

I am also concerned about the Draft EA's inadequate consideration of the impact of chaff and flare residual materials on environmental resources and traditional cultural properties in the SUA (and potentially on the Reservation, if they are inadvertently released over our lands). The Draft EA asserts that "[i]mpacts to traditional cultural properties are more difficult to assess, and no studies have been conducted on traditional cultural properties with regard to chaff and flare residual materials." *Id.* at 3-44. The Air Force has an opportunity to assess those impacts by consulting with Pueblo staff. The discussion of chaff and residual flares in the Draft EA is too cursory to provide a basis for adequate consultation and evaluation. However, I do object to the Draft EA's statement that "[w]hen a plastic chaff or flare piece is found and identified in conjunction with a cultural resource, the individual finding the piece may be annoyed." *Id.* Finding garbage at or near a cultural resource which is of traditional cultural or religious importance to Pueblo members is much more than annoying. Depending on the circumstances, it may be sacrilegious and deeply offensive and upsetting. If chaff or flares cause fires, that can be even more destructive and upsetting. Either may cause lasting disruptions to environmental resources and our people's ability to engage in religious or cultural practices. That issue needs more review, and such review could not ever reasonably ever be summarized by, or conclude with, an insensitive, dismissive statement that someone might be "annoyed."

I am also concerned about potential effects on petroglyphs and cultural sites on the Reservation that might be considered "archaeological resources" as that term is defined in the Draft EA. The Draft EA says, at 3-47, § 3.9.3, that in the SUA (again, without considering the Reservation), "[s]ome prehistoric archaeological sites could contain natural structures such as rock shelters or caves. These structures often house petroglyphs or pictographs, which are etched or painted onto the rock surfaces. However, studies have found that these types of natural formations are not affected any more by noise vibrations, such as sonic booms, than by natural erosion, wind, or seismic activity (Battis, 1983)." But that is precisely the point—additional noise and vibrations created by additional overflights over the Reservation will create new impacts that do not already exist, and those impacts must be evaluated.

Existing review of impacts to cultural resources has been gravely insufficient, and the Air Force cannot lean on that existing review here. The Draft EA says that airspace and range noise *at the SUA* was already evaluated in the AFSOC Assets Beddown at Cannon Air Force Base, New Mexico Environmental Impact Statement. *Id.* at 3-47. As I discussed in the Nov. 9 Comments, that document did not consider impacts at the Reservation at all. And the basis on which the Air Force distinguished impacts at the SUA illustrate the reasons to be concerned about visual impacts. Specifically, the Air Force concluded that visual intrusions at the SUA would not be significant "due to the high altitude of the overflights." *Id.* But here, planes are flying low over the Reservation, including the Village proper, residential areas, open space, mountains, and rangeland.

The Draft EA Does not Adequately Consider Increased Risk from UXO

Unexploded ordnance ("UXO") imposes hazardous waste risks and threatens people's safety, and the Draft EA did not consider those risks and threats to the Pueblo and its people.



The Department of Defense (“DoD”) already acknowledged the hazardous waste risk from UXO related to operations at Kirtland AFB. It designated Site TG-100—a former Bomb Target munitions response area—as a “Military Munitions Response Program (MMRP)” site due to the presence of “potential Munitions and Explosives of Concern (MEC)/Material Potentially Presenting an Explosive Hazard (MPPEH)” that, as the Draft EA notes, could result in chemicals of potential concern in soil and require remediation. *See* Draft EA at 3-53, 3-56 tbl.3.11-1, 3-58 to 3-59. UXOs from Kirtland Air Force Base remain scattered on Pueblo lands, posing serious danger to Tribal Members. Although some UXOs have been remediated through DoD’s Native American Lands Environmental Mitigation Program funds, there are large areas containing UXOs which have not been remediated at all. Additionally, DoD and Kirtland AFB have disclaimed responsibility for certain UXOs identified on Pueblo lands, including post-WWII munitions and Stinger, Red Eye, and Zuni missiles—leaving the Pueblo to seek remediation by other federal agencies. The Draft EA does not evaluate the potential cumulative impact that military overflights and future accidental releases, along with these existing UXOs and related materials, could have on Tribal Members.

I am also concerned that the Draft EA fails to consider the risk that UXO could inadvertently be deposited on Pueblo lands from AC-130J operations and threaten members of the Pueblo who are hunting, recreating, or traveling nearby, as well as wildlife and livestock which may reside or migrate near UXO. The Draft EA only considered risk to the public from the construction and modification at the AFB itself. *Id.* at 3-64 to 3-65. But the operations you propose as part of the AFSOC AC-130J FTU relocation are themselves inherently dangerous to the public and members of the Pueblo and should also be considered.

The Draft EA’s consideration of safety issues is incomplete and does not consider the possibility of accidental releases of UXOs. Consideration of “explosive safety” was limited to the storage of ordnance and munitions at Kirtland AFB, not possible accidental release on Pueblo lands off-base. *See id.* at 3-64. And as to potential off-base accidents, the Draft EA only reports that all models of C-130 aircraft have “a lifetime Class A mishap rate of 2.45 annual mishaps per 100,000 flight hours and a lifetime destroyed aircraft rate of 0.46 annual aircraft destroyed per 100,000 flight hours.” *Id.* at 3-63. But that only accounts for Class A mishaps, which result in “\$2,000,000 or more” of property damage “and/or aircraft destroyed,” or a “fatality or permanent total disability.” *Id.* at tbl.3.12-1. The Draft EA does not consider at all mishaps categorized in Classes B through D, which can also be serious because they result in five or six-figure property damage and recordable injury or illness, up to and including permanent partial disability and three or more persons hospitalized as inpatients. *Id.*

