



# New Mexico Tech

## Office of the Vice President for Research and Economic Development

March 10, 2008

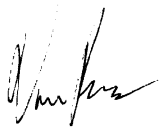
Ms. Loretta Lowman  
PO Box 68  
Socorro, NM 87801

Dear Ms. Lowman:

Enclosed are responses to the questions that were sent to me via United States Postal Service Restricted Delivery. I was surprised to receive your questions since the Drop Zone Group stated that their questions had been addressed at the January 28<sup>th</sup> Socorro City Council meeting and they would not submit additional questions. Of the 54 questions you submitted to me, all were addressed in prior documents supplied by New Mexico Tech, including the Environmental Assessment. We did, however, review in great detail and address each one of your questions.

Your inquiries concerning the Drop Zone activities have raised some questions as well. At the end of my response, I have included three questions which I hope you will address.

Sincerely,



Dr. Van D. Romero  
Vice President

cc: The Drop Zone Group  
Socorro Mayor Dr. Ravi Bhasker  
Socorro City Council Members  
Socorro County Commission Members  
US Senator Jeff Bingaman  
NM Governor Bill Richardson  
NM Tech Board of Regents

Enclosure: document containing responses

1. New Mexico Statute 21-11-8.3 is authorizing legislation. It is not a mandate, a directive, or a legal requirement. Under what legal requirements or authority does EMRTC (a state agency) complete an Environmental Assessment for a Federal Agency (EMRTC clients, such as Airforce, Dept. of Defense, etc.) and sign a FONSI on a Federal Action (US Airforce training missions) without a formal "Cooperating Agreement" between said agencies?

New Mexico Tech prepares Environmental Assessments (EAs) that may be adopted by a federal agency at a later date, or prepares EAs with an understanding that a federal agency would serve as a "joint lead agency" in the process. (New Mexico authorizing legislation includes NMSA 1978, Secs. 21-11-1 and 21-11-8)

Case for each approach:

### **First Approach:**

- 1. Prepare an EA that may be adopted by a federal agency at a later date.**

### **Background:**

EMRTC conducts various research and training activities for several federal clients at the EMRTC field lab. In looking to expand their offerings, EMRTC determined it prudent to establish a "Drop Zone" that could be used by federal clients to conduct training exercises. Understanding that any federal client would require the completion of an Environmental Assessment prior to conducting these activities, EMRTC prepared an EA for future clients to adopt when necessary. The completion of the EA was not required by NEPA, as NMT-EMRTC is not subject to NEPA as it is not a federal agency. While federal funding does come from the Departments of Justice, State, Homeland Security and Defense, no specific federal action drove the development of the EA by NMT-EMRTC. The federal nexus that requires the EA will not be actuated until a federal agency (such as the Air Force), takes the EA prepared by NMT-EMRTC and uses it in fulfilling their own environmental requirements. In short, NMT-EMRTC prepared the EA as a courtesy to future clients, though NMT-EMRTC is not required to do so. The following citations and explanations support this approach.

The following is from **The National Environmental Policy Act of 1969**, as amended (<http://ceq.eh.doe.gov/nepa/regs/nepa/nepaegia.htm>)

**TITLE I  
CONGRESSIONAL DECLARATION OF NATIONAL  
ENVIRONMENTAL POLICY**

**Sec. 102 [42 USC § 4332].**

(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, if:

(i) **the State agency or official has statewide jurisdiction and has the responsibility for such action,**

(ii) the responsible Federal official furnishes guidance and participates in such preparation,

(iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and

(iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such State or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.

In the preparation of the EA, NMT-EMRTC served as the lead agency, as outlined in 40 CFR Chapter 5 Part 1501.5

(<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=905b480a8c58e7bdf8ce5e572b810cfc&rqn=div8&view=text&node=40:31.0.3.5.2.0.29.5&idno=40>)

NMT-EMRTC has multiple clients that utilize the research and training facilities and programs at EMRTC. Clients include the US Departments of Defense, Homeland Security, Justice and State. EMRTC receives funding from all these agencies in development and implementation of

training programs (federal nexus - funding from multiple agencies). As such, each of these federal agencies, and sub-units within these departments, may serve as "joint-lead agency" when they choose to implement a "major federal action" and use the EMRTC Drop Zone. At that time, that federal agency may accept and "adopt" the EA prepared by EMRTC and sign their own environmental document (40 CFR Chapter 5 Part 1506.3).

