gunnison Sage-grouse.

Our primary concern is that the proposed LATN activities could interfere with Sage-grouse mating, and thus the ultimate survival of this imperiled species. Gunnison Sage-grouse are vulnerable to aerial disturbance and noise at all times of the year, but particularly during the spring mating season. In the spring, the birds gather on traditional breeding areas known as "leks." These sites are open areas that have good visibility (allowing Sage-grouse a greater opportunity to avoid predation) and acoustical qualities (so the sound of display activity can be heard by other Gunnison Sage-grouse).<sup>4</sup> Sites chosen for display are openings with an abundance of sagebrush within 300-650 feet for escape cover. These sites may be in broad valleys or broad ridges, benches and mesas. Males display at these leks generally in early morning and late evening. In Colorado, birds gather at leks from mid-March through late May, depending on elevation.

The draft EA acknowledges that "locations identified as sensitive to low altitude overflight could include areas with threatened and endangered species as well as areas where large numbers of bird species are known to be located seasonally."<sup>5</sup> It also states that "procedures would be established to directly notify Cannon AFB of such activities (threatened/endangered species) as seasonal habitats or other biologically sensitive areas and establish appropriate variable or seasonal avoidance areas."<sup>6</sup> This is less than reassuring, alarmingly vague, and offers no guarantees that the Air Force would abide by any measures to avoid and minimize impacts to the bird. The draft EA states that while noise levels generated by C-130 and CV-22 aircraft could be as high as 98 dB SEL and 90 dB SEL, respectively, direct overflight of any given location would be rare due to large size of the training area and the dispersed nature of the operations.<sup>7</sup> However, with populations of Gunnison Sage-grouse so low even infrequent flyovers could jeopardize the long-term survival of the species. Only a few instances of sound levels approaching 100 dB near leks would have a major impact on this species. A recent study reveals that "increased anthropogenic disturbances reduce and fragment habitats the Gunnison Sage-grouse requires – either directly through habitat loss and degradation, or indirectly through habitat avoidance due to human use, *noise*, or changes in predator communities."<sup>8</sup> Low-altitude flyovers during the breeding season and particularly in late evening and/or early morning could have a significant, detrimental impact on mating across all seven populations of Gunnison Sage-grouse found in Colorado. Low altitude flights are likely to have significant negative impacts at lek sites due to disturbance, acoustical masking of the sound display that male grouse use to attract females, and

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<sup>4</sup> Gunnison Sage-grouse Rangewide Steering Committee, *Gunnison Sage-grouse Rangewide Conservation Plan 23* (2005).

<sup>5</sup> U.S. Air Force, *Draft Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, New Mexico 2-9* (August 2011).

<sup>6</sup> *Id.* at 2-17.

<sup>7</sup> *Id.* at 4-4.

<sup>8</sup> News Release, Colorado State University and U.S. Geological Survey, Grouse's top-flight nests are high, wide, and lonesome (October 31, 2011) (available at <http://www.usgs.gov/newsroom/article.asp?ID=3019>) (italics added).

acoustical masking of the sound of approaching predators. This is likely to result in reduction in successful mating and breeding activity, increases in predation at leks, and other negative impacts that are likely to have population level consequences.

Low altitude training exercises could also have significant negative impacts during other critical periods in the life-history of the Gunnison sage-grouse. Disturbance and noise due to flights during the nesting and early brood-rearing period could result in increased predation due to acoustical masking of alarm calls and sounds made by predators. High quality nesting (also called production habitat) and brood rearing habitat is already extremely limited due to habitat loss and degradation from a variety of human activities, and Gunnison sage-grouse have been shown to avoid nesting and brood rearing habitat with excess levels of anthropogenic noise and disturbance. Thus, low altitude flights over occupied habitat during the nesting and brood rearing seasons could result in functional loss of this habitat.

Similarly, severe winter habitat for Gunnison sage-grouse is very limited, and noise and disturbance associated with low altitude flights in winter could cause Gunnison sage-grouse to avoid this habitat, resulting in decreases in winter survival.

Predation by non-native predators has been identified as a major factor limiting Gunnison sage-grouse populations in small populations outside of the Gunnison Basin, particularly the San Miguel Basin population. Acoustic masking caused by low-altitude flights could further reduce the ability of birds in small populations to avoid predation, with potentially drastic consequences in San Miguel Basin, where only a small number of birds remain. Acoustical masking resulting from noise associated with overflights could have negative impacts by facilitating predation in all occupied habitats, during all seasons.

To ensure that low-altitude training exercises do not impact sage grouse breeding and lek activity, the undersigned organizations request that all LATN operations be withheld from mapped Gunnison Sage-grouse Occupied Habitat. At a minimum, LATN operations should be withheld from mapped seasonal habitats during the season of use (for example, operations should be withheld from occupied habitat from March 1 to June 1 annually to protect Gunnison Sage-grouse during the mating season). This would help ensure that Air Force training activities do not further jeopardize the long-term viability of this species. Low-altitude flyovers in late evening and/or early morning could have a significant, detrimental impact on mating across all seven populations of Gunnison Sage-grouse found in Colorado. Not only should mapped Occupied Habitat, it is imperative that the Air Force complete a more thorough analysis of potential impacts. Avoiding the issue in the draft EA gives the public the impression that the Air Force has not considered impacts to Gunnison Sage-grouse and simply does not care about this bird. We further request that the Air Force modify its plan to accommodate all Division of Parks and Wildlife (CPW) requests and other governmental requests, including from Gunnison County. Gunnison County has played an active leadership role for a decade in conserving the population in the Gunnison Basin. The CPW currently tracks 83 leks of various statuses, including active, inactive, unknown and historic in the Gunnison Basin, and the agency likewise should be utilized by the Air Force as a resource.

The undersigned organizations urge the Air Force to utilize the *Gunnison Sage-grouse Rangewide Conservation Plan* (Rangewide Plan) as its guiding document in analysis of impacts to the species. The aim of the Rangewide Plan is to maintain, and increase where possible, the current abundance and viability of Gunnison Sage-grouse populations and habitats. We believe that this should be an overarching consideration of any decision to approve low-altitude training exercises. The Air Force must undertake a detailed assessment of Gunnison Sage-grouse occupancy and activity throughout its range. This includes all life stages, including assessment of lekking and winter habitat. There is a possibility that all leks in this area are not known or mapped. In considering potential training, the Air Force must ask: does the activity maintain the current abundance and viability of Gunnison sage grouse populations and habitats? If it does not, then development of this proposal should not be allowed.

These concerns, and the need, identified at local, State and Federal levels to conserve this species, puts the onus on the Air Force to carefully examine the potential impacts to the species. The total lack of discussion in the draft EA is a gross dereliction of responsibility to this species and the public who value this iconic bird. NEPA requires federal agencies to integrate environmental values into the decision-making process by considering the environmental impacts of proposed actions and reasonable alternatives to such actions. NEPA has two aims: “*First, it places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action. Second, it ensures that the agency will inform the public that it has indeed considered environmental concerns in its decision-making process.*”<sup>9</sup> The draft EA fails both of these aims in its failure to even provide the most basic of analyses for this species. Throughout the NEPA process, the agency must take a hard look at information relevant to its decision, something the Air Force has neglected to do. We respectfully assert that this require hard look can be fulfilled completion of a full EIS. The Air Force must demonstrate that noise and light from training activities would in no way compromise the continued vitality of Gunnison sage-grouse leks, something that has not been demonstrated in the Draft EA.

*Lesser prairie chicken, greater prairie chicken and Columbian sharp-tailed grouse*

The draft EA contains little or no analysis of the potential impacts to lesser prairie chicken, greater prairie chicken and Columbian sharp-tailed grouse. These sensitive upland game birds are related to Gunnison sage-grouse, and are likely to experience similar negative adverse impacts due to low altitude flights over their habitat. This group of bird species has a relatively high sensitivity to the impacts fo anthropogenic noise and disturbance, when compared with many other bird families. Occupied habitat for all three species occurs within the LATN area, including lek sites and other important seasonal habitats. The lesser prairie chicken is a candidate for listing under the Endangered Species Act. The greater prairie chicken and Columbian sharp-tailed grouse are declining and have sensitive status with state or federal agencies. All three species are likely to

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<sup>9</sup> *Forest Guardians v. U.S. Forest Service*, 641 F.3d 423, at 711 (10 Cir. 2011) (quoting *Balt. Gas and Elec. Co. v. Natural Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983)).

experience negative population level impacts if low altitude flights occur over important seasonal habitats. The agency must conduct an adequate, species-specific analysis of the potential impacts of low altitude overflights on all three species. The agency should consider avoiding low altitude flights over all occupied habitat for the lesser prairie chicken, and consider seasonal restrictions on low altitude flights in critical seasonal habitats for the Columbian sharp-tailed grouse and greater prairie chicken.

#### *Canada Lynx*

The draft EA is equally as dismissive of potential impacts to another iconic Colorado species, the Canada lynx (*Lynx canadensis*). Lynx inhabit moist coniferous forests that are subject to cold, snowy winters and provide a prey base of snowshoe hare. Lynx habitat in Colorado and extreme northern New Mexico is usually found in the subalpine and upper montane forest zones, typically between 8,000 and 11,500 feet in elevation. All lynx habitat in the Southern Rockies is considered occupied habitat. In the Southern Rockies, lynx habitat generally occurs where forest cover is dominated by spruce-fir, lodgepole pine and aspen-conifer mix. These forests provide a prey base of snowshoe hare.

Lynx is listed as a threatened species under the Endangered Species Act. The Air Force has a duty under the Endangered Species Act to consult with the U.S. Fish and Wildlife Service to ensure that the impacts from proposed training exercises will not “jeopardize the continued existence of threatened and endangered species . . . or . . . destroy or adversely modify their designated critical habitat.”<sup>10</sup> The ESA “is the most comprehensive legislation for the preservation of endangered species ever enacted by any nation.”<sup>11</sup> The Supreme Court’s review of the ESA’s “language, history, and structure” convinced the Court “beyond a doubt” that “Congress intended endangered species to be afforded the highest of priorities.”<sup>12</sup> Despite clear language, it is evident in the draft EA that the Air Force did not take a thorough look at impacts to lynx from low-altitude training exercises. In fact, there is little discussion whatsoever about potential impacts to this species, which is found throughout the high mountains of the proposed LATN training area.

Under section 7(a)(2) of the ESA, every federal agency “shall...insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of the endangered or threatened species or result in the destruction or adverse modification of habitat of such species...determined...to be critical....”<sup>13</sup> Agency “action” is defined in the ESA’s implementing regulations to include “all activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas. Examples include, but are not limited to: (a) actions intended to conserve listed species or their habitat; (b) the promulgation of regulations; (c) the granting of licenses, contracts, leases, easements,

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<sup>10</sup> 16 U.S.C. § 1536(a)(2).

<sup>11</sup> *Tennessee Valley Authority v. Hill*, 437 U.S. 153, 180 (1978).

<sup>12</sup> *Id.* at 174.

<sup>13</sup> 16 U.S.C. § 1536(a)(2) (Section 7 consultation).

rights-of-way, permits, or grants-in-aid; or (d) *actions directly or indirectly causing modifications to the land, water, or air.*<sup>14</sup>

Despite the fact that large portions of the Air Force's proposal would overlap with lynx habitat, including sensitive denning habitat, there is nothing in the Draft EA that shows the Air Force examined potential impacts to this endangered species. The Draft EA's analysis of potential impacts to lynx is limited to the following discussion:

*Larger species in the ROI (lynx and wolverine) could possibly display similar reactions. Given the low number of sorties per day spread randomly throughout the proposed training area, non-repeating flight paths, and varied flight profiles, it would be unlikely for a given individual to be consistently subjected to high noise levels. Concentrations of mammal species and/or tendencies to fly more often in a given area would potentially increase the exposure level. In such a case, habituation to aircraft noise could occur. A startle or escape response in itself is not necessarily detrimental to a species, nor is reaction to aircraft noise alone enough to imply adverse effect. Though some startle response could occur, low altitude aircraft flight noise is not likely to significantly affect populations of mammals.*

This lack of species-specific analysis and dismissive attitude is alarming. Even occasional, loud noise impacts on lynx could jeopardize the success of Colorado's reintroduction program. For threatened species such as the lynx, an important reaction to low-altitude training exercises might be reduced reproductive success (or lack thereof) that can influence species persistence. The draft EA's less than cursory examination of impacts to the reproductive health and success of lynx is unconscionable and must be remedied in an EIS.

