

Figure 3.14-2 Current and Proposed Noise Contours in Relation to Minority and Low-income Populations and Sensitive Receptors

Wherry Elementary is located to the north of Project 7 and Kirtland Elementary is located northwest of Projects 1 through 6. Standard construction safety BMPs (e.g., fencing and other security measures) would reduce potential risks to surrounding populations to minimal levels and any potential impacts on children would be short term and negligible because of these BMPs and the distance between the project areas and the schools. Although the Proposed Action would have short-term, adverse noise impacts, the impact on children would not be disproportionate or significant because the effect from additional noise and traffic would be negligible and would not be an environmental health or safety risk. No long-term impacts would be expected on Wherry Elementary, Kirtland Elementary, or other sensitive receptor locations identified in **Section 3.3**. Therefore, the Proposed Action would not result in increased exposure of children to environmental health risks or safety risks. No disproportionate impacts on elderly persons would be expected.

3.14.2.2 No Action Alternative

Under the No Action Alternative, the USAF would not relocate the AFSOC AC-130J FTU from Hurlburt Field to Kirtland AFB, as described in **Section 2.4.1**, and the existing conditions discussed in **Section 3.14.2** would continue. Therefore, implementation of the No Action Alternative would not result in any new or additional impacts on environmental justice or sensitive receptors.

3.14.3 Reasonably Foreseeable Actions and Cumulative Impacts

Current and foreseeable projects listed in **Table 3.1-1** include several construction projects which would temporarily increase noise and traffic in the ROI which consists of disadvantaged communities. Construction and traffic BMPs would reduce impacts where possible and the increase in employment and visitation in the ROI would be beneficial to the local area.

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4 LIST OF PREPARERS

Name/Organization	Experience	Resource Area/ Responsibilities	Years of Experience
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Lisa Woeber	B.A., Business Administration	Deputy Project Manager	24
Katie Briscoe	M.S., Historic Preservation M.A., Archaeology B.A., History	Cultural Resources	9
Stephanie Clarke, GISP	B.S., Biology and Environmental Studies	GIS Analysis	8
Chris Davis, AICP, PMP	M.S., Environmental Management B.S., Environmental Studies	Technical Reviewer	24
Josh De Guzman	B.S., Wildlife Management	Biological Resources	7
Travis Gahm	B.S., Biology	Safety	13
Lesley Hamilton	B.A., Chemistry	Air Quality	31
Mike Harrison	M.S., Environmental Science B.S., Biology	Noise	22
Caitlin Jafolla, AICP	B.A., Urban Studies and Planning	Air Quality	10
Leah McCormick, AICP	M.S., Environmental Management B.S., Environmental Systems	Land Use, Geology and Soils, Water Resources, and Infrastructure	6
Isla Nelson	B.A., Anthropology	Cultural Resources	22
Geoff Olander	B.S., Mechanical Engineering	Noise and Airspace	31
Julie Oriano, P.G., PMP	B.S., Geology	QA/QC	28
Oliver Pahl	B.S., Environmental Economics, Policy	Socioeconomic and Environmental Justice	12
Claire Phillips	M.S., Environmental Science and Management B.A., Anthropology, Southwestern University	Hazardous Materials and Wastes	13
Clint Scheuerman, CWB	M.A., Biological Sciences B.S., Biological Sciences	Biological Resources	17
Kim Wilson		Technical Editor	40

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Author	Date	Title
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Author	Date	Title
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APPENDIX A
TRIBAL CONSULTATION

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Appendix A

Tribal Consultation

The following is a list of Native American tribes that received letters (example follows).

Pueblo of Acoma
Governor Randall Vicente
PO Box 309
Acoma NM 87034

Pueblo of Nambé
Governor Nathaniel S. Porter
15A Bay Poe
Santa Fe NM 87506

Pueblo of Cochiti
Governor Phillip Quintana
PO Box 70
Cochiti Pueblo NM 87072

Navajo Nation
President Jonathan Nez
PO Box 7440
Window Rock AZ 86515

Hopi Tribal Council
Chairman Timothy L. Nuvangyaoma
PO Box 123
Kykotsmovi AZ 86039

Ohkay Owingeh Pueblo
Governor Joseph P. Aguino
PO Box 1099
San Juan Pueblo NM 87566

Pueblo of Isleta
Governor Vernon Abeita
PO Box 1270
Isleta Pueblo NM 87022

Pueblo of Picuris
Governor Craig Quanchello
PO Box 127
Peñasco NM 87553

Pueblo of Jemez
Governor Raymond Loretto, DVM
PO Box 100
Jemez Pueblo NM 87024

Pueblo of Pojoaque
Governor Jenelle Roybal
78 Cities of Gold Road
Santa Fe NM 87506

Jicarilla Apache Nation
President Edward Velarde
PO Box 507
Dulce NM 87528

Pueblo of Sandia
Governor Stuart Paisano
481 Sandia Loop
Bernalillo NM 87004

Pueblo of Laguna
Governor Martin Kowemy, Jr.
PO Box 194
Laguna NM 87026

Pueblo of San Felipe
Governor Carl Valencia
PO Box 4339
San Felipe Pueblo NM 87001

Mescalero Apache Tribe of the Mescalero
Apache Reservation
President Eddie Martinez
PO Box 227
Mescalero NM 88340

Pueblo of San Ildefonso
Governor Christopher Moquino
02 Tunyo Po
Santa Fe NM 87506

Pueblo of Santa Ana
Governor Joseph Sanchez
2 Dove Road
Santa Ana Pueblo NM 87004

Pueblo of Santa Clara
Governor J. Michael Chavarria
PO Box 580
Española NM 87532

Pueblo of Santo Domingo
Governor Sidelio Tenorio
PO Box 99
Santo Domingo Pueblo NM 87052

Pueblo of Taos
Governor Clyde M. Romero, Sr.
PO Box 1846
Taos NM 87571

Pueblo of Tesuque
Governor Robert Mora, Sr.
Route 42 Box 360-T
Santa Fe NM 87506

White Mountain Apache Tribe
Chairwoman Gwendena Lee-Gatewood
PO Box 700
Whiteriver AZ 85941

Ysleta del Sur Pueblo
Governor E. Michael Silvas
PO Box 17579 – Ysleta Station
El Paso TX 79907

Pueblo of Zia
Governor Gabriel Galvan
135 Capitol Square Drive
Zia Pueblo NM 87053-6013

Apache Tribe of Oklahoma
Chairman Bobby Komardley
PO Box 1330
Anadarko OK 73005

Fort Sill Apache Tribe of Oklahoma
Chairwoman Lori Gooday Ware
43187 US Highway 281
Apache OK 73006

San Carlos Apache Tribe
Chairman Terry Rambler
PO Box 0
San Carlos AZ 85550

Comanche Nation of Oklahoma
Chairman Mark Woommavovah
PO Box 908
Lawton OK 73502

Kiowa Tribe of Oklahoma
Chairman Matthew Komalty
PO Box 369
Carnegie OK 73015

Pawnee Nation of Oklahoma
President Walter Echo-Hawk
PO Box 470
Pawnee OK 74058

Southern Ute Indian Tribe
Chairman Melvin Baker
PO Box 737
Ignacio CO 81137

Ute Mountain Ute Tribe
Chairman Manuel Heart
PO Drawer JJ
Towaoc CO 81334

Wichita & Affiliated Tribes
President Terri Parton
Wichita Executive Committee
PO Box 729
Anadarko OK 73005

Tonkawa Tribe of Indians of Oklahoma
President Russell Martinez
1 Rush Buffalo Road
Tonkawa OK 74653

Pueblo of Zuni
Governor Val Panteah, Sr.
PO Box 339
Zuni NM 87327

All Pueblo Council of Governors
Chairman Mark Mitchell
2401 12th Street NW
Albuquerque NM 87103

Five Sandoval Indian Pueblos
Executive Director Joshua Madalena
4321-B Fulcrum Way NE
Rio Rancho NM 87144

Eight Northern Indian Pueblos Council
Executive Director Gilbert Vigil
PO Box 969
Ohkay Owingeh NM 87566

24th Navajo Nation Council
Office of the Speaker
Speaker Seth Damon
PO Box 3390
Window Rock AZ 86515

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Sample Tribal Letter

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



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

Governor Vicente Randall
Pueblo of Acoma
PO Box 309
Acoma NM 87034

Dear Governor Randall

In accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) regulations, and the United States Air Force (USAF) NEPA regulations, the USAF is preparing an Environmental Assessment (EA) to evaluate the potential environmental impacts resulting from the relocation of the Air Force Special Operations Command (AFSOC) AC-130J Formal Training Unit (FTU) from Hurlburt Field, Florida to Kirtland Air Force Base (AFB), New Mexico and the organizational realignment of the unit under the 58th Special Operations Wing (Air Education and Training Command) which is a tenant organization currently located at Kirtland AFB.

The purpose of the Proposed Action (herein "Undertaking" pursuant to the National Historic Preservation Act [NHPA]) is to consolidate all AC-130J qualifications. The Undertaking is needed to provide synergies between the Basic Qualification and Mission Qualification training and lower operational costs. This Undertaking would include relocation of AC-130J aircraft, personnel, operation squadron, maintenance squadron, and related construction activities.

To accommodate the AC-130J aircraft and FTU operations, the Undertaking would require both new construction and modification of some existing facilities at Kirtland AFB. All construction would be located within the Kirtland AFB boundaries. Thirteen construction or infrastructure improvement projects are proposed. Attachment 1 summarizes the proposed construction and modification projects, and attachment 2 depicts these project locations.

The AC-130J is the modern replacement for the aging fleet of C-130 aircraft. Addition of the new AC-130J aircraft would add approximately two to three more airfield sorties per training day and would primarily occur Monday through Friday. A sortie consists of a single military aircraft from a take-off through a landing. With a total of roughly 201 training days per year, this would be approximately 603 sorties per year. The AC-130J will operate within special use airspace (SUA) and other existing airspace and training areas already designated for the C-130 flight operations normally conducted out of Kirtland AFB. These include the Melrose Range

Complex, with supporting SUA (Pecos and Taiban Military Operations Areas [MOAs], and Restricted Areas R-5104 and R-5105 [attachment 3]), which are also used by C-130 aircraft originating from Cannon AFB in Clovis, New Mexico. No new airspace or reconfigurations are needed or proposed to support the relocation of the AFSOC AC-130J FTU from Hurlburt Field to Kirtland AFB.