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=905b480a8c58e7bdf8ce5e572b810cfc&rqn=div8&view=text&node=40:31.0.3.5.7.0.29.3&idno=40>

NMT has no requirement to complete any sort of NEPA review to establish a drop zone for their own use. It is only when a federal agency conducts a "major federal action" or chooses to use the EMRTC drop zone that a NEPA process may be required. As stated, the federal agency may then adopt the NMT-prepared EA as their own, in their own role as lead agency.

**Conclusion:** NMT as a state agency has completed an EA for the Drop Zone, though they are not required specifically to do so. This is to serve their federal agency clients. Upon a desire to use the EMRTC Drop Zone, the federal agency (such as the Air Force) will need to review the NMT-prepared EA and, at that point, can use the information in completing their own EA, or other environmental requirements. The EA completed by NMT serves as a report with valuable information that would assist a federal agency in completing their NEPA requirements.

## **Second Approach**

### **2. Prepare an EA with an understanding that an agency would serve as a "joint lead agency" in the process.**

#### **Background:**

The 58th SOW based at Kirtland AFB approached NMT-EMRTC about the establishment of a drop zone at the EMRTC Field Lab. The Air Force cited various advantages of the drop zone at NMT-EMRTC and requested that NMT-EMRTC complete an EA on their behalf, to complete the Air Force environmental requirements under NEPA. The Air Force is a federal agency requesting the action. It was understood that the Air Force would serve as joint-lead agency in the establishment of the drop zone, hence, the federal action, and the need for completion of the NEPA process. In such a case, both the Air

Force and NMT-EMRTC would fill the role as joint-lead agency as outlined in 40 CFR Chapter 5 Part 1501.5. The NEPA process would be conducted by both NMT-EMRTC and the Air Force, with both agencies eventually signing the decision document. In this joint effort, the NEPA process was completed by NMT-EMRTC, following 32 CFR Part 989 (the Air Force's implementation regulations for NEPA). No formal agreements with NMT-EMRTC and the Air Force were established to set up the joint-lead agency relationship, or cooperating agency relationship. Although, the Air Force did support NMT-EMRTC in every regard as a formal cooperating agency as outlined in 40 CFR Chapter 5 Part 1501.6.

The Air Force chose not to co-sign the documents prepared by NMT-EMRTC, including the FONSI, and chose not to accept responsibility in the action that was initiated by the 58th SOW based at Kirtland AFB. Without the Air Force serving as joint-lead agency, there is no federal nexus, and no need for the NEPA process. While NMT-EMRTC has moved forward with completion of the NEPA process, without the federal nexus (joint-lead agency status of the Air Force), the EA would have no standing, as NMT-EMRTC is not required to complete a NEPA process.

NMT-EMRTC may still share the EA that has been completed with any federal agency with a desire to use the drop zone at NMT-EMRTC. However, that agency will still need to complete their own agency NEPA-related implementation requirements. At this point, the EA prepared by NMT-EMRTC serves nothing more than a report that contains information useful to a federal agency considering use of a drop zone at NMT-EMRTC.

**Conclusion:** Without the Air Force as a joint-lead agency, the EA prepared by NMT-EMRTC has no validity in relation to the NEPA process, as there is no "major federal action" or other federal nexus tying this action to federal investment.

The bottom line of either approach comes down to the following: If the Air Force chooses to distance themselves from this action, what are the next steps?

1. Do nothing. The EA would resurface at any time there is a stated need from a federal agency to conduct air drops at EMRTC.
2. Provide notice to the public that the project is on hold.

If the Air Force agrees to be the "federal agency," what are the next steps?

1. A simple change to the document without further public notification.
  2. The draft EA is modified by the Air Force, to include the Air Force as the lead agency, and sent out for public comment.
2. Dr. Evelyn Watkins, KAFB NEPA Manager Civ 377 MSG/CEVQ, and Barry Shupe, KAFB 277<sup>th</sup> ABW/JAV, have made verbal and written statements indicating that "Kirtland AFB has no Cooperative Agreement with EMRTC." (phone, 1/22/08) and that "it would be inappropriate for an Air Force representative to appear and participate in discussions concerning the EMRTC drop zone EA, in that it is not an Air Force document or an Air Force funded document." (email, 1/25/08)

Yet, EMRTC asserts that this EA has been developed "in cooperation with" the US Airforce. It has been reviewed by the US Airforce. Questions from the community previously put to EMRTC "required" input from the US Airforce." (Van Romero letter to Dr. Basker, 1/7/08.) Uniformed pilots from the 58<sup>th</sup> SOW attended the 1/28/08 Council meeting in support of EMRTC, and on 1/18/08 the US Airforce conducted a trial Drop Zone flight to assess noise impacts on EMRTC's behalf.