The draft EA's two statements below on potential impacts to a variety of endangered species and subsequent conclusion simply do not meet the level of detail or analysis required by NEPA:

*Low altitude flights in the training area could result in startle response or other reactions in wildlife, such as flushing or leaving an area. Wildlife in the area includes several species protected under ESA of 1973. However, such reactions are not necessarily detrimental to species populations, nor is reaction alone enough to imply adverse effect. Given the average number per day and distribution of sorties throughout the training area, a given individual animal would not be consistently subjected to high noise levels. Habituation to noise may also occur. The Proposed Action would not jeopardize the continued existence of listed species, adversely modify, or destroy designated critical habitat.*<sup>15</sup>

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<sup>14</sup> 50 C.F.R. § 402.02. (italics added).

<sup>15</sup> *Supra* note 4, at 2-28.

*In summary, although a startle response or other reaction could occur in protected species (similar to the discussion for non-protected wildlife), such reactions are not necessarily detrimental to a species, nor is reaction alone enough to imply adverse effect.*<sup>16</sup>

The summary above is not based on a thorough examination of scientific data. An EA is intended to be a concise document that, in part, briefly provides *sufficient evidence and analysis for determining whether to prepare an EIS*.<sup>17</sup> The Air Force has failed in this obligation. The undersigned organizations request the Air Force analyze impacts to lynx throughout the proposed LATN training area, rather than simply amalgamating them in a general analysis of threatened or endangered species. This must be done in an EIS, for the reasons argued throughout these comments.

Significant adverse impacts of disturbance and noise on Canada lynx could result from: 1) disturbance and displacement of lynx from sensitive denning sites, 2) acoustical masking that prevents lynx from successfully capturing snowshoe hares, 3) acoustical masking that prevents lynx from detecting and avoiding predators, 4) avalanches that are set off by flights that result in direct mortality, and 5) displacement of lynx from prime habitat into less suitable habitat due to avoidance behavior.

#### *Bats*

The EA contains no discussion of the potential impact of the proposed low altitude flights on several bat species that inhabit the project area, despite the fact that the project is likely to have significant adverse impacts on these bat species. The following bat species likely inhabit the project area: Townsend's big-eared bat, spotted bat, Allen's (Mexican) big-eared bat, Fringed myotis, big free-tailed bat, and Mexican free-tailed bat. Additional bat species may also be present in the project area. Low altitude flights are likely to have significant adverse impacts on bat species. First, since the flights will often take place at night when bats are active, there is potential for bats to collide with aircraft. Second, noise from the low altitude flights may result in acoustical masking that inhibits bat's ability to successfully locate and capture prey. Third, low altitude flights may occur over areas where bats congregate (e.g. maternal roost sites) and result in disturbance of large numbers of bats. Disturbance of bats at such sites has been shown to result in significant negative impacts. The EA contains no analysis of the potential impacts of the proposed low altitude flights on bat species. This is unacceptable. The EA must provide a species-specific analysis of the potential indirect, direct and cumulative impacts of the proposed project on all bat species that occur within the project area, and must propose appropriate avoidance and mitigation measures to mitigate potentially significant adverse impacts.

#### *Raptors*

The EA does not provide an adequate species-specific analysis of the impacts on raptors. Raptors vary significantly in their sensitivity to the potential impacts of disturbance and noise that could result from low altitude overflights. The EA provides a vague general analysis that argues that raptors are not particularly sensitive to disturbance due to

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<sup>16</sup> *Id.* at 4.

<sup>17</sup> 40 C.F.R. §1508.9 (italics added).

overflights. However, this analysis relies on a small number of studies of a small number of specific raptor species. The results of these studies cannot be extrapolated to all raptor species, as raptors vary in their sensitivity to noise and human disturbance. Further, the analysis ignores a number of potential types of impacts that could result from low altitude overflights. In particular, the potential impacts of overflights on Mexican spotted owls, boreal owls, burrowing owls, ferruginous hawks, golden eagles, bald eagles, peregrine falcons, and northern alomado falcons are likely underestimated by the analysis. All of these species occur in the LATN area. The EA must conduct a species-specific analysis of the potential negative impacts on each of these species. The EA doesn't adequately assess the species specific impacts of the following types of potential impact on any of the above species: 1) impacts of acoustic masking on hunting success and ability to avoid predators, 2) impacts of disturbance at nests during the nesting season, 3) impacts on communication and pair bonds, 4) impacts if flights occur in areas where birds are concentrated (e.g. flights over bald eagle winter roost sites in winter), 5) impacts of bird strikes if flights cross migratory routes during the migration season, 4) impacts that could result from behavioral avoidance of critical habitat due to noise and disturbance, particularly for endangered, threatened and candidate species with limited habitat. The EA assumes that raptors will habituate to low altitude flights, but this may not be the case if flights are infrequent. Further, infrequent flights over critical habitat for endangered and threatened raptors could have significant impacts due to the small size of populations, and the limited availability of particular habitats (e.g. nest sites for Mexican spotted owls). The EA must include an adequate species-specific analysis of impacts on each of the above raptor species.

#### *Gunnison's and white-tailed prairie dogs*

The EA does not include an adequate analysis of the potential impacts of low altitude flights on Gunnison's and white-tailed prairie dogs. Gunnison's and white-tailed prairie dogs are imperiled. Communication is particularly important in maintenance of successful prairie-dog colonies. Prairie-dogs live in colonies in large part because communication amongst members of a colony reduces predation. The EA has not adequately considered the impacts of acoustical masking due to noise from low altitude flights on the ability of prairie dogs to use alarm calls to reduce predation on the colony, or to communicate other information important to survival.

#### *Boreal toad*

The Southern Rocky Mountain population of the boreal toad is critically imperiled and has been petitioned for listing under the Endangered Species Act. Noise from low altitude flights has been shown to negatively impact amphibians. There are a very small number of populations of boreal toad in the Southern Rocky Mountains, and only one viable population. The EA does not adequately analyze the impacts of low altitude overflights on the Southern Rocky Mountains population of the boreal toad. Low altitude flights should avoid occupied boreal toad habitat.

#### *Other rare, special-status, and imperiled species*

Additional species vulnerable to unnatural noise and overflight impacts include the following. Additional environmental analysis (through preparation of an EIS) must

evaluated the potential effects of the proposed action on these species, and any final training area designation and flight activities must be adjusted to avoid and mitigate all such impacts.

- black bear
- mule deer
- bald eagle
- golden eagle
- elk
- peregrine falcon
- kit fox
- northern goshawk
- Columbian sharp-tailed grouse
- river otter
- Mexican spotted owl
- pronghorn
- Rocky Mountain bighorn sheep
- American marten
- American white pelican
- black swift
- boreal owl
- Brewer's sparrow
- brown pelican
- burrowing owl
- canyon tree frog
- common black hawk
- common king snake
- desert bighorn sheep
- desert spiny lizard
- ferruginous hawk
- gray vireo
- Great Basin spadefoot
- greater prairie chicken
- Jemez Mountains salamander
- least shrew
- least tern
- lesser prairie chicken
- long-billed curlew
- longnose leopard lizard
- massasaugua
- midget fade rattlesnake
- milk snake
- New Mexico meadow jumping mouse
- Northern Alpomado faclon
- northern cricket frog
- northern leopard frog
- plains leopard frog

sage sparrow  
sage-thrasher  
sand dune lizard  
swift fox  
western snowy plover  
western yellow-billed cuckoo  
white-face ibis  
white-tailed ptarmigan  
yellow-billed cuckoo

### Game animals

#### *Noise Impacts on Big Game*

In addition to potential negative impacts to imperiled species such as Gunnison Sage-grouse and Canada lynx, the Air Force's proposal to conduct low-altitude training could significantly impact big-game species, including elk, mule deer and bighorn sheep. Both elk and mule deer are present throughout the LATN area, and both species are vital to the tourism and economic well-being of affected communities. Bighorn sheep have more restricted ranges, but nonetheless occur in multiple populations throughout the mountains, canyons and deserts of Colorado and New Mexico. Behavioral and physiological responses to new noise sources have the potential to cause injury, energy loss (from movement away from noise source), decrease in food intake, habitat avoidance and abandonment and reproductive losses.<sup>18</sup> Human-made noise has the potential of interfering with animal communication signals, sounds animals might listen to for orientation and for predator and prey detection.

Elk, mule deer and bighorn sheep are highly susceptible to disturbance on winter ranges. Disturbance during winter months can be particularly detrimental to herd health, given the increased metabolic costs of locomotion. Even infrequent low-altitude flyovers could cause these animals to abandon substantial portions of their traditional winter range. Noise from oil and gas drilling has resulted in displacement of elk from their traditional winter habitat, as have seismic exploration projects.<sup>19</sup> The draft EA states that the following dB could occur at any given point in the training area:

*Single exposure noise levels generated by C-130 and CV-22 aircraft could be as high as 98 dB SEL and 90 dB SEL, respectively. Any given location assumed to have twice the expected average amount of low altitude overflights could experience noise events greater than 70 dB SEL approximately three times per month and events greater than 80 dB SEL approximately once every three months.*<sup>20</sup>

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<sup>18</sup> Bunnell, F.L., Dunbar, D., Koza, L., and G. Ryder, 1981. Effects of disturbance on the productivity and numbers of white pelicans in British Columbia - observations and models. *Colonial Waterbirds* 4:2-11.

<sup>19</sup> Johnson, B., and L. Wollrab, 1987; see also Johnson, B.K., and D. Lockman, 1979. Response of elk during calving to oil/gas drilling activity in Snider Basin, Wyoming. WDFG report, 14 pp.

<sup>20</sup> *Supra* note 4, at 3.

Noise levels approaching 100 dB, even if rare, would likely have a significant impact on elk and mule deer concentrated in their winter ranges. Studies have revealed that “[s]ound levels above 90 dB are likely to be adverse to mammals and are associated with a number of behaviors such as retreat from the sound source, freezing, or a strong startle response.”<sup>21</sup> In addition, wild ungulates appear to be much more sensitive to noise disturbances than domestic livestock.<sup>22</sup> The draft EA does not acknowledge the presence of big game winter range, does not analyze how noise could impact big game while concentrated in specific winter feeding areas, and does not provide any mechanisms for avoiding mapped winter range and/or concentration areas.

Excessive nighttime airplane noise, coupled with other noise stressors, could have a detrimental impact on herd vitality. Populations of elk, mule deer and bighorn sheep are already stressed by a variety of human impacts, and the addition of a significant noise source will only add to this. Sources of noise that have the potential to affect wildlife include aircraft overflights, recreational activities such as snowmobiling and ATV use, and heavy machinery and equipment. Impacts to wildlife habitat in remote areas of Colorado and New Mexico have increased from helicopter activity related to the tourism and resource extraction industries. The addition of a significant new noise source from low-altitude training exercises would only add another layer, and must be considered in conjunction with other noise sources across the proposed training area.

Animals rely on hearing to avoid predators, to obtain food, and to communicate with members of their own species and other members of the community. Several studies have addressed the effects of aircraft overflights on the breeding success of ungulates such as caribou and Dall sheep. One study attributed caribou calf mortalities to frequent low-level military aircraft overflights.<sup>23</sup> In addition, the National Park Service released a report outlining the impacts of aircraft overflights on the National Park System, including on animals found in Parks. That document stated:

*When disturbed by overflights, animal responses range from mild "annoyance," demonstrated by slight changes in body position, to more severe reactions, such as panic and escape behavior. The more severe reactions are more likely to have damaging consequences. Studies of aircraft impacts suggest that whether or not disturbance occurs, and whether or not disturbance has a harmful effect depends on a variety of characteristics associated with both the animal and with the aircraft.*<sup>24</sup>

According to the National Park Service, “[t]he primary concern expressed is that low-level flights over wild animals may cause physiological and/or behavioral responses that

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<sup>21</sup> U.S. Air Force and U.S. Department of the Interior, 1988. Effects of aircraft noise and sonic booms on domestic animals and wildlife: a literature synthesis 3.1.

<sup>22</sup> *Id.* at 3.1.2.

<sup>23</sup> Harrington F.H. and A.M. Veitch, 1992. Calving success of woodland caribou exposed to low-level jet fighter overflights. *Arctic* 45:213-218.

<sup>24</sup> National Park Service, 1994. Report on effects of aircraft overflights on the National Park System. Report to Congress 5.2.