AC-130 use of the Melrose Range Complex was previously evaluated in the *AFSOC Assets Beddown at Cannon Air Force Base, New Mexico Environmental Impact Statement (EIS)*, which anticipated a higher number of AC-130s using this training area (airspace and range) than what has actually transpired, based on reduced numbers of aircraft at Cannon AFB than were anticipated. Additional use of the Melrose Range Complex by the AC-130s being proposed for basing at Kirtland AFB will result in use that is still below the levels analyzed in the aforementioned EIS. Specifically, the current C-130 use of this training area plus the proposed increase is still below the EIS levels, including total sorties, total ordnance used, and total expendable countermeasures used. All the impacts from the proposed additional sorties from Kirtland AFB-based AC-130s would still be at or below the previous levels analyzed.

USAF has determined that the Area of Potential Effects (APE) for this Undertaking encompasses the areas where ground-disturbing activities, including new construction, building renovations and modifications, building demolitions, and the lands underlying the SUA and other existing airspace and training areas (see attachments 2 and 3). USAF is currently conducting research and investigations to identify historic properties within the APE to determine the potential effects, if any, of the Proposed Action.

Pursuant to Section 106 of the National Historic Preservation Act (36 Code of Federal Regulations Part 800) and Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, the USAF would like to initiate government-to-government consultation concerning the Undertaking to allow you and your designee the opportunity to identify any comments, concerns, and suggestions you might have. As we move forward through this process, we welcome your participation and input.

A copy of the Final Description of the Proposed Action and Alternatives for the EA addressing the Air Force Special Operations Command AC-130J Formal Training Unit Relocation at Kirtland AFB, New Mexico is available at <http://www.kirtland.af.mil/Home/Environment> under the heading “Environmental Assessments.” We look forward to and welcome your participation in this process. For technical information, please contact my Natural and Cultural Program Manager, Mr. David Reynolds, by email at david.reynolds.37@us.af.mil.

As noted above, the USAF would like to initiate government-to-government consultation pursuant to Section 106 of the NHPA concerning this Undertaking and is seeking concurrence on the APE, as defined. Please contact my office at (505) 846-7377 if you would like to meet to discuss the proposed project or proceed with the Section 106 consultation.

Sincerely

JASON F. VATTIONI, Colonel, USAF
Commander

3 Attachments:

1. List of Proposed Projects
2. Kirtland AFB APE Figure
3. APE Underlying SUA, Airspace, and Training Areas Figure

Pawnee Nation

Tuesday, September 13, 2022

David Reynolds
Natural and Cultural Program Manager
377th Air Base Wing
Kirtland Air Force Base
Department of the Air Force

RE: Section 106 Consultation and Review on-
*Relocation of Air Force Special Operations Command AC-13J Formal Training Unit
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



White Mountain Apache Tribe

Office of Historic Preservation

PO Box 1032

Fort Apache, AZ 85926

Ph: (928) 338-3033 Fax: (928) 338-6055

To: Jason F. Vattioni, Colonel, USAF Commander

Date: October 28, 2022

Re: *Environmental Assessment for the proposed Relocation of the Air Force Special Operations Command to Kirtland Air Force Base, New Mexico*

.....

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the project dated; August 2022. In regards to this, please refer to the following statement(s) below.

Thank you for allowing the White Mountain Apache tribe the opportunity to review and respond to the above proposed relocation of AC-130J aircraft, personnel, operation squadron, maintenance squadron, and related construction activities at the Kirtland Air Force Base, New Mexico.

Please be advised, we reviewed the consultation letter and the information provided, and we've determined the proposed project plans will have "***No Adverse Effect***" on the tribe's cultural heritage resources and/or historic properties. We concur with the proposed project plans.

Thank you for your continued collaborations in protecting and preserving places of cultural and historical importance.

Sincerely,

Mark T. Altaha

White Mountain Apache Tribe – THPO
Historic Preservation Office

Vernon B. Abeita
Governor



Lt. Governor, Virgil N. Lucero
Lt. Governor, Blane M. Sanchez

PUEBLO OF ISLETA OFFICE OF THE GOVERNOR

P.O. Box 1270
Isleta, New Mexico 87022
Telephone: 505-869-3111
Fax: 505-869-7596

November 9, 2022

Kirtland AFB National Environmental Policy Act Program Manager
377 MSG/CEIC
2050 Wyoming Boulevard SE, Suite 116
Kirtland Air Force Base, NM 87117-5270
KirtlandNEPA@us.af.mil
By Email and First Class Mail

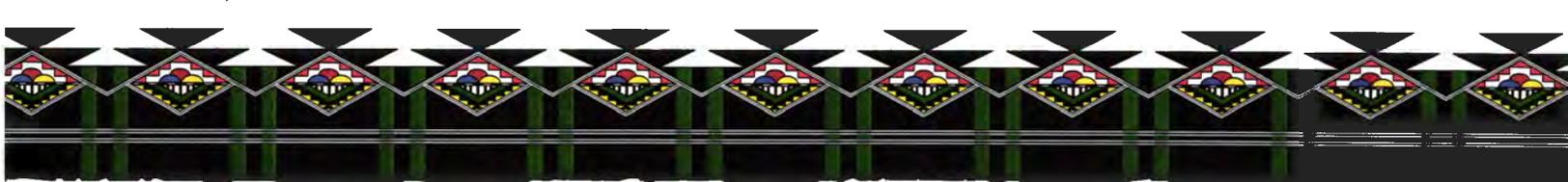
Dear NEPA Program Manager:

On behalf of the Pueblo of Isleta (“Pueblo”), I submit these comments on the Department of the Air Force’s Final Description of the Proposed Action and Alternatives for the Environmental Assessment Addressing the Air Force Special Operations Command AC-130J Formal Training Unit Relocation at Kirtland Air Force Base, New Mexico, dated June 2022. I am also copying these comments to Col. Jason F. Vattioni, Commander of the 377th Air Base Wing at Kirtland Air Force Base (“AFB”), in response to his letter of August 24, 2022, requesting government-to-government consultation on this matter. The Pueblo reserves the right to supplement these comments, in consultation or otherwise, at any time.

The Pueblo is extremely concerned about the effects of the relocation of the Air Force Special Operations Command AC-130J Formal Training Unit (“AFSOC AC-130J FTU”) to Kirtland AFB, as described in the Final Description of the Proposed Action and Alternatives (“FDOPAA”).¹ As I describe further below, the Pueblo is particularly concerned that about the negative impacts of military overflights to our people and resources on the Reservation, including impacts to the Village, other residential areas, and resources throughout the Reservation, and that an increase in military operations from Kirtland AFB will also increase those negative impacts.

After review of the FDOPAA, I understand that, in the course of National Environmental Policy Act (“NEPA”) review, the Air Force will be reviewing effects on airspace management, noise, cultural resources, hazardous materials and wastes, safety, and socioeconomic and environmental justice. *See* FDOPAA at 2-27, tbl.2-8. The Pueblo’s concerns reach across all these areas, and so they must be considered by the Air Force in its NEPA evaluation of this

¹ Appendix A to the FDOPAA contains a copy of a letter to the Governor of the Pueblo of Acoma that is substantively identical to the letter which my office received from Col. Vattioni on August 24, 2022.



proposed major federal action. I also raise issues of concern that should be addressed in the Air Force's National Historic Preservation Act ("NHPA") evaluation of this proposed federal undertaking.

Factual Background

The Pueblo has lived on its ancestral lands in and around Albuquerque since before the arrival of European settlers. For centuries, the Pueblo community has been centered on the Village on the west bank of the Rio Grande. The Village houses the historic St. Augustine Catholic Church, which was founded as a Catholic mission in 1613 and dozens of residences where our families and children live. Our members engage in all parts of life there, from simple day-to-day activities to engaging in important cultural and religious ceremonies such as our Feast Day dances. As described in the Memorandum of Understanding Between Federal Military Flying Organizations and the New Mexico Indian Affairs Department ("OTAM MOU"), the Pueblo's Traditional Village is a space for "sacred tribal religious ceremonies and cultural events [that] constitute the core religious, spiritual and sociological practices and beliefs" of the Pueblo. OTAM MOU § III.a. The religious use of the Village routinely requires a "noise and disturbance free environment," as described in the Memorandum of Understanding Between the Pueblo of Isleta and Kirtland Airforce Base ("JLUS MOU"). In recognition of the unique and immeasurable historic value of the Village, the entire Isleta Village is included on the National Register of Historic Places ("NRHP"), property number 75001162.

The lands of our Reservation are also important to us. They are places where we hunt, gather, recreate, and engage in cultural ceremonies. They are our ancestral homelands that we have lived on and used for thousands of years. The resources of those lands, including ground and surface water that moves under and over the land, the plants and animals on the land, the air above it, historical and cultural sites, items of cultural patrimony, our ancestors' remains, and the open spaces, viewscapes, and sense of place, all found on these lands, are all important. Additionally, specific regions within the Pueblo's wilderness areas are reserved under Pueblo of Isleta law for specific cultural practices, including traditional hunts.

The lands beyond the boundaries of the Pueblo, including the land where Kirtland AFB is now located, are also important to us, because they contain natural, historic, and cultural resources connected to us. Air and water know no boundaries. Noise and air pollution travel onto our reservation, as does pollution that enters into ground or surface water upstream. At the least, these can be annoying and disrupt our lives. At worst, they make residents of the Reservation sick or make it impossible for us to use resources on the Reservation to sustain our lives here. And damage to historic or cultural resources that are connected to our people is also disturbing because it impacts our ability to honor our ancestors and pass down our culture to the next generations.

Unfortunately, the Pueblo has been subject to historical injustices which have continuing effects on us and our resources. Our land was subjected to colonization by the Spanish and the control of Mexico and the United States. This reduced our land base and our resources. Our Reservation has been subject to disproportionate effects from pollution, because sources of



pollution are placed near us—and the minority communities near us in the South Valley—rather than wealthier, more politically influential areas. We are still being impacted from industrial development in the South Valley and the Albuquerque area. The land around the Pueblo is still often the first place where developers seek to put polluting industries like asphalt plants. So, it should go without saying that impacts to the Pueblo raise questions of socioeconomic and environmental justice, which the Air Force must consider. *See* 32 C.F.R. § 989.33.

I am concerned that the AFSOC AC-130J FTU relocation will threaten the resources and values I describe above, by increasing the number of military overflights of the Reservation and the surrounding area. I describe these concerns in further detail below.

Impacts from Additional C-130 Type Overflights

The FDOPAA projects that the proposed relocation of the AFSOC AC-130J FTU would increase total airfield operations by three sorties a day. FDOPAA at 2-20. 2/3 of the new sorties are proposed to occur at night. *Id.* at 2-20 to 2-21. The FDOPAA downplays this increase in flights by comparing it to the total number of annual flights from Kirtland AFB *and* the Albuquerque International Sunport. *Id.* at 2-20, tbl.2-4. In our view, that is not an appropriate comparison, as in our experience overflights from Air Force aircraft have very different impacts on our Reservation than do civilian overflights.