Furthermore, the Draft EA does not consider at all the incidence of technical problems that could release additional UXOs but which do not cause immediate property damage or loss but later result in deaths, injuries, or impacts to the environment. These are deeply concerning to us as well and must be evaluated. The Draft EA relies on an Air Force Safety Center publication, which only reports “[o]nly Aviation ‘Flight’ mishaps,” described in the publication as “any mishap in which there is intent for flight *and* reportable damage to a DoD aircraft.” *See* Air Force Safety Ctr., *C-130 Flight Mishap History* (Dec. 28, 2021), <https://www.safety.af.mil/Portals/71/documents/Aviation/Aircraft%20Statistics/C-130.pdf> (emphasis added). And the Draft EA’s consideration of the “affected environment” and



“environmental consequences” for “aircraft safety” only considered “bird and wildlife strikes” by C-130J type aircraft at Kirtland from 2016 to 2021, and “risk to aircraft safety”—not other problems that might result in unsafe conditions to the public. *See* Draft EA at 3-64 to 3-65.¹

Moreover, the Draft EA did not consider “mishaps” or “aircraft safety” of any kind related to other military aircraft operations out of Kirtland, including existing and planned helicopter operations, and so did not consider cumulative impacts on safety.

In sum, given the Draft EA and DoD’s failure to fully fund clean-up efforts for the existing sites on Pueblo lands, the Pueblo is unconvinced that the DoD has adequately studied the issue of UXO releases or safety impacts of the proposed AFSOC AC-130J FTU relocation, or that the Air Force will adequately protect against new UXO releases onto Pueblo lands by the expanded fleet.

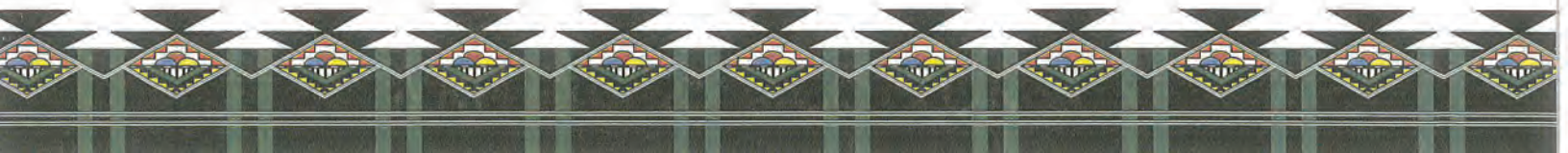
The Consideration of Socioeconomic Impacts and Environmental Justice Factors Must Include the Pueblo

The Air Force should also prepare an EIS to consider socioeconomic and environmental justice factors on the Pueblo, which are not considered at all in the Draft EA.

The socioeconomic analysis does not mention the Pueblo at all even though the Reservation is directly adjacent to Kirtland AFB. Instead, it defines the ROI for socioeconomic impact as all of Bernalillo County (which is described on a map that does not even acknowledge the Pueblo’s existence, *see* Draft EA at 3-66 to 3-67, fig.3.13-1). Because the analysis focuses on Bernalillo County, it does not consider differences between the County’s and the Pueblo’s household incomes, median rent, value of owner-occupied housing units, rental vacancy rate, number of students and teachers and student-teacher ratio. *See id.* at 3-67 to 3-68, tbls. 3.13-2 to 3.13-5. As a result, we do not know anything about how any of the potential socioeconomic benefits of the proposed relocation will be distributed to the Pueblo, if at all, and if they would possibly offset negative impacts on our quality of life, economy, and tribal businesses from increased overflights. These factors must be considered to accurately capture the socioeconomic impact of the proposed federal action.

The environmental justice analysis is also incomplete under Executive Order 12898, 59 Fed. Reg. 7629 (Feb. 16, 1994), with which the Air Force’s environmental analysis must comply under 32 C.F.R. § 989.33. Executive Order 12898 §§ 1-101, 1-103, required DoD to develop an environmental justice strategy to implement its obligation to “identify[] and address[], as appropriate, disproportionately high and adverse health or environmental effects of its programs, policies, and activities on minority populations and low-income populations” Under DoD’s Strategy on Environmental Justice, which the Department developed under Executive Order

¹ The fact you only reviewed data which is immediately publicly available on the Air Force Safety Center’s public-facing Aviation Statistics web page, *see Aviation Statistics*, Air Force Safety Ctr., <https://www.safety.af.mil/Divisions/Aviation-Safety-Division/Aviation-Statistics/> (last visited Dec. 9, 2022), suggests only a cursory review of safety information that is not sufficient basis for environmental review.



12898, the Air Force must look more specifically and carefully than it has at effects on Pueblo members, using demographic and socioeconomic data regarding that community. As the Strategy explains, “Key to the NEPA process will be the identification of minority and low-income populations,” and

DoD military departments, defense agencies, and defense field activities will coordinate with other Federal agencies and state, local, and tribal governments to compile or develop demographic and socioeconomic data *with respect to race, national origin, income level, and other appropriate information, as necessary*. DoD proponents will use this information to assess whether any proposed action may have disproportionately high and adverse human health and environmental effects on minority or low-income populations. To the extent practicable, DoD will undertake these assessments during the NEPA or community planning processes.