*reduce the animals' fitness or ability to survive.*"<sup>25</sup> Unfortunately, the draft EA offers scant analysis on the variety of characteristics associated with wildlife in the LATN area or the airplanes proposed for the training area. Reactions ranging from annoyance to panic and escape behavior are manifestations of stress, and while the effects of stress from overflights are not well documented, "...*excessive stimulation of the nervous system can amount to chronic stress, and... continuous exposure to aircraft overflights can be harmful for the health, growth, and reproductive fitness of animals.*"<sup>26</sup> Despite the draft EA's dismissive statements, it is clear that wildlife can be negatively affected by airplane noise.

There are a variety of negative responses that can manifest in animals from noise impacts. These include "changing habitat use and activity patterns, increasing stress response, decreasing immune response, reducing reproductive success, increasing predation risk, degrading conspecific communication, and damaging hearing if the sound is sufficiently loud."<sup>27</sup> The draft EA's analysis of potential impacts from frequent low-altitude overflights is largely limited to the following statement:

*Animal response to aircraft noise is influenced by variables such as aircraft size, speed, proximity, and engine noise level, among others and their responses may differ according to aircraft type (fixed-wing versus rotor-wing). Aircraft noise due to subsonic flight may affect wildlife by causing a startle response or by masking auditory signals. Conversely, wildlife may become habituated to repeated noise and show no observable response. The maximum noise level at ground level resulting from a C-130 overflight at 300 ft altitude, directly under the aircraft and without interfering vegetation or other structures, would be approximately 98 dB SEL under typical operating conditions (Section 4.2.1). The maximum noise level for a CV-22 overflight under similar conditions would be approximately 89 dB SEL.*<sup>28</sup>

There is no discussion at all of potential impacts to elk, and only cursory discussion in passing of potential impacts to mule deer and bighorn sheep. Given the size of the Air Force's proposed LATN area, the frequency of flights, the loud noises generated and the harsh winter conditions that already stress animals in the Southern Rockies, the Air Force has neglected its duty to "insure that environmental information is available to public officials and citizens before decisions are made and before agency actions are taken."<sup>29</sup>

The draft EA states that "[i]nfrequent overflight would change quiet settings experienced within the proposed low altitude area an average of three times per month. This could result in annoyance to individuals, but would not be expected to change the land use of

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<sup>25</sup> *Id.* at 5.1.

<sup>26</sup> *Id.*

<sup>27</sup> Pater, Larry L., Grubb, Teryl G. and Delaney, David K., 2009. Recommendations for improved assessment of noise impacts on wildlife. *The Journal of Wildlife Management* 73(5).

<sup>28</sup> *Supra* note 4, at 4-12.

<sup>29</sup> 40 C.F.R. § 1500.1(b).

the area.”<sup>30</sup> Where is the analysis to back this up? Low-altitude flyovers at night in big game winter range would in fact very likely result in much more than annoyance to the species. Other impacts including reproductive failure, dispersal out of winter range, increased metabolic exertion and a general reduction in the ability of species to survive harsh winter conditions are possible and should be considered by the Air Force. The inadequate draft EA does not make it clear whether or not the addition of stressful events such as overflights actually harms animals. It may be that a few overflights do not cause harm, but that overflights occurring at high frequencies over long periods of time do. Given that the proposed training activities have no defined end-date, the possibility of long-terms impacts to big game populations is amplified.

It is very important to note that noise impacts are more severe with the proposed night training, as opposed to noise impacts generated during daylight hours. Noise perception is much louder, at least 10 dB louder, at night. In addition to sound being amplified at night, noise disturbance is most detrimental in treeless terrain where escape cover is lacking. Large swaths of the proposed LATN area are above timberline, and provide little escape cover for elk, mule deer and other animals who frequent and are dependent upon the high-altitude grazing areas in the short summer season.

To avoid likely (although completely unexamined in the draft EA) impacts to big game, the undersigned organizations request that the Air Force propose and analyze timing and altitude requirements that would limit all LATN-related activities in elk, mule deer and bighorn sheep winter range and concentration areas between the close of hunting season and April 30. Analysis should provide a quantitative and geographic description of the magnitude and location of the impacts to these species associated with low-altitude training. This should detail population level consequences, including a thorough analysis of direct and connected impacts.

The draft EA states that MC-130J and CV-22 aircraft based at Cannon AFB would be the primary users of the proposed low-altitude training area. For the purpose of the Draft EA, the term “C-130” is used as a general term for the MC-130J and all variations of the 27 SOW C-130 aircraft.<sup>31</sup> This is deceptive on the part of the Air Force because the MC-130J includes the MC-130J Combat Shadow II and the MC-130J Super Hercules, a significant upgrade from the C-130 Hercules. The Air Force mentions the MC-130J only a few times in the draft EA, and they use C-130 throughout the entire EA. This is significant failure, because the Air Force fails to provide the environmental impacts for all of these different aircraft that would be used in the LATN. The public cannot tell from the document what planes will be operated in the proposed LATN. As such, it is imperative that a subsequent EIS be developed that analyzes the different types of planes and their varied impacts on wildlife.

#### National Parks

The EA appropriately identifies national parks as “...provides outstanding example of a particular type of resource; possesses exceptional value or quality in illustrating or

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<sup>30</sup> *Supra* note 4, at 5.

<sup>31</sup> *Supra* note 4, at 2-2.

*interpreting the natural or cultural themes of our Nation’s Heritage; it offers superlative opportunities for recreation, for public use and enjoyment, or for scientific study; it retains a high degree of integrity as a true, accurate, and relatively unspoiled example of the resource...*”—and correspondingly as special use management land areas that must be avoided by training overflights.

#### National Monuments

The EA appropriately identifies national monuments as “...*preserve a single unique cultural or natural feature; recreation including hiking, picnicking, wildlife viewing...*”, although many national monuments actually include a diversity of unique natural features and opportunities for scientific study. The EA correspondingly identifies national monuments as special use management land areas that must be avoided by training overflights.

#### National Wildlife Refuges

The EA appropriate identifies national wildlife refuges as “...*public lands and waters set aside to conserve fish, wildlife, and plants; provides recreation including wildlife viewing and hiking...*” as well as hunting and fishing in many refuges—and correspondingly as special use management land areas that must be avoided by training overflights.

#### Colorado State Wildlife Areas

The EA appropriately identifies state wildlife areas as lands offering “...*boating, fishing, wildlife viewing, and picnicking...*” State wildlife areas also preserve and restore essential wildlife habitat, including integral watersheds. The EA correspondingly identifies state wildlife areas as special use management land areas that must be avoided by training overflights.

#### Recreation areas and activities

##### *Avalanche Hazards and Winter Backcountry Recreation*

The draft EA’s overarching theme of inadequate analysis continues with its limited discussion of avalanche hazards, and the relationship between low-altitude flyovers and backcountry recreation.

Great swaths of the LATN area receive tremendous amounts of snow, often in excess of several hundred inches. The accumulation of snow, the long winter season and steep mountainsides found throughout the proposed training area combine to create significant avalanche hazards. Despite an abundance of scientific analysis and information on snowfall and avalanches in the Rocky Mountains, the draft EA offers only the following statement:

*Studies conducted with supersonic aircraft flying at low altitudes over the French Alps concluded that the possibility of avalanches caused by sonic booms is highly unlikely. The C-130 and CV-22 are slow flying turboprop aircraft whose noise and vibration do not approach the effects of sonic*

*booms. The probability of an avalanche caused by an aircraft overflight is not significant.*<sup>32</sup>

The French Alps offers a poor comparison to the Rocky Mountains as a measure of the effects of noise disturbance on snow pack. Similarly, the fact that the draft EA only cites one study from Europe that is 25 years old is a travesty. Avalanches even in the absence of over flights by military aircraft are frequent throughout the Southern Rockies. Analysis of diverse literature and scientific tests on the relationship between noise and avalanches in the Southern Rockies must be provided by the Air Force.

The draft EA is equally dismissive of potential impacts to skiing in the LATN area, and states: “The possibility of avalanches caused by aircraft overflights is not significant. Aircraft would avoid flying over ski areas to the extent practicable.”<sup>33</sup> Flying over ski areas “to the extent practicable” is not reassuring. Furthermore, it completely ignores the significant backcountry winter recreation that is common throughout the mountains LATN terrain. Backcountry skiing, cross-country skiing, snowshoeing and winter hut camping are all popular pastimes in Colorado and New Mexico’s wildlands. The fact that the draft EA ignores and downplays these activities is a good insight into just how little analysis was undertaken by the agency.

### **Conclusions and summary**

- The draft environmental assessment is inadequate and illegal—both in its inherent format and limitations and in its content—as analysis of the proposal action.
- An environmental impact statement (EIS), including full range or alternatives and extensive public comment, must be undertaken.
- The EIS with full range of alternatives, along with amended details of a final proposed action, must thoroughly analyze potential impacts to sensitive public lands, wildlife, and quiet recreation opportunities.
- Any final proposal action must specifically and thorough avoid or mitigate any impacts to those sensitive public lands, wildlife, and recreation opportunities, as specified in the EA and/or in the comments above.

Thank you again for this opportunity to comment, for your careful consideration of our comments, in anticipation of changes to the proposal to address the issues we have raised.

Sincerely,

Steve Smith  
Assistant Regional Director  
The Wilderness Society  
[steve\\_smith@twc.org](mailto:steve_smith@twc.org)  
(303) 650-5818 x106  
for

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<sup>32</sup> *Supra* note 4, at 3.

<sup>33</sup> *Id.* at 2-27.

John Stansfield, Coordinator  
Central Colorado Wilderness Coalition

Kurt Kunkle, Wilderness Campaign Coordinator  
Colorado Environmental Coalition

Scott Braden, Director of Conservation and Education  
Colorado Mountain Club

Veronica Egan, Executive Director  
Great Old Broads for Wilderness

Matt Reed, Public Lands Director  
High Country Citizens' Alliance

Tom Sobal, Director  
Quiet Use Coalition

Roz McClellan, Director  
Rocky Mountain Recreation Initiative

Rocky Smith, Forest Watch Program Director  
Rocky Mountain Wild

Dan Randolph, Executive Director  
San Juan Citizens Alliance

Ceal Smith  
San Luis Valley Renewable Communities Alliance

Christine Canaly, Director  
San Luis Valley Ecosystem Council

Hilary White, Executive Director  
Sheep Mountain Alliance

Kirk Cunningham, Rocky Mountain Chapter Conservation Co-Chair  
Sierra Club

Gretchen Nicholoff, President  
Western Colorado Congress

Jean Smith, Associate Director  
Wild Connections

Sloan Shoemaker, Executive Director  
Wilderness Workshop

*Attachments included*

cc     Senator Mark Udall  
          Senator Michael Bennet  
          Bureau of Land Management Colorado State Director  
          U.S. Forest Service Regional Forester  
          National Park Service Regional Director  
          U.S. Fish and Wildlife Service Regional Director  
          Colorado Natural Heritage Program  
          Colorado Department of Natural Resources  
          Colorado Governor's Policy Office

November 21, 2011

Dear Ms. Stokes,

Please present our comments to the Military and Veterans Affairs committee meeting on Wednesday, Nov. 23 in Santa Fe. These issues reflect the views of the village of Angel Fire as stated in the village council's unanimous resolution opposing the Osprey flyovers in the Moreno Valley.

Thank you,

David and Therese Patton

41 MLK

Angel Fire, NM 87710

575-377-3601

We have lived in the Moreno Valley, which includes Eagle Nest, Angel Fire and Black Lake, for 33 years. Over 2,000 people live in this valley, which relies on tourism, recreation and real estate values for economic health. It is a quiet and beautiful area with abundant wildlife. We are however, experiencing extreme drought conditions, and will be facing a winter fire season for the first time. This threat is not expected to change for years to come. We do not need the added threat of an accident in our remote mountainous terrain, caused by a highly unreliable aircraft such as the Osprey CV-22 has proven to be, flying five nights per week in bad weather conditions and at low altitude. It will be difficult, if not impossible to fight a forest fire with our limited volunteer fire fighting resources. A large fire in this area would cause economic ruin for the people and businesses of this area. I am requesting that the Air Force consider moving the boundary for the CV-22 Osprey flyover path east of the Moreno Valley and out of the dry mountains. This would entail a slight enlargement to the Taos area exception.

