

Comments Regarding the NOI to Prepare an EIS for Regional Special Use Airspace Optimization to Support Air Force Missions in Arizona

From: Deborah Hillyard

I would like to offer the following comments regarding your NOI for expansion of activities within various airspaces in Arizona, known as Military Operations Areas (MOAs). My comments focus on the NEPA process, the use of an EIS and the appropriate process to identify Alternatives in the EIS.

As you know, the NEPA process is structured so that impacts of any proposed project are fully disclosed to the public. The selection of an appropriate document to support the analysis of a project subject to NEPA is dependent on the number and severity of anticipated impacts on the environment (including the human environment) of a proposed project. An EIS is prepared when a project is anticipated to significantly affect the quality of the environment. An EIS is typically prepared so that there is a transparent process for a lead agency (in this case the Department of Defense, Department of the Air Force) to identify project impacts; to avoid, minimize and mitigate such impacts; and to make a Record of Decision which details such impacts, and effective avoidance, minimization and mitigation measures for identified impacts, as well as monitoring and enforcement measures which have been selected to insure that avoidance, minimization and mitigation measures are completed.

The DOD/Department of the Air Force have already determined that an EIS is necessary to support the decision-making process for this project, the expansion of Military Operations Area (MOAs), which are a specific type of Special Use Areas (SUAs) in Arizona and, to a lesser extent, in New Mexico. ***The fact that an EIS is being prepared indicates that the Air Force anticipates that the proposed action will have significant effects on the environment.*** However, the Air Force has not taken an approach to alternative selection which would truly lessen the effects of the proposed activities on the environment.

All of the alternatives proposed in your NOI rely on applying changes and authorizations to existing MOAs as a whole, without regard to the variation within any already designated MOA, or relative sensitivity of the environment which relates to differing areas within each MOA. Similarly, expansion of MOA boundaries does not seem to be predicated on understanding the sensitivity of the environment in the expansion area, including protecting human health and safety. Rather than applying changes wholesale to existing designated airspaces, the Air Force needs to identify MOAs or sub-areas within and adjacent to your existing MOAs which have specific sensitive resources and attributes that would preclude expansion of boundaries or activities. Then the Air Force can proceed to evaluate which MOAs or portions of MOAs, which ***do not*** have potentially sensitive areas or attributes, and which can tolerate changes such as expanding boundaries, lowering ceilings and increasing potentially significant activities.

Most modern planning actions rely on an approach based on a constraints analysis, which identifies resources of concern within the planning area, analyzes resource sensitivities, and then carefully sites proposed activities outside of the areas of sensitivity. Such an approach would result in avoiding or reducing existing or future impacts to the environment through design and/or adjustment of the training airspace location and/or boundaries, and/or by designating more restrictions on authorizations in specific MOAs (or sub-areas within the MOAs) which have more sensitivities.

Additionally, the Air Force should review and disclose previous NEPA compliance for existing MOAs. That will help establish a baseline against which impacts may be analyzed, and may assist in determining if and where a reduction in activities and intensity of existing authorizations is warranted.

Some particular areas of great concern, which should drive the Air Force's constraints analysis, include but are not limited to:

- Natural and cultural resources of significance
- Existing private, state and particularly Federal designations of areas underlying your airspaces
- Wildfire potential as it relates to proposed authorizations like release of flares and chaff
- Impingement on existing lanes of travel of air-based emergency response including medi-vac routes

There exist numerous private, state and Federal designations underlying your airspaces, including but not limited to Private Preserves, State Parks, National Monuments, National Parks, Wilderness Areas and Wilderness Study Areas, Areas of Critical Environmental Concern, Important Bird Areas, Significant Biological Areas, etc. Each of these has been designated based on information, and usually including significant input from the knowledgeable public. While probably not exhaustive to the MOAs under consideration, this information could be a good source for the Air Force to utilize in conducting a constraints analysis. In the case of Federal designations, some have been designated through acts of Congress or the President; and many have already gone through the NEPA process in support of the designation. Previous designation, and previous NEPA analysis should be considered in your constraints analysis.

None of the alternatives which are identified in the NOI utilizes an approach which relies on siting of proposed activities, including changes to MOA boundaries, in areas that have less sensitive resources and less potential for significant effects. Please do your homework. The existing MOAs were likely established with only cursory NEPA compliance, if any, which underscores the responsibility of the Air Force to do a thorough job at his point in time. Gather pertinent information regarding the specific attributes of your MOAs and surrounding areas. Do a constraints analysis to determine those areas which cannot tolerate changes in authorizations, and which might in fact benefit from a decrease in the type and intensity of existing authorizations; this will also help to understand and support designation of areas within which specific authorizations can be tolerated. Designate sub-areas of your MOAs where appropriate which reflect the variety of resource values and attributes within each MOA. Consider a reduction of activities and/or authorizations in areas in which it is warranted due to resource sensitivity.

Finally, your NOI includes several alternatives, which are based on project objectives. It is of note that one of your project objectives is to "Adjust the published times of use of existing MOAs to better align with how they are used" according to Poster 2 (on your website, and utilized in the presentation in Animas, NM on February 24, 2022). The language in this objective is specifically carried over into Alternatives 2,3 & 4 in your presentation, although the language in the NOI regarding changes to the published times of use is more vague. This particular objective would appear to legitimize existing unauthorized uses; that does not bolster public confidence in the Air Force's commitment to any

future MOA authorizations if in fact they are currently engaging in activities which are outside of the existing terms and conditions established for the current MOAs.

Thank you for the opportunity to comment.

Sincerely,

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