



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC 20330-1000

OFFICE OF THE SECRETARY

March 3, 2008

SAF/LLP
1160 Air Force Pentagon
Washington, DC 20330-1160

The Honorable Pete V. Domenici
United States Senator
201 3rd Street, NW, Suite 710
Albuquerque, New Mexico 87102

REC'D MAR 10 2008

Dear Senator Domenici

This is in response to your letter of January 17, 2008, to Kirtland Air Force Base (AFB), New Mexico, on behalf of Ms. Loretta Y. Lowman regarding a drop zone in Socorro, New Mexico.

Energetic Materials Research and Testing Center (EMRTC), a division of the New Mexico Institute of Mining and Technology (New Mexico Tech) in Socorro, New Mexico, issued an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI). The Air Force's Air Education and Training Command (AETC) was not involved in the development of the EA and FONSI in question, but is currently reviewing the need, and validating the requirements for an additional drop zone to support the 58th Special Operations Wing (SOW), a tenant organization of Kirtland AFB.

Upon validation of the need for a drop zone, AETC would initiate the Air Force's Environmental Impact Analysis Process (EIAP) in accordance with 32 CFR Part 989, the President's Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) Regulations (40 CFR Parts 1500-1508), and the National Environmental Policy Act. Until AETC completes its validation of the need for a drop zone and the supporting environmental impact analysis process, the 58th SOW will not conduct operations at the EMRTC site.

In addition, the information below addresses the five main questions presented by Ms. Lowman regarding EMRTC's Environmental Assessment.

1. What other locations for Drop Zones were also considered by Kirtland AFB, and how many others are being used at the present time? Why were these alternative sites not analyzed as "alternative actions" in the FEA? Can we see this "letter of inquiry" Kirtland AFB sent to EMERTC that initiated all this?

Answer: Since it appears the process was not carried out in accordance with the Council on Environmental Quality (CEQ) regulations, the Air Force cannot comment on the alternatives considered for the drop zone. However, we can assure you that if a drop zone requirement is

validated for the 58th SOW at Kirtland AFB, then the Air Force will indeed look at a reasonable range of alternative locations.

2. Is there some cooperating agreement between EMRTC and the US Air Force that allows EMRTC to sign off on the FEA/FONSI? If such an agreement exists, it is public information. Can you assist us in obtaining a copy of this agreement?

Answer: There is no agreement between EMRTC and the Air Force allowing EMRTC to sign an Air Force Environmental Assessment (EA) or Finding of No Significance (FONSI). Federal law does not allow an institution such as EMRTC to issue a FONSI on behalf of a Federal agency. If a need for a drop zone is validated then the Air Force is responsible for compliance with the National Environmental Policy Act.

3. Why has the Federal Government given EMRTC, a state agency, the authority to make decisions on a Federal action?

Answer: There has been no grant or delegation of authority for EMRTC to make decisions for the Air Force. If the Air Force validates the need for an additional drop zone for the 58th SOW, the Air Force will manage the procedural issues required to make informed decisions.

4. What specific steps do we need to take to file an appeal?

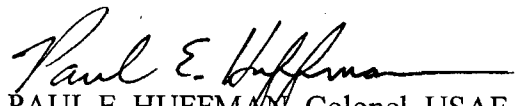
Answer: The Air Force has not issued any environmental documents or made any decisions. Therefore, no appeal can be taken at this point.

5. Would your office assist us in setting up an open public forum, where ERMTC and KAFB will have to answer all the community questions about this action?

Answer: Since this issue revolves around a State prepared document for proposed activities on State owned lands, not a Federal document for a proposed Federal action, it would be inappropriate for the Federal Government to actively participate in such a forum. If the Air Force were to initiate an EA for the use of EMRTC or other alternatives areas, the Air Force would provide the community with opportunity to review and comment as required by the National Environmental Policy Act (NEPA).

We appreciate your interest in this matter and trust the information provided is useful.

Sincerely


PAUL E. HUFFMAN, Colonel, USAF
Chief, Programs and Legislation Division
Office of Legislative Liaison