Angel Fire has a private airport, open 24 hours a day. We have quality air, rich biological resources, recreational land use, and an economy based on an environment of peace and quiet. These are all things the National Environmental Policy Act lists as factors to be considered in determining appropriate places for the training the Air Force needs. Angel Fire hosts hundreds of vets and their families for week long retreats throughout the year to help them deal with PTSD. The noise of CV-22 Osprey flyovers during the night does not contribute to a healing environment for these veterans trying to recover from post-traumatic stress disorder. These are all good reasons for moving the training area boundary east of mountains that include the Moreno Valley and out onto the plains, where the impact would be minimal.

A full Environmental Impact Statement (EIS) is imperative for an activity with this type of long-term environmental and economic impact. A shallow computer generated assessment of the impact of 688 round trip flights per year over most of northern New Mexico and half of southern Colorado, paid for by the Air Force, showed no significant impact of any kind. This is simply not credible. The citizens of the Moreno Valley deserve a full EIS since these trainings in our airspace could seriously impact our quality of life and our economy. We did not move here to be part of an air force base. We moved here for the peace and quiet, natural beauty and a safe, healthy lifestyle. These attributes are quite difficult to find any more in this fast paced, polluted and crowded world. The Moreno Valley is a particularly unsuitable place for such low altitude training activities on many levels. Therefore, we request the Moreno Valley be removed from the LATN training zone. Failing that, I demand that a full EIS be done for this entire area.

November 21, 2011

TO: Ms. Pam Stokes  
Legislative Council Service

FROM: Hanson Scott, Director  
Office of Military Base Planning and Support

SUBJECT: Comments on the Low Altitude Tactical Navigation (LATN) Initiative

I have followed the progress of the Air Force's outreach pertaining to the Environmental Assessment of the proposed LATN Initiative. In my opinion, the Air Force has done an outstanding job of addressing community concerns in New Mexico as well as Colorado. Due to scheduling issues, I was only able to attend two of the recent public meetings—Albuquerque and Santa Rosa, though I attended two earlier sessions in Taos last fall.

Relative to the reduced LATN area reflected in the proposed EA documents, I am concerned that the Air Force was too aggressive, which could have a negative impact on operational readiness. Further, I have the impression that the Air Force did not adequately emphasize (particularly in their public meetings) the fact that the C-130s which will participate in training missions throughout the LATN area are the MC-130J, the newest model of the C-130. The MC-130J is much quieter than earlier models of the C-130 (about 80% of my 6,000 flying hours was in various C-130 models, including the AC-130s which are currently assigned to Cannon). Thus, the potential noise impact on communities will be minimized. As the Air Force has frequently advertised, their training missions will avoid populated areas in any event.

I strongly believe that Air Force use of the proposed LATN area will not be burdensome to communities in New Mexico or Colorado.

Additionally, I have continued to emphasize to all installation commanders in New Mexico that continuing community outreach is important—particularly to county commissions across New Mexico.

November 21, 2011

Military & Veterans' Affairs Committee Members,

When did elected officials stop representing the public? How is it even possible that the public is silenced when you are discussing spending our tax dollars to destroy the New Mexico environment? Cannon has no more right than the public, yet they will present an inadequate Environmental Assessment (EA) that is not even in compliance with National Environmental Policy Act. The EA does not adequately address the effects on the New Mexico/Southern Colorado environment, community, or culture.

At a time when 40% of every dollar spent in the USA is borrowed our obligations with interest are putting the USA in the lead of debtor nations. Now when you factor in that 48% of every federal tax dollar is spent on the military the is NO REASON to continually push up our deficit. It only destabilizes our national security to owe countries, like China, who do not view us favorably.

The spending that Cannon is proposing is damaging not only to the environment but also to the US economy as a whole. Their wish to spend \$825K a night to terrorize NM/CO while destroying our environment is ludicrous when it robs needed social services to the citizens of this great nation.

In terms of our own state, New Mexico is 2nd in the nation for Food Insecurity. Entertaining such a preposterous waste of our money is unethical?

The nation is crying out to be heard, to be represented. Have you lost sight of your responsibility to New Mexicans? The constitution gives us free speech yet the abuse of power attempts to silence the majority and favor those who wish to exploit our land and economy.

New Mexicans want to save the environment not hand it over to defense contractors to destroy. Increasing the national deficit to appease military contractors is no longer feasible. It is simple math to save our nation to STOP SPENDING \$ ON THE MILITARY.

We The People Demand Representation. We have elected you to be our voice not to be the voice of the highest bidder. Remember your civic duty is to those who elected you not those who can buy you.

Please Stop the madness and protect New Mexico from destruction. Stop authorizing spending that increase the National Debt and destroys our state.

Listen to us, let the public voice their extreme concern about Memorial 70.

Thank you,

A Concerned New Mexican who loves her state.

Christine Wantuck

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It is horrifying that we have to fight our own government to save the environment.

**Ansel Adams (1902-1884)**

November 22, 2011

Why would the public not be allowed to speak at this hearing on Wednesday? Seems a bit cavalier (bot & paid for?) to allow the military industrial complex to have its say, but not they who are affected by this activity.

I am opposed to LATA over this area. If it were the Blue Angels, that would be fine. But several wings at Cannon are involved in black ops, including a variety of drones. If they can't learn how to use their toys on the millions of acres they already have available to them, then I question their purpose. I no longer trust any federal administration to do what is right by We the People. They could readily determine the residents of this area are racist-conspiracy theory-terrorists (as defined by the Southern Poverty Law Center, the HSA and the MIAC Report), clinging to our guns and bibles, and turn their weapons of war on us. The current administration is particularly psychopathic and Congress has a 9% approval rating. They haven't listened to We the People in years.

Also, if we refuse to relocate under the Agenda 21 Wildlands project, someone might decide we are enemy combatants and use LATA training accidents to remove us from our land. Permitting LATA now lets the camel's nose under the tent for future trouble.

Far too much money has been forked over to subsidize the Cannon resurrection at the expense of other NM needs. This is not right. Our tax dollars should stay with us, not subsidize the banksters warmongering and drug running while they are looting the nation.

If I seem a bit fed up with the globalist agenda, I am. Here is an excellent opportunity for NM to stop supporting this nonsense and make a step towards restoring the principles of subsidiarity. We don't want the Air Force, with its myriad shadowy programs, expanding them here more than they already are. They are not working for We the People and the so-called War on Terror is a fraud. (How can you have a war on an adjective? Only if you have good psy-ops and the public is so dumbed down they never question anything.)

Sincerely,

Paula Devlin

Raton

November 22, 2011

Please pass these comments to the co-chairs and members of the Military and Veterans Affairs committee.

I've been a full time resident in Angel Fire since 1981. I've attended the meetings in Taos regarding the flyovers and training missions. This valley has been and always will be, a year-round destination vacation spot. I could talk about noise pollution, fire mitigation, wildlife disruption, and on and on, BUT..how about economics. How do you see 600+ flyovers at low level, from 5pm to 5am, only Monday thru Friday, affecting our local economy. I understand the need for training, but let's get realistic, the budget is skewed favorably to the military. We need to consider the negative impact of this long term training over one of the prettiest valleys in the state, which happens to have a ski area, golf course, fishing and hunting opportunities, a Veterans' Wellness facility, and thousands of vacation homes and condominiums.

Please, at least undertake a full Environmental Impact Study to investigate ALL the impact on this fragile area.

Sincerely,  
Jerry and Debby Halpern  
PO Box 26  
Angel Fire, NM 87710

November 22, 2011

To: Members of the NM Military and Veterans Affairs Committee

I wish to go on record that **I am completely opposed** to the proposed LATN flyover area over northern New Mexico and Southern Colorado.

I would like to see the choice of **NO ACTION** be taken as the final outcome. Military airspace already occupies **40% of southern New Mexico**. Much of this already existing airspace has mountains similar to northern New Mexico and Colorado for stated training purposes. The current Air Force request for even more airspace under the guise of needed training area is nothing more than a greedy land grab so that **80% of our state** will be eventually be under military control. **This is unacceptable.**

The current Environmental Assessment claiming "no significant impact" is ridiculous. All the valid reasons against the proposed flyover zone have been stated to the Air Force again and again and again by hundreds of people. I don't need to state them again here.

**Please consider the choice of NO ACTION as a reasonable and permanent solution.** If the Air Force refuses to do this, then I urgently ask for a full **Environmental Impact Statement** which would more accurately describe what their "Environmental Assessment" completely failed to do.

Respectfully submitted,

Tony Isaacs  
P.O. Box 472  
Taos, NM 87571

575 776-2953



November 22, 2011

Dear Representatives Garcia, Alcon, Hamilton, Wooley, Anderson, Dodge, Martinez, and Sandoval:  
Dear Senators Ulibarri, Martinez, Burt, Cisneros, Garcia, Griego, Harden, Keller, and Payne:

I would like to let you know that the public being censored from participating in this meeting is appalling. Your job is to protect the rights of all citizens and by denying citizen participation at this meeting violates this part of your oath of office. Also, the intent of the memorial is being violated as no impacts will be presented, considered or "studied" as required by House Memorial 70. **Rather than study any impacts as required by the memorial, or hear from the public, the only presenter at the hearing will be Col. Munz from Cannon, therefore, I am sending you a copy of my comments that were sent to the Air Force in opposition to this expansion of fly zones over my private property. Please read them carefully and make sure you are very familiar with NEPA and what is required if the action is controversial.**

**We all will be watching what action you and the committee will take.**

**Here is a copy of what was sent to the Air Force.**

U.S. Air Force  
O.G. Mannon, Major General USAF  
Vice Commander, Air Force Special Operations Command  
27 SOW/Public Affairs  
110 E. Sextant Ave., Suite 1160  
Cannon AFB, NM 88103

November 2, 2011

RE: Public Comments on Proposed LATN in northern New Mexico and southern Colorado

First of all, I want to state I strongly oppose the Air Force plan to conduct low altitude tactical navigation flights over northern New Mexico and southern Colorado.

I know the law and you are not following the law. No Federal agency is exempt from complying with NEPA. An EA or environmental assessment is conducted for the purpose of determining if the proposed action may have a "significant impact on the human environment." According to 40 CFR 1508.14, "Human environment shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment." The statute requires that an EIS, Environmental Impact Statement, must be prepared when the proposed action may have a "significant impact on the human environment." The Council on Environmental Quality (CEQ) regulations, which agencies must follow to implement NEPA, defines "significantly" to include ten specific elements found in 40 CFR 1508.27. If any one of these elements is present in an area, then the agency must prepare a full EIS. One of these key elements is if the proposed action is highly controversial, which this plan is. There are two other elements out of the ten that are also present. One is the degree to which the proposed action affects public health or safety and the other is the degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The draft EA that has been circulated for review does not address the highly controversial factor or unique and/or unknown risks to the proposed training area. All of the data contained in this draft EA is not based on any current research from this area. The data used to determine if these flights might trigger an avalanche is 25 years old and from the French Alps, not even close to the proximity of this area. A county by county research on the economic affects, environmental and watershed impact issues should be fully addressed as well as the effects on animals and humans.

Your training lists in-flight fueling. The draft EA mentions a possible momentary fuel spray, stating that the small amount of fuel that potentially leaks during a connection/disconnection dissipates before reaching the ground. Where is the data to support this statement. Any type of fuel leak over private property has the potential to contaminate the watershed and make the land around it unusable. This possibility is unacceptable.

The military already has use of over ½ of the US airspace which covers 35 million acres. Why isn't the Air Force using airspace already at its disposal? The draft EA states you have reduced the proposed area for this training which is not accurate. The maps have just reduced the requested area by an already designated LATN area. There has been no concession of requested area by the Air Force.

The terms used in the draft EA such as "may exhibit", "may affect, but is not likely to adversely affect", "would not be expected to result in induced vibrations", "would not adversely affect economic decisions, property values or other socioeconomic resources" indicate a calculation has been performed and it is on that basis a judgment of valuation has been made. There are no factual data to back up these statements.

Therefore, this draft EA is not an adequate evaluation of the environmental impact to this area. I ask you to follow the law as required and complete a full Environmental Impact Study.

I again state my opposition to this plan.

Thank you for your time.