Dep’t of Def., Strategy on Environmental Justice, App. I, at 14-15 (Mar. 24, 1995) (emphasis added). In this case, information about tribal membership, demographics, and cultural or religious practices near Kirtland AFB is “appropriate information” about an affected minority population that the Draft EA must include for the Air Force to evaluate environmental justice. Yet, the Draft EA completely fails to identify the population of tribal members, compile information about them, explain their unique interests, and identify and evaluate how the proposed action would affect them.

Although the Draft EA defines the ROI for environmental justice factors to include part of the Reservation, the Draft EA does not identify the Reservation or acknowledge the Pueblo’s existence. See Draft EA at 3-71 to 3-73 & fig. 3.14-1. It only refers to a portion of the Reservation as “a minority area” where “50 percent or more of [the] population is American Indian or Alaskan [sic] Native, Asian or Pacific Islander, Black, or Hispanic, or if the percentage of the minority population is meaningfully greater than the minority population percentage in the general population or reference area (CEQ, 1997).” *Id.* at 3-71. It should be obvious that “minority populations” are not interchangeable and have unique interests that must be taken into account when evaluating impacts on those populations. But the Draft EA does not reflect that reality. Because the Draft EA does not acknowledge the unique political and cultural identity of the Pueblo compared to other minority populations, or evaluate unique impacts from overflights, it is deficient.

Also, as discussed above, the noise modeling described in the Draft EA was limited, did not include any consideration of noise impacts on the Pueblo’s Reservation, and did not adequately consider the difference in operations of C-130 type aircraft and other aircraft. As a result, the consideration of noise impacts as part of the environmental justice analysis failed to describe or consider impacts on the Pueblo and its Reservation. See *id.* at 3-75 fig. 3.14-2. And the Draft EA makes no consideration of visual impacts or impacts on historic or cultural properties of significance to minority groups located near Kirtland AFB. Both evaluations should be completed to comply with NEPA.



The Cumulative Impacts Analysis Is Insufficient

In addition to the failure to evaluate cumulative impacts from potential new UXO releases, the Draft EA also does not at all consider the cumulative effects of increased noise and military aircraft overflights resulting from increased sorties from MH-139 aircraft out of Kirtland AFB, described in the Pueblo's Nov. 9 comments. I reiterate that this analysis should be made, and the Air Force should prepare an EIS to address cumulative impacts.

Consultation Should Include Discussion of Impacts to the Reservation

The Draft EA notes that, with regard to cultural resources, “[g]overnment-to-government consultation also occurred with the Tribes and Pueblos that are located beneath or near the affected airspace or may have traditional ties to these lands...,” Draft EA at 3-44, and with regard to traditional cultural properties that “[g]overnment-to-government consultation is being conducted between Kirtland AFB and the federally recognized Tribal Nations and Pueblos, both in- and out-of-state, which may be historically, culturally, or linguistically affiliated with the area and have an interest in protecting cultural resources located at Kirtland AFB and underlying the SUA.” *Id.* at 3-49. Although we appreciate Kirtland AFB's outreach, the Air Force has not yet engaged in government-to-government consultation about the effects of the proposed relocation, and alternatives. Consultation should cover anticipated impacts to our Reservation, not just resources located at Kirtland AFB or the SUA, and should also include discussion of other areas of mutual concern or possible collaboration.

Thank you for the opportunity to provide these comments. I look forward to government-to-government consultation with Col. Vattioni on the issues raised in these comments and the Nov. 9 Comments.

Sincerely,

Vernon B. Abeita
FOR Vernon B. Abeita
Governor

cc: Col. Jason F. Vattioni, Commander, 377th Air Base Wing, Kirtland AFB

Encl: Pueblo's Nov. 9, 2022 Comments on FDOPPA



Pueblo of Isleta Governors and Council Visit
Governor's Conference Room

22 Dec 22
1200-1330

ATTENDEES from KAFB:

Col Jason Vattioni 377 ABW/CC
Col Jonathan Graham 58 SOW/CC
Andrew "Bud" Verdi 377 MSG/CV and ITLO
Eva Blaylock 377 ABW/PA

ISLETA:

1st Lt Gov Virgil Lucero
2nd Lt Gov Blane Sanchez
UXO Program Manager Clint Lente
Natural Resource Manager Joseph Lujan
Natural/Cultural Resources Cynthia Naja
Isleta General Counsel Emily Soli

INTRODUCTIONS:

Col Vattioni opening remarks with thanks and stressing the importance of neighborly communications. He also mentioned that he and Jessica will be sad to leave, but that his replacement, Mike Power is so excited to come to Kirtland.

Col Graham in introduction mentioned that his job is to train the formal training units, to get them trained and ready to fly. With six operating location in seven states, all AF SOW flight training goes through Kirtland.

Around the table. 2nd Lt Gov Sanchez asked each to introduce themselves and added that Gov Abeita is unable to join and 1st Lt Gov Lucero would be late in joining. (He arrived at ~1245.)

2nd Lt Gov Sanchez also thanked the room and mentioned that Gov Abeita and he and 1st Gov Lucero will not remain on the next year's council, and instead will be replaced with Gov Max Zuni, 1st Lt Gov Gene Jiron, and 2nd Lt Gov Juan Ray Abeyta.

DISCUSSION:

Col Vattioni mentioned that possible missed July 2022 meeting. Clint Lente responded, saying that it was a discussion he had had with the former ITLO, Joe Pellish, that seemed was never handed to the successor, Bud Verdi. He said he would have reached out, but wasn't given a new POC and wasn't sure who to reach out to.

The response letters and the EIS were mentioned and the impending final EA that will violate Pueblo land and wildlife, ceremonies, sacred sites.

CONCERNS:

General to UXOs:

The major issues discussed and UXOs that affect range and wildlife.