That is because military aircraft are operated in very different ways from civilian aircraft. C-130 type and other military aircraft fly over our Reservation at a much lower altitude than do civilian aircraft, so the impact of noise, vibration, and visual impacts are much greater. These aircraft fly at low altitudes over residential areas much more frequently than do civilian flights. They cause air pressure differentials which are physically unpleasant and may damage delicate or sensitive cultural, historic, or natural resources. Military training flights are low and loud and occur throughout the night, encroaching on traditional community practices taking place in resident’s traditional homes, the Village’s Church, and other sacred locations within the Village. And unlike the sorties proposed in the FDOPAA, civilian flights mostly take place during the day, not at nighttime hours.

Military aircraft operators also operate planes in ways that disrupt our work and lives even more than the “typical” effects of military overflights described above. Pilots at night have shown spotlights into buildings and at Isleta Tribal Members, disturbing and intimidating those participating in cultural practices or simply going about their daily lives. Our Second Lieutenant Governor has experienced this at his home firsthand. Military aircraft have flown low over people, livestock, and wildlife in rural, undeveloped areas of the Reservation. For these reasons, military aircraft have unusual impacts on our people’s ability to live, work, relax, and engage in cultural and religious practices in their homes and places of worship.²

² Additionally, military aircraft are involved in very different operations than civilian aircraft. The AC-130Js will carry ordnance, which civilian aircraft do not. C-130 type aircraft are involved in helicopter refueling training near the Reservation. These operations produce more low-altitude noise than civilian aircraft operations, and they are more dangerous. Although I



It is therefore more appropriate to compare new AC-130J operations to existing military aircraft operations, rather than to overall flights out of the Sunport and Kirtland AFB. This fairer comparison shows that the AFSOC AC-130J FTU relocation is estimated to add about 4,500 annual military aircraft operations to the existing 17,596 operations out of Kirtland AFB. FDOPAA at 2-20 tbl.2-4. That is an increase of 25.6% - over a quarter. And the total number of C-130 type sorties would increase from five sorties a day to an average total of eight. *Id.* at 2-20. Since a sortie includes “at least” a take-off and a landing, *id.*, that means that, in an average day, the AFSOC AC-130J FTU relocation would add at least six low-altitude overflights in the area around the AFB to the existing ten or more, for a daily total of at least sixteen. *Id.* That is an increase of at least 37%. And, as noted, two of those sorties – that is, at least four overflights – are projected to occur at night, between 10 PM and 7 AM, when most people are trying to sleep. *See id.* at 2-20 to 2-21. If these overflights occur over the Reservation, especially its residential areas, that would be extremely disruptive to our people.

We are also concerned that there is significant uncertainty about the overall effects on Kirtland AFB operations as a result of these new operations. The FDOPAA does not say anything about how the increase in flights will affect existing operations out of Kirtland AFB. However, it stands to reason that if total C-130 type aircraft sorties increase by more than a third, the timing of other flights will be adjusted to accommodate these new planes on the tarmac and in the air. That could mean more flights at night and even more aircraft over the Pueblo’s Reservation, especially residential areas that include the Village. This greatly concerns me.

The Pueblo needs more information about how existing operations will be adjusted to accommodate the increase in operations from the AFSOC AC-130J FTU relocation to comment further on this issue, but at the very least the Air Force should study this matter further, and what impacts it will have on the minority communities of the Reservation.

Those impacts are likely to be serious and long-lasting. As I have explained, military overflights have already caused many problems on the Reservation. I expect it will be quite difficult to mitigate such impacts from even more flights. Although the Pueblo can designate some dates or times as “no-fly” times for airspace over the Reservation, the Pueblo’s use of its Village and other residential areas is constant. People live there, and use it for cultural and religious ceremonies, all the time. Additionally, the Pueblo’s cultural and religious uses of restricted land areas on the Reservation outside of the Village are routine and common. We do not, and cannot, categorically prevent our members from engaging in their traditional lifeways anywhere on the Reservation on certain days or times or set a schedule by which they must take part in these critical elements of Isleta people’s culture and identity.

believe that AC-130J aircraft are not used in helicopter refueling, this emphasizes that the comparison of military aircraft and civilian aircraft operations is apples-to-oranges. And, as noted below, helicopter operations out of Kirtland AFB are supposed to increase dramatically over the next four years, so the risks from helicopter operations are only going to increase.



Unfortunately, overflights also have impacts on non-human resources on the Pueblo that are difficult to mitigate or prevent. Training flights across the Pueblo's traditionally-protected wilderness areas disturb the Pueblo's domestic cattle herds as well as wildlife, both of which are protected under Isleta Traditional laws. The Pueblo is concerned that long-term exposure to low altitude flights, both on- and off-reservation, is stressing wild and domesticated animals and impacting their growth and reproduction. Unfortunately, military flights across the Pueblo's important wilderness lands have been witnessed and video recorded harassing wildlife like elk. It is unknown how additional species like black bear and federally protected wildlife like golden and bald eagles have already been affected by existing low-level flights. These impacts from overflights also affect our members' ability to raise and maintain the health of their livestock. The Air Force needs to study these effects at not only current levels, but also how they would be exacerbated by adding additional flights, and determine how to avoid these effects, before allowing even more military overflights over and near the Pueblo's Reservation.

UXO Issues

The FDOPAA says that approximately 80 percent of sorties out of Kirtland AFB would include training at Melrose Air Force Range ("AFR"), and that munitions would be uploaded at Kirtland AFB, but that "weapons would not be chambered or armed until over the impact range." FDOPAA at 2-21. Additionally, defensive countermeasure training at Melrose AFR would include the use of approximately 12,500 flares and 7,800 chaff bundles annually, which would be "an increase compared to what is currently being used." *Id.* This increase in operations by aircraft carrying munitions and defensive countermeasures is extremely concerning, because it will almost certainly mean that more aircraft carrying ordnance will fly over the Reservation.

Even if munitions are not "chambered or armed" until after the overflights, accidents may happen and unexploded ordnance ("UXO") may end up on Pueblo land. Indeed, dangerous explosives have already ended up on the Pueblo's land, as have debris and fuel from past military flight crashes. Some of the munitions identified on Tribal land are so hazardous that the Pueblo has been unable to safely provide for their detonation and removal, and has instead relied on the U.S. Department of Energy to do so. The Pueblo fears that these hazardous munitions have resulted in long-term environmental impacts that have yet to be properly assessed or remediated by the federal agencies that caused them.

An increase in overflights means more chances for UXO and related debris to end up on Pueblo land, and that puts our people at risk. Before approving the AFSOC AC-130J FTU relocation, the Air Force should evaluate how UXO and related debris ended up on Pueblo land in the past, the resulting impacts on the environment, and how the Air Force will ensure that the AFSOC AC-130J FTU relocation will not result in any more UXO or related dangerous materials on Pueblo land.

The Air Force Should Prepare an EIS

The Air Force must study all the above-described impacts and determine how and whether they can be mitigated. Given the scope of these likely significant impacts on the human environment, which are extremely disruptive to the Pueblo, its culture, its resources, and the



environment, the Air Force could not issue a FONSI for this proposed action and must develop an EIS. *See* 40 C.F.R. § 1501.3(a)(3) (EIS required when an action “[i]s likely to have significant effects”).³ The impacts of the relocation will be felt intensely on the Pueblo’s Reservation and Village, while other impacts will only impact unpopulated areas. *See id.* § 1501.3(b)(1). The impacts will be felt as long as the relocation is in place, so are likely to be long-term, and adverse with no offsetting beneficial impacts to the Pueblo. *Id.* § 1501.3(b)(2)(i)-(ii). (Although the Pueblo does acknowledge the beneficial effects of military training for the entire Nation, those benefits are not site specific and could be obtained through training elsewhere.) Impacts from the overflights interfere with tribal law that protects areas of the Reservation, and would negatively impact at least one NHPA-protected historic property. *See id.* § 1501.3(b)(2)(iv); *infra* (discussing NHPA compliance).

Additionally, impacts of overflights from AC-130J aircraft would be cumulative with increased sorties from MH-139 aircraft out of Kirtland AFB. The Pueblo understands, according to notice that the Kirtland AFB Commander provided the Governor’s office in August 2020, that helicopter sorties are going to increase significantly from Kirtland AFB. *See* Letter from Col. David S. Miller, Commander, 377th Air Base Wing, Kirtland Air Force Base, to Max A. Zuni, Governor, Pueblo of Isleta (Aug. 16, 2020). That will be from the replacement of the current force of UH-1N aircraft at the 58th Special Operations Wing with new MH-139 aircraft. According to Col. Miller’s 2020 letter, the Air Force anticipates that helicopter sorties out of Kirtland AFB will increase by nearly 90 percent from fiscal year 2020 to fiscal year 2026. After fiscal year 2028, helicopter sorties will remain at a level approximately 31 percent above fiscal year 2020 levels. Helicopters engage in low level flying on and near the Reservation, including landing at helicopter landing zones near our Reservation boundary. Helicopters also engage in the sort of inherently dangerous military training activities that I described above. Unfortunately, these operations result in many similar impacts on our people and resources as those caused by C-130 type aircraft.

The AFSOC AC-130J FTU relocation cannot be viewed in isolation from the anticipated increase in helicopter overflights. As you know, a NEPA analysis must assess cumulative impacts. *See* 40 C.F.R. § 1508.8. If helicopter and C-130 type sorties are increasing dramatically at the same time—which every indication is that they will—then the effect on our Reservation is going to be even greater than the FDOPAA suggests. Thus, an environmental assessment that focuses only on the impacts of AC-130J operations will not adequately evaluate all the impacts of this proposed relocation. Therefore, the Air Force must prepare an EIS for that reason, as well.

³ If the Air Force does prepare a FONSI, it must make it available for public review for at least thirty days before approval, because the proposed action will have a disproportionate impact on the Reservation and Village, which is a “disproportionately high and adverse environmental impact on minority populations and low-income populations.” 32 C.F.R. § 989.15(e)(2)(vi).



The Air Force Cannot Rely on Existing NEPA Documents to Evaluate the AFSOC AC-130J FTU Relocation

Col. Vattioni stated in his August letter that “AC-130 use of the Melrose Range Complex was previously evaluated in the *AFSOC Assets Beddown at Cannon Air Force Base, New Mexico Environmental Impact Statement (EIS)*,” Vattioni Letter at 2, and in the FDOPAA, the Air Force states that environmental impacts from airspace use and ordnance use and defensive countermeasures at Melrose Air Force Range were evaluated in “*AFSOC Assets Beddown at Cannon Air Force Base, New Mexico Environmental Impact Statement*.” See FDOPAA at 2-21. I understand that EIS is the one available at the Defense Technical Information Center’s website, at <https://apps.dtic.mil/sti/pdfs/ADA611274.pdf>. The Pueblo has reviewed that document, which, as the Vattioni Letter and the FDOPAA note, focuses primarily on impacts at military operating areas and restricted airspace and the Melrose AFR southeast of Albuquerque. It neither considered impacts on, at, or near the Pueblo, nor did it consider the importance of historic or other resources to the Pueblo. In fact, it does not mention the Pueblo of Isleta at all.⁴ Moreover, many of the impacts I have noted in these comments occurred after 2007, when the EIS was finalized, so the Air Force could not have considered them in that document. For these reasons, the Air Force cannot use the analysis in that EIS as a substitute for evaluating the impacts on the Pueblo from the proposed AFSOC AC-130J FTU relocation.

