# Decision Notice and Finding of No Significant Impact for Military Training Exercises within the Cibola National Forest near Kirtland Air Force Base

## USDA Forest Service

## Cibola National Forest & National Grasslands

## Magdalena, Mountainair, Sandia, and Mt. Taylor Ranger Districts

## Bernalillo, Catron, Cibola, Lincoln, McKinley, Sandoval, Sierra, Socorro, Torrance and Valencia Counties, New Mexico

Forest Service Cibola National Forest Southwestern Region November 2020

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## Military Training Exercises within the Cibola National Forest

Kirtland Air Force Base
USDA Forest Service
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## Decision Notice

This Decision Notice (DN) documents the U.S. Forest Service (USFS) decision on the approval of the renewal of a special use permit (SUP) to continue to conduct military training exercises with limited increases in specific types of training on the Cibola National Forest (CNF). Three groups currently train under the existing SUP on the CNF: the United States Air Force (USAF) 351 Special Warfare Training Squadron (351 SWTS); USAF 58th Special Operations Wing (58 SOW); and the United States Marine Corps 4th Reconnaissance Battalion (4th Recon). Analysis of the proposal and its potential effects have been documented by the USAF and the USFSCNF in a May 2020 Final Environmental Assessment (EA). The Final EA for the military training exercises documents the analysis of the Proposed Action, one action alternative (Alternative 1), and the No-Action Alternative. This decision is based on the results and findings of the Final EA, a consideration of public comments, and a review of the 1985 CNF Land and Resource Management Plan. The Final EA is available for public review and comment online at https://www.fs.usda.gov/project/?project=5375 and https://www.kirtland.af.mil/Home/Environment/

### Decision

Based upon my review of the military training proposal and analysis as described in the Final EA, public comments, and the project record, I have decided to implement the proposed action, which would allow the USAF to continue military training exercises on four Ranger Districts (RDs) within the CNF - Magdalena RD, Sandia RD, Mountainair RD, and Mt. Taylor RD.

### Decision Rationale

The USFS's decision is to authorize the renewal of the USAF's special use permit to conduct military training exercises within the CNF. The analysis in the Final EA evaluates the potential environmental consequences from military training activities performed on USFS property. The USAF has trained on portions of the CNF since the 1970s, under various special use permits. The Proposed Action conforms to the 1988 *Master Agreement between the Department of Defense and Department of Agriculture Concerning the Use of National Forest System Lands for Military Activity,* which directs the

USFS to make lands available for military training activities when such activities can be made compatible with other uses and conform with forest land management plans, provided the Department of Defense (DoD) determines that lands under its administration are unsuitable or unavailable.

The purpose of the Proposed Action is to renew the existing special use permit and update the training needs of the military. Locations on the CNF meet the needs of the 351 SWTS; 58 SOW; and the 4th Recon for efficient and effective training on variable terrain to ensure availability of mission-ready aircrews.

Variability in terrain and landscape settings is essential to ensure realistic, real world training for the units. Training locations for the three (3) units require settings that replicate actual conditions to which trained units could be deployed worldwide. The terrain and landscape of training sites should consist of high and low elevations, rock outcrops, ridgelines, valleys, mountains, flatlands, grass and shrub lands, as well as forest cover. Additionally, training locations need to be near the unit's installation to allow for efficient access to the training areas. Training areas located near Kirtland Air Force Base (AFB) improve training effectiveness increasing on-site training time and reducing transportation and fuel costs.

The proposed addition of one to four (4) Land Navigation classes to Magdalena RD would facilitate more reliable scheduling of winter training that is made difficult by impassable winter conditions and summer fire restrictions near Grants Corner on the Mt. Taylor RD. The proposed new Helicopter Loading Zones (HLZs) would provide for more topographical variety essential in training students in landing and takeoff of helicopters.

## Alternatives Considered

The Final EA for the military training exercises within the CNF was jointly prepared by the USAF and USFS pursuant to the requirements of the National Environmental Policy Act (NEPA) and implementing regulations (40 CFR 1500-1508, 32 CFR 989, and 36 CFR 220). The EA documents the analysis of the Proposed Action, one action alternative (Alternative 1), and the No Action Alternative. The EA and all supporting information are incorporated by reference into this DN.