- Specifically, there is a long history of “DOD messes,” namely aircraft and munitions stemming from artillery ranges lasting 20 years +. An issue is also that DOE/Sandia National Laboratories do not respond to calls for EOD/found artillery.
- They did mention that the long-standing relationship with EOD and MSG has been extremely positive. Col. Vattioni said he would reengage.
- Emily Solis mentioned the “mystery missile” at Manzanita Mesa in 2019. She mentioned that they continue to get passed back and forth from DOD to DOE for ownership/blame and never resolved. With the potential for the AC-130J to further add to UXOs as a gunship, they are concerned.

With respect to the impending AC-130J FTU and draft EA:

Col Graham began an overview of the incoming aircraft stating that there will be seven of them here by 2025. They will leave the Sunport and go direct to Melrose Range for training, keeping to the same agreement with the Sunport. Three to four sorties with 30 mm shell that is kept interior to the aircraft and never allowed to be unsealed until Melrose.

Clint Lente mentioned some flight patterns from aircraft (ours or not) that fly low. Col Graham assured him that the C-130 training missions are not low-flying, except for drops and that they climb immediately. He mentioned that his team is looking at potential LZ changes for over-village flights. He also mentioned that his team is looking at different flight patterns to address the landing light “spotlighting.” He also assured the room that he is looking at a conversation with FAA to help deconflict potential re-routes.

2nd Lt Gov Sanchez said he agreed with the safety concern with respect to the Sunport commercial flights, but he cited public perspective. He asked that KAFB look into possible routes to avoid the village and other populated areas. He just asked that we find adjustments and compromise. This was seconded by Emily Soli and furthered by Clint Lente to look at blanket operating procedures that could be handed to succeeding commanders since they change out every two years.

Col Graham concurred by saying that if other commands and services choose to use our installation, we can make them adhere to real-world regulations as host. He said that this is not something to wait until the next meeting in Jun, but that he owes this in the new year.

2 Lt Gov reiterated that wildlife and people are being harassed and that if the FAA could be deconflicted. He said he was talked down by the Gov to refrain from going to the media with these complaints.

Col Graham said he can likely work to alter flight routes, but not the landing zones. He can work toward more consistent flight paths and there is more room for specificity in the MOU.

CONCLUSION:

Tensions were definitely lessened, and the EIS was not mentioned again. There were assurances that the AC-130J would not be low-flying and that the sealed shells remain sealed until Melrose. There were also assurances the the MH-139 would not be arriving and that through 2025, the helo traffic will be less as the Huey’s depart and some of the older HH-60 are also phased out.

KAFB owes the no fly-zones and updated joint land use memo.

The main POC will be Clint Lente on behalf of the Pueblo and for KAFB, it will be Bud Verdi, but that while the no-fly website is being created, the Pueblo can always reach out to our public affairs.

RECOMMENDATION:

KAFB Commanders (even if not 377 ABW/CC or 58 SOW/CC, but CVs or MSG/CC) should plan to engage in an in-person government-to-government consultation/collaboration with Pueblo leaders twice a year in Jun and Sep.

Clint Lente and Bud Verdi meeting much more regularly. Recommend minimum monthly check-in with PA as needed as ITLO-assist for continuity.

Recommend Dave Reynolds continue to collaborate with Pueblo and meet regularly with ITLO and PA as needed.

Additional recommendation, new leadership meet with new Isleta Pueblo leadership as soon as possible for introductions and discussions on the way forward.

Pawnee Nation

Monday, January 09, 2023

David Reynolds
Natural and Cultural Programs Manager
377th Air Base Wing
Kirtland Air Force Base

RE: Section 106 Consultation and Review on-
*Re: AC130J Formal Training Unit Relocation at Kirtland Air Force Base
Environmental Assessment
Kirtland Air Force Base
Albuquerque, Bernalillo County, New Mexico*

The Pawnee Nation Office of Historic Preservation has received the information and materials requested for our Section 106 Review and Consultation. Consultation with the Pawnee Nation is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 CFR Part 800.

Given the information provided, you are hereby notified that the proposed project/s should not affect the cultural landscape of the Pawnee Nation.

However, be advised that additional undiscovered properties could be encountered, and they must be immediately reported to us under both the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act regulations.

This information is provided to assist you in complying with 36 CFR Part 800 for Section 106 Consultation procedures. Should you have questions, please do not hesitate to contact me at jreed@pawneenation.org or by phone at 918-762-2180 ext. 220. Thank you for your time and consideration.

Sincerely,



Matt Reed
Historic Preservation Officer
Pawnee Nation of Oklahoma

Historic Preservation Office
Matt Reed
Phone: 918.762.2180
E-mail: jreed@pawneenation.org
P.O. Box 470
Pawnee, Oklahoma 74058



Received from Tribal Admin 12/15/22 W
E-mailed 01/13/23 (initials & date)
Scanned 01/13/23 (initials & date)

SAN CARLOS APACHE TRIBE
Historic Preservation & Archaeology Department
P.O. Box 0
San Carlos Arizona 85550
Tel. (928) 475-5797, apachevern@yahoo.com

Tribal Consultation Response Letter

Date: December 15, 2022

Contact Name: Jason Vattioni

(505) 846-7377/david.reynolds.37@us.af.mil

Company: Department of the Air Force

Address: 377th Air Base Wing 2000 Wyoming Blvd SE Kirtland Air Force Base, NM 87117

Project Name/#: Environmental Assessment for the relocation Air Force Special Operations Command

Dear Sir or Madam:

Under Section 106 and 110 of the National Historic Preservation Act, we are replying to the above referenced project. Please see the appropriate marked circle, including the signatures of Vernelda Grant, Tribal Historic Preservation Officer (THPO), and the concurrence of the Chairman of the San Carlos Apache Tribe:

NO INTEREST/NO FURTHER CONSULTATION/NO FUTURE UPDATES

We defer to the Tribe located nearest to the project area.