Enclosed is a copy of the 1/30/02 "*CEQ Memorandum for the Heads of Federal Agencies: Cooperating Agencies in Implementing the Procedural Requirements of NEPA. Attachment 1: Factors for Determining whether to Invite, Decline or End Cooperating Agency Status.*" Because EA is written to "allow EMRTC clients (Federal Agencies) to meet their NEPA requirements", please answer the 12 questions contained in this attached memorandum as to define the exact nature of "cooperation" between EMRTC and the US Airforce.

The document you have asked New Mexico Tech to respond to is a document for the Air Force to respond to. We cannot tell you how the Air Force will answer. However, my answers would be:

- 1 - yes
- 2 - yes
- 3 - yes
- 4 - yes
- 5 - yes
- 6 - yes
- 7 - yes
- 8 - yes
- 9 - yes
- 10 - yes

11 – no

12 – no

3. EMRTC continually emphasizes a low number of “estimated” missions (once a week, no night flights, occurring between 11 am-3 pm) which are not supported anywhere in the written EA. These “estimates” are drastically lower than numbers permissible and allowed in the written EA: 720 missions a year, 20% night drops, 24 hrs. a day, etc. Should the Airforce decide to discontinue use of its Centerfire Drop Zone, which is currently used on a daily basis, along with training at Isleta, Roswell, and the Eiler Ranch Property, and in the future switch all of its training activities to EMRTC Drop Zone, which has the added advantage of permitting use of live ammunition and air to ground gunnery, there would be a significant increase in the estimated numbers. Does the EA, which, as you indicated in your presentation “steer(s) to the maximum estimate,” permit a future increase of up to 720 missions, with 1,440 overflights per year; 140 potential night operations; and up to 10,800 passes over the drop zone without any further required public input or consideration?

Yes, the EA does consider an increase over what is anticipated. The reason the NEPA process pushes us to use maximum estimates is to prevent 1) underestimating the significance; and 2) follow on environmental studies if the proposed action is modified in any way in the future. It is our conclusion that even at the high end this action does not have a significant effect. This is common practice in engineering studies. Would you want us to engineer a bridge to the exact weight of the anticipated load? NO, we should build some margin in our calculations. This is the practice we follow when conducting environmental studies.

4. A question was asked as to why, when scoping for cumulative impacts, other past, present, and future actions, including all federal, non federal and private actions, (specifically other current major explosives testing), were not included in your assessment. You responded that “other actions are not relative to the Drop Zone” ...”due to a separation in space and time of activities, so they were not considered further in the analysis.” Your analysis of noise impacts from the drop zone are being calculated on a 24 hour daily dBA average. How does this method of using a daily average keep noise impact events separate in time? Although the drop zone and other explosives testing may be spatially separated by several miles within the EMRTC Field Lab, once off Tech property, all indirect impacts are experienced throughout Socorro County in a similar fashion, at the same location(s). Because people’s houses do not move around, how are these indirect and cumulative impacts separated by space?

Both our calculations and our test flights show that the noise from this action is not above typical background noise in populated areas. Typical background noise is always present, so the conclusion holds. Other actions when combined with this action do not significantly increase area noise.

5. It has been pointed out that several ranchers who have spoken out publicly in support of the EMRTC Drop Zone, and whom EMRTC have cited as having no “quality or quantity reduction in their livestock,” received financial compensation from the Airforce for use of their private property. It has been mentioned that a family in Riley currently host an Airforce drop zone with similar training activity, and another family in Bingham evacuate their home during WSMR testing. Both families receive financial compensation. In the interest of full disclosure, can you confirm this? To maintain objectivity, perhaps EMRTC should consult ranchers who do not receive Federal Compensation money when evaluating low level military overflight impacts.

This is absolutely a false statement. The ranchers that we have quoted DO NOT receive any compensation from the Air Force. Yes, there may be property owners that receive compensation from DOD activities but we purposely avoided obtaining input from anyone that might have received compensation.

6. As a local NEPA point of contact, you were asked several questions regarding the legality of the proposal and its procedure. You asserted in the meeting that you “do not have the expertise to address the legal system.” Who does possess this required expertise?

I was advised by counsel not to address legal matters and that advice still stands. Legal question should be directed to New Mexico Tech’s attorney Mark Adams.

My question is why are you and the group so focused on the fine points of the law? I would hope that you would be more interested in the true impact on the environment. That would be more consistent with the group’s stated mission.

7. Several property owners who are immediate neighbors of EMRTC were not notified of EMRTC plans to establish the Drop Zone, and had a scheduled meeting between themselves and EMRTC representative, Laurie Haines which was canceled. What was the reason these landowners and neighbors were not contacted?