*Proposed Action*: Under the Proposed Action, the USFS would renew the SUP to continue to conduct training exercises with limited increases in specific types of training on the CNF. Three (3) units currently train under the permit: the 351 SWTS, 58 SOW, and 4th Recon.

The 351 SWTS's Pararescuemen/Combat Rescue Officer (PJ/CRO) training includes land navigation, mountain rescue, tactics, field training exercise, and medical exercises. The USAF proposes to increase the maximum student load for PJ/CRO courses, as well as the number of classes per year. PJ/CRO training classes will increase from four (4) to five (5) a year and from 29 to 35 students per class. Training durations for the various components will range from one to seven (7) days.

The 58 SOW conducts training for helicopter and fixed-wing aircrew in high-altitude operations, as well as for specialized C-130 airdrop training. This training will occur at existing HLZs and Drop Zones (DZs), as well as at new HLZs X, Y, and Z. Student load and frequency/intensity of 58 SOW training will not change from current conditions. 58 SOW training will occur at various sites within the Magdalena, Mountainair, and Mt. Taylor RDs. Three (3) new HLZs and Opposing Force (OPFOR) training would occur within the Magdalena RD. This training familiarizes aircrew members with recognizing surface-to-air missiles and ground fire. As the aircraft passes overhead, two (2) or three (3) personnel on the ground operate equipment powered by a generator that emits an electronic signal upward toward the aircraft or fire Smokey Surface to Air Missiles (SAMs), alternative rockets, and smoke grenades to simulate threats

to the aircraft. Specific requirements for DoD use of pyrotechnics and munitions within the CNF would be outlined in the Operating Plan.

The 4th Recon will utilize the CNF at the level of no more than three (3) days per event, two (2) to three (3) times per year for reconnaissance training, tactical exercises, airborne training, and other activities, with a class size of approximately 30-40 personnel. 4th Recon training will occur at Grants Corner, Ojo Redondo and Post Office Flats within the Mt. Taylor RD (Zuni Mountains Unit).

Proposed training at each RD is summarized below:

| Ranger District (RD) | Training Type | Training Area | Annual Training Frequency | Acres |
|---|---|---|---|---|
| Mount Taylor | Land Navigation | Grants Corner | 4 six-night classes of 35 students | 780 |
| | Airborne Training | Grants Corner DZ | 3 half-day classes of 40 students | 780 |
| | Reconnaissance/ Tactical Training | Ojo Redondo/ Post Office Flats | 3 three-day classes of 40 students | 130 |
| Magdalena | Land Navigation | Areas east of Bear Mtns. & north of Magdalena | 1 to 2 six-night classes of 35 students | 56,000 |
| | Tactics | Tactics Training Area | 5 six-night classes of 35 students | 10,830 |
| | FTX | FTX Training Area | 4 sorties per day; 105 days/year | 20 |
| | OPFOR | Cunningham DZ | 1 sortie per day; 2 days/year | 370 |
| Mountainair | Aircraft Operations | HLZ 10 | 4 sorties per day; 56 days/year | 2 |
| Sandia | Land Navigation | Ranger Rock | 5 half day classes of 35 students | 30 |
| | Technical Rescue | Ranger Rock | 5 two-day classes of 35 students | 30 |

*Alternative 1*: Under Alternative 1, the 351 SWTS and 58 SOW and associated units would continue their current training programs within the CNF on the currently permitted sites. This alternative would still require renewal of a SUP, allowing the continuation of the current level of training. There would be no increases in class sizes and no new sites would be added for training.

*No-action Alternative*: Under the No Action Alternative, no SUP would be issued by the USFS for military training activities, and the 351 SWTS (PJ/CRO), 58 SOW, 4th Recon and associated units would not conduct military training activities within the CNF.

The *Military Training Exercises within the Cibola National Forest* EA documents the environmental analysis and conclusions upon which this decision is based. Based on the analysis in the EA, it is my decision to select the Proposed Action. The Proposed Action will best meet the Purpose and Need identified in the EA and meet the plan direction outlined within the 1985 CNF LRMP. Implementing the Proposed Action would provide efficient and effective training on variable terrain to ensure the availability of mission-ready aircrews.