The Air Force Cannot Rely on the JLUS MOU or the OTAM MOU to Avoid Environmental Review

As you know, Kirtland AFB is a party to the JLUS MOU, Section 4.6 of which incorporates by reference the OTAM MOU. The OTAM MOU provides a process for tribal signatories, including the Pueblo, to request times when there should not be overflights of tribal lands and to report concerns about overflights that have already occurred. Although I greatly appreciate Kirtland AFB’s agreement to the JLUS MOU and the process of the OTAM MOU, those MOUs have not resolved the Pueblo’s concerns discussed at length above. Although the MOUs provide for a process to avoid overflights of specific areas at specific times and give us a process to voice our concerns about overflight impacts after they occur, they have not resolved the existing overflight problem. And as I have noted, there really is no time at which low-altitude overflights can occur at residential areas without negative impacts. The Pueblo must always protect our cultural, historic, and environmental resources and sacred sites, which Isleta people use throughout their daily lives. Even if the MOUs had resolved the existing problems, it is unclear that they could provide a solution to an increased number of overflights resulting from the AFSOC AC-130J FTU relocation. The Air Force must therefore review how the MOUs can

⁴ Similarly, the 2016 Environmental Assessment for Utilization Enhancements at Melrose Air Force Range, which the FDOPAA cites at page 2-25, apparently only deals with impacts at the Melrose AFR. Our staff has not been able to find a copy of this document, and I would appreciate it if your office could provide a copy to my office. Moreover, although the Air Force has already undertaken a NEPA analysis of its helicopter overflights, the Air Force cannot simply rely on that NEPA analysis, either. That analysis did not consider the effect of AC-130J overflights, or the cumulative impact of increased helicopter sorties with AC-130J operations, because the AFSOC AC-130J FTU relocation had not been proposed at that time.



be used as part of the response to additional problems that would result from the proposed AFSOC AC-130J FTU relocation—but it cannot rely on them to avoid consideration of impacts and how they will be mitigated.

Definition of APE for National Historic Preservation Act Review

Col. Vattioni’s letter and the FDOPAA explain that, for NHPA purposes, the Air Force considers that the Area of Potential Effects (“APE”) for the relocation includes only areas within the boundaries of Kirtland AFB, *see* FDOPAA at 2-9, fig.2-1, and special use airspace and military operations areas roughly southeast and east-southeast of Albuquerque and the Pueblo, *see id.* at 2-22, fig.2-3. This underestimates the APE. The APE for any project is “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties” 36 C.F.R. § 800.16(d). Because the entire Village is listed on the NRHP, it constitutes a “historic property.” *Id.* § 800.16(l)(1). The overflights from Kirtland AFB—the noise, vibrations, spotlights, and intimidating close presence of military hardware—are affecting our people’s ability to “use” the Village as a place to live and engage in cultural and religious activities. Those are some of its primary purposes as a major settlement on the Reservation. Moreover, our people have observed that vibrations from low flying aircraft appear to affect the structure of historic buildings in the Village, the walls of which are made out of sod. Vibrations from overflights are shaking loose dust and dirt from the walls and roofs of the buildings. Clearly then, the APE should include at least the portion of the Reservation that includes the Village, and you should study the impacts of additional overflights resulting from the increase in operations out of Kirtland AFB before approving this federal undertaking.

Additionally, there are numerous culturally and historically significant sites and properties throughout the Pueblo. Prior evaluation by our Tribal Historic Preservation Office staff has determined that these resources are, or are likely to be, eligible for listing on the NRHP. On the eastern portion of the Reservation, there are heavy concentrations of historic and cultural resources in the Manzano Mountains and foothills, including sacred sites as well as properties that include evidence of our ancestors’ historical use of the land. Sacred sites include shrines, which in our traditional beliefs are understood as places where spirits live and where people engage in religious exercises like offering prayers. Shrines and other sacred sites are located in the western portion of the Reservation, and along the western side of the Rio Grande in the central portion of the Reservation near the Village. Isleta people visit and maintain these sites and shrines throughout the year, without a set schedule. The noise, vibrations, and visual disruptions caused by low elevation overflights, including by C-130 type aircraft, disrupt Isleta people’s ability to engage in cultural and religious ceremonies at these locations and use those sites in their religious and cultural lives.

I am also concerned that the effects of overflights will impact other resources. Near the northern border of the Reservation, at Black Mesa, and in the western portion of the reservation at the Cat Hills lava flow, there is a profusion of rock art, including prehistoric and historic panels. Vibrations from aircraft could damage these resources. Pueblo staff has informed me that in other parts of the State, railroad operations caused vibrations that harmed rock art. Rock



art is an irreplaceable artistic, cultural, and historic resource and so any potential impacts to NRHP-eligible rock art locations must be studied.

For these reasons, the APE should not only include the Village, but the entire Reservation.

Evaluation of Sites within the APE

Once the APE is properly identified to include areas at Kirtland AFB, the Air Force Special Use Airspace southeast and east-southeast of the Pueblo's Reservation, *and* the Pueblo's Reservation, the Air Force will need to evaluate possible impacts to historic properties in the area. Your invitation to government-to-government consultation provides a first step for doing that. The Air Force will need to work with our Tribal Historic Preservation Officer and staff to identify additional properties beside the Pueblo's Village that could be impacted, and what those impacts may be.

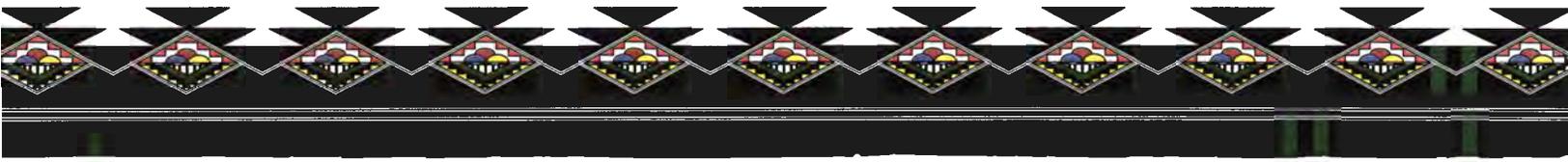
It is important to remember that the Pueblo wants to keep the location of many historical and sacred sites confidential. Many of our sacred and historic sites have been damaged or destroyed in the past by bad actors or by members of the public who simply did not know how to treat the sites carefully. And public attention could disrupt Isleta people's uses of the sites for religious and cultural activities. So, consultation will be necessary for us to control the release of information that might lead to damage or disruption of areas and sites that are important to us.

Thank you for the opportunity to submit these comments. I look forward to discussing these matters further with Col. Vattioni in government-to-government consultation on these matters.

Sincerely,

for 
Vernon B. Abeita
Governor

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





Sample Tribal Letter

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



14 November 2022

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

Governor Vicente Randall
Pueblo of Acoma
PO Box 309
Acoma NM 87034

Dear Governor Randall

In accordance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality regulations, and the United States Air Force (USAF) NEPA regulations, the USAF has prepared an Environmental Assessment (EA) to evaluate the potential environmental impacts resulting from the relocation of the Air Force Special Operations Command (AFSOC) AC-130J Formal Training Unit (FTU) from Hurlburt Field, Florida to Kirtland Air Force Base (AFB), New Mexico and the organizational realignment of the unit under the 58th Special Operations Wing (Air Education and Training Command [AETC]) which is a tenant organization currently located at Kirtland AFB. In accordance with Section 306108 of the National Historic Preservation Act (NHPA) 1966, as amended and its implementing regulations at 36 Code of Federal Regulations (CFR) Part 800, the USAF, Kirtland AFB, is notifying you of a proposed Undertaking that has the potential to affect historic properties.

The environmental analysis for the Undertaking is being conducted by the USAF in accordance with the Council on Environmental Quality guidelines pursuant to the NEPA of 1969. Copies of the Draft EA and the proposed Finding of No Significant Impact (FONSI) are available at: <http://www.kirtland.af.mil> by clicking the "Environment" button at the bottom of the webpage. If, after review of the Draft EA and proposed FONSI you have additional information regarding the impacts of the Proposed Action on cultural resources and other environmental aspects of which we are unaware, we would appreciate receiving such information for inclusion and consideration during the NEPA process.

The purpose of the Undertaking pursuant to the National Historic Preservation Act (NHPA) is to consolidate all AC-130J FTU qualifications (initial and mission) at one active duty AETC location that already has existing MC-130J maintenance and support. In addition, the AC-130J FTU would be combined under one Major Command instead of two, saving operational and instructor resources. This consolidation would allow the command to focus on operational mission execution and streamline training pipeline as well as create an AFSOC C-130J Center of Excellence. The Undertaking is needed to provide synergies between the Basic Qualification and Mission Qualification training and lower operational costs. This Undertaking would include

relocation of AC-130J aircraft and training areas, personnel, operation squadron, maintenance squadron, and related construction activities. To accommodate the AC-130J aircraft and FTU operations, the Undertaking would require both new construction and modification of some existing facilities at Kirtland AFB. All construction would be located within the Kirtland AFB boundaries.

The AC-130J is the modern replacement for the aging fleet of C-130 aircraft. Addition of the new AC-130J aircraft would add approximately two to three more airfield sorties per training day and would primarily occur Monday through Friday. A sortie consists of a single military aircraft from a take-off through a landing. With a total of roughly 201 training days per year, this would be approximately 603 sorties per year. The AC-130J will operate within special use airspace (SUA) and other existing airspace and training areas already designated for the C-130 flight operations normally conducted out of Kirtland AFB. These include the Melrose Range Complex, with supporting SUA (Pecos and Taiban Military Operations Areas [MOAs], and Restricted Areas R-5104 and R-5105), which are also used by C-130 aircraft originating from Cannon AFB in Clovis, New Mexico. No new airspace or reconfigurations are needed or proposed to support the relocation of the AC-130J FTU from Hurlburt Field to Kirtland AFB.