Barbara E. Miller  
Colfax County  
Raton, NM  
575-278-2300  
[bem2@bacavalley.com](mailto:bem2@bacavalley.com)

Representatives Garcia, Alcon, Hamilton, Wooley, Anderson, Dodge, Martinez, and Sandoval,  
Dear Senators Ulibarri, Martinez, Burt, Cisneros, Garcia, Griego, Harden, Keller, and Payne:

**Do what is right, protect individual rights, private property rights and all the other rights we have been granted in the Constitution.**

**Thank you.**

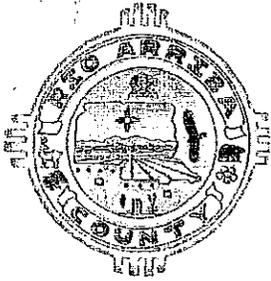
Barbara Miller

November 22, 2011

Dear Pam,

I am sending, on behalf of the Board of Rio Arriba County Commissioners, a resolution passed by Rio Arriba County opposing the LATN flyovers. I hope you will include it as public comment for the Veterans' and Military Affairs Committee. thank you.

Lauren Reichelt  
Director of Health and Human Services  
(505) 753-3143



*Rio Arriba*  
**Board of County Commissioners**

**COMMISSIONERS**

**Felipe D. Martinez**  
Chairman, District III

**Barney Trujillo**  
District I

**Alfredo L. Montoya**  
District II

**COUNTY MANAGER**  
**Tomas Cámpo, III**

**Resolution 2012-023**

**Opposing LATN Overflights of Rio Arriba County by Cannon Air Force Base and Calling for a Full Environmental Assessment and Competent Community Hearing Process**

WHEREAS, the draft "environmental assessment" produced by Cannon Air Force Base to determine potential impacts of their overflight plan on the people, animals and vegetation in the proposed flight zone is full of gaping holes, and lacks even rudimentary data about the animals, environment, structures, cultures, people and economy specific to the area; and

WHEREAS, the Finding of No Significant Impact (FONSI) appears to be entirely unsubstantiated by fact; and

WHEREAS, Cannon Air Force Base made virtually no effort to inform Rio Arriba County citizens of the "Community Forum" held in Espanola on Wednesday, September 20th, apparently relying on a single, miniscule advertisement buried deeply within the classifieds in the B Section of the *Rio Grande Sun*; and

WHEREAS, a comment period for a plan that might potentially impact a community requires a "hearing" be held, not a "community forum;" and whereas using a euphemism gives the appearance of intent to disguise the true nature of the gathering in order to depress participation; and

WHEREAS, the majority of people in attendance at the meeting were alerted by a coalition of activists opposing the LATN flyovers rather than the US Air Force; and

WHEREAS, given Espanola's Hispanic population and proximity to tribal lands, Cannon Air Force Base should make every effort to widely publicize its Espanola hearing; and

WHEREAS, Rio Arriba County is continually on the receiving end manmade environmental disasters such as gas outages and overflights; and

WHEREAS, the low-level mock strafing of homes, herds and communities, and testing of spying paraphernalia proposed by Cannon Air Force Base may be construed by residents of our County as an act of war designed to intimidate and harass American citizens; and

WHEREAS, only Congress has the power to declare war; and

WHEREAS, the Constitution was conceived in order to protect Americans from having their homes confiscated or occupied by a standing army; and

WHEREAS, Cannon's proposal that First Nations should regularly inform the United States Military of the time and location of sacred rituals in order not to have those rituals disrupted by a show of military force is incredibly offensive; and

WHEREAS, Rio Arriba County does not possess the HAZMAT capability to respond to an airplane crash within its borders, and Rio Arriba Volunteer Firefighters are not able to contain a high intensity wildfire caused by such a crash; and

WHEREAS, due to extended drought, northern New Mexico has recently sustained the largest and most intense wildfires in its recorded history; and

WHEREAS, it is unreasonable to expect ranchers who do not control weather or other exigencies to predict the time and place of branding, calving, shearing and other activities; and whereas many ranchers do not have telephones or the ability to contact Cannon Air Force Base; and

WHEREAS, flawed "environmental assessment" notwithstanding, overflights of historic adobe churches, homes and other structures may cause significant damage; and

WHEREAS, a great deal of actual scientific evidence suggests overflights of sensitive grazing areas and mountain passes may cause irreparable harm to herds of elk, deer and cattle, and to birds and other animals; and

WHEREAS, the economy of Rio Arriba is heavily dependent on ranching and tourism; and

WHEREAS, the military is an honored pursuit in Rio Arriba and many of our veterans choose to live in rural areas specifically to avoid triggering PTSD; and

WHEREAS, whether one is bovine or human, it is damned scary to be menaced by a huge plane;

**Now, therefore be it resolved:**

The Board of Rio Arriba County Commissioners is outraged and insulted at the cavalier attitude displayed by Cannon Air Force Base towards the safety and well-being of our citizens, whose taxes support the existence of this Base. We believe a comprehensive, independent environmental assessment based on data specific to the impacted area is necessary to determine the true extent of risk incurred by implementation of the proposed LATN plan; we require both that the hearing period be extended and that hearings be fully advertised. A second properly advertised public hearing must be held in Rio Arriba County with sufficient advance notice to all local government entities to insure we are able to study draft plans and assessments in advance and to raise public awareness about the time and place of the hearing. We insist that, despite the dubious FONSI assertion that no infringement of environmental justice has taken place, Cannon Air Force Base treat citizens of Rio Arriba County with respect, and that our Constitutional right as American Citizens to resist the military occupations of our homes and skies be honored.

*PASSED, APPROVED and ADOPTED this 29<sup>th</sup> DAY OF SEPTEMBER, 2011.*

BOARD OF COUNTY COMMISSIONERS  
RIO ARRIBA, NEW MEXICO

*Felipe Martinez*

FELIPE D MARTINEZ, CHAIRMAN DIST 3

*Barney Trujillo*

BARNEY TRUJILLO, COMMISSIONER, DIST 1

ALFREDO L. MONTOYA, DIST 2



ATTEST:

*Moises C. Morales, Jr.*

MOISES MORALES, COUNTY CLERK

November 22, 2011

Dear Committee Members,

Please review the attached document by a retired wildlife biologist, it contains his comments to Cannon concerning their inadequate Environmental Assessment (EA). This biologist is very familiar with NEPA. His job required that he review Environmental Assessments and Environmental Impact Statements to assure that they were compliant with NEPA.

It won't take you long to understand the weaknesses presented in the EA done for Cannon. The data is false, contains numerous errors while not address the intent of NEPA to protect and enhance the environment. The EA done for Cannon does not even understand or adequately address our economy, people, fragile environment, precious resources or wildlife.

Thank you for your time,

Christine Wantuck

LATN Draft Environmental Assessment comments; Jon Klingel

47 Star Vista Rd.  
Santa Fe, NM 87505  
November 2, 2011

Canon AFB Public Affairs Office  
110 E. Sextant Avenue, Suite 1150  
Canon AFB, NM 88103  
email: [27SOWpublicaffairs@cannon.af.mil](mailto:27SOWpublicaffairs@cannon.af.mil)

Re: NEPA Environmental Assessment Comments for Proposed LATN Area

Dear Colonel Clark:

Thank you for the opportunity to provide comments for the proposed LATN Draft Environmental Assessment (EA) in northern New Mexico and western Colorado. I have been a resident of northern NM for more than 30 years, am a retired biologist and have many years of forest fires suppression experience. I own property in the mountains near Taos and spend considerable time, summer and winter, in the back country of northern NM and the mountains of Colorado.

**GENERAL COMMENTS:**

The USAF Environmental Assessment (EA) does not meet the requirements of NEPA. The "Proposed Action" and the "No Action" alternatives will result in significant impacts to the quality of the human environment. A Finding of No Significant Impact (FONSI) is not warranted and a full Environmental Impact Statement (EIS) is required. The EIS needs to have a full range of alternatives (including a true No Action alternative). The cumulative impacts analysis in the EIS needs to include all low level routes and areas. The cumulative impacts analysis in the EA completely fails to analyze any cumulative impacts.

During the public scoping meetings the USAF stated its objective is to fly low-level, night training flights over the mountains of northern New Mexico and western Colorado. These areas are occupied with towns, communities, houses, cabins, and campers (especially during spring, summer and fall). Flying undetected is not possible anywhere in the mountains of New Mexico or Colorado. The USAF can not meet its stated objective.

The USAF's proposed flights will result in significant adverse impacts to our quality of life: solitude, pure air, clean water, plants and wildlife, contrary to conclusions in the EA. The USAF proposal is not compatible with this region.

The USAF proposal will require burning large amounts of jet fuel contributing to pollution, climate change and the risk of starting forest fires with potential air plane crashes or refueling accidents.

The US military already has considerable land suitable for flight training and there are less disruptive alternatives than turning this region into a practice war zone.

The public needs to be provided with a military phone number for all low level, military flights so

they have a place to register violations. The numerous Military Training Routes (MTR) and Military Operating Areas (MOA) in the mountains of northern NM have been generating complaints for years. While working for NM Department of Game and Fish, I received phone calls and/or letters complaining about low level military aircraft in northern NM. I called the USAF, for information on their flights but found no one willing to admit it was their aircraft. However, the USAF did admit to one incident in which a jet flying within the Rio Grande Gorge, west of Taos, hit the high voltage power lines cutting off power to the Town of Taos. The pilot was killed and the crashed USAF aircraft made responsibility difficult to deny.

At the Santa Fe meeting, the USAF stated that the USAF will not fly low, training flights over Wilderness Areas, but Wilderness areas aren't mentioned in the EA. Why are there currently low level flights over the Gila Wilderness Area? What about Wilderness Study Areas, and Wild and Scenic Rivers? What are the prescribed horizontal and vertical clearance distances alluded to during public meetings? The EA states the aircraft will stay at least 3,000' Above Ground Level (AGL) over the corridor near the Colorado border (Valle Vidal and Vermejo Park Ranch). Three sorties per night means there will be, at least, 6 flights per night through that corridor. Agency personnel report that they have recently observed a military flight, at night, over the Valle Vidal at about 300' AGL. Again, we have to question whether the stated minimum altitudes will be adhered to or whether it is just a number on paper.

A multi-agency and multi-organization task force is needed to examine all of the existing low level activity in NM and CO to assess their impacts, appropriateness and need for further activity. It is apparent from Figure 2-3 that most of NM already has excessive low level flight activity. Representatives need to sit down face to face and determine where, if anywhere, these types of flights are suitable. Despite the extensive low level military flight activity all over NM there has never been a cumulative impacts analysis. The task force also needs to determine which routes/areas need to be closed. For example, will the MTR designed for use by F-16 aircraft previously flown from Cannon AFB, be closed?

Has the USAF violated NEPA by fragmenting the Canon AFB activities into smaller components? NEPA specifies that a project can not be broken down into smaller components to avoid dealing with the full impacts. The August 20, 2007 Record of Decision approved the "beddown of AFSOC personnel and equipment at Cannon AFB and created a new AFSOC Wing, the 27<sup>th</sup> SOW". Likely, the supposed need to fly low-level, night-time, high mountain training was recognized at that time. It would appear that the USAF has intentionally and illegally broken down these foreseeable related actions into smaller pieces.

During the public meeting in Santa Fe the USAF talked about how much money Canon AFB is contributing to the economy of Clovis, NM. While this may help the community of Clovis, it does not justify turning northern NM and western CO into a practice war zone thereby negatively impacting the quality of life, diminished economy and subsequent property values. If turning our region into a practice war zone is a condition of having Canon AFB in NM then Canon AFB should be closed.

## **SPECIFIC COMMENTS:**

### **NOISE**

Noise from the proposed project will have a significant adverse impact on the quality of life and the human environment, contrary to the conclusion in the EA. The conclusion stated in the EA, “noise impacts would not be expected to be significant.” is false. Further the EA is incomplete lacking critical information necessary as part of the current analysis process. Neither the public nor USAF can fully assess the potential impacts without this missing information.

The stated purpose of the USAF project is night-time training flights at low levels in the mountains. The EA states there will be three sorties per night and they will be randomly distributed over the entire project area. This is not true in the mountains where flights will be concentrated in the canyons, valleys, and through passes. There are a limited number of mountain canyons, valleys and passes, and each flight through a pass will involve two valleys. It is likely that each sortie will fly through several passes. It is highly probable that flights through any particular valley will be common, not rare. The EA states, “Since over flights of any given location would be relatively rare...” and “...estimate that any given location would be overflown within 1,000' on the average, approximately three times per month.” How many existing valleys are suitable for USAF training within the project area? How many repeat flights will actually occur through the same valley, canyon and pass? The EA estimates are low and based on a faulty assumption; the conclusions are likely incorrect.