## DESIGN FEATURES ASSOCIATED WITH THIS DECISION

Military training activities under the Proposed Action and Alternative 1 will comply with State and Federal regulations. Mitigation measures will include avoidance of training associated with flight operations and opposing force during the period of March 1 through August 31 to avoid the Mexican spotted owl (MSO) nesting season; maintaining flight operations at a minimum of 2,000 feet above the Bureau of Land Management Sierra Ladrones Wilderness Study Area and the Manzano Wilderness Area as to avoid impacts to the Desert bighorn sheep, and Rocky Mountain bighorn sheep, respectively; and

avoidance of flying within one mile horizontally and 1,000 feet vertically of known Golden eagle nesting sites from late February to the end of August.

Best Management Practices (BMPs) recommended to minimize hearing loss during munitions training wearing hearing protection in accordance with Air Force directives.

BMPs to reduce impacts to local air quality include using low-sulfur and bio-diesel fuel in transport vehicles.

BMPs such as the implementation of site-specific wind-blown erosion control plans, which could include the use of vegetative stabilization, berms, or other barriers to temporarily detain runoff, would prevent soil loss due to rotor wash.

To minimize impacts to cultural resources, personnel would avoid the Harding Cabin, which would be "off-limits" to all training personnel. Historic property awareness training would be provided to encourage recognition and avoidance of archaeological properties.

If groundwater is encountered during activities, BMPs, including vegetative stabilization, berms, or other barriers to temporarily detain runoff, would be implemented to protect groundwater resources and water quality.

In terms of safety, BMPs include student briefings on the dangers of training in a national forest. For instance, students would be taught fire safety, how to reduce the chance for animal bites and stings, how to identify dangerous reptiles and insects, and how to properly treat a bite or sting. Additionally, local District Ranger notification of training activities, along with informing civilians of current training activities, wearing blaze orange vests and hats, and briefing students on civilian interaction procedures would serve as BMPs when encountering armed hunters and other recreational users of the Cibola NF. Students would also be instructed on how to operate military vehicles during training exercises within the Cibola NF. This would include ensuring that vehicles stay on National Forest system roads, training on what to do when encountering another vehicle on a narrow road, and how to safely evacuate a rolled vehicle.

## Public Involvement and Scoping

As described in the background, a proposal to renew the USAF SUP within the CNF to continue to conduct military training exercises with limited increases in specific types of training was listed in the CNF Schedule of Proposed Actions on January 26, 2010. The USAF and the CNF Interdisciplinary Team (IDT) conducted scoping to determine the issues related to the Proposed Action. Public notification began on January 26, 2010, when the USFS mailed a scoping letter to interested and affected agencies, organizations, and individuals. The letter outlined the Proposed Action and requested their input. Comments received needed to address the Proposed Action and the purpose and need for this project, which is to reissue a SUP to allow military training exercises to continue on the CNF.

The Draft EA was released for a 30-day public review period on July 19, 2013. Several organizations and individuals requested additional time for comment. After holding a public meeting on November 22, 2013, the USFS initiated a second 30-day comment period on January 6, 2014. Comments received from the 2010 scoping period, the first 30-day comment review period initiated on July 19, 2013, the November 22, 2013 public meeting, and the second 30-day comment period initiated on January 6, 2014, were all considered in the revision of the Final EA. The Final EA includes the response to comments matrix in Appendix A. Copies of all comments received are part of the administrative project record.

Using the comments received from the public, other agencies, and tribes, the IDT identified several issues regarding the effects of the proposed action. Main issues of concern included the following: proposed additional training sites are unnecessary and ineffective, lack of full range of alternatives, off-highway vehicles used in the proposed training need to remain on designated open travel routes, helicopter and weapon noise during training could disturb adjacent landowners, weapon firing noise near MSO nesting areas could negatively affect MSO populations and other wildlife, and road damage from increased traffic (see Final EA). The IDT addressed these concerns, a compilation of changes can be found in the Environmental Assessment, section 1.7 – Changes since the Issuance of the Draft EA.

