

7.0 BEST MANAGEMENT PRACTICES AND MITIGATION MEASURES

7.1 BEST MANAGEMENT PRACTICES

As a Federal agency, the Air Force must adhere to all Federal laws and regulations as noted throughout this EIS. These laws and regulations have been developed in order to reduce the impact on the environment and ensure public safety. In addition, several best management practices are applicable to the Proposed Action that would minimize, reduce, or avoid potential environmental and safety impacts. A summary of those best management practices of most interest to the public is provided in this section.

- Aircraft Operation and Airspace Management
 - As defined in 14 CFR 91.113, *Right-of-Way Rules*, vigilance shall be maintained by each person operating an aircraft so as to see and avoid other aircraft. When there is a rule that gives another aircraft the right-of-way, the pilot shall give way to that aircraft and may not pass over, under, or ahead of it unless well clear. Of particular interest for this Proposed Action:
 - An aircraft in distress has the right-of-way over any other aircraft.
 - A balloon has the right-of-way over any other aircraft.
 - A glider has the right-of-way over jet aircraft⁸.
 - An aircraft towing or refueling another aircraft has the right-of-way over other engine-driven aircraft.
 - Life Flights and ambulance flights are always given priority in airspace.
- Protection of public safety
 - As defined in 14 CFR 91.119, *Minimum Safe Altitudes*, aircraft must avoid congested areas of a city, town, or settlement or any open-air assemble of people by 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft. Outside of congested areas, aircraft must avoid persons, vessels, vehicles, or structures by 500 feet.
 - Chaff and flares would not be used over populated places.
- Reduce Fire Risks
 - Holloman AFB would not use flares in the proposed airspace during periods of “Extreme” or “Very High” fire danger ratings. During periods of “High” fire danger ratings, flares would not be released below 18,000 feet MSL.
 - Flares would not be released below 2,000 feet AGL under any conditions.

7.2 MITIGATION MEASURES

The purpose of mitigation is to eliminate potential negative impacts of an action on affected resources or to reduce an impact to less than significant. CEQ regulations (40 CFR 1508.20) state that mitigation includes:

- Avoiding the impact altogether by not taking a certain action or parts of an action.
- Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

⁸ Per 14 CFR 91.114, A glider has the right-of-way over an airship, powered parachute, weight-shift-control aircraft, airplane, or rotorcraft. This rule has been paraphrased for this EIS.

- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- Compensating for the impact by replacing or providing substitute resources or environments.

Mitigation Measures are specific to the Proposed Action and are developed in coordination with the cooperating agencies and other stakeholders for this EIS. The Air Force will prepare a separate Mitigation Plan that details the specific and legally binding Mitigation Measures for the preferred alternative identified in the ROD. The Mitigation Measures currently under consideration include:

- Aircraft Operation and Airspace Management
 - The Talon High C MOA and Bronco 3 MOA would not be activated at the same time to maintain one of the approach corridors to Roswell International Airport.
 - The Magdalena Airport would not be overflown lower than 2,000 feet AGL within a 3 nm radius.
 - Chaff may not be deployed within 60 nm of radar facilities for El Paso Approach or Albuquerque Center.
 - Vertical obstructions that intrude into the 500 feet AGL floor of the proposed MOAs would be identified on nautical charts.
 - The Air Force would pay for a new radio for the FAA to increase radio coverage of the Roswell-Carlsbad corridor.
- Public Safety
 - The Air Force has a claims program for compensating anyone suffering a loss or damage due to training operations. A record of the amount and type of deployed chaff used in the optimized airspace will be maintained at Holloman AFB indefinitely, or until it is determined that such records are no longer needed to support any damage claims related to chaff.
- Communication
 - Since there are numerous Air Force installations in southern New Mexico using training airspace, in an effort to streamline the complaint process for the public, the Air Force has made arrangements that any complaints concerning aircraft overflights, chaff, and flares in areas east of WSMR should be sent to the Holloman AFB Public Affairs Office and in areas west of WSMR should be sent to the Davis Monthan AFB Public Affairs Office. Those contacts are:
 - Davis Monthan AFB Public Affairs
Website: <https://www.dm.af.mil/Contact-Us/Noise-Concerns/>
Telephone number: 520.228.3407
 - Holloman AFB Public Affairs
Website: <https://www.holloman.af.mil/Contact-Us/>
Telephone number: 575.572.7381
- Protection of noise sensitive and important land resources
 - As defined in the FAA Aeronautical Information Manual, pilots are requested to maintain a minimum altitude of 2,000 feet above the surface of the following: National Parks, Monuments, Seashores, Lakeshores, Recreation Areas, and Scenic Riverways administered by the NPS; National Wildlife Refuges, Big Game Refuges, Game Ranges, and Wildlife Ranges administered by the USFWS; and Wilderness and Primitive Areas administered by the USFS.

- The floor of the Smitty MOA in the western corner would continue to be 1,600 feet AGL.

Additional specific Mitigation Measures may be developed during consultations with regulatory agencies for certain affected resources. Mitigation Measures as a result of these consultations will be included once consultations are complete. Ongoing consultations for this Proposed Action include the following:

NHPA. Federal agencies must take into account the effects of their undertakings on historic properties and seek to avoid, minimize, or mitigate adverse effects to these properties (36 CFR 800.1(a)). Section 106 also requires agencies to consult with federally-recognized Indian tribes and other stakeholders with a vested interest in the undertaking. Consultation with the New Mexico and Arizona SHPOs and government-to-government consultation with federally-recognized Indian Tribes and Pueblos has been initiated in accordance with Section 106 of NHPA. To date, neither SHPO has provided a concern about the Proposed Action or indicated that historic resources would be impacted. Similarly, none of the Indian tribes or Pueblos have indicated a concern about the Proposed Action. See **Appendix J** (NHPA and NAGPRA Consultation Correspondence) for copies of NHPA of consultation correspondence.

ESA, MBTA, and BGEPA. Federal agencies must consult with USFWS if they determine their actions may affect: a species listed under the ESA; migratory birds, nests, or eggs; or Bald or Golden eagles. Consultation with USFWS has been initiated for the project (Consultation Codes: AZ - 02EAAZ00-2019-SLI-0001; NM - 02ENNM00-2019-SLI-0001). A Biological Assessment is being prepared for this action and will be provided to USFWS for concurrence. **Appendix H** (USFWS Consultation Correspondence) provides copies of the consultation correspondence.

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