The mountain valleys and canyons are where humans, wildlife, streams and fish are concentrated. In a quiet mountain canyon, a night-time low level, loud ( EA states 80-98 decibels) aircraft will wake everyone in a house, cabin or camp, every time, whether windows are open or closed. People sleeping in quiet surroundings often wake up when a coyote howls or an owl calls so an 80-98 decibel noise will wake people. Do canyons amplify the noise, as seems to be the case? Will the noise actually be louder ? In at least, some industries (possibly OSHA regulation) personnel are not allowed to enter an area (even for a few moments) with greater than 82 decibel noise without hearing protection (ear plugs or ear muffs). In areas with noise greater than 100 decibels, personnel must use double hearing protection (ear plugs and ear muffs) before entering the area.

Not addressed in the EA is the human response to a sudden, surprising, loud noise in one's immediate environment. The factors of surprise, loudness intensity, speed, and the specific setting of the experience appear to be important in determining the severity of the human reaction. From personal experience, any such noise at close range is experienced as an attack with an adrenalin fight or flight response, not just an annoyance as stated in the EA

Ambient noise levels were modeled according to the EA. I suggest a better and more accurate approach would be to go into a quiet mountain canyon on a cool, calm, clear night and actually measure the sound level.

The EA states communities will be avoided, but the project boundary in eastern NM (San Miguel, Mora and Colfax Counties) includes numerous small communities. Similarly, in Colorado, there are small communities throughout the mountains. Where is the map showing areas that will be avoided?

The EA states that the USAF you will coordinate with the Forest Service and National Grasslands to determine flight avoidance areas. This must be part of the NEPA process, not something that might be done in the future. Agencies (including other land management agencies such as BLM, NM Department of Game and Fish, CO Division of Wildlife, USFWS Refuges, etc.) already know where they have recreation and other resources that will be incompatible with the proposal. The location of all incompatible areas needs to be included in the analysis. All entities with land and resources which could be impacted need to be contacted and avoidance areas determined. The EA/EIS needs to present maps of all proposed and existing avoidance areas. The current EA is incomplete.

#### CHEMICALS AND AIR QUALITY

Analysis in the air quality section of the EA focuses on legal limits of toxins and other chemicals that may be dumped into the environment. An EA/EIS needs to assess the impacts, not just legal limits. Your analysis does not show how our air quality will be diminished. Clean air is an important part of the quality of life in northern New Mexico and western Colorado. Decreasing air quality is a problem and needs to be thoroughly assessed as required by law. Further, decreasing air quality, even though still above a legal limit, does not necessarily constitute or justify a conclusion of "no significant impact" in this region. Because the USAF doesn't plan to decrease air quality to the level of Los Angeles or New York does not justify the EA's conclusion. There is no cumulative impacts analysis of the military and non-military contamination of air quality in the project area which is required by law. Because air moves, some of the contaminants that will be released may not come down within the project area, but they will come down somewhere. Much of our air comes from the southwest (e.g., Arizona and California). The EA analysis needs to include the condition of the air coming into the project area, impacts to areas where the pollutants will come down including the project area and likely Kansas, Oklahoma and Texas.

Material (chemicals and particles) dumped into the atmosphere, does not stay in the atmosphere indefinitely. It does return to the surface of the earth, some materials more quickly than others, and some chemicals are changed in the process. For example, SO<sub>2</sub> combines with rain to form sulfuric acid (i.e., acid rain). What will happen to each of the chemicals that will be dumped into our atmosphere? They will end up on the land, in streams, wetlands, ponds and rivers. How will they affect plants and animals, including invertebrates, soil, and water quality? There is no analysis of direct, indirect or cumulative impacts, as required by law.

The EA states that there is no mixing in the atmosphere above and below 3,000'. Perhaps this is true on a calm, cool day in flat country but in the mountains and even in flat terrain during weather with vertical instability (common throughout the SW and elsewhere) this seems like a false assertion. For example, thunderstorms, which can rise to several miles high, can have vertical winds of 100 miles per hour resulting in extensive mixing and which can bring pollutants from a high elevation to the ground via rain and hail. I assume the USAF is familiar with wind shear associated with cumulous clouds.

Green House Gases (GHG) are a serious concern in this region. Climate change (caused at least in significant part by GHG) forecasts for NM are hotter and dryer. In this semi-arid region where availability of water is already marginal, hotter and dryer is very serious. Any action contributing to climate change is a significant adverse impact in this region. Conclusions in the EA are not correct. Further, the cumulative affects analysis needs to consider the large projected increase in airline

activities in the next few years.

#### WATER QUALITY, PLANTS AND SOIL

The EA begins with the false assumption that the tons of pollutants put into the atmosphere by the proposal will not reach the ground. This suggests that they will stay in the atmosphere forever. Based on this false assumption, the EA concludes that there will be no impact to water, wetlands, plants (domestic or wild), or soil so that there is no need to assess the impacts. A complete analysis of each of the pollutants and their direct, indirect and cumulative impacts to water, plants, soil and wildlife is necessary. We, the public, have a right to know and it is required by law.

#### WILDLIFE

There are a number of problems with the analysis of impacts to wildlife and the conclusions in the EA:

- 1) The conclusion, no adverse impacts to wildlife, is not supported by the EA.
- 2) No study is cited pertinent to night-time disturbance of wildlife.
- 3) Day-time studies of a few species do not predict night-time impacts to broad groups of species.
- 4) USAF apparently has not determined which species occur in the project area.
- 5) The EA does not address seasonal sensitivities such as lambing and calving.
- 6) The EA falsely assumes mammals are uniformly distributed throughout the project area.
- 7) Some economically important game species (e.g. elk, bear & turkey) are not mentioned in the EA.
- 8) Wildlife avoidance areas have not been identified or mapped in the EA.
- 9) Impacts to birds and bats from direct aircraft strikes are not assessed in the EA.

Wildlife is an extremely important part of the human environment in the proposed project area. Within the New Mexico counties USAF proposes to fly, there are over 600 vertebrate species. The EA does not contain a list of vertebrate species occurring in the project area, which should be the first step in attempting to assess the impacts to wildlife of any project. A few possible species are mentioned based on the Bailey's ecoregion system which is a very general land classification system. It is too general to be of use in determining which species actually occur in project area and where. Threatened or Endangered (T&E) species are listed. These are species formally listed as threatened, endangered or candidate by the federal government, State of NM and/or State of CO. Many other species are of special concern and not mentioned in the EA. These include species listed as Species of Greatest Conservation Need and game species listed by the States of NM and/or CO. Where is the Biological Opinion from the US Fish and Wildlife Service, as required by law? The EA also fails to address US Forest Service sensitive species, US BLM sensitive species, Navajo Nation threatened, endangered and candidate species, and species of cultural importance to Pueblo tribes. The EA doesn't even mention (much less assess impacts) some of the region's most economically important game species such as elk, bear and turkey. The EA is incomplete both in addressing high profile and other wildlife species occurring in the project area.

The reaction of some wildlife will probably be similar to humans, discussed above. Expected reactions include a strong physiological response, an adrenalin charge, running for cover; interruption of feeding, breeding and resting behavior; increased energy consumption, etc. In the arctic, small low level aircraft resulted in grizzlies running full speed at the first sound of a plane. Dall sheep bunch and run, and noise affects use of critical mineral licks. How will bighorn sheep and black bears react to large loud low aircraft at night? While the EA cites studies on some species, those studies were conducted during

daytime. What is the affect of night time disturbance? Overt and physiological responses need to be assessed. Wildlife, unlike domestic animals which are fed by humans, are often at or near carrying capacity of the habitat. Generally, this means they are already under some stress and increasing stress levels may have serious consequences for individuals and populations. The EA fails to assess the direct, indirect and cumulative impacts of night-time disturbance to wildlife in the project area. No study is cited pertinent to night-time impacts; the studies cited are of a few species and done during the day-time. If the affects of low level loud fast night-time aircraft aren't known, studies need to be conducted prior to and included in the NEPA analysis. The EA conclusion that there will be no adverse impacts to wildlife is not supported by the document.

There appears to be no scientific justification for assuming that night disturbance will be the same as day-time disturbance. Because a species of owl, a nocturnal animal, does not leave its roost during the day, tells us nothing about what its reaction will be at night when it is hunting. Further, to extrapolate to other species of owls is not justified. Likely reactions will vary between species and it is unreasonable to assume that reactions will be the same among groups of related species. Even closely related species often occur in very different habitats and reactions to disturbance may be different.

The EA falsely assumes that flights will be randomly distributed throughout the project area. This assumption is false in the mountains as discussed above. The EA also falsely assumes "a uniform distribution of mammal species". Probably no mammals (or other species) are uniformly distributed throughout the project area. Bighorn sheep are not randomly distributed, nor are elk, deer, bats, marten, etc. Concentrations of wildlife, species diversity, and number of people are highest in mountain valleys. Because this is where flights will be concentrated, impacts will likely be most severe.

Elk, one of the première game species in the area, aren't even mentioned in the EA. Elk are sensitive to disturbance, especially during calving season which is the reason portions of the Valle Vidal are closed seasonally to public entry. How will elk be affected at different times of the year and different localities (e.g., calving areas, winter range and migration corridors)? Where are the elk herds located at different seasons? Where are the calving areas? Will there be avoidance areas for elk? Big horn sheep react to aircraft, apparently especially during lambing season. The NM Dept. of Game and Fish requested the US Border Patrol not fly into mountain top sites in sheep habitat during lambing season. How will bighorn sheep be affected at different times of the year by night-time disturbance? Will there be avoidance areas for bighorn sheep? What impact will the proposal have on black bears, American marten, foxes, owls, bats, etc.? Avoidance areas for wildlife need to be identified and mapped in the NEPA document.

Bird strikes are discussed in the EA, but only from the standpoint of risk to the aircraft. The EA is an environmental assessment. What are the potential impacts to wildlife, especially those that fly at night, such as bats and some birds? Nocturnal birds include several species of owls, and possibly night hawks earlier in the evening. There are several bat species in the project area. What species are at risk during migration from low level night-time flights? Small birds and bats may not pose a threat to giant aircraft, but what are the risks to the animals from low level night-time flights? Bats, nocturnal flying mammals, are not even mentioned in the EA. The Rio Grande is a flyway for some birds such as sandhill cranes and is not mentioned in the EA. The USAF flight path crosses the Rio Grande in

northern NM in the 15 mile wide corridor. How does the project propose to avoid sandhill cranes, and other species, migrating up and down the Rio Grande? The EA states the number of Air Force bird strikes within the ROI in NM is two. From the map Figure 3-7, I count about 38 bird strikes. The risk to birds and bats from direct aircraft strikes is incomplete in the EA. The impact to wildlife needs to be assessed in the NEPA document.

In T&E table 3-7, there are omissions. Peregrine falcon is a status omission while the remainder are county distribution omissions.

Peregrine falcon was federal listed and has been delisted

Canada lynx, occur in the Sange de Cristo mountains as far south a Santa Fe, NM.

Includes the counties of Taos, Colfax, Rio Arriba, Mora and possibly San Miguel, NM.

Gunnison's prairie dogs occur in the mountain valley of northern NM. Counties include:

Colfax, Mora, Rio Arriba, San Juan, San Miguel, Santa Fe, Taos and Torrence.

Wolverine almost certainly did occur in NM but there are no specimen records. Likely occurred in northern Sangre de Cristo and San Juan mountains.

American marten likely occur in the project area in Colfax and Mora counties, NM.

Kit fox are known from the following NM counties: Chaves, De Baca, Guadalupe, Rio Arriba, San Juan, Santa Fe, and Torrence.

Boreal owl occurs in the high elevation spruce-fir forests in NM Counties of Colfax, Mora, San Miguel, Santa Fe and Taos.

## ECONOMICS

EA statements and conclusions in the Socioeconomics section are not true. The EA states : "... would not adversely affect economic decisions, property values, or other socioeconomic resources in the areas underlying the proposed low altitude training area." The value of real estate will, especially in mountain valleys, be affected. As part of disclosure of material facts, a realtor will likely have to disclose the low-level, loud, night-time military aircraft activities. Because most buyers who want mountains property, place a high value on solitude, the property value and salability of noise- impacted property will decrease. The EA cites a study that found prices decrease by 0.5 to 0.6% per decibel. The stated USAF aircraft noise of 80-98 decibel range, will adversely affect sales and value. Additionally, the proposal will have some adverse economic impact on the area with decreased tourism and recreational visits. The conclusions in the EA are not correct.