The CNF routinely consults with 17 American Indian tribes that have used and continue to use the lands managed by the Mt. Taylor, Magdalena, Sandia, and Mountainair RDs for traditional cultural and religious activities. These tribes include the following: the Pueblos of Acoma, Laguna, Zuni, Jemez, Sandia, Isleta, the Hopi Tribe, the Jicarilla Apache Nation, the Navajo Nation, the Mescalero Apache Tribe, and the Ft. Sill Chiricahua-Warm Springs Apache Tribe. Project consultation meetings were held with all but the Mescalero Apache Tribe and the Ft. Sill Chiricahua-Warm Springs Apache Tribe from May through November of 2009. Most of the tribes that provided comments on the Proposed Action and Alternative 1 indicated that they did not have a concern about the types of exercises being proposed, provided that these exercises are not done on Mt. Taylor. With incorporation of design criteria, the Proposed Action is not anticipated to have significant impacts on cultural resources. Under Alternative 1, impacts would be similar to the Proposed Action, but to a lesser degree since fewer areas would be utilized and less intensively (see Final EA Section 3.7).

## FINDING OF NO SIGNIFICANT IMPACT

After thorough consideration of the Final EA, the 1985 CNF LRMP, and comments received, I have determined that implementation of the Proposed Action is not a major federal action, individually or cumulatively, and will not significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement (EIS) is not needed. This finding and conclusion is based on consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the Final EA and summarized below.

### *Context*

The extent of disturbance to USFS land is relatively minor and the training will only occur for a limited number of days a year. There is limited existing use of the training areas with grazing and dispersed recreation occurring at low intensity.

### *Intensity*

1. *Impacts that may be both beneficial and adverse.*
   The Final EA considered impacts that are both beneficial and adverse through the analysis of direct, indirect, and cumulative impacts of the Proposed Action. These impacts are described in detail in Section 3 of the EA. None of the environmental impacts discussed in detail in Section 3 of the EA are considered significant.

2. *The degree to which the proposed action affects the public health or safety.*
   Under the Proposed Action, there will be a negligible increase in potential for ground accidents including slips, trips, falls, traffic accidents, and reptile and insect bites; a negligible increase in likelihood of encountering wildfires; and a negligible increase in the potential for students to experience heat stress, stroke, hypothermia, and frostbite. There will be no change in aircraft

mishap rates. With the limited increase in the number air events, there would be a slight increase in risk to aircraft safety. However, the types of air event would remain the same as currently performed and the increase in aircraft operations would not significantly change the aircraft mishap rate.

While bird-aircraft collisions may occur, the total annual sorties would remain constant under the Proposed Action, such that the potential for bird-aircraft strikes are likely to remain at baseline levels. The potential for bird/wildlife-aircraft strikes could fluctuate as a result of the cyclical patterns of bird populations. Historically, one-half of 1 percent of all reported bird/wildlife-aircraft strikes involving USAF aircraft resulted in a serious mishap. Therefore, it is unlikely that any of these bird/wildlife-aircraft strike incidents would involve injury either to aircrews or to the public, or damage to property (other than the aircraft).

3. *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* Historic and cultural resource considerations are addressed in this FONSI in response to number "8" below. There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas on USFS land in the vicinity of the Proposed Action. The USAF would not overfly areas identified by tribal agencies as noise sensitive or overflight sensitive areas.

   Effect on roadless area characteristics was analyzed and effects were not found to be significant. Under 36 CFR 220.5(a)(2) an EIS is generally required for "proposals that would substantially alter the undeveloped character of an inventoried roadless area or a potential wilderness area". The Forest analyzed effects to resources which provide roadless area characteristics and effects on existing and proposed wilderness characteristics

   From the 2001 Roadless Area Conservation Rule (RACR) *Purpose and Need for the Roadless Area Conservation Rule* "This final rule prohibits road construction, reconstruction, and timber harvest in inventoried roadless areas because they have the greatest likelihood of altering and fragmenting landscapes, resulting in immediate, long-term loss of roadless area values and characteristics. Although other activities may also compromise roadless area values, they resist analysis at the national level and are best reviewed through local land management planning."

   RACR defines *Roadless area characteristics.* [as] Resources or features that are often present in and characterize inventoried roadless areas including: (1) High quality or undisturbed soil, water, and air; (2) Sources of public drinking water; (3) Diversity of plant and animal communities; (4) Habitat for threatened, endangered, proposed, candidate, and sensitive species and for those species dependent on large, undisturbed areas of land; (5) Primitive, semi-primitive nonmotorized and semi-primitive motorized classes of dispersed recreation; (6) Reference landscapes [for research study and interpretation]; (7) Natural appearing landscapes with high scenic quality; (8) Traditional cultural properties and sacred sites; and (9) Other locally identified unique characteristics.