The Area of Potential Effects (APE) for this Undertaking is therefore defined as the areas where ground-disturbing activities, including new construction, building renovations and modifications, building demolitions, and the lands underlying the SUA and other existing airspace and training areas. Direct impacts to historic properties within the APE and indirect effects to adjacent historic properties within the viewshed were assessed. In accordance with Section 110 of the National Historic Preservation Act (NHPA), five cultural resources inventories have been conducted within the area of potential effects (APE) on Kirtland AFB. No archaeological sites were identified.

Visual intrusions associated with the Undertaking, beneath the SUA, would be minimal and would not represent an increase sufficient to cause adverse impacts to the setting of historic properties. Due to the high altitude of the overflights, the aircraft would not be readily visible to observers on the ground and would not physically damage historic properties from vibratory effects. For the Undertaking, aircraft would be flying at an altitude above 10,000 feet mean sea level.

AC-130J flights over tribal lands would occur on the Pueblo of Isleta. Kirtland AFB implemented the *Memorandum of Understanding Between State and Federal Military Organizations and The New Mexico Indian Affairs Department for Military Low-Level Overflights of Tribal Lands* in 2016. The memorandum of understanding (MOU) established a process to coordinate use of airspace over tribal lands in order to mitigate adverse effects from the mission. Information for submitting No-Flyover requests and reporting concerns from previous overflights is available at <https://www.iad.state.nm.us/resources/low-level-fly-overs/>.

The Undertaking has the potential to impact three historic properties, hangar 1002, building 955, and building 956 on Kirtland AFB. Island B, located within hangar 1002, will be renovated to provide training and administrative capabilities (Project 4). Because the

renovations to hangar 1002 would be limited to the building's interior, the Undertaking would not impact the character-defining features of the historic property.

Project 5 consists of a temporary addition to Building 949 for Weapons Systems Trainer with a small 144 square foot (SF) permanent electrical shed added. Historic properties, buildings 955 and 956, are within the viewshed of Project 5. The setting of these buildings and associated viewsheds are not character-defining characteristics that contribute to the buildings National Register of Historic Places (NRHP) eligibility; the Undertaking would not adversely affect the NRHP-eligibility of buildings 955 and 956. Analysis and effect determinations for each component of the projects are detailed in attachment 1. Project maps are included at attachment 2 and building forms are included at attachment 3.

Kirtland AFB has reviewed the Criteria of Adverse Effect as stated in 36 CFR 800.5(a)(1) and has determined that none apply to the activities that would be carried out in this Undertaking. Pursuant to 36 CFR §800.5(b), the USAF has determined that there would be no adverse effects to historic properties by the Undertaking.

We look forward to and welcome your participation in this process. Please provide any comments you may have to ensure your concerns are adequately addressed in the Final EA. For technical information, please contact my Natural and Cultural Program Manager, Mr. David Reynolds, by email at david.reynolds.37@us.af.mil. Please contact my office at (505) 846-7377 if you would like to meet to discuss the proposed project or proceed with the Section 106 consultation.

Sincerely

VATTIONI.JASON.F. 1170028640
Digitally signed by
VATTIONI.JASON.F.1170028640
Date: 2022.11.14 09:07:08 -07'00'
JASON F. VATTIONI, Colonel, USAF
Commander

3 Attachments:

1. Cultural Resources Analysis
2. Maps
3. Building Forms

Attachment 1 Cultural Resources Analysis

Kirtland Air Force Base (AFB) conducted an analysis of potential effects to historic properties as a result of the proposed Undertaking. Activities included new archaeological surveys, prefield research, review of previous archaeological and historic structure surveys, analysis, and effects determination. Following is a summary of effect determinations originating from each component of the project.

Cultural Resources Surveys/Prefield Research

Pursuant to 36 Code of Federal Regulations (CFR) 800.4, Kirtland AFB conducted background research to identify historic properties located at Kirtland AFB and beneath the affected airspace; national historic landmarks; national battlefields; national historic trails; cultural landscapes, historic forts, or historic ranches recorded or known within the same area; and American Indian Reservations, sacred areas, or traditional use areas. The Undertaking includes approximately 315,200 square feet (SF) of new ground disturbance at Kirtland AFB.

Special Use Airspace (SUA)

Six historic properties are located beneath the Pecos North Military Operations Area (MOA) including Fort Sumner, the De Baca County Courthouse, Fort Sumner Community House/Fort Sumner Woman's Club, Fort Sumner Railroad Bridge, Fort Sumner Cemetery Wall and Entry, and the Fort Sumner State Monument (National Park Service 2022). Five of the architectural resources are also listed in the State Register of Cultural Properties (New Mexico Historic Preservation Division 2012). Additionally, two architectural resources are listed in the State Register of Cultural Properties: Rodrick Drug Store and Taiban Church (New Mexico Historic Preservation Division 2012). The Rodrick Drug Store is in the town of Fort Sumner and underlies the Pecos North MOA, and the Taiban Church is located in the town of Taiban, underlying the Taiban MOA.

Kirtland AFB

In accordance with Section 110 of the National Historic Preservation Act (NHPA), 5 cultural resources inventories have been conducted within the area of potential effects (APE) on Kirtland AFB. Results of the archaeological surveys are reported in *Report on the Results of an Archaeological Inventory of 16,000 Acres on Kirtland Air Force Base, New Mexico* (NMCRIS 72870); *Archaeological Survey of the Lower Tijeras Arroyo and Arroyo del Coyote, Kirtland Air Force Base, Bernalillo County, NM* (NMCRIS 125941); *Cultural Resources Survey and Building Evaluation for Proposed Privatization of Military Housing Kirtland Air Force Base, Bernalillo County, New Mexico* (NMCRIS 64623); *A Cultural Resources Survey of 55.5 Acres for Kirtland Air Force Base, Bernalillo County, New Mexico* (NMCRIS 149934).

A historic resources survey was conducted in 2002 and is reported in *National Register of Historic Places and Evaluation for Kirtland Air Force Base, Albuquerque, New Mexico*. Buildings 955 and 956 were reevaluated in 2017 (NMCRIS 138110).

No archaeological sites or historic districts were identified within the APE on Kirtland AFB. One historic property, Hangar 1002, is located within the APE of Project 4. Two historic properties, Buildings 955 and 956, are located adjacent to Project 5.

Building 955

Building 955 was constructed in 1977 and is historically significant for support training conducted during the Cold War. The building was used as a flight simulator bay for the MH-53 and H-3 helicopters used by the 1550th Aircrew Training and Test Wing for rescue and recovery training. Rescue and recovery was necessary for international mobility, one of the elements of deterrence during Cold War operations and strategies. The building is constructed with ribbed metal siding, with large bay doors on the south elevation. There is an aluminum gutter and downspout system. In consultation with the State Historic Preservation Officer (SHPO) in 2002, Building 955 was deemed eligible for inclusion on the National Register of Historic Places (NRHP) (HPD log 65815) under criteria consideration G. The period of significance is between 1977 and 1987, for Cold War Training.

Character-defining features include massing, metal siding, bay door, and the interior high bay space. Site and landscape features were assessed and neither were determined to be character-defining features; the surrounding area does not maintain sufficient integrity to be eligible for inclusion on the NRHP as a historic district.

Building 956

Building 956 was constructed in 1981 and is historically significant for support training during the Cold War. The building was used as a flight simulator bay for the C-130P Hercules aircraft used by the 1550th Aircrew Training and Test Wing, for fixed-wing rescue and recovery training. Rescue and recovery was necessary for international mobility, one of the elements of deterrence during Cold War operations and strategies. The building has a flat roof with a parapet and large stuccoed band at the parapet/roofline. Pebble dash stucco covers the main walls, and the windows are anodized aluminum. In consultation with SHPO in 2002, Building 956 was deemed eligible for inclusion on the NRHP (HPD log 65815) under criteria consideration G. The period of significance is between 1977 and 1987, for Cold War Training.

Character-defining features include the high bay section at the southeast portion of the building, stucco banding, and interior high bay space. Site and landscape features were assessed and neither were determined to be character-defining features; the surrounding area does not maintain sufficient integrity to be eligible for inclusion on the NRHP as a historic district.

Building (Hangar) 1002

Hangar 1002 was constructed in 1955 for the Naval Air Special Weapons Facility [NASWF], the Naval organization dedicated to providing its forces with nuclear capability. The NASWF and its successor, the Naval Weapons Evaluation Facility, operated the hangar until after the Cold War era. The structure has a flat roof, walls made of corrugated asbestos siding, and large sliding bay doors with fixed steel framed/divided light windows. There is a central door for

aircraft tail extension, and one-story lean-tos on the north and south elevations. In consultation with the SHPO in 2002, Building 1002 was deemed eligible for inclusion on the NRHP (HPD log 65979) under criteria consideration A. The Period of Significance is between 1955 and 1993, for Cold War Functional Support.

Character-defining features include massing, sliding doors with wings, fenestration, and the large interior aircraft maintenance space. Island B, located in the interior of the hangar, is a 3-story building used for administrative and training activities. It is not a character-defining feature of the hangar as the interior has been remodeled several times to support various missions since the hangar was constructed. Site and landscape features were assessed and only the concrete flightline is included as a character-defining feature. The surrounding area does not maintain sufficient integrity to be eligible for inclusion on the NRHP as a historic district.

Project Descriptions and Effect Determinations

Overflights

Description: To provide the training needed to ensure combat readiness, AC-130J aircrews would conduct operations in two types of areas: (1) the installation airfield, and (2) training ranges and SUA.

Current M/HC-130J aircraft based at Kirtland AFB fly about five sorties per day, five days per week (about 1,250 sorties per year). Each of these sorties has at least a takeoff and landing, and there are about 2,500 closed patterns conducted per year as well (with two airfield operations each). The new AC-130J aircraft would add approximately three more sorties per day and would primarily occur Monday through Friday. This would total approximately 750 sorties per year each having an average of six airfield operations for a total of 4,500 annual airfield operations.

AC-130J flight operations in and around Kirtland AFB would be very similar to those performed by the MC-130J and HC-130J aircraft currently based there. These include the Melrose Range Complex, with supporting SUA (Pecos and Taiban MOAs, and Restricted Areas R-5104 and R-5105), which are also used by C-130 aircraft originating from Cannon AFB in Clovis, New Mexico. No new airspace or reconfigurations are needed or proposed to support the relocation of the Air Force Special Operations Command (AFSOC) AC-130J FTU to Kirtland AFB, New Mexico. The AC-130J would operate within the SUA and other existing airspace and training areas already designated for C-130 flight operations normally conducted out of Kirtland AFB and Cannon AFB.

Environmental impacts for a projected use of 36,000 chaff bundles and 24,000 defensive flares annually were evaluated in the 2007 *AFSOC Assets Beddown at Cannon Air Force Base, New Mexico* Environmental Impact Statement (EIS), copies are available upon request.