According to NEPA requirements, everyone was properly notified. Relative to Laura Haines, she is not a New Mexico Tech employee and, as such, she should not speak on behalf of New Mexico Tech. It is my understanding that Laura was invited to a BBQ which she later decided not to attend. New Mexico Tech did not schedule a meeting which was later canceled. To state that New Mexico Tech scheduled a meeting and then canceled, is a false statement.

8. Rural property owners are dismayed that legal notices were not posted in their local newspaper, The Mountain Mail. You responded in the presentation that the enormity of the process, some papers were "overlooked." As Socorro and Catron Counties have only 2 recognized community newspapers, this oversight seems a little hard to believe. Why was it considered unnecessary to publish legal notices in both local newspapers?

The legal notification is in compliance with NEPA. *The Mountain Mail* is not the paper of record for the potentially affected area.

9. Does the Centre Fire drop zone meet current needs for training by the 58<sup>th</sup> SOW, as indicated by KAFB attorney Barry Shupe? Or are we going by the subjective EMRTC statement that training is "better if it is varied," and an EMRTC Drop Zone merely provides that extra variability?

As a teacher, I would hope that you agree that the pedagogy of two training facilities are better than one.

10. In your presentation, you indicated that the western flight path "behind M Mountain" was preferable to the south eastern flight path, which travels parallel to the Rio Grande and turns northwest to the drop Zone south of City limits. You also indicated that EMRTC has little jurisdiction or control over these flight paths. Will the Airforce and other Drop Zone Clients have the option and clearance to use either flight path?

I would assume so since they currently use both areas for other training activities.

11. You said in your presentation that aircraft will fly over the Ladron Mountains. This is a wilderness area managed by the BLM, an agency that was not contacted or included in internal scoping. The BLM manages a protected species of bighorn sheep in this area, and BLM officials may disagree with your assertion that these animals "just get used to" impacts of frequent low level overflights by aircraft. Why were BLM officials not included?

I did not say that the "aircraft will fly over the Ladron Mountains." I did say that the aircraft crossed the Rio Grande valley NORTH of the Ladron Mountains then turned south and passed WEST of the Ladron Mountains.

The parent organization of the BLM, the Department of the Interior, was contacted. In particular the Fish and Wildlife Service of the Department of the Interior was contacted and the Service agreed with the findings of the Assessment.

12. EMRTC explains that impacts along the flight path have been excluded from the assessment because they are "pre-existing," and under the jurisdiction of the FAA. How long have these paths been in place, how often have they been used in the past, and who is the appropriate FAA resource contact to confirm this information? Does the FAA make a distinction based on frequency of use?

To the best of my knowledge, the training corridor which exists between Albuquerque and WSMR has been in existence for over 20 years. You should contact the FAA directly regarding the additional information you requested.

13. There is a concern about the potential for soils and dust containing Depleted Uranium becoming airborne as a result of this action. You responded verbally to the council about general "everyday" dust, and that areas of the drop zone "would be covered in gravel," although this is not mentioned in the EA. Can you please clarify this statement and also answer the original question concerning risk to the testing sites containing Depleted Uranium deposits, 2 test ranges having been bermed, and the 3<sup>rd</sup> undergoing a bioremediation study. (David Collis, EMRTC representative, quoted in Lou Nicholas' article, 7/03/00 ABQ Alibi) With up to 6 overflights of the EMRTC field lab per day in strong spring winds, and with more low level passes over a 6 mile radius as the Drop Zone is approached, the potential safety risk to DU contaminated areas is a serious concern and not to be skimmed over.

First, regarding the question of everyday dust, the EA does not state that the drop zone area is covered in gravel. EMRTC, however, has been proactive and has covered the drop zone in gravel. This not only holds down the dust, it also creates a contrast with the surrounding area so the pilots can better identify the target.

Second, regarding the depleted uranium (DU), all of the DU on site is contained in catch-boxes. The State of New Mexico has collected soil and water samples independent of New Mexico Tech to determine if there has been any migration of the DU from the containment. These studies show that there has been NO migration of the DU.

These facilities are now being used to conduct experimentation on improving the clean-up of heavy metals from soils. The catch-box locations are in canyons that will not be exposed to the proposed action. Therefore, it is not physically possible for the drop zone activity to have any adverse effect relative to DU.