   Consideration and analyses of potential resource effects conducted by the Forest include these nine roadless characteristics, where present. The following are brief examples of consideration and analyses for the nine roadless characteristics, this list is not meant to be an all exhaustive account :

   **<u>High quality or undisturbed soil, water, and air resources:</u>**
   Air: The Forest considered impacts to air quality and included a design feature to reduce impacts to local air quality include using low-sulfur and bio-diesel fuel in transport vehicles. The

Proposed Action will not have short-term emission because there is no construction. Although short in duration, aircraft flight operations and vehicle transport emissions would occur over the long-term. Minor increases in long-term emissions from the increase in annual training classes. All emissions would fall below the *de minimis* conformity thresholds.

Soil: The Forest considered impacts to soil disturbance as indicated in the project design feature to use BMPs for implementation of site-specific wind-blown erosion control plans, which could include the use of vegetative stabilization, berms, or other barriers to temporarily detain runoff, would prevent soil loss due to rotor wash.

Water: The Forest considered impacts to water resources as indicated in project design feature 14. Multiple Best Management Practices (BMPs) will be utilized for the protection of surface and groundwater (e.g. commercial toilets on pavement or dirt away from waterways and floodplains, vegetative stabilization, berms, or other barriers to detain runoff if spring were detected). No military activities will be permitted within 300 yards of livestock and wildlife water sources.

**Sources of public drinking water:**
There are no public drinking water systems present within or in proximity to the proposed activities in IRAs. No impacts are expected to public drinking water from the project.

**Diversity of plant and animal communities:**
The Forest did consider impacts to animal and plant communities and included design features to reduce impacts. *Design Criteria Common to the Proposed Action and Alternative 1*contains design features to reduce impacts such as flight avoidance of sensitive raptor areas and livestock, wildlife, dwellings, or populated areas and a halt to flights for Mexican spotted owl nesting season. Flight operations would be maintained 2,000 feet above the Manzano Wilderness Area to protect Desert bighorn sheep and Rocky mountain bighorn sheep.

**Habitat for threatened, endangered proposed, candidate, and sensitive species and species dependent on large undistributed areas of land:**
The Forest did consider impacts to special status species and included design features to reduce impacts. *Design Criteria Common to the Proposed Action and Alternative 1*contains design features to reduce impacts such as flight avoidance of sensitive raptor areas and livestock, wildlife, dwellings, or populated areas and a halt to flights for Mexican spotted owl nesting season. Flight operations would be maintained 2,000 feet above the Manzano Wilderness Area to protect Desert bighorn sheep and Rocky mountain bighorn sheep. The Forest further detailed its effects to listed species in the project area in its 2019 Biological Assessment. The Forest determined: Mexican Spotted Owl – *May affect, not likely to adversely affect*; Mexican Spotted Owl Critical Habitat – *No effect*; Zuni Fleabane – *No effect.*

**Primitive and semi-primitive classes of recreation:**
The Forest considered existing uses and values in the vicinity of the IRAs in its analyses, which included hunting, hiking, camping, horseback riding, mountain biking, rock climbing, hunting, and riding OHVs. It indicated the primary recreational values in the Magdalena RD include the many dispersed primitive and unconfined areas, which include the Apache Kid and Withington Wilderness areas. The Forest described its methods, affected environment, and effects to Land Use, Recreation, and Visual Quality on pp. 3-196 to 3-233. The Forest also considered effects from the increase in spatial extent, levels of activities, disturbance, and noise, which were indicated for the following proposed action components and effects.
The Forest determined that the Proposed Action would not cause: (1) elimination of developed recreational facilities and/or resources; (2) substantial deterioration in quality of

facilities/resources and associated decrease in visitor usage; or (3) substantial disruption of recreational activities that would affect the recreational value of the existing environment and the user's enjoyment of recreational experiences.