The minimum altitude for M-206 or equivalent defensive countermeasure flare release in assessed New Mexico Training Range Initiative SUA outside Melrose Air Force Range (AFR) continues to be above 2,000 feet above ground level (AGL). When the National Fire Danger

Rating System indicates high fire conditions or above, the minimum altitude for flare release in SUA outside Melrose AFB shall be raised to above 5,000 feet AGL.

Effect Determination: Visual intrusions associated with the Undertaking, beneath the SUA, would be minimal and would not represent an increase sufficient to cause adverse impacts to the setting of historic properties. Due to the high altitude of the overflights, the aircraft would not be readily visible to observers on the ground and would not physically damage historic properties from vibratory effects. For the Undertaking, aircraft would be flying at an altitude above 10,000 feet mean sea level.

AC-130J flights over tribal lands would occur on the Pueblo of Isleta. Kirtland AFB implemented the *Memorandum of Understanding Between State and Federal Military Organizations and The New Mexico Indian Affairs Department for Military Low-Level Overflights of Tribal Lands* in 2016. The memorandum of understanding (MOU) established a process to coordinate use of airspace over tribal lands in order to mitigate adverse effects from the mission. A no-flyover request form is available at <https://www.iad.state.nm.us/resources/low-level-fly-overs/>.

AC-130 use of the Melrose Range Complex was previously evaluated in the *AFSOC Assets Beddown at Cannon Air Force Base, New Mexico Environmental Impact Statement*, copies available upon request. The analysis anticipated a higher number of AC-130s using this training area (airspace and range) than what has actually transpired, based on reduced numbers of aircraft at Cannon AFB. Additional use of the Melrose Range Complex by the AC-130s being proposed for basing at Kirtland AFB will result in use that is still below the levels analyzed in the aforementioned EIS. Specifically, the current C-130 use of this training area plus the proposed increase is still below the EIS levels, including total sorties, total ordnance used, and total expendable countermeasures used. All the impacts from the proposed additional sorties from Kirtland AFB-based AC-130s would still be at or below the previous levels analyzed. Kirtland AFB concludes that overflights from the AC-130J will not adversely affect historic properties within the APE.

Project: 1

Name: Temporary New Squadron Operations Facility

Description: The temporary squadron operations facility is required to support the AC-130J aircraft training function until the permanent solution military construction (MILCON) project is completed in fiscal year (FY) 2028. The temporary squadron operations facility would be sited east of Building 926 in an area that is currently an open field. This project would include five temporary 5,000-SF modular trailers that would be used for administrative offices that comprise a squadron command section, aircrew flight equipment (AFE) work center, AFE storage, restrooms, kitchen area, and rooms for briefing, mission planning, and conferences. In addition, utilities, additional parking, and walkways would be added to support these trailers. The utility connections would include electricity, stormwater, potable water, natural gas, telephone, computer network, and Wi-Fi. Additional gravel parking would be needed unless the parking area at Building 926 can be used. The maximum number of parking spaces required is 119

(approximately 48,000 SF with 3 handicap spaces and 116 standard spaces and driving aisles). There would also be paved pedestrian walkways as needed between the trailers and from the parking area.

Ground Disturbance (square feet): 75,900

Effect Determination: Kirtland AFB concludes that Project 1 will not adversely affect any historic properties. No historic properties were identified within the APE and the temporary facility will be demolished once the permanent operations facility is constructed.

Project: 2

Name: New Squadron Operations Facility and Parking

Description: This MILCON project is required to provide a permanent solution for AC-130J squadron operations. This project would involve the construction of administrative offices that would include a squadron command section, AFE work center, AFE storage, restrooms, kitchen area, and rooms for briefing, mission planning, and conferences. The new facility would be 20,000 SF and sited on the current Air Force Research Laboratory (AFRL) storage yard, west of Building 994. The yard space will be replaced with a new paved storage area (20,000 SF) on the north side of Randolph Avenue in an undeveloped area as part of the MILCON project to meet the needs of the AFRL. The utility connections to the new facility would include electricity, stormwater, potable water, natural gas, telephone, fire protection system, computer network, and Wi-Fi. A paved entrance/egress (4,500 SF) from the existing parking lot, east of the water tank, onto Randolph Avenue would also be constructed. An additional 46 paved parking spaces with driving aisles and landscaping (9,300 SF) would need to be constructed on the open lot on the east side of Building 995 across from the west side of the water tank (Building 1004) and Plumhoff Way.

Ground Disturbance (square feet): 53,800

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 2 will not adversely affect any historic properties.

Project: 3

Name: Addition to Building 957

Description: The project is required to provide additional space for course instructor and other training support offices. This project would involve the construction of a 5,000 SF addition to the east side of Building 957, constructed in 1997, on an undeveloped area. The addition would include four classrooms with a 12-student capacity, office/administrative space for five personnel, and 800 SF of storage. The height of the addition would match the existing building. The utilities would be connected through Building 957 existing services and the communication infrastructure would include computer network, Wi-Fi, and the Learning Management System. No additional parking would be required.

Ground Disturbance (square feet): 5,000

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 3 will not adversely affect any historic properties.

Project: 4

Name: Renovate Hangar 1002 (Island B)

Description: This project is required to provide space for the beddown of the AC-130J Aircraft Maintenance Unit (AMU) and associated equipment. The project would involve complete renovation of Hangar 1002, Island B and would include administrative offices, storage area, classified storage area, consolidated tool kit area, restrooms, and a break room. In addition, there would be the removal of existing asbestos-containing material (ACM), lead paint, and polychlorinated biphenyl (PCB); replacement of the heating, ventilation, and air conditioning (HVAC) and passenger/freight elevator; upgrades to the fire protection and electrical systems; construction of a fire-protected egress from the Island to exterior of hangar; and installation of telephone connection. There would be no ground disturbance with this project.

Ground Disturbance (square feet): 0

Effect Determination: Prior to the planning for the proposed relocation of the M/HC-130J to Kirtland AFB, renovations to Island B were proposed in 2016 to support ongoing mission activities not associated with the M/HC-130J. In consultation with the SHPO, Kirtland AFB determined that the renovations would not adversely affect historic properties (HPD log 104787). The only change in scope from the 2016 consultation is the proposed replacement of the existing elevator in Island B.

Project 4 of the Undertaking calls for the renovation of Hangar 1002, an NRHP-eligible building. Because the renovations would be limited to Island B within the building's interior, the Undertaking would not impact the character-defining features of the historic property. Kirtland AFB concludes that Project 4 will not adversely affect any historic properties.

Project: 5

Name: Addition to Building 949

Description: This project is required to provide space for the Weapons Systems Trainer (WST) simulator and renovation of two adjacent rooms to accommodate the aircraft cabin trainer (ACT) and the gun trainer (GTR). The project involves installing an approximately 3,600 SF temporary structure on the east side of Building 949 where there is an existing concrete hardstand to house a full motion WST. The project shall include trenching from Building 949, constructed in 1996, to the temporary simulator location. The two existing adjacent rooms would be renovated for the ACT and GTR simulators and would require HVAC and electrical upgrades. In addition, the room housing the GTR would require sound proofing the walls. The three existing 10-foot (ft)

exterior doors would be replaced with steel roll-up doors. In addition, a 144 SF electrical equipment room (12 x 12 ft) would be constructed on the north side of Building 949 to house electrical transformer(s) and switching in support of the simulators and training devices. The total estimated area of ground disturbance would be approximately 3,800 SF.

Ground Disturbance (square feet): 5,000

Effect Determination: Project 5 consists of the installation of a temporary structure to Building 949 for WST with a small 144 SF permanent electrical shed added. The temporary structure will be removed after the permanent WST is constructed. Two NRHP-eligible resources (HPD log 65815), Buildings 955 and 956, are within the viewshed of Project 5; however, the setting of these buildings and associated viewshed are not character-defining characteristics that contribute to their eligibility and would not be impacted. Kirtland AFB concludes that Project 5 will not adversely affect any historic properties.

Project: 6

Name: New Simulator Complex

Description: This project is required to provide space for the AC-130J simulator facility to house two full motion AC-130J WSTs, two ACTs, a fuselage trainer (FuT), and a GTR. The project would involve constructing a 120-ft long x 60-ft wide x 60-ft high bay (7,200 SF) with a 2.5-ton overhead crane to house the WSTs. Each ACT requires construction of a 28 x 32 ft (896 SF) room. The FuT trainer room would be 140 x 40 ft (5,600 SF) and the GTR room would be 31 x 25 ft (775 SF). The facility would include an image generation room, classrooms, mission planning rooms, administrative area, restrooms, break area, and all necessary facility features to fully support the operations of the various trainers. The new facility would be 45,000 SF and sited to the west of Building 950, which was constructed in 2008. In addition, the project would involve installing all supporting utilities and constructing a covered paved walkway to Building 950 and additional parking (185 parking spaces, driving aisles, landscaping, and motorcycle parking for a total of 58,500 SF, location to be determined). The maximum square footage of the covered walkway would be approximately 900 SF.

Ground Disturbance (square feet): 103,700

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 6 will not adversely affect any historic properties.

Project: 7

Name: Addition to Pipeline Dormitory

Description: This project is required to provide space for the additional personnel to support the AC-130J relocation. The project would involve the construction of 80 additional rooms in the joint use pipeline dormitory proposed to be built in Zia Park, increasing the total number of rooms to 432 (separate Environmental Assessment, in process) (178,089 SF or approximately

412 SF per room). The floor plan layout would comply with the Unaccompanied Housing Design Guide, and would be single occupancy with desks, visitor space, private bathrooms, and kitchenette areas. The proposed location of the project is west of Pennsylvania Street within the Zia Park Area Development Plan boundary.

Ground Disturbance (square feet): 33,000

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 7 will not adversely affect any historic properties.

Project: 8

Name: New Administration Building

Description: This project is required to provide an administration building to hold the additional manning to support the AC-130J mission move. The project would involve constructing a 10,000 SF facility. The utility connections would include electric, natural gas, HVAC, potable water, sanitary, fire suppression, telephone, network, and Wi-Fi. The facility would be located east of the Munitions Storage Area (MSA) parking lot and northeast of Building 737 outside of the gate to the MSA on open, undeveloped land in an unsecured area.

Ground Disturbance (square feet): 10,000

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 8 will not adversely affect any historic properties.

Project: 9

Name: New Munitions Trailer Holding Pad

Description: This project is required to provide space to hold munition trailers within the MSA awaiting loading and loaded trailers awaiting transport to the flight line. In addition, this area would be used to park government vehicles used in transporting munitions. The number of government vehicles will increase by 10 (forklifts/trucks) in order to accommodate the AC-130J mission. This increase in vehicles is due to the increase of deliveries to the flight line as well as Technical Order requirements. The project would involve the construction of a 100 x 100 ft (10,000 SF) concrete munitions trailer holding pad south of Building 733 along the perimeter road. The project would also include exterior lighting and a lightning protection system.