## SOCIAL JUSTICE

Social justice is a concern. I can't help but wonder why the USAF chose northern NM and western CO for this training area. It seems that the choice may have been made because we are a poor region with a large hispanic and Native American population. There are other areas in the US with higher mountains and more suitable terrain. I suspect the fact that this is a poor region has much to do with the decision. The EA compares the minority composition of the project area counties to the state of NM as a whole which is also low income and largely a minority population. The EA needs to compare the project area to the country as a whole. States like California, Oregon, Washington, Idaho or Montana which have similar terrain, would likely generate more well-healed resistance.

## OTHER POTENTIAL IMPACTS TO THE HUMAN ENVIRONMENT

The EA indicates that the risk of fire is small because the risk of a crash is small. This may be true, although low-level, high-speed, night-time flying probably has a much higher crash risk than daylight flights. We have been experiencing extreme burning conditions in recent years which are likely related to climate change, which increased flights will exacerbate. An aircraft-caused fire, during extreme burning conditions, would likely be catastrophic to our environment. These begin as large fires, unlike most, and would likely be difficult or impossible to control under extreme conditions. Does the USAF plan to fly during extreme burning conditions?

The EA states that in an emergency, the aircraft would climb to 2,000' before dumping fuel. I suspect it would depend on the type of emergency and if the pilot had the time and power to climb. During an emergency, fire fighting retardant air tankers dump their retardant load as the first action, regardless of altitude or location.

In your Cultural Resources section you state, "... could introduce visual and/or audible elements that are out of character with historic property. ... would not diminish the ... setting, ...feeling, ... or otherwise affect the characteristic of a historic property ....". The EA statement, as presented, may have some truth, but primarily because the flights are at night and most people visiting a historic site will be there during the day. For people present at night, such as campers, your proposal will adversely impact the experience of many cultural places.

In the section on Regional and Cultural Sensitive Areas the EA references identifying avoidance or noise sensitive areas where noise or electromagnetic effects could interfere with activity: Please elaborate and assess what the "electromagnetic" outputs are from the proposed project.

A typo on page 4-9, states, "... would amount to 136 ... flights per year." It should read 688 flights per year.

## LAND USE AND RECREATION

In this section the EA states, "Land use and recreational resources are evaluated to determine if any proposed activities would preclude or alter the suitability of an area for ongoing or intended land uses. ... impacts would occur if activities were (1) inconsistent with ... plans and policies, (2) ... or severely diminishing its attributes for ongoing uses ...". Loud low level night-time flights over areas with considerable recreation such as hiking and camping (especially mountain valleys) will certainly diminish the use and value for ongoing activities. The map Figure 3-8 is inadequate, you only show ski areas. It should also include camp grounds and valleys with recreational activity such as hiking, camping and skiing. You state, "... lakes and reservoirs have high value for recreation." Rivers and streams, especially in the mountains, also have very high recreational value and are heavily used throughout the project area. Your conclusion, "There would be no anticipated change in general land use patterns, ... land ownership, land management plans, and special use areas for the lands underlying the proposed training area", is false.

## NEPA

The EA states: "The intent of NEPA is to protect, restore, and enhance the environment through well-informed federal decisions." Unfortunately, the EA does none of these and does not provide well-informed information upon which to base a decision. The document contains numerous erroneous assumptions and false conclusions, often based on no data, studies or pertinent information. The EA does not provide an accurate assessment of the direct, indirect or cumulative adverse impacts to the region. There is a lack of suitable alternatives, as required by NEPA. The "No Action" alternative is still proposing low level night-time flights (i.e., it is not a true No Action alternative).

NEPA requires analysis of a full range of alternatives. The EA only has two alternatives, the supposed "No Action" alternative and the USAF's "Preferred" alternative. Where is the alternative to not fly low level, night-time flights in our mountains? Where is an alternative to move the 27<sup>th</sup> SOW elsewhere to a more suitable location? Where is an alternative to close Cannon AFB and move it to a more suitable location? I find no alternative or discussion of using already designated military land such as White Sands Missile Range or Nevada. I find no mention of the use of flight simulators as an alternative to reduce actual training flights.

NEPA also requires a full cumulative impacts analysis. The cumulative impacts analysis needs to include a complete assessment of all low level areas and routes in New Mexico and Colorado, including a map. The New Mexico Department of Game and Fish has been pointing out this need for years and has been ignored. There has never been a cumulative affects analysis of the low level military routes in New Mexico. I suspect Colorado is similar. The Cumulative Affects analysis in the EA is non-existent; there is no real analysis.

## SUMMARY

**Because the USAF proposal is controversial, will have significant adverse impacts to the resources and human environment of NM and CO, and will have significant adverse economic impacts (all contrary to your conclusions in the EA) a full Environmental Impact Statement (EIS) will be necessary.**

Thank you for the opportunity to provide comments on the EA. I await your draft EIS.

Respectfully,

Jon T. Klingel  
jon@klingel.name

Dear Committee Members:

I am a 100% Disabled

Veteran (Gulf War I), As we

all know there have been

Numerous wars in recent

years resulting in numerous

Disabled Veterans w/ PTSD, I being

one. I would like to share my

feelings when low flying aircraft

fly over head. Sometimes I get flashbacks

low level flying aircraft scare me and

I feel like shooting them down, what <sup>military</sup> will happen to me if I shoot at a plane.

In haste while I am having a flashback?

DANNY GARCIA  
Disabled Veteran

please don't make me  
shoot a plane!

11-23-11

Dear Senators and Representatives of the Interim Military & Veterans' Affairs Committee,

Despite the publishing of the Final Environmental Assessment for Cannon Air Force Bases' Low Altitude Training Area, there has been no real analysis of the probable impacts to NM's economy, wildlife, tourism, Veterans, ranching, etc. The finding of

"no significant impact" by SAIC, a corporation which contracts with the U.S. Military and sells products to the military, only makes obvious the conflict of interest of the Corporation doing the Environmental Assessment, especially after citizens from every sector have asked for specific detail and sent in comments regarding probable impacts.

Memorial HM70 was passed to "study" the issue of the LATA proposal. However, the agenda for today details only a presentation by officials from Cannon Air Force Base. Stakeholders who might have differing views from Cannon Air Force Base and the 27th Special Ops Wing will not be allowed to participate nor will public citizens have an opportunity to speak. This is not a "study" and violates the intent of HM70.

The proposed project will use aircraft that have been cancelled before due to their dangerous crash record and expense. Our Air Force personnel will be in peril when flying these aircraft, not to mention the general public below them. Half of New Mexico's airspace is already taken for military purposes. Cannon has an option of using the airspace it already has access to.

We are told that the Iraq war is over and we are winding down in Afghanistan, that there are fewer than 1000 Taliban still there fighting. These facts negate the reasoning given that our Rocky Mountains are the only place where our soldiers will get the flying experience they need due to similar terrain.

We need sustainable, green jobs in New Mexico. Continuous war and training for war is not sustainable, rather it robs from local populations and wreaks death and destruction on civilians who have a right to live in their own countries.

There is no demonstrated need for this project. It is simply a plan to access taxpayer money to keep Cannon AFB open. New Mexicans desperately need decent life-affirming and sustainable jobs. Cannon will be bringing in personnel from elsewhere as evidenced by the housing structures being built in preparation for the project.

A taxpayer investment of this size and expense (where are the numbers?) and questionable need requires a true Environmental Impact Statement, instead of a slapdash Environmental Assessment. Please require an EIS, so that we will have answers to the numerous questions asked in public comments. We will be severely impacted by the noise, pollution, and trauma associated with sudden low-flying aircraft over our homes. Wildlife in some of the last pristine National Forest areas of our country will be severely impacted. Where is the evidence to the contrary. Nay-saying is not evidence. There is a high probability that our 1000 year old pueblo structures

(esp. Taos Pueblo, an International Historic Landmark) will be severely impacted. Tourism, the gravity of New Mexico, will be severely impacted. Bird migrations, Endangered Species, National Wildlife Refuges and the peace and beauty of our unique landscape will all be severely impacted.

Please do a real study of this proposal. The public being impacted needs answers to our many questions and concerns. At the very least, require a legally justified Environmental Impact Statement in order to meet the requirements of NEPA.

Thank you for your serious attention to this grave matter facing New Mexicans. Below is attached the original Memorial which gives a listing of concerns regarding possible impacts to New Mexicans and our precious landscape.

Sincerely, Jeanne Green, 11B Los Padillas Rd, El Prado, NM 87529

575-751-4130

PO Box 295  
El Prado, NM 87529  
November 23, 2011

Comment sent to:  
Cannon AFB Public Affairs Office  
ATTN: LATA Comments

Re: the US Air Force Draft Environmental Assessment for the Establishment of a Low Altitude Training Area out of Cannon AFB, New Mexico.

To the Members of the Military and Veterans' Affairs Interim Committee:

I believe the Environmental Assessment published by Cannon AFB in support of its proposed LATA is an inadequate document, its Finding of No Significant Impact is unsupported by data or evidence of any serious study, and thus it fails to deliver any kind of reputable assessment of the potential impacts of these proposed flights. Therefore I call for a complete Environmental Impact Statement study of these effects, and I request that the NM Legislature call for this EIS. This EIS study should treat in details and specifics each region, town, county, riparian area, wildlife refuge, wilderness area, national forest, ski resort, national and world heritage sites, etc., that Cannon AFB proposed to include in this vast area. This study should be done by an organization more disinterested and less attached to military pork than the makers of Cannon's entirely inadequate EA document.

I and many others have also been insulted by the conduct of Cannon AFB and its personnel during this extremely short public comment period. This comment period has been far too brief for there to be adequate information disseminated to the public about potential impacts of this program. Announcements of public meetings have been so minuscule as to be nearly nonexistent. Cannon AFB has failed to make the EA readily accessible to the public, with very few printed copies available to even those who requested it, and the EA on the website is extremely difficult to download, with the result that most people have had no opportunity to read it. The meetings themselves have been exercises in intimidation, where those in charge have refused to answer questions for the public record (but only privately one on one, where no one is held accountable), and where roaming photographers in military fatigues relentlessly take pictures, with or without permission, of those in attendance, that is, that reduced proportion of the population who have actually had the chance to be informed of these meetings' existence. This less than minimal process makes a mockery of the NEPA law and may be illegal. Therefore, I call for a 60 day extension of the EA comment period.

What I and others have been given to understand about the flight map has been confusing and contradictory. We are told that certain areas have been excluded, but they have not been named or specified, and therefore whatever area survives these exclusions also remains a mystery. For example, the Rio Grande valley all the way north to include Taos is now excluded from the flight map, which leaves the impression that only a narrow flight corridor at the north end of Taos County remains for these Osprey and C130 aircraft to get to the vast areas in northern New Mexico and southwestern Colorado that this program seeks to annex. Were this indeed the case,

then this particular corridor, which includes the protected Valle Vidal, would get a much heavier traffic of low level flights than has been promised and would render this EA a dishonest document. But no, we were told at the Taos "meeting" face to face and off the record by an anonymous person in fatigues, that the flight map didn't mean there would be no flights over the Rio Grande Valley and Taos. "Point to point" flights at somewhat higher altitudes would still take place. This information, in its turn, casts doubt on the veracity of the flight map, if it is true. The upshot of these shifting stories is that the public has really very little idea of where these flights will go. And one way or the other, Cannon AFB seems to be lying.

I am particularly concerned about the in-flight refueling exercises that will be performed during these training flights. How many will there be? I have learned that the Osprey's flight radius is between 242 and 306 miles. I will conservatively assume that this means the aircraft can fly only that far before it would need to come back in order to make it on one tank of gas. That means that if an Osprey wanted to fly farther than, say, Amalia, NM, on its training mission, it would have to refuel. And it would reach Amalia from Cannon AFB in perhaps an hour (at 250 knots per hour), even while these flights are planned to be at least three hours long. That means to me that each Osprey in every training flight will have to engage in mid-air refueling at least once per flight, which adds up to 2,064 in-flight refueling exercises per year. At least. Meanwhile we are told that jet fuel spillage is inevitable during any and all in-flight refuelings. Suddenly we're talking about a lot of spilled jet fuel. Combine this with the fact that perchlorates have been found in Albuquerque's water table from airplane traffic that does not even include routine spillages. Add to that how the map encompassing these proposed training flights also includes the headwaters of three major river systems, the Arkansas, the Colorado, and the Rio Grande. Then include the indefinite number of years these flights would be taking place. I submit that there must be further study of how the massive accumulation of these spillages of jet fuel over the years will affect the water tables and the river systems that provide sustenance to essentially the whole Southwest. This proposal must be given a complete EIS!