**Referenced landscapes for research study and interpretation:**
Besides the consideration of effects to other roadless characteristics as indicated, the Forest also considered lasting impacts related to proposed action. When a particular HLZ/DZ site is no longer needed for training, the site would be remediated, as set forth in the USFS permit and Operating Plan. Therefore, there would be no permanent aesthetic degradation of the HLZ and DZ sites. Also as indicated, the military training exercises do not include road construction, road reconstruction, timber cutting, timber sale, or removal of timber within the IRAs located in the project area. There is no proposed activity in any of the wilderness areas and the activities proposed in roadless areas are consistent with the FS roadless rules.

**Natural appearing landscapes with high scenic quality:**
The Forest analyzed the effects to visual quality from the proposed actions. The Proposed Action would not exceed the goals for any of the visual quality objectives VQO classifications within the two MAs. The Forest's analysis described the effects of overflight and ground training, including: loss of vegetation; duration of an aircraft overflight or observation; distraction of observing an aircraft, Smokey SAM, or smoke grenade; potential dust-clouded atmosphere occurrence below the aircraft ground track; intensity and the large area over which the aircraft operations would be distributed; probability to be visually impacted by an aircraft; light illumination from aircraft lights during nighttime; probability to be visually impacted by an aircraft. After considering these factors, the Forest found that it did not anticipate the proposed action would: (1) have a substantial adverse effect on a scenic vista; (2) substantially damage scenic resources; or, (3) substantially degrade the existing visual quality of site and surrounding area.

**Traditional cultural properties and sacred sites:**
The Forest considered impacts to traditional cultural properties and sacred sites and included a design feature to minimize impacts to cultural resources. Cultural sites such as Harding Cabin and overflights of known tribal areas will be avoided. If previously undiscovered archeological or historic resources are encountered during the implementation of this project, work in the area will immediately cease. The project indicates it is compliant with National Historic Preservation Act of 1966; 36 CFR 800 – The potential impact to cultural resource properties is very minimal, since the only off-road activity conducted by the troops is walking over the landscape.

**Other locally unique characteristics:**
No unique characteristics have been impacted.

The effects to IRAs and potential wilderness areas are not significant individually or cumulatively. The effects will not substantially alter the undeveloped character of an inventoried roadless area or a potential wilderness area.

4. *The degree to which the effects on the quality of the human environment are likely to be highly controversial.*
The effects of the Proposed Action on the quality of the human environment are not highly controversial in a scientific context. The proposed training locations are generally located within undeveloped areas in six (6) New Mexico counties: Bernalillo, Catron, Cibola, McKinley, Lincoln, Sandoval, Sierra, Socorro, Torrance, and Valencia.

5. *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
The USAF has trained on portions of the CNF since the 1970s, under various SUPs. Under the Proposed Action, a new permit renewal is being sought for continuing training activities in four (4) RDs. For some training maximum student loads and the number of classes per year would slightly increase, and three (3) new HLZs near Magdalena RD are proposed. The approved actions are not unique. The direct and indirect effects of these actions on USFS land, as well as cumulative effects of other existing reasonably foreseeable actions are identified in the EA in Sections 3 and 4, as well as the Project Record. The descriptions provide no indication of significant uncertainty or risk regarding these actions.

6. *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about future consideration.*
The Proposed Action will not establish a precedent for future actions with significant effects or represent a decision about future consideration. Future proposals would be subject to site specific analysis, and approval would be based upon that analysis.

7. *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*
The USAF has concluded that no significant adverse cumulative impacts would result from activities associated with implementation of the Proposed Action when considered with past, present, or reasonably foreseeable future projects in the Region of Influence. Potential cumulative effects would include a slight potential for cumulative noise impacts on the MSO and other Management Indicator Species (MIS) and Forest Service Regional Forester Sensitive Species from flight activity.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places (NHRP) or may cause loss or destruction of significant scientific, cultural, or historical resources.*
Cultural resources surveys were conducted for the training areas and concurrence from the State Historic Preservation Office (SHPO) was issued on November 28, 2018. With incorporation of design criteria, the Proposed Action is not anticipated to have significant impacts on cultural resources. Design criteria include:
   - Overflights of known tribal and sensitive receptor areas are generally avoided. The 58 SOW Airspace Manager and Kirtland AFB Installation Support Team Cultural Resource Expert maintain ongoing communication and consultation with tribes to monitor all area flight operations and observance of avoidance policies.
   - Prehistoric and historic properties would be avoided during training.
   - If previously undiscovered archeological or historical resources are encountered during the implementation of this project, work in that area will cease immediately until the resources can be assessed and evaluated by a member of the CNF Heritage Management Team, and the State Historic Preservation Office (SHPO) has been afforded the opportunity to review the findings. The site area will be excluded from all treatments until this review can be completed.