CONCURRENCE WITH REPORT FINDINGS & THANK YOU

REQUEST ADDITIONAL INFORMATION

I require additional information in order to provide a finding of effect for this proposed undertaking, i.e. Project description ___ Map ___ Photos ___ Other _____

NO EFFECT

I have determined that there are no properties of religious and cultural significance to the San Carlos Apache Tribe that are listed on the National Register within the area of potential effect or that the proposed project will have no effect on any such properties that may be present.

NO ADVERSE EFFECT

Properties of cultural and religious significance within the area of effect have been identified that are eligible for listing in the National Register for which there would be no adverse effect as a result of the proposed project.

ADVERSE EFFECT

I have identified properties of cultural and religious significance within the area of potential effect that are eligible for listing in the National Register. I believe the proposed project would cause an adverse effect on these properties. Please contact the THPO for further discussion.

We were taught traditionally not to disturb the natural world in a significant way, and that to do so may cause harm to oneself or one's family. Apache resources can be best protected by managing the land to be as natural as it was in pre-1870s settlement times. Please contact the THPO, if there is a change in any portion of the project, especially if Apache cultural resources are found at any phase of planning and construction. Thank you for contacting the San Carlos Apache Tribe, your time and effort is greatly appreciated.

DIRECTOR/THPO: _____

Vernelda J. Grant, Tribal Historic Preservation Officer

Date

01/09/23

CONCURRENCE: _____

Terry Rambler, Tribal Chairman

Date

01/13/2023



DEPARTMENT OF THE AIR FORCE
377TH AIR BASE WING (AFGSC)

20 January 2023

Colonel Jason F. Vattioni, USAF
Commander
377th Air Base Wing
2000 Wyoming Blvd SE
Kirtland Air Force Base NM 87117

Governor Max Zuni
Pueblo of Isleta
PO Box 1270
Isleta NM 87022

Dear Governor Zuni

Kirtland Air Force Base (AFB) acknowledges receipt of the Pueblo of Isleta's November 9 and December 20, 2022 letters regarding the proposed AC-130J Formal Training Unit (FTU) Relocation at Kirtland AFB. We appreciate the thoughtful response and the opportunity to engage in continued consultation with the Pueblo of Isleta. This will provide an excellent opportunity to strengthen our relationship, as we strive to be good neighbors now and in the future.

I was grateful for the opportunity to meet with Pueblo representatives on December 22, 2022 to discuss the Pueblo's concerns with the proposed AC-130J relocation. I hope that the conversation alleviated some of the potential issues identified by the Pueblo. My staff and Colonel Graham are working to address the issues detailed in your letters and during last month's meeting. Leadership from all flying missions on the installation have been notified of your concerns and are working with me to further assess effects from existing operations and the proposed AC-130J operations. We are hopeful the concerns you described, as related to potential effects from the proposed mission relocation and already existing flight operations, can be resolved during this consultation. In addition, Kirtland AFB's Public Affairs office has compiled a list of complaints from Pueblo residents, and we are dedicated to determining an appropriate course of action to address any inappropriate actions by our aircrew.

I understand the sensitive nature of the Pueblo's cultural resources and will work with you on a procedure to ensure privacy concerns are adequately addressed. Kirtland's Cultural Resources Program Manager is working directly with your Tribal Historic Preservation Officer, Dr. Henry Walt, to assess areas of the Pueblo which have cultural resources which are sensitive to effects from overflights.

The Memorandums of Understanding, *Pueblo of Isleta and Kirtland AFB* (commonly referred to as the *Joint Land Use Study [JLUS]*) and *State and Federal Military Flying Organizations and the New Mexico Indian Affairs Department for Military Low-Level*

Overflights of Tribal Lands, in place between Kirtland AFB and the Pueblo provide a mechanism to coordinate overflight restrictions and register complaints. They are a useful tool; however, we agree that these only partially address your concerns and cannot replace the environmental analysis. As a first step, Kirtland offers the following in response to the major comments that were identified in the letters.

Area of Potential Effects

The Area of Potential Effects (APE) for this undertaking is defined as the lands underlying the Special Use Airspace, existing airspace including land under the proposed flight corridors, and flight training areas, new construction, building modifications, and building demolitions.

Flight Frequency

Several of the Pueblo's concerns were predicated on the understanding that overflights would be increasing. As demonstrated in the table below and as discussed during our government-to-government consultation, overflights will not be increasing. The 58th Special Operations Wing is working with the Federal Aviation Administration to codify new procedures that will reduce the amount of helicopter overflights that impact the Pueblo of Isleta.

The proposed MH-139 beddown referenced in the August 16, 2020 public notice letter you received for the *Environmental Assessment (EA) Addressing the UH-1 Replacement Beddown at Kirtland AFB* was cancelled by the Air Force in March 2021 without a signed Finding of No Significant Impact. The UH-1 is still forecasted to leave Kirtland AFB by FY28; however, the MH-139 helicopters will now be stationed at Maxwell AFB, Alabama. Due to these changes, the *EA Addressing the Air Force Special Operations Command (AFSOC) AC-130J Formal Training Unit (FTU) Relocation at Kirtland AFB* does not include the anticipated increase of MH-139 sorties.