14. Page 29 of the EA states that the Special Use Airspace will involve: "air operations including air-to-ground gunnery", and testing of energetic materials that have the potential to project debris into the air, up to thousands of feet above the ground." Mayor Basker asked what type of weaponry would be used by the Airforce and other clients in conjunction with a Special Use Airspace designation. You replied it would be a small arms fire, practically the same as "rifle fire, nothing automatic," like the Airforce will be using black powder muskets to practice and train for missions at hostile airstrips. Can you clarify exactly what potential and foreseeable weaponry will be used?

The Special Use Airspace action is a separate action from the drop zone. Since the City Council meeting, we have determined that there would not be a condition where we would use air-to-ground fire in the drop zone area. When the Special Use Airspace study is conducted it will specify the type of weapons that could be used.

Currently, when we conduct explosive tests there is a potential for debris to be thrown into the air. Before we conduct these tests, we search for any low-flying aircraft. If there is low-flying aircraft we delay the test. If we are able to obtain the Special Use Airspace private, commercial and military will be steered away from the testing area. I would assume that this would make the group opposing the drop zone happy since it will reduce air traffic in the Socorro area.

15. Is it not a reasonable future and foreseeable action that EMRTC, who is in the business of developing, researching, and testing explosives, will partner with the Airforce and other "clients" to develop and test other weaponry in "air to ground gunnery" range in conjunction with a new special use airspace? If lasers or other air to ground weapons are needed for future testing or training, will another separate EA be required, or is it "grandfathered in" with this Drop Zone and pending Special Use Airspace EA?

As stated above, a separate environmental study will be conducted for the Special Use Airspace and weaponry will be considered in that evaluation. The drop zone activity will be considered in that evaluation as a factor in cumulative effects.

16. It has been mentioned by County Commissioner Jay Santillanes that a landing strip/runway will be created at the drop zone for safety measures, in the event that an emergency landing may be necessary. Will such an emergency runway, however rudimentary, be created on EMRTC property?

There is not, nor have there been, any plans to build any new landing areas on New Mexico Tech property.

17. There is a general misconception among some EMRTC employees that those opposing the drop zone are also against job stability and growth in Socorro. The EA mentions a 2-4 person groundcrew that will come down from Kirtland AFB to retrieve training bundles and supplies. How many EMRTC man hours or new job positions will be created by the development of this drop zone? How many current employee positions are at risk if the drop zone is not established and the "No Action Alternative" is selected?

First of all, an additional 2-4 people coming to Socorro periodically is good for business in the community. People that come to participate in the University's activities spend money in Socorro. Relative to EMRTC, I estimate that this would generate about a half of one full-time equivalent job (FTE). We have already spent more than 1/2 FTE responding to your questions. So why even do it? As I have stated many times, it is the right thing to do. We as an educational institution often offer classes that "lose money," but we hold these classes because it is our duty to the state of New Mexico to provide opportunities to the people of New Mexico. The New Mexico statutes specify that part of EMRTC's mission is to conduct this type of training. We are proud to be able comply with this directive.

18. CEQ regulations require that agencies follow certain procedures regarding public involvement. (Sec. 1506.6)(e) Explain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process. " Can you specifically outline any internal EMRTC and NMIMT procedures for an appeal on this decision or have they already been exhausted? Can you please explain the specific process required in filing an External Appeal on this NEPA action, including any specific forms that are required? Many other government agencies indicated they need a specific kind of reference number which should have been assigned to the action. Can you provide this number, or explain why it was not included in the FEA/FONSI? In the event EMRTC is unable to provide this information, can you explain in your procedures, where this information may be obtained?

Again, the current document has been generated for use by a federal agency. The federal agency can not start the proposed action until the agency makes a determination regarding the environmental impact. The EMRTC study does not precipitate any action so there is

nothing to appeal. If and when the Air Force makes a determination, then there may be something to appeal. You will have to contact the Air Force regarding their appeal process.

## Attachment B

Paul Lopez – How will the drop zone benefit Socorro? Who will it benefit to have the drop zone located in Socorro? Monetarily who will benefit from having the drop zone in Socorro?

Local business will benefit from increased visits to Socorro and material and supplies being purchased in Socorro. Also the general public benefits since this training is used for emergency and disaster relief.

Jim Ruff—Isn't South Baldy a no-fly zone? Will the flights have to go up through the valley? How will the flights turn around without going over Socorro? Why hasn't White Sand Missile Range been considered?

South Baldy is only a no-fly zone when the airspace is "called up" by Langmuir Lab. This is only done during thunderstorms. The C130s will never be close to the ridge and will not train under severe storm conditions.

Wes Burress—What is the flight plan? What is the flight pattern? What does the map look like? Will these drop zone flights escalate into more?