9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act (ESA), as amended, of 1973.*
No Zuni fleabane or other rare plants species were documented during biological surveys conducted. Therefore, no effect on the Federally-listed Zuni Fleabane or habitat would occur at any of the RD. The federally threatened MSO is the only known wildlife species occurring on

the ranger districts. In the Mt. Taylor RD, six (6) MSO Protected Activity Centers (PAC) may be impacted by training operations. No flying activity would occur between 1 March and 31 August to avoid the nesting season for the federally-endangered MSO. The USFWS in its Biological Opinion (USFWS 2012) considers certain activities under the CNF LRMP that affect PACs for the MSO as incidental takes under the Endangered Species Act. No critical habitat or PACs for the MSO occur under the ground track at HLZ 10 on the Mountainair RD and noise effects would be indistinguishable near the MSO critical habitat. Therefore, the Proposed Action may affect, but is not likely to adversely affect, the federally listed MSO or its habitat, or MSO Critical Habitat within the Mt. Taylor and Mountainair RDs.

10. *Whether the action threatens a violation of federal, state, or local laws or requirement imposed for the protection of the environment.*
    Applicable laws and regulations were considered in the EA and the above DN (Findings Required by Other Laws and Regulations). The approved actions are consistent with Federal, State and local laws, regulations, policy, and requirements for the protection of the environment.

## FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS

This decision is consistent with all applicable laws, Executive Orders, regulations and policies as summarized below.

National Forest Management Act of 1976 – I have reviewed the 1985 CNF LRMP, as amended, and determined that this decision is consistent with the 1985 CNF LRMP's goals and objectives listed on pages 33 and 34 (goals) and Appendix D (objectives). This decision complies with applicable standards and guidelines for management areas 2, 11, 14, 16, and 18 as set out in the plan.
On April 9, 2012 the United States Department of Agriculture issued a final planning rule for National Forest System land management planning (2012 Rule) (36 CFR § 219.17 (3)(b)(1)). None of the requirements of the 2012 Rule apply to projects and activities on the CNF, as the 1985 CNF LRMP was developed under a prior planning rule (36 CFR §219.17(c)). Furthermore, the 2012 Rule explains, "[The 2012 Rule] supersedes any prior planning regulation. No obligations remain from any prior planning regulation, except those that are specifically included in a unit's existing plan. Existing plans will remain in effect until revised" (36 CFR §219.17).

Endangered Species Act of 1973 – Impacts to special status species were analyzed for each RD. In the Mt. Taylor RD, six (6) MSO Protected Activity Centers (PACs) may be impacted by training operations. This includes the area in which training is accomplished at and around Grants area and below aircraft ground tracks. No flying activity would occur between 1 March and 31 August to avoid the nesting season for the federally-endangered MSO. The USFWS in its Biological Opinion (USFWS 2012) considers certain activities under the LRMP that affect PACs for the MSO as incidental takes under the Endangered Species Act. No critical habitat or PACs for the MSO occur under the ground track at HLZ 10 on the Mountainair RD and noise effects would be indistinguishable near the MSO critical habitat. Therefore, the Proposed Action may affect, but is not likely to adversely affect, the federally listed MSO or its habitat, or MSO Critical Habitat within the Mt. Taylor and Mountainair RDs.

No Zuni fleabane or other rare plants species were documented during biological surveys conducted. Therefore, no effect on the Federally-listed Zuni Fleabane or habitat would occur at any of the RD.

Migratory Bird Treaty Act (MBTA) – The impacts from the Proposed Action to nesting birds from training disturbance (noise) would be minor and are not likely to affect species population trends or result in population-level impacts to any species. While individual raptor species present may be habituated to

regular noise disturbance, potential impacts could include temporary avoidance behaviors, nest abandonment, and/or injury from air operations noise. Therefore, impacts would be minor.