Ground Disturbance (square feet): 10,000

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 9 will not adversely affect any historic properties.

Project: 10

Name: New Munitions Trailer Holding Pad

Description: This project is required to provide earth-covered igloos at the MSA to support the movement of the AC-130J FTU to Kirtland AFB. Current munition structures are at 85 percent capacity with current Kirtland AFB mission requirements and the AC-130J mission quarterly munitions requirements will increase floor space by a 65-pallet position per quarter (approximately one and a half the size of the current igloos). The project would involve the construction of two 25 x 80 ft (2,000 SF) Hayman Earth Covered Munitions Storage Igloos. An additional 7,000 SF would be included for the aprons and access road. The two igloos would be covered with a minimum of 24 inches of soil and would each have a paved surrounding apron to facilitate maneuvering of trailers and equipment. Utility connections would include electric, lightning protection system, an alarm system, and a fire protection system. In addition, a 3,500 SF stormwater drainage system would be constructed for each igloo.

Ground Disturbance (square feet): 18,000

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 10 will not adversely affect any historic properties.

Project: 11

Name: New Explosive Operations Building

Description: This project is required to provide an additional operating location to meet the new AC-130J FTU mission requirements without impeding the current missions' requirements at Kirtland AFB. The project would involve the construction of an Explosive Operations Building (approximately 6,000 SF) to house munitions builds/teardown and expenditure operations supporting the AC-130J mission. Utility connections would include electric, natural gas, HVAC, potable water, sanitary, fire suppression system, telephone, computer network, and an alarm system. The new building would be located west of Building 748 outside of the current fence line. In addition, a 5,400 SF paved access road, a total of 3,700 SF for paved parking areas on the west and east sides of the building, and paved aprons (2,000 SF each) on the north and south sides of the building would be constructed.

Ground Disturbance (square feet): 19,100

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 11 will not adversely affect any historic properties.

Project: 12

Name: Construct Small Arms Storage Facility

Description: The project is required to provide additional small arms storage space at the MSA to support the movement of the AC-130J FTU to Kirtland AFB. The project would involve the construction of a 100 x 100 ft (10,000 SF) small arms storage facility (also called a Butler Building). Utility connections would include electric, an alarm system, fire suppression system, and a lightning protection system. The total estimated area of ground disturbance would be 10,000 SF.

Ground Disturbance (square feet): 10,000

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 12 will not adversely affect any historic properties.

Project: 13

Name: Renovate Buildings 737 and 733

Description: The project is required to provide improved facilities to serve the 377th Maintenance Squadron enhanced mission requirements due to the AC-130J mission beddown, including various trailer maintenance operations and other munitions equipment with working bays plus renovate available space to accommodate additional 40 personnel inbound. The project would involve the renovation of Building 733 (Brass Storage/Catenary System constructed in 1999) and Building 737 (Trailer Maintenance/Production Facility constructed in 1999). Building 733 renovations would include repairs to the concrete paving, transformer, and lightning protection. Building 737 renovations would include upgrades to electrical, removal and replacement of the oil/water separator (approximately 4,200 SF of disturbance outside on the hardstand to the southwest of the building), installation of an electric hoist system and a compressed air station, and repairs to the concrete flooring in the bays.

Ground Disturbance (square feet): 10,000

Effect Determination: No historic properties were identified within the APE and Kirtland AFB concludes that Project 13 will not adversely affect any historic properties.

References Cited:

National Park Service. 2022. National Register of Historic Places. Available online: <https://www.nps.gov/subjects/nationalregister/data-downloads.htm>. Accessed on May 2, 2022.

New Mexico Historic Preservation Division. 2012. State Register of Cultural Properties. March.

-----Original Message-----

From: Randy Teboe <thpo@sanipueblo.org>

Sent: Tuesday, December 13, 2022 9:21 AM

To: REYNOLDS, DAVID H GS-12 USAF AFGSC 377 MSG/CEIEC

<david.reynolds.37@us.af.mil>

Subject: [URL Verdict: Neutral][Non-DoD Source] RE: Kirtland AFB AC-130J
Draft Environmental Assessment

Please be advised that at this time the Pueblo de San Ildefonso as no comment regarding your project. Please proceed with your project, however if any unanticipated discovery of human remains are discovered please let us know.

Thank you,

Randy Teboe
Tribal Historic Preservation Officer

Pueblo de San Ildefonso

Cell 505-231-6375

Office 505-455-4141

thpo@sanipueblo.org <<mailto:thpo@sanipueblo.org>>

Vernon B. Abeita
Governor



Lt. Governor, Virgil N. Lucero
Lt. Governor, Blane M. Sanchez

PUEBLO OF ISLETA
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December 20, 2022

Kirtland AFB National Environmental
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2050 Wyoming Boulevard SE, Suite 116
Kirtland AFB, New Mexico 87117-5270
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By Email and First Class Mail, and By Hand Delivery to Kirtland AFB Representatives

Dear NEPA Program Manager:

On behalf of the Pueblo of Isleta ("Pueblo"), I submit these comments on the Department of the Air Force's Draft Environmental Assessment Addressing the Air Force Special Operations Command AC-130J Formal Training Unit Relocation to Kirtland Air Force Base, New Mexico, dated November 2022 ("Draft EA"). I am also copying these comments to Col. Jason. F Vattioni, Commander of the 377th Air Base Wing at Kirtland Air Force Base ("Kirtland AFB"), in response to his letter of August 24, 2022, requesting government-to-government consultation on this matter. I also attach here the Pueblo's comments dated November 9, 2022 ("Nov. 9 Comments"), which I earlier submitted to you on the Final Description of the Proposed Actions and Alternatives ("FDOPAA") for the proposed Air Force Special Operations Command AC-130J Formal Training Unit ("AFSOC AC-130J FTU") Relocation.

As I described in the Nov. 9 Comments, the Pueblo is extremely concerned about the effects of the proposed AFSOC AC-130J FTU relocation. The Pueblo's review of the Draft EA has led us to conclude that the Air Force's assessment of impacts to the people, environment, and resources of the Pueblo and its Reservation has not been sufficient to meet the requirements of the National Environmental Policy Act ("NEPA") and the National Historic Preservation Act ("NHPA"). Government-to-government consultation is necessary for the Air Force to consider adequately, and hopefully resolve, these issues.

The Air Force Should Prepare an EIS

The Draft EA proposes that Commander Vattioni conclude that the AFSOC AC-130J FTU relocation would "not have a significant environmental impact, either by itself or cumulatively with other known projects" and therefore an EIS is not required. Draft EA at 3.



The Draft EA further states that “the Preferred Alternative would not affect . . . Visual Resources” and that the relocation would not result in significant adverse impacts to “noise, land use, . . . , biological resources, cultural resources, . . . safety, socioeconomics, and environmental justice” and that “[n]o significant adverse cumulative impacts would result from activities associated with the Preferred Alternative when considered with past, present, or reasonably foreseeable future projects.” *Id.* at ES-2. The Pueblo strongly disagrees with those conclusions.

As I described in the Pueblo’s Nov. 9 Comments, an environmental impact statement (“EIS”) is required because, if the AFSOC AC-130J FTU relocation occurs, there will be significant effects on the Pueblo and its Reservation, including on cultural properties, sacred sites, and historic properties listed on or eligible for listing on the National Register of Historic Places (“NRHP”). The Air Force must study these effects in an EIS. The Draft EA does not provide any reason for the Air Force to avoid preparing an EIS. As I describe further below, the Draft EA does not describe or consider any impacts (including cumulative impacts) on the Pueblo or its Reservation, including impacts on visual resources, noise, land use, biological resources, cultural resources, safety, socioeconomics, and environmental justice. Consistent with NEPA and the NHPA, the Air Force must consider these effects in an EIS.

The Pueblo Reiterates its Comments on Sections 1 and 2 of the Draft EA

Sections 1 and 2 of the Draft EA are reproductions of the FDOPAA. As noted above, the Pueblo already commented on the FDOPAA in the Nov. 9 Comments. I re-incorporate those comments here as reasons why Sections 1 and 2 fail to adequately consider effects on the Pueblo. Furthermore, because the Draft EA only considered comments submitted by September 22, 2022, Draft EA at ES-7, the Draft EA did not consider the Pueblo’s comments and the Air Force cannot rely on the Draft EA as a basis to resolve the issues I raised in those comments.

Failure to Acknowledge the Pueblo’s Existence

The Draft EA does not include the Pueblo’s Reservation in its depiction of the general area, *see* Draft EA at 1-2, fig. 1-1, in its depiction of the Region of Influence (“ROI”) for evaluation of socioeconomic impacts, *see id.* at 3-67 fig.3.13-1, or its depiction of the ROI for evaluation of environmental justice, *see id.* at 3-71 to 3-73 & fig. 3.14-1. That is a stunning omission. The Pueblo’s Reservation, where the Isleta people currently reside and where the Pueblo exercises all the powers of tribal self-government including management of cultural, environmental, and subsistence resources, is directly adjacent to Kirtland AFB. The Pueblo self-evidently has an interest in the areas adjacent and near to its Reservation. The Pueblo resided in and governed those lands for centuries, and the connections forged over those years still exist today in our people’s cultural and religious practices. And because air, water, and other resources do not recognize political boundaries, impacts to the environment near the Pueblo’s Reservation often impact the Reservation. Yet, the Draft EA fails to describe or even acknowledge the existence of the Pueblo and its Reservation. That undermines the Draft EA’s analysis of the impacts from the proposed AFSOC AC-130J FTU relocation and renders it deficient under NEPA and the NHPA. Simply put, the Air Force has not taken the required “hard look” at the impacts of actions at Kirtland AFB if it does not acknowledge the existence of



a sovereign nation bordering Kirtland AFB. *See, e.g., Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 374 (1989).

Noise and Visual Impacts from Overflights

I remain extremely concerned about noise and visual impacts to the Pueblo from overflights resulting from the proposed AFSOC AC-130J FTU relocation. The Draft EA does not give those impacts any consideration. Given the severity of these impacts, and the lack of consideration to date, the Air Force must develop an EIS.

Noise Impacts

The Draft EA concludes that “impacts from noise associated with proposed operations at the airfield would not be significant.” Draft EA at ES-3, tbl.ES-1; *id.* at 2-27, tbl.2-8. That conclusion rests on the Air Force’s use of NOISEMAP to model the increase in Day-Night Average Sound Level (“DNL”) from an additional 450 AC-130J sorties a year at Kirtland AFB. The Air Force modeled those noise impacts by picking 31 “points of interest” (“POI”) near Kirtland AFB and determining the increase in “long-term exposure to noise” at those POIs and the increase in “long-term community annoyance with aircraft noise” that would result. Draft EA at 3-4 to 3-5. Using this modeling, the Draft EA concludes that DNL will only increase by one decibel in a small area, and that this increase will not impact people’s sleep, *see id.* at 2-27, tbl.2-8, 3-7, § 3.3.3.