The following table details sortie information for military aircraft only. Commercial flight data is excluded per your request.

Annual Sorties (excluding commercial Sunport flights)

Fiscal Year	Description	Number per year	Percent change
2022-2027	Helicopter sorties (HH-60, UH-1)	3,725	n/a
2028+	Helicopter sorties (HH-60); UH-1 is divested	2,225	-60
2022-2024	Fixed wing sorties (HC/MC-130J, CV-22)	2,573	n/a
2025+	Fixed wing sorties including proposed AC-130J FTU relocation (HC/MC-130J, CV-22, AC-130J)	3,323	+29
2022-2024	Total military sorties (helicopter and fixed wing)	6,298	n/a
2025-2027	Total military sorties including UH-1 and proposed AC-130J FTU relocation	7,048	+12
2028+	Total military sorties after UH-1 divestment	5,548	-12

Night Missions

Currently, HC/MC-130Js conduct up to 750 nighttime sorties per year. Approximately 33% of the 603 proposed AC-130J sorties will be conducted at night. The proposed additional 199 nighttime sorties flown by the AC-130J would result in a 25% increase of total nighttime sorties. The spotlights that the Pueblo detailed are landing lights that all aircraft are required to have when flying at night to increase safety.

Takeoff/Landing Route

The proposed takeoff and landing routes for the AC-130J would occur on a north-south trajectory approximately 9.5 miles east of the Village and 5 miles west of the foothills of the Manzano Mountains. Additionally, the proposed AC-130J mission does not call for the type of low-level flying that the HC/MC-130s execute. The proposed AC-130J routes will not pass over any populated areas on the Pueblo and are located over grasslands. A map showing the flight routes was provided to Ms. Ramona Montoya and Mr. Clint Lente on November 23, 2022. Maps showing exact flight paths are typically not provided for security concerns and are not included in the draft EA.

Unexploded Ordnance

Kirtland AFB recognizes that unexploded ordnance (UXO) from historic Department of Defense (DoD) and Department of Energy activities have affected the Pueblo of Isleta, and cleanups have been ongoing for several years. The majority of the UXO located on Kirtland AFB and the Pueblo of Isleta originate from testing during WWII and the early Cold War. Cleanup activities are being performed under the Native American Lands Environmental Mitigation Program (NALEMP). That work is funded by DoD and is administered by the US Army Corps of Engineers. NALEMP generally deals with historic releases of UXO; however, if a UXO is discovered on Pueblo land we request you contact our 377 Air Base Wing Command Post at 505-846-3777 as detailed in our April 28, 2017 MOU with the Pueblo in Section 3.3.4.3.

The AC-130J FTU will only carry 30mm munitions to be expended on Melrose Air Force Range near Cannon AFB. The munitions are stored inside the aircraft in holding bins until they are ready to be used at the range. Since they are not affixed outside of the aircraft, these munitions cannot be jettisoned. Therefore, release of UXO could only occur during a crash. Anything of this magnitude would constitute a coordinated emergency response with Kirtland AFB Fire Department and Security Forces and stand up of the Kirtland AFB Emergency Operations Center in close coordination with the Pueblo. Any aircraft accidents, mishaps, or emergency issues are also covered in our April 28, 2017 MOU with the Pueblo in Section 3.3.4.

Cultural Resources

Our Cultural Resources Program Manager met with Dr. Walt on December 1, 2022 and provided a poster-sized map of the entire Pueblo, including Comanche Ranch, with the proposed flight paths labeled. The areas of concern the Pueblo detailed are a significant distance away from the proposed flight paths over the Pueblo. Adverse effects to historic properties, including visual, noise, and vibratory, are not likely to occur. The distance of cultural resources detailed are:

Distance of Sensitive Cultural Resources from Proposed AC-130J Flight Paths

Sensitive Cultural Resource	Approximate Distance from Proposed Flight Paths
Village	9.5 miles
Manzano Mountains and Foothills	Greater than 4 miles
Western Portion of the Pueblo	Greater than 9 miles
Western Side of the Rio Grande	8 – 11 miles
Black Mesa	Greater than 9 miles
Cat Hills	Greater than 14.5 miles
Central Portion of Pueblo (populated)	Greater than 7.5 miles

Dr. Walt is reviewing the flight paths to identify any additional areas with sensitive cultural resources near the proposed flight path. The Cultural Resources Program Manager will further assess potential effects to historic properties, sacred sites, historic buildings, historic districts, traditional hunting areas, and traditional cultural properties, should any be identified.

During our consultation, we ask that you provide dates for any regularly scheduled ceremonies, feast days, or any other events where overflights should be restricted. I further understand that many ceremonies and other cultural events cannot be scheduled in advance.

Natural Resources

Kirtland AFB is not aware of any Threatened or Endangered Species or Critical Habitat in the proposed AC-130J flight path on the Pueblo. Results from ongoing biological surveys on Kirtland AFB in the grasslands immediately north of the installation boundary show that areas west of the foothills are not a preferred habitat for the following species: Loggerhead Shrike (*Lanius ludovicianus*), Gray Vireo (*Vireo vicinior*), and Pinyon Jay (*Gymnorhinus cyanocephalus*). Results from our mountain lion surveys indicate that they primarily hunt and travel within higher elevations of the Manzanos and only occasionally visit the grasslands. The United States Fish & Wildlife Service and New Mexico Department of Game and Fish were consulted for this EA.