No impact to bald eagles would occur and no impacts to golden eagles would occur on the Magdalena RD. The 58 SOW aircrews would avoid flying within one mile horizontally and 1,000 feet vertically of known nesting sites from late February to the end of August. In addition, no flying activity would occur between 1 March and 31 August to avoid the nesting season for the federally endangered MSO on the Taylor RD, which would also largely benefit the MBTA species and Forest Service sensitive avian species. Protective measures for nesting raptors are consistent with the CNF LRMP.

National Historic Preservation Act of 1966; 36 CFR 800 – The potential impact to cultural resource properties is very minimal, since the only off-road activity conducted by the troops is walking over the landscape. With incorporation of design criteria detailed in the EA, the Proposed Action is not anticipated to have significant impacts on cultural resources.

Floodplain Management and Protection of Wetlands – While other current and proposed sites are in or partially in 100-year floodplains, the training activities do not involve any ground disturbance or construction. While training activities would be limited to occasional, light foot- and vehicular-traffic within the training areas, floodplains and surface waterways would only be utilized for light foot traffic. Motorized or vehicular traffic would not be permitted within floodplains or surface waterways. The floodplains would not be altered by the training activities. There would be no impact to the 100-year floodplains at the Mount Taylor or Magdalena RDs. No mapped floodplains are located within the training areas in the Mountainair RD and training activities would not be conducted within floodplains located within the Sandia RD.

No delineated wetlands were found in the CNF LRMP for the project area, but riparian areas were identified as habitat supporting selected species. Dry ephemeral drainages are located throughout several of the training areas; however, no impacts are expected.

Environmental Justice – The Proposed Action will not have a disproportionately high and adverse human health or environmental effects on minority or low-income populations.

Federal Land Policy and Management Act of 1976: The proponent will be authorized to use or occupy USFS land in the Project Area, subject to the terms and conditions of a special use permit, consistent with the Act, implementing regulations, and policy.

Travel Management Rule: Off road travel proposed for medical emergency would only be allowed under special use permit exception to general prohibition in the Travel Management Rule decision.

Regional Closure Order (USFS Order Number R03-004): The SUP would allow activities otherwise prohibited under Regional Order R03-004. Limits would be imposed on the exception during Stage I restrictions or higher.

Wilderness: Noise levels reaching the Manzano wilderness area from HLZ10 would be below levels that would elicit an adverse response in the Desert bighorn sheep. The USAF would be prohibited from flying lower than 2,000 feet over the wilderness area.

Inventoried Roadless Areas (IRAs): There are two inventoried roadless areas (IRAs) in the Magdalena RD, Scott Mesa (consisting of 6,038 acres) and Goat Spring (consisting of 39,534 acres). The activities proposed in the IRAs are not prohibited by the Roadless Area Conservation Final Rule and do not require approval by a higher authority than the Forest Supervisor. Activities that do not require construction of roads would still be allowed where specifically permitted.

## Administrative Review and Objection Opportunities

The project was subject to the pre-decisional objection process as described in 36 CFR § 218 – Project-Level Pre-Decisional Administrative Review Process, Subparts A and B. The Part 218 objection process is the sole means of administrative review for this project available to the general public. The 45-day objection period began on May 31, 2020, the day after a legal notice announcing the availability of the Environmental Assessment and the Draft Decision Notice was published in the *Albuquerque Journal*, Albuquerque, New Mexico.

Two objections were filed in a timely manner in accordance with the requirements in (36 CFR § 218.9). Both met the eligibility requirements set forth in 36 CFR § 218.5. The Reviewing Officer, Acting Regional Forester, Sandra Watts, met with objectors on August 20, 2020, to discuss their issues of concern and responded to their objections in letters dated August 31, 2020. These letters also provided instructions of clarification regarding objection issues to the Responsible Official, Forest Supervisor, Steven Hattenbach. These instructions were completed prior to the signing of this Decision was signed.

### Implementation Date

All concerns and instructions identified by the Reviewing Officer in the objection response have been addressed. Pursuant to 36 CFR 218.12(b), this Final Decision may be implemented immediately.

## Contact

For further information concerning this decision contact Forest Supervisor Steve Hattenbach at the Cibola National Forest and National Grasslands, 2113 Osuna Road, Albuquerque, NM 87113, or phone (505) 346-3900.

Steve Hattenbach 11/12/2020

Steve Hattenbach Date

Forest Supervisor, Cibola National Forest & National Grasslands

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