

## 7.0 BEST MANAGEMENT PRACTICES AND MITIGATION MEASURES

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### 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 would be implemented with 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 aircraft<sup>10</sup>.
    - An aircraft towing or refueling another aircraft has the right-of-way over other engine-driven aircraft.
  - Life Flights and active ambulance flights are always given priority in airspace.
  - FAA can temporarily recall a MOA at any time when civil aviation needs exceed the military benefit or for safety of flight (i.e., weather diversions).
  - MOAs must exclude the airspace 1,500 feet AGL and below within a 3-nautical mile radius of airports available for public use.
  - Provisions must be made to enable aerial access to private and public use land beneath the MOA, and for terminal VFR and IFR flight operations (FAA Order JO 7400.2M).
  - Provisions must be made to accommodate instrument arrivals/departures at affected airports with minimum delay (FAA Order JO 7400.2M).
- 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 assembly 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.
  - FAA Aeronautical Information Manual (paragraph 7-4-6), requests that pilots 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

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<sup>10</sup> 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.

administered by the USFS; these minimum altitudes would be required by the Air Force with implementation of this proposal.

- 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.
- 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, regulatory agencies, and other stakeholders for this EIS. The Air Force will prepare a separate Mitigation and Monitoring Plan after the ROD is signed that details the specific and legally binding Mitigation Measures. Mitigation Measures have been developed for Alternative 1 (Preferred Alternative). The Mitigation Measures are divided into three groups to reflect when they will take effect. Group 1 mitigations are mitigations by avoidance. These mitigation measures constitute modifications to the structure of the airspace that are reflected in the Preferred Alternative, Alternative 1, and will be implemented automatically as part of the FAA aeronautical approval process. Group 2 mitigations will be implemented before the airspace is used or by agreed upon dates. Group 3 mitigations will be implemented when the airspace is being used. These Group 3 mitigations will be further described in the Mitigation and Monitoring Plan to be implemented in conjunction with airspace use once airspace is approved and published. These mitigations will be tracked through coordination with potentially affected parties, updated, and adjusted to accomplish the mitigation of avoiding or otherwise reducing the potential impact. Mitigation Measures include:

### Group 1

- Southern boundary of the Talon MOA was adjusted to the north so that:
  - The boundary is four nautical miles from the centerline of the ATS route J66 to eliminate conflict with general aviation along this route.
  - The MOA will not overlap the northern boundary of Carlsbad Caverns National Park.
- Vertical obstructions that intrude into the 500-foot AGL floor of the proposed Talon Low A and B MOAs would be identified on nautical charts. Known obstructions include one tower on the edge of Low A and three towers beneath Low B as shown in Appendix I (Figure 2-1).
- The boundaries of the Talon Low A and B MOAs were modified during the proposal to:

- Avoid conflicts with the approach/departure of Artesia Municipal Airport and Cavern City Air Terminal Airport.
- Maintain a north-south corridor between Carlsbad and Roswell for general aviation operating below 12,500 feet MSL.

Group 2

- The Air Force would pay to improve FAA communication infrastructure needed to support air traffic control radio coverage of the Talon Low MOA area.

Group 3

- 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.
- A record of the amount and type of deployed chaff used in the optimized airspace will be maintained at Holloman AFB for up to six years, or until it is determined that such records are no longer needed to support any damage claims related to chaff.
- 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 (to include the proposed Talon MOA) should be sent to the Holloman AFB Public Affairs Office:

Holloman AFB Public Affairs

Website: <https://www.holloman.af.mil/Contact-Us/>

Telephone number: 575.572.7381

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