First, I must point out that evaluating an average noise level over a twenty-four-hour period ignores the impacts that particular noise events may have in and of themselves as “outliers” to the statistical average and standard deviation from that average. Focusing on the average, rather than the events themselves, waters down the Draft EA’s analysis, especially since the events can have outsized impacts on the Pueblo far beyond “annoyance,” as described further below.

Those potentially outsized impacts are particularly troubling because the noise model did not evaluate noise impacts on *any part* of the Pueblo’s Reservation. *See id.* at 3-13 fig.3.3-1, 3-16 fig.3.3-2. None of the 31 POIs were located on the Reservation—they were all located very close to the airstrip which is used by both Kirtland AFB and the Albuquerque Sunport. *See id.* at 3-13 fig.3.3-1, 3-14 tbl.3.3-4, 3-17 tbl.3.3-6. Additionally, impacts of noise on land use on the Pueblo’s reservation lands were not evaluated at all. *See* 3-21, fig. 3.4-2. The NOISEMAP modeling and the Draft EA’s consideration of it, thus do not describe or evaluate impacts on the Pueblo. That is significant for two reasons.

First, and most obviously, the modeling says nothing about how increases in noise from more flights will impact the Reservation. The Draft EA does not evaluate impacts on the Pueblo and its Reservation because the NOISEMAP modeling did not include POIs on the Reservation. The Air Force must revise its modeling to include POIs on the Reservation. Through government-to-government consultation, we can discuss what locations are important and should be used as POIs for that modeling.



Second, the modeling only evaluates increased noise in an area subject to many civilian flights as well as military flights, and therefore likely understates the overall effect on the Pueblo and the Reservation. As the Draft EA notes, an additional 450 sorties a year from the additional AC-130Js at Kirtland AFB will only result in an increase of 3.5% in total civilian *and* military flight operations from the airfield. *Id.* at ES-3, tbl.ES-1. As a result of the limited geographic scope of the NOISEMAP modeling, and the inclusion of all airfield operations, the Draft EA concludes that DNL would only increase by 1 decibel. *Id.* at 3-48. But noise impacts on the Pueblo are likely to be much higher, because there are very few, if any, low-altitude civilian overflights of the Reservation. Adding 450 sorties of military aircraft a year from Kirtland AFB will therefore result in a much larger percentage increase in total overflights of the Reservation, and a much higher increase in high-volume overflights and DNL on the Reservation.

The Draft EA also does not consider adequate measurements for how noise may affect the Pueblo, our members, and our resources. The scope of potential effects is considerable and wide: the dramatic, unusual impacts from low military overflights impacts quality of life, economic activity (including agricultural activity that depends on the health of domesticated animals), routine governmental operations like environmental or cultural surveys, and animals and plants in the environment. Although the Draft EA notes, “response of different individuals to similar noise events is diverse and is influenced by the type of noise, perceived importance of the noise, its appropriateness in the setting, time of day, type of activity during which the noise occurs, and sensitivity of the individual,” it assumes that the principal impact of overflight noise on people would be “annoyance.” *Id.* at 3-3. The NOISEMAP modeling described in the Draft EA only mapped noise of 65 decibel DNL or higher because “[r]esearch has indicated that about 87 percent of the population is not highly annoyed by outdoor sound levels below 65 db DNL.” *Id.* at 3-5. But we are concerned about the noise from overflights because it can disrupt religious and cultural ceremonies and the environment on the Reservation, not because it will “annoy” people. The level of noise required for a cultural or religious ceremony varies, but the importance and solemnity of certain cultural activities may require silence, or noise no louder than natural background noise, which in the area around the Pueblo could be lower than 20 decibels. *See Mapping Sound*, Nat’l Park Serv. (Mar. 23, 2021), <https://www.nps.gov/subjects/sound/soundmap.htm>. Kirtland AFB has long since acknowledged that the Village routinely requires a “noise and disturbance free environment” for cultural and religious practices. *See Memorandum of Understanding Between the Pueblo of Isleta and Kirtland Airforce base (“JLUS MOU”)*. Using 65 decibels as the lower limit threshold for mapping effects on DNL is therefore simply inadequate for consideration of noise impacts on the Pueblo. The Air Force should map all sound impacts on the Reservation from overflights, using the level of *natural* background noise as the lower limit threshold to map effects.

Also, simply looking at the DNL in an area on or near Kirtland AFB is also not a sufficient review of impacts to the Pueblo and its resources. As noted, military overflights can disrupt tribal religious and cultural practices by creating especially loud noises during times that require especially quiet background noise. And, as I noted in the Nov. 9 Comments, we are concerned that military overflights are disrupting domestic and wild animal behavior. Concentrated periods of loud noise could have lasting impacts on wildlife that experience it. I am concerned that noise impacts from overflights have negative effects on animal life, especially if they occur during important parts of an animal’s lifecycle such as breeding, gestation, or birth.



The Air Force must therefore also consider when these noise events will occur during the day and year, their intensity and length, and how those specific times and lengths of noise will impact human and animal life on the Reservation. That should include at least a “hard look” at when and where people and animals will experience aircraft noise and what the Sound Exposure Levels of those noises will be, *see* Draft EA at 3-5.

Visual Impacts from Planes and Spotlights

Additionally, the low military overflights we experience on the Reservation have striking visual impacts. Planes flying low to the ground change the entire viewscape and intimidate people on the ground. Unfortunately, these happen regularly on the Reservation. The Draft EA’s only consideration of the visual impacts of AFSOC AC-130J FTU relocation anywhere near the Pueblo was that “[m]inor and short-term impacts to the visual landscape could result from temporary construction activities but would not persist following project completion. Therefore, visual resources were dismissed from detailed analysis in this EA.” *Id.* at 3-1. This completely ignores the impacts that overflights on the Pueblo have had and will continue to have.

Visual impacts of overflights will impact cultural resources. The Draft EA does note this, by stating that “[a]ircraft operations are most likely to affect historic buildings, structures, and districts where setting is an important aspect of a property’s significance. Visual intrusions can include aircraft overflights which intrude into the viewshed of a cultural resource, thus adversely affecting its setting. The aircraft flying overhead has the potential to adversely affect the setting, feeling, and character of cultural resources within sight of the aircraft.” *Id.* at 3-43. As I noted in the Nov. 9 Comments, the Village on the Reservation is a historic property listed on the NRHP, and there are many cultural and sacred sites, trails, and other features on the Reservation that are or could be NRHP-eligible that may be exposed to low-altitude overflights.

The Draft EA also entirely ignores an extremely disruptive visual impact from military overflights: Military airplanes shining spotlights into homes in residential areas of the Pueblo. This is not simply a cultural resource protection issue. People cannot work, relax, sleep, spend time with their families, or engage in cultural or religious practices when military aircraft fly overhead and shine lights into their homes. The Draft EA makes no mention of the increase in these impacts that would result from the proposed AFSOC AC-130J FTU relocation.

Rather than evaluating the impacts of overflights on the Reservation, the Draft EA only refers to the 2016 Memorandum of Agreement Between the State and Federal Military Flying Organizations and the New Mexico Indian Affairs Department (“OTAM MOU”), stating that it “includes an airspace request communication flow chart to ensure that cultural and ceremonial events will not be affected by low-level overflights.” Draft EA at 3-43. The Draft EA only discusses the use of the OTAM MOU at the Special Use Areas in unpopulated areas of the State, does not consider how the OTAM MOU might be used to mitigate or resolve problems caused by visual and other impacts of overflights on the Reservation or at the Village, and does not consider how the JLUS MOU might be brought to bear or improved *at all*. And as I described in the Nov. 9 Comments, although the Pueblo appreciates the OTAM MOU and the JLUS MOU, they have not solved the overflights problem on our Reservation. So simply pointing to their existence is not the requisite “hard look” that NEPA requires the Air Force take at the impacts of



the proposed AFSOC AC-130J FTU relocation. Given the natural, historical, and cultural resources on the Reservation, the Air Force should at least consider how it could mitigate impacts to the Reservation by implementing military overflight policies for the Reservation that it would seek to apply to National Park Service units, National Wildlife Refuges, or National Conservation Lands.

Impacts on Plants and Animals Must be Considered

The EA also only considers impacts on plant and animal species and their habitats on Kirtland AFB and the Special Use Area (“SUA”), which is very far from the Reservation. *See* Draft EA at 3-35 to 3-41. There is no consideration of species or habitat on the Pueblo’s reservation. Because noise and overflight impacts on the Reservation were not evaluated, there is no basis on which to exclude consideration of plant and animal species and habitat on the Reservation from the environmental assessment.

Impacts to Cultural Resources on the Reservation Must be Considered

The Draft EA notes that its analysis of “potential impacts on cultural resources is based on the following considerations: (1) physically altering, damaging, or destroying all or part of a resource; (2) altering characteristics of the surrounding environment that contribute to resource significance; (3) *introducing visual, audible, or atmospheric elements that are out of character with the property or alter its setting*; or (4) neglecting the resource to the extent that it deteriorates or is destroyed.” Draft EA at 3-46 (emphasis added). But, as I have already noted here and in the Nov. 9 Comments, the Draft EA does not adequately consider visual, audible, or atmospheric impacts on the Reservation. The Reservation is not included in the area of potential effects, so impacts on cultural resources have not been adequately evaluated in compliance with the NHPA. *See id.* at 3-43 (describing APE as including “areas where ground-disturbing activities, including new construction, facility modifications, and demolitions would occur, and includes the lands underlying the SUA and other existing airspace and training areas”). Indeed, the Draft EA only discusses impacts to archaeological resources at Kirtland AFB and SUAs, not on any cultural resources on the Reservation. *Id.* at 3-45. The visual, audible, or atmospheric elements of overflights are certainly out of character with the cultural resources on our Reservation and will alter their settings, and the Air Force must evaluate them in its environmental review.

Such resources on the Reservation include what the Draft EA identifies as “traditional cultural properties.” The Draft EA concludes that “traditional cultural properties” do not exist at Kirtland AFB or the SUA—without considering the Reservation—on the basis that none have been “identified” there and “no responses have been received from federally recognized Tribal Nations and Pueblos associated” with those areas.” *Id.* at 3-49. As I pointed out in the Nov. 9 comments, which the Air Force did receive, the area of potential effects for the proposed AFSOC AC-130J FTU relocation must include the Reservation. The Air Force must identify and consider impacts to cultural resources on the Reservation—including traditional cultural properties.



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.