The flight plan/pattern is to take off from the Sunport and fly southeast of the river. The aircraft will turn to the west while north of the Ladron Mountains and then south once they are west of the mountains. The aircraft will continue south to the drop zone. After passing the drop zone they will make a sharp turns over New Mexico Tech property to make multiple passes over the target. The aircraft will exit via the entrance route.

Councilor Gary Jaramillo—What times of the day will the drops be made? What kind of aircraft will be used? Has EMRTC considered whether Socorro has enough emergency personnel to cover fire and/or medical emergencies which could occur?

The drops will usually be conducted between 11am and 3pm. C130s will be used and, yes Socorro is equipped to respond to an emergency.

Margie Lucena—How many flights equal a mission?

One flight will equal a mission.

Unknown Name—What type of aircraft will be used as flight support as well as actual flights?

**C130s will be used.**

Richard Epstein—Why was there no consideration of the effects of the migratory birds? Where were the other requests for drop zones sent? Why did only EMRTC answer the request for becoming a drop zone area?

**The effect on migratory birds was considered. By following FAA rules to and from the drop zone, migratory birds will not be affected. There are no migratory birds in the drop zone area. (I do not understand the second question) EMRTC volunteered to be a drop zone site since this type of training is specified in EMRTC's enabling legislation.**

Joyann Miler—What is the next action that will be taken after Socorro is used for the drop zone?

**Hard to say, we are always looking for new opportunities. We do factor in all State and Federal laws and regulations when evaluating new opportunities.**

Thomas Jugeres—What are the measurement numbers? **Not sure what numbers you are talking about. If it noise levels, the measured noise levels in Socorro were below background. Is there a schedule for the missions? A typical schedule will be Thursday from 11am to 3 pm. Will flight paths differ from day to day? Not usually. Will weather changes be considered during flights? Yes, as is always the case for flight safety. What are the flight paths? The flight plan/pattern is to take off from the Sunport and fly south east of the river. The aircraft will turn to the west while north of the Ladron mountains and then south once they are west of the mountains. The aircraft will continue south to the drop zone. After passing the drop zone they will make a sharp turns over New Mexico Tech property to make multiple passes over the target. The aircraft will exit via the entrance route. What are the economic benefits to Socorro? Local business will benefit from increased visits to Socorro and material and supplies being purchased in Socorro. Also the general public benefits since this training is used for emergency and disaster relief. Will there be emissions issues? Not that I am aware of. Will the use of special air space open the door for gunnery training? This will be addressed in the environmental study. What will be the minimum level (flying height) for aircraft? Five hundred feet outside the drop zone and 150 feet at the drop zone. Who were the physicists involved in preparing the information? Organizational Strategies, Inc. prepared the information. The team they used has degrees in various areas and over 50 years of experience in**

performing this type of work. They have also been involved in a large number of EA and EISs. What is the Air Force saving monetarily by coming to Socorro rather than another city? You will have to ask the Air Force that question.

Steve Harrington—what are the background of the people who completed the report and why were only eight references given in the report? **Organizational Strategies, Inc prepared the information. The team they used has degrees in various areas and over 50 years of experience in performing this type of work. They have also been involved in a large number of EA and EISs. I do not consider the number of references a credible question. The number of references should be long enough to cover the subject and short enough to make it interesting.**

Susanne Bartow—What will the impact be on the cranes? **No impact. FAA regulations keep aircraft above bird flight paths.** What will the economic impact be on the Bosque del Apache? **None.**

Sam Mosely—What is the noise impact on the wildlife? **Studies show that the impact is insignificant.**

## Attachment C

Additional Questions for EMRTC submitted by Loretta Lowman on behalf of someone else.