The primary threat from aircraft birdstrikes is associated with low-level flights and flights over the Rio Grande corridor. The proposed AC-130J takeoff and landing routes will not fly over the Rio Grande or conduct low-level training operations. Over the past two years there have been no documented eagle collisions. Eagle nesting habitat is located along rocky cliffs at higher elevations in the Manzanos. Eagle activity observed on Kirtland AFB includes perching on power lines and other tower structures.

My Natural Resources Program Manager discussed issues related to livestock with Ms. Ramona Montoya on October 26, 2022, and it is my understanding that the Pueblo is going to reach out to the livestock association for comments. Since the AC-130J does not fly at low altitudes the effects to livestock and wildlife should be minimal.

Environmental Justice

My Cultural Resources Program Manager sent maps to Ms. Ramona Montoya and Mr. Clint Lente on November 18, 2022 showing the flight paths through the Pueblo and drawings/photos of the proposed AC-130J for dissemination to residents of the Pueblo. I look

forward to hearing any additional comments or concerns from the residents. We understand your immediate concerns include potential effects to livestock and effects to any planned future developments near the flight paths. Kirtland AFB will initiate consultation in accordance with Section 106 of the National Historic Preservation Act for any new undertakings with the potential to affect the Pueblo or resources of interest. We have modified the figures and text of the Final EA to include more thorough representation of the Pueblo of Isleta, its Reservation, and associated demographics.

Recommendation to prepare an Environmental Impact Statement

The existing missions at Kirtland AFB have been previously analyzed, and the relocation of the MH-139 helicopter mission to Maxwell AFB, Alabama has been analyzed in a separate NEPA action as they are not connected. We believe the MH-139 mission relocation will reduce significant impacts to the local community and thereby eliminate the need for an Environmental Impact Statement (EIS). It is my intent to address the Pueblo's ongoing concerns through our consultations, and I expect that any concerns about the proposed AC-130J mission will be addressed in the Final Environmental Assessment.

Using existing NEPA documents

The reference to the Cannon AFB 2007 AFSOC EIS and the 2016 Melrose Air Force Range (AFR) EA was to provide sufficient analysis for the munition expenditure that would occur at Melrose AFR. The two documents cover the growth of the proposed flying hours and munitions resulting from the FTU being relocated to Kirtland AFB. A copy of the 2016 Melrose AFR EA is provided for your review at <http://www.kirtland.af.mil/Home/Environment> under the heading "Environmental Assessments." We believe the APE for the proposed AC-130J mission, which includes the flight paths over the Pueblo, has been sufficiently analyzed during the EA process.

I look forward to our continued engagement; please do not hesitate to contact me at any time. If you need any additional information regarding environmental/cultural aspects of the proposed relocation, please contact the Installation Tribal Liaison Officer, Mr. Andrew "Bud" Verdi, at andrew.verdi@us.af.mil.

Kirtland AFB relies on partnerships with local communities and Native American pueblos, tribes, and nations to successfully train our nation's Airmen. Both the 377th Air Base Wing and the 58th Special Operations Wing are committed to strengthening these partnerships via communication, access, and collaboration. We are fortunate to live and work in such a community with strong support from our neighbors and partners and appreciate the opportunity for our ongoing discussions.

Sincerely

VATTIONI.JASO
N.F.1170028640

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JASON F. VATTIONI, Colonel, USAF
Commander



**DEPARTMENT OF THE AIR FORCE
58TH SPECIAL OPERATIONS WING (AETC)
4249 HERCULES WAY SE
KIRTLAND AFB, NEW MEXICO 87117-5861**

30 January 2023

Colonel Jonathan W. Graham, USAF
Commander
58th Special Operations Wing
4249 Hercules Way SE, Bldg. 1020
Kirtland AFB NM 87117-5861

Governor Max Zuni
Pueblo of Isleta
PO Box 1270
Isleta NM 87022

Dear Governor Zuni

As part of our recent discussions with Pueblo representatives on December 22, 2022, I committed to reviewing our flying operations near the Pueblo of Isleta. Following our meeting I asked my team to analyze our current operations and examine options to decrease overflights of Isleta Pueblo, particularly at night. Most flights near the Pueblo are related to drop zone operations at Isleta Drop Zone and the flight path crews take to conduct multiple airdrops in minimum time during a training sortie.

For background, the Isleta Drop Zone is one of only two local drop zones available to the 58th Special Operations Wing to conduct critical airdrop training for our MC-130J and HC-130J crews. While both drop zones are usable during the day, only Isleta Drop Zone is usable for night operations due to terrain and regulatory limitations on the other drop zone. Operations currently account for a no-fly area around the village preventing overflight below 1500 feet. Flights at that altitude will still be seen and heard from the ground and I acknowledge the concerns the Pueblo has raised in this regard.

To help address those concerns, my team has developed an alternate flight path that extends our flight legs further south and west, avoiding flights over the village to the maximum extent possible. While this flight path increases the time between successive drops, and thus decreases the number of training drops crews can conduct within a given time period, I believe the change will limit disruptions to the Pueblo residents, particularly at night.

I would like to implement the new routing, detailed in the attached graphic, for a trial period of two weeks beginning February 1, 2023 for all operations conducted at Isleta Drop Zone from sunset to sunrise. During that period I request feedback on whether the changes are having the desired effect of reducing disturbances to Pueblo residents, with the intent to codify the new routing in local regulations and make it an enduring change. My point of contact for feedback is

Col Christopher Welch, Vice Commander of the 58 SOW; he can be reached at 505-853-5800 or christopher.welch@us.af.mil.