A generic EIS (GEIS) study of the totality of Air Force Low Altitude training programs done by Oak Ridge National Laboratory in 1990, concluded, for example, that extreme noise can negatively impact human mental health problems, hearing, birth defects, blood pressure, and immunological disorders, property values, wildlife habitat and reproductive patterns, especially that of endangered species, can violate the character and interfere with recreational use and caretaker operations of wilderness areas, and can cause domestic turkeys to "pile up" fatally and feedlot cattle to stampede. Though this study for the most part downplayed these risks, it did state them. It was suppressed by the Air Force and was never submitted for public comment because "GEIS does not put the Air Force in a favorable light." The folks at Oak Ridge National Laboratory were accused of harboring "a bias against the Air Force." [Generic Environmental Impact Statement: Air Force Low-Altitude Flying Operations, Dec., 1990] If suppressing even mild truths about its activities is typical of Air Force practices, how on earth can citizens of New Mexico and Colorado and all the USA, to whom the national forests and wilderness areas of the Rocky Mountains belong, trust the Air Force's self-serving EA for its proposed LATA?

I am also vastly disturbed by the open-endedness of this proposal. We are told that there may be other aircraft that could use this vast territory once it is opened up. Which aircraft, for what purposes? It is unacceptable that the public has not been given this information. We have no

guarantee that the proposed number of flights will be adhered to. Does Cannon AFB envision even more flights? And would the current EA allow for an increase of flights without further public comment? The Air Force must be specific about the totality of its plans, instead of using LATA as a Trojan horse for who knows what kinds of exercises by what kinds of aircraft. Where the Osprey and C130 are allowed to go, will the drones be far behind?

Finally, I question the need for another low altitude training area, at all, when the Air Force already has many such areas at its disposal, more than half of US air space, I have read. This questionable project represents an enormous financial black hole at a time when vital human-needs programs are being eviscerated. The military has grown far beyond what is necessary to keep this country safe, and together with the rest of the defense industries, it is one of the most inefficient providers of jobs. Ballooning appropriations to the military have served to ratchet up the pressure to keep the US fighting wars that are responsible, more so than the bankers, for plunging our country deeper and deeper into debt and plunging the 99% of citizenry into hopelessness. I fervently oppose the mammoth expenditure of the Cannon AFB's proposed LATA, to the detriment of the rest of New Mexico (one of the poorest states in the union), Colorado, and the majority of people in the US who, unlike the filthy rich, actually pay taxes. Please take seriously the outpouring of public opposition to LATA and call for a complete EIS to reassess this expensive and polluting program.

Sincerely,  
Marilyn Hoff  
PO Box 295  
El Prado, NM 87529

I have been unable to figure out where you fly now, and where you will be flying, and thus I have no understanding how the changes are an "improvement". I am very concerned about overflight changes, because we have seen increasing overflights of military helicopters and jets in our area near Santa Fe. These overflights are scary and noisy.

I tried using your website to get info on these changes, but the document files blew up my computer during download. Therefore I do not feel these changes have been fairly exposed to public viewing.

I am opposed to any changes and I am opposed to increasing overflights around Santa Fe.

Greg Odell  
Santa Fe

I VEHEMENTLY OPPOSE THE MILITARIZATION OF OUR SKIES  
I ALSO OPPOSE WAR. TO ME, COMPARING THE  
TERRAIN OF NEW MEXICO TO THE TERRAIN OF  
AFGHANISTAN IS IRRELEVANT; WE SHOULD NOT  
BE DROPPING EXPLODING WEAPONS ON THAT COUNTRY/  
THOSE PEOPLE. PRACTICE FLIGHTS OVER OUR  
STATE TO SUPPOSEDLY FACILITATE THAT ACTION  
IS TOTALLY OBJECTIONABLE.

THE WAR MENTALITY AND SUPPORTING BEHAVIORS  
ARE NOT ACCEPTABLE TO PEOPLE AND OTHER  
LIVING THINGS.

Rose Whiston  
SANTA FE, NM

November 27, 2011

Representative Garcia and Senator Ulibarri

It saddens me that the Cannon presentation to the Interim Committee on Military and Veterans Affairs contained numerous mis-statements on November 23rd and that no member of the public was allowed to correct them. During the committee meeting I personally noted 6 times when misinformation was presented to the committee. Others in the audience identified additional mis-statements. Fortunately one of our coalition members taped the committee meeting so that we have documentation of each occurrence. Peaceful Skies Coalition is compiling the list of misinformation and will present the facts soon.

One of the worst errors was when you, Chairman Garcia, specifically asked the position of Santa Fe County. 2nd Lt Schonberger told the Col and Coffin that she could handle the answer, and then she flubbed it. She said SF county was in favor. Attached is a copy of Santa Fe County Resolution 2010-186, A Resolution Opposing the United States Air Force Establishing a Low Altitude Tactical Navigation Training Area In Northern New Mexico.

This demonstrates what happens in a complicated matter when only one side is allowed to speak. You did not hear the truth.

Please inform me when the Cannon presentation will be posted at nmlegis.gov with the committee handouts from the MVAC meeting last week. There is a link to handouts, but none are actually posted. While Col. Munz said it would be on the Cannon website, it is not there either. We are especially interested in the chart of meeting attendees.

Thank you,  
Carol

# Santa Fe County

## Resolution No. 2010- 186

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### **A Resolution Opposing the United States Air Force Establishing a Low Altitude Tactical Navigation Training Area In Northern New Mexico**

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**WHEREAS**, the United States Air Force would like to establish a Low Altitude Tactical Navigation (LATN) training area in Northern New Mexico and Southern Colorado for Cannon Air Force Base (AFB) aircraft training flights; and

**WHEREAS**, personnel at Cannon AFB have proposed to utilize the training area to support Low Altitude Tactical Navigation training for the C-130 Hercules and CV-22 Osprey aircraft; and

**WHEREAS**, the proposed LATN training area would allow the Air Force to train aircrew members and conduct military flight activities which may include, but are not limited to, air combat maneuvers and low altitude tactics; and

**WHEREAS**, proposed training would consist of approximately three sorties per 24-hour period, or approximately 688 flights annually and aircraft altitudes would remain between 200 and 3,000 feet above ground level, with the majority of the sorties taking place at 500 feet above ground level at airspeeds at or below 250 knots, and the majority of flights would taking place after dusk; and

**WHEREAS**, the citizens of Santa Fe County should be allowed full enjoyment of the peaceful surroundings and quality of life that this area has to offer and that they have been accustomed to; and

**WHEREAS**, many national and international visitors travel to Santa Fe County annually for the serenity and peaceful life style and should be able to enjoy the serenity they've come to expect; and

**WHEREAS**, Santa Fe County is rich in history and is world renowned for its peaceful natural beauty and cultural sensitivity; and

**WHEREAS**, Santa Fe County is home to wildlife that inhabit the air, land, and waters; and

**WHEREAS**, Santa Fe County has concerns regarding the establishment of a Low Altitude Tactical Navigation (LATN) training area in this region because of possible detrimental effects to Airspace/ Air Traffic, Noise Levels, Public Safety, Air Quality, Physical Sciences, Biological Sciences, Cultural and Historic Resources, Land Use and Recreation, and Socioeconomic elements; and

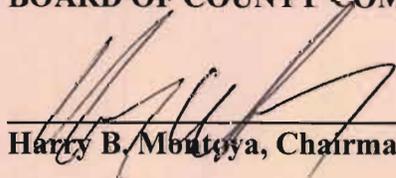
**WHEREAS**, the examination of the draft Powder River Training Complex Ellsworth Air Force Base, South Dakota, Environmental Impact Statement demonstrates similar concerns which are had for this region for a similar proposed training area; and

**WHEREAS**, the governing body of Santa Fe County acts in the best interest of its citizens and visitors to provide a safe environment to live and visit and allowing a Low Altitude Tactical Navigation (LATN) training area causes concern on many issues that relate to protecting these best interests;

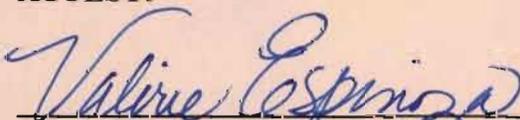
**NOW THEREFORE, BE IT RESOLVED THAT SANTA FE COUNTY OPPOSES THE ESTABLISHMENT OF ANY LOW ALTITUDE TACTICAL NAVIGATION TRAINING AREA IN NORTHERN NEW MEXICO**

**APPROVED, ADOPTED AND PASSED THIS 12 DAY OF OCTOBER 2010.**

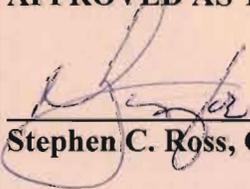
**SANTA FE COUNTY  
BOARD OF COUNTY COMMISSIONERS**

  
\_\_\_\_\_  
Harry B. Montoya, Chairman

**ATTEST:**

  
\_\_\_\_\_  
Valerie Espinoza, County Clerk

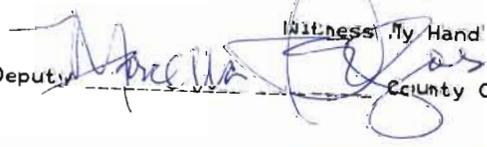
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Stephen C. Ross, County Attorney



COUNTY OF SANTA FE ) BCC RESOLUTIONS  
STATE OF NEW MEXICO ) ss PAGES: 2

I Hereby Certify That This Instrument Was Filed for Record On The 13TH Day Of October, 2010 at 10:28:10 AM And Was Duly Recorded as Instrument # 1613731 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Deputy  Valerie Espinoza  
County Clerk, Santa Fe, NM

SFC CLERK RECORDED 10/13/2010

November 28, 2011

I attended the meeting last Wednesday, and even the choice of time is a great example of what has been going on with the Air Force. Wednesday morning at 9:00 the day before Thanksgiving? How many working people are available at that time? This is a perfect example of how the Air Force has called these meetings and given people very little notice of the time and place to protest.

In addition, I am a Santa Fean, and the people of Santa Fe do not approve of this plan. The people of Santa Fe feel like they put this to rest two years ago...most people are incredulous when they hear that we are protesting this again. The Air Force is talking \$11,000 AN HOUR, while children go hungry and human services in America, and New Mexico fall apart.

Lastly I question why the Military and Veteran's Committee is the the one hearing this proposal. **You are the military**, or have been the military. And while most Americans feel that support for the military is important, there is a line that must be drawn to protect our way of life **FROM** the military. Why isn't this being heard by another committee?

All night flights over New Mexico and Colorado will wreak havoc on our way of life, on children, on wild life, on tribal life, on fragile environmental structures, and probably hundreds of other things too numerous to count.

PLEASE STOP THIS PLAN NOW.

--

Elizabeth Gaylynn Baker  
Spirit Productions  
505-920-2015  
[www.spiritproductions.me](http://www.spiritproductions.me)  
[When Buffalo Roam](#)

December 2, 2011

Re: Low-Altitude Flights over Northern New Mexico

My Recommendation:

1) No Action Alternative

I am a private citizen, native of Taos and currently live in Santa Fe County. I am also a tour guide and have the opportunity to take visitors throughout Northern New Mexico on daily and week-long tours. On one outdoor hiking tour with a group of 18 corporate visitors we had the experience of a low altitude flight in the northern mountains. It was quite alarming and intrusive to everything around us and provoked immediate fear that something must have had happened in Los Alamos.

There does not seem to be any real national defense threat to our country that requires such urgent training over these areas. Historically, northern NM and southern Colorado have had farming, ranching and wilderness uses. Those uses should be protected and promoted.

Tourism is a vital industry in Northern NM and one of the attractions is the opportunity for visitors to experience the natural beauty and landscape, free of such intrusions as low altitude flights that are not necessary in this area.

I urge the Committee to stand fast to a No Action Alternative on this proposal at this time.

Such flights would negatively impact our tourism/travel industry so vital to our Northern New Mexico.

Thank you and please forward my comments to each member.

Please contact me if there are any questions.

Tom Gallegos

20 Rancho Ancon Lane

Santa Fe, NM 87506

(505) 577-2980