1. How many planes will fly in a “mission”? **One.**
2. Does “up to 15 passes” over the DZ (drop zone) per mission mean one plane doing 15 loops, or 15 planes doing one loop each? This is certainly relevant to the Socorro overflight noise issue. **One plane will do 15 loops.**
3. Can we have a map of the planned access route(s) to the DZ? **See below. The western route is the preferred route.** The discussion last night indicated flights turning at about polvadera, but the report is semi-specific about flights passing south of Socorro then turning west then north to the DZ. This sounds like most flights will pass over southern Socorro and essentially follow US Hwy 60 west to the south edge of EMRTC land, so is relevant to both noise pollution in Socorro and also to the highway safety issue. **While both flight paths are in the EA, the Air Force prefers the western route which never passes over Socorro.**
4. Is it true that EMRTC is essentially planning to open a paramilitary training ground with a much larger scope than the DZ activities analyzed in the EA? **NO** Specifically, who are the anticipated future “clients” and what will be their activities (p. iii)? **The “client” is the Air Force and the activity is specified in the EA.** Does this include paramilitary (mercenary) public uprising)?? **NO.** Future uses and expansion are covered only minimally in the EA: Statements on P. iii, second and third full paragraphs, and on p. 29, section 5.1.2.2 make it clear that expanded future use is planned, so the EA needs to account for those activities to avoid the segmentation restrictions dictated by NEPA. Section 5.1.2.2 makes it clear that this EA was prepared in conjunction with an application for a “Special Use Airspace” (SUA) over EMRTC and that each is (at minimal level) being considered in the other’s regulatory analyses. However, some of the specific future activities included in the SUA discussion (section 5.1.2.2) are “testing and training relative to energetic materials that have the potential to project debris into the air, up to thousands of feet above the ground”, and “air-to-ground gunnery”. plus other unspecified “training operations”. These make it sound pretty clearly like EMRTC is planning a full military gunnery range in the future, not just a parachute DZ.

**The Special Use Airspace action is a separate action from the drop zone. Since the City Council meeting we have determined that there would not be a condition where we would use air-to-ground fire in**

the drop zone area. When the Special Use Airspace study is conducted it will specify the type of weapons that could be used.

Currently, when we conduct explosive tests there is a potential for debris to be thrown into the air. Before we conduct these tests we search for any low-flying aircraft. If there is low-flying aircraft we delay the test. If we are able to obtain the Special Use Airspace, private, commercial and military aircraft will be steered away from the testing area. I would assume that this would make the group opposing the drop zone happy since it will reduce air traffic in the Socorro area.

5. How was the conclusion that DZ activities would cause insignificant erosion reached? In the EA, this is simply stated as fact (lower impact than existing cattle grazing) with out any supporting logic or comparative studies. (In fact, this is a common ploy used throughout the EA—unsubstantiated conclusions are reached in nearly every section.) It is hard to believe that dropping an ~3000 lb box once per month, with it landing on skids and plowing along to a stop, will cause less erosion than cows walking down the same narrow paths they have been using for years. Such disturbances typically disrupt plant communities and lead to gullyng in short order after a few torrential rains such as common in monsoon season. Similarly, the forklifts required to recover the heavy drops will cause disruption of the plan communities, and such tracks are well known to recover very slowly in arid environments. **The drop zone is covered in gravel and will be maintained by EMRTC. In the past, packages have been dropped in areas that could cause erosion. The establishment of this drop zone will eliminate this practice. I would think that true defenders of the environment would support the drop zone since it will minimize the overall affect on the environment.**
6. Why was dust pollution from the DZ not considered? They EA states that the grasses will recover quickly but not in the late fall, winter and early spring, when they are mostly dormant. What percentage of the square mile will be torn up by heavy drops? **Zero. EMRTC will maintain the area.** How much dust will this cause in strong westerly winds of spring that blow toward Socorro? **Dust should be reduced since the drop zone is covered in gravel.** Are there applicable studies of DZ impacts in arid-semiarid environments elsewhere? **Existing drop zones in New Mexico indicate that this will not be a problem.**

7. Why are many of the references cited (there are only eight!) incomplete? It makes it impossible to obtain and read them. For example, one complete reference is: "Council on Environmental Quality, 1997" Where was this published? Is there a web site? The CEQ probably published dozens or hundreds of reports in 1997. Such shoddy referencing practices would not pass muster in an undergraduate class report!

NEPA documentation is different than academic writing. It is acceptable to base conclusions on "professional judgment." In academic writing, it is necessary to quote others' research because there is no professional judgment.

The CEQ, 1997 reference is for:

Council on Environmental Quality. 1997. considering cumulative effects under the National Environmental Policy Act.

This document is available on the internet at:

<http://www.nepa.gov/nepa/ccenepa/exec.pdf>

8. Was a cultural resource inventory of the DZ actually done? The Gossett and Gossett (1990) reference that is cited (which, by the way, does not include a journal name or issue or page numbers) does not clearly apply to the DZ: from the title given ("Cultural resource investigation of 13.48 sections above 5000 feet in the Socorro mountain range"), it does not sound as if that study includes the DZ area at all!