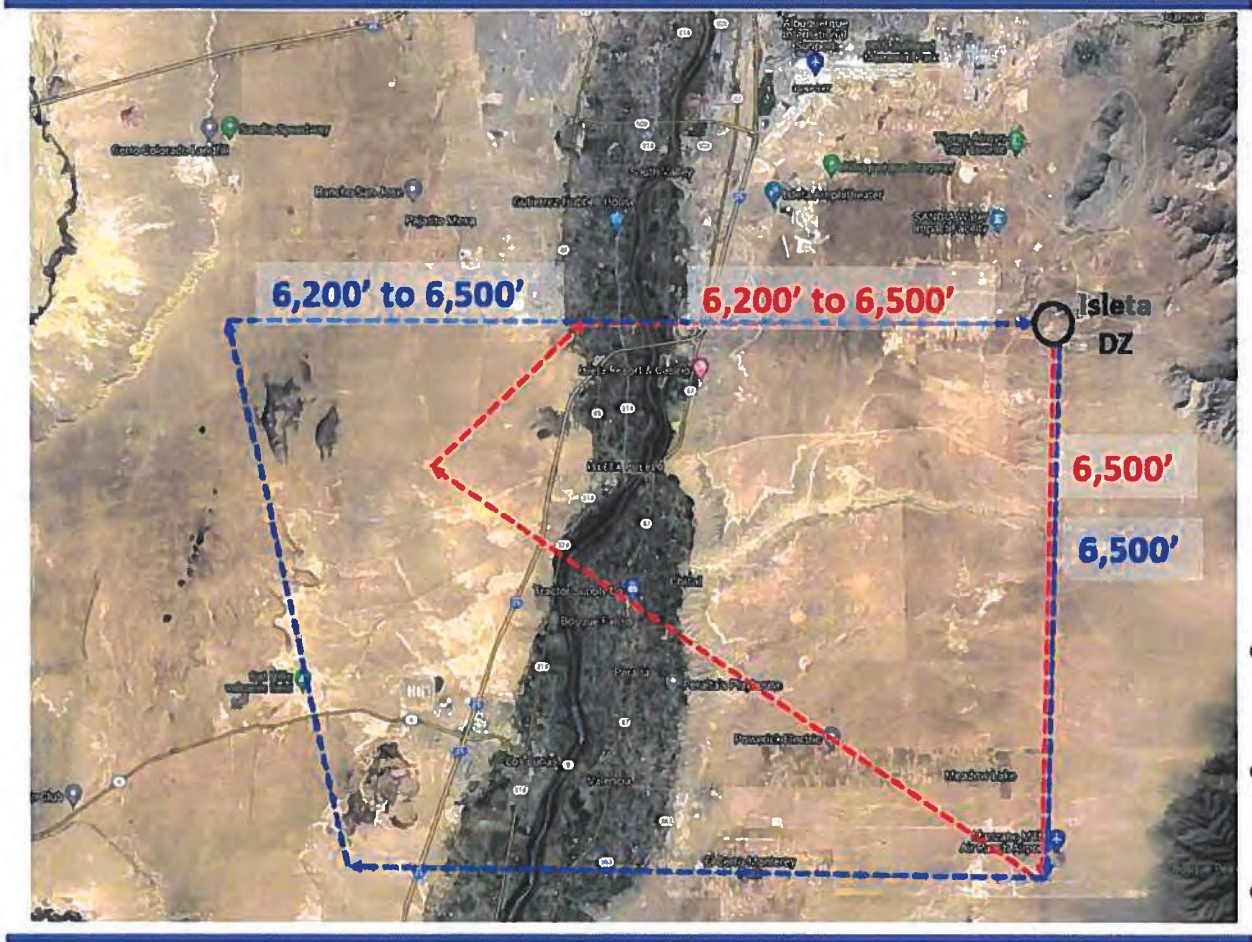
Thank you very much for your time and consideration. We are committed to remaining supportive neighbors and continuing to strengthen our partnership with Isleta Pueblo.



JONATHAN W. GRAHAM, Colonel, USAF
Commander

Attachment: Proposed Isleta Drop Zone Route

Proposed Isleta Drop Zone Route



KEY

Red – Current Isleta DZ routing
1,000-1,500 ft* above the ground

Blue – New Isleta DZ routing
starting on 1 Feb 2023
1,000-1,500 ft* above the ground
* 1,500' above populated areas

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**Environmental Assessment for
Addressing the Air Force Special
Operations Command AC-130J
Formal Training Unit Relocation
at Kirtland AFB, New Mexico**

The United States Air Force (USAF) invites the public to review and comment on the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI).

The USAF has prepared a Draft EA to analyze the potential impacts from relocation of the Air Force Special Operations Command AC-130J Formal Training Unit from Hurlburt Field, Florida, to Kirtland Air Force Base, New Mexico. The Proposed Action also includes personnel needed to operate and maintain the aircraft and construction of new and/or modification of existing facilities on the installation to support the relocation. A copy of the Draft EA and Draft FONSI will be available for review beginning November 20, 2022 at the following website <http://www.kirtland.af.mil> by clicking the "Environment" button at the bottom of the webpage. It is also available at the:

San Pedro Public Library
5600 Trumbull Avenue SE
Albuquerque NM 87108

Please provide any comments on the analysis presented in this Draft EA by December 20, 2022 to KirtlandNEPA@us.af.mil or:

Ms. Brianne Sisneros
2050 Wyoming Blvd. SE, Suite 116
Kirtland AFB NM 87117

Journal, on oath
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NA MARIE WHITE
- State of New Mexico
Commission # 1122050
Expires Jul 26, 2026

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