A cultural resource inventory specifically for the drop zone has not been completed. The area has been previously disturbed in general activities of EMRTC and no artifacts have been identified on the site. Additionally, the above-noted study included those areas most likely to have archeological artifacts present, based on lifestyle characteristics of native groups that may have utilized the area. The areas surveyed were most likely to have artifacts, as they offered better quality wildlife habitats, shelter from the elements, water, and other life-sustaining components. Again, based upon professional judgment as well as activities in the drop zone that did not uncover archeological artifacts, it was

determined that there would be no significant impacts. Additionally, in following the requirements of the National Historic Preservation Act, should any artifacts be discovered while drop zone exercises are taking place, activities would stop, the area would be surveyed, and any artifacts would be documented and recovered in direct consultation with the State Historic Preservation Officer.

9. Why were the background noise levels measured by OSI not included in the report? How were they measured? Over what duration of time (in hours, not which days of the year).

We conducted noise readings on June 12 and 13, 2007 as noted in the EA, and also on April 17 and 18, 2007. Specific locations of noise readings include the following: Sevilleta NWR (noise reading taken from visitor's center, and along the Rio Grande during refueling exercises in the air space above the refuge), in the towns of Bernardo, Contreras, La Joya, Polvadera, Lemitar, Socorro, Luis Lopez, and San Antonio, as well as at the Bosque Del Apache NWR. Noise readings were also taken at the drop zone, and several locations along Highway 60, where potential flight paths cross the highway. Noise readings were taken in Socorro at EMRTC, California Street in front of Heart Healthy Sandwich Shop, at the Comfort Inn, BLM offices, Walmart, Socorro Springs Brewery, Socorro City Hall, Socorro High School parking lot, Socorro Municipal Airport, and the Socorro General Hospital. Readings were taken from approximately 10:00 AM to approximately 8:00 PM at various locations.

In taking the noise readings, the concept of sampling applies. Noise samples were collected to determine if baseline noise levels were consistent with "worst case scenario" assumptions used in FAA noise-modeling software. Samples consisted of several five-minute samples, where the low, high, and average noise readings were recorded. Based on the noise samples taken, the baseline noise situation was consistent with what should be expected based upon location. That is, in rural areas, a baseline from 45-55 dBA, and in the towns or along roads, 55 to 75 dBA. Absent a total noise baseline study, (a very long and expensive process) this is a solid and accepted approach.

#### Attachment D

Damacio Lopez—Considering the fact that depleted uranium has been tested in this area, has there been any consideration that resuspension of this material might occur with the planned activities at EMRTC?

Regarding the depleted uranium (DU), all of the DU on site is contained in catch-boxes. The State of New Mexico has collected soil and water samples independent of New Mexico Tech to determine if there has been any migration of the DU from the containment. These studies show that there has been NO migration of the DU. These facilities are now being used to conduct experimentation on improving the clean-up of heavy metals from soils. The catch-box locations are in canyons that will not be exposed to the proposed action. Therefore, it is not physically possible for the drop zone activity to have any adverse effect relative to DU.

## Questions for Loretta Lowman:

- 1) The Drop Zone Group references 2007 FICAN report as evidence that student learning will be impacted by the drop zone activity. This argument has two fatal flaws: first, the drop zone activity will not increase the noise levels at any schools in the area; and second, the referenced report states (not once but twice) that the "results of the study should not be used nationally." The noise level impact at area schools has been measured; and the data is not a prediction or an estimate. The data confirms that there is no increase in noise levels at area schools. Not only does the FICAN report state that the results should not be extrapolated nationally, the statement is highlighted in the report under the bold title **Important Caveats**.

Why is the Drop Zone Group trying to "pull the wool over the eyes" of the citizens of Socorro by using such a flawed argument? Would you not agree that this tactic is misleading at best and it serves to render a disservice to the community?

- 2) The Drop Zone Group relies on a 2006 GRA report as evidence that property values will be devalued in Socorro by over \$21M. The Drop Zone Group, however, fails to mention that the report states that there is a cut-off point around 50 to 55 db where noise levels do not impact property values. Even if the noise level predicted by the Drop Zone Group are used (7 - 17 db), these are noise levels well below the specified cut-off.

Why has the Drop Zone Group chosen to hide this important fact? Why did the Drop Zone Group decide to use scare tactics to gain support for their position?

- 3) The cover letter and enclosures I received from you via United States Postal Service, Restricted Delivery contained numerous misspellings and grammatical errors. For example, Air Force is two words, not one, and the Mayor's name is Bhasker, not Basker.

Although we appear to disagree, we are both obligated to report the facts to the people of Socorro, New Mexico and the nation. Accordingly, it is essential that our correspondence (attachments) reflect the best practices of written expression. We strive to accurately report the facts in proper English. I encourage your right to express your views, but caution that your presentation loses impact as unedited correspondence is presented to New Mexico's leadership. To facilitate your efforts, would you consider permitting our assistance with editing your documents?