

McGregor Range Land Withdrawal Renewal Legislative Environmental Impact Statement

Volume II Public Comment and Response Document

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1.0 INTRODUCTION

On November 6, 1998, the U.S. Department of the Army (DA) issued the *Draft McGregor Range, New Mexico Land Withdrawal Renewal Legislative Environmental Impact Statement* (LEIS) (also referred to as the *Draft McGregor Range LEIS*) for review by the states of New Mexico and Texas, Indian tribes, local governments, other federal agencies, private organizations, and the general public. As with the scoping meetings, hearing notification letters were sent in English and Spanish. The formal comment period lasted 95 days, ending on February 9, 1999.

As part of the comment process, the Army held public hearings in Alamogordo and Las Cruces, New Mexico, and El Paso, Texas, to discuss the *Draft McGregor Range Land Withdrawal Renewal LEIS*. Nearly 70 people attended the hearing in Alamogordo; 14 in Las Cruces; and five in El Paso. The Army received 397 comments from the hearings and through letters and e-mail.

Volume II of this LEIS, the *Public Comment and Response Document*, contains three chapters and one appendix. Chapter 1.0 contains this introduction and summarizes the methodology used to resolve the comments. Chapter 2.0 provides a summary of the issues and comments received. Chapter 3.0 contains the full text of the public comments on the *Draft McGregor Range LEIS* that raise issues, ask questions, or recommend changes to the text of the *Draft McGregor Range LEIS*, as well as all three public hearing transcripts. This chapter also contains the Army's responses to the public comments and describes how the comments affected the *Draft McGregor Range LEIS*. Appendix A contains the full text of the public comments on the *Draft McGregor Range LEIS* that state a preference for a specific alternative. The comment letters are separated based on which alternative is supported.

Methodology

The Army reviewed all comments on the *Draft McGregor Range LEIS*. Many of the comments required that the text of the final LEIS be corrected, clarified, or otherwise revised. Each comment was reviewed for content and relevance to the environmental analyses and data contained in the *Draft McGregor Range LEIS*, and addressed accordingly.

Spoken comments at public hearings were recorded by a court reporter and a verbatim transcript was produced. The written comments and transcripts were reviewed and individual comments and questions were identified. Each comment and question identified is addressed in Chapter 3.0 and Appendix A of this volume. The responses indicate whether or not the text of the *Draft McGregor Range LEIS* was revised because of the comment.

Many commentors provided comments supporting specific alternatives discussed in the *Draft McGregor Range LEIS*. The Army acknowledged and will consider these comments, but these comments did not result in changes to the text of the *Draft McGregor Range LEIS*.

Some comments raised topics that are not pertinent to the *Draft McGregor Range LEIS*. In those cases, the Army answered the questions or addressed the concerns; but no change to the text was made.

2.0 SUMMARY OF COMMENTS AND RESPONSES

2.1 ISSUES

The Army received comments regarding the *Draft McGregor Range LEIS* from 15 federal agencies, Native American groups, state agencies, local agencies, and private citizens and organizations. The full text of these comments and the Army's response are presented in Chapter 3.0.

Public comments on the *Draft McGregor Range LEIS* raised four topics of broad interest or concern. These topics, categorized as "Issues," are:

- Legislation should be included in the congressional withdrawal decision for the restriction of military actions on Otero Mesa and the Sacramento Mountains foothills, and the environmental protection of this area;
- The length of the withdrawal period;
- Increased public access to McGregor Range; and
- Guarantee of access for recreation, mineral leasing, and oil and gas exploration.

2.1.1 Legislation

Several comments requested that legislation for specific activities on Otero Mesa and the Sacramento Mountains foothills be included in the withdrawal action. These legislation requests included designating Culp Canyon Wilderness Study Area (WSA) as a Wilderness Area; and designating Otero Mesa as a National Conservation Area (NCA); restricting the types of military missions that would be allowable on Otero Mesa and the Sacramento Mountains foothills; recognizing and providing for the long-term use of lands by the cattle growers; and allowing mineral leasing, and gas and oil exploration on areas of McGregor Range.

The request for the designation of Culp Canyon as a Wilderness Area and Otero Mesa as a NCA is addressed in the LEIS under Alternative 6. The Army's proposed training area use refinements to its *Real Property Master Plan (RPMP)* discussed in Section 2.1.1, restricts the types of military activities in each training area. Long-term use and practices that have sustained cattle growers and other land uses on McGregor Range have been recognized in the legislation regarding the current withdrawal (Public Law [PL] 99-606, *Military Lands Withdrawal Act [MLWA]*) in that Section 3, *Management of Withdrawn Lands*, provides for grazing, protection of wildlife and wildlife habitat, control of predatory and other animals, recreation, and the suppression of brush and range fires. The MLWA also provides that all nonmilitary uses of withdrawn land are subject to such conditions and restrictions as necessary to permit the military use of such lands and protect public safety. The Army proposal for withdrawn land under each alternative incorporates the Bureau of Land Management's (BLM's) *McGregor Range Resource Management Plan Amendment (RMPA)* that resulted from PL 99-606. In this manner, these uses are explicitly proposed for the forthcoming legislation. In addition, under the McGregor Range RMPA and the 1990 Memorandum of Understanding (MOU) between the Army and the BLM, there are provisions for 5-year reviews of the possibility of opening a portion of McGregor Range to locatable mineral exploration and development. Portions of McGregor Range are open to oil and gas and geothermal leasing, and for saleable materials disposal. Therefore, additional legislative authority for minerals leasing is not required.

2.1.2 Length of the Withdrawal Period

Several commentors stated concern regarding the renewal of the withdrawal for 50 years. The comments stated that 50 years is too long a timeframe for the Army to predict its training and testing needs.

The Army employs various planning cycles for different aspects of its mission. For example, the Army uses a 6-year programming cycle for operational activities with facility planning over a 20-year horizon. Doctrinal and equipment life-cycle planning can extend over a period of 40 years or more. The proposed 50-year withdrawal period encompasses each of these periods and enables long-term national security plans to rely on a stable land resource.

Different (shorter or longer) withdrawal periods would not substantially change the environmental impacts of a land allocation decision. Continuing stewardship and compliance activities would be required regardless of duration. Public and/or agency participation in ongoing environmental management activities on McGregor Range is assured through existing laws, regulations, and policies as listed in Table 1.6-1. The Army is committed to continuing public participation under the *National Environmental Policy Act (NEPA)* as major new actions that could significantly affect the environment are proposed for the installation. The McGregor Range RMPA, jointly prepared by the BLM and the Army provides for continuing public participation. The annual *Resource Management Plan (RMP)* update informs the public of the progress made in implementing the RMPA. The Army's *Integrated Natural Resources Management Plan (INRMP)* and *Integrated Cultural Resources Management Plan (ICRMP)* contain provisions for agency coordination and revision as necessary every 5 years. Together, these regulatory requirements, policies, and procedures will ensure opportunities for both public and agency input into the future.

2.1.3 Public Access

Many comments requested that the public have increased access to areas on McGregor Range for such activities as recreation, grazing, mineral leasing, and oil and gas exploration. The current use of some areas as an impact area would be considered incompatible with the public's expressed desire for access to the area. Additionally, during firing exercises (FIREX) and field training exercises (FTXs), access to some or all areas of the range are restricted to protect public safety. However, as stated in Section 2.1.1, the current withdrawal (PL 99-606), Section 3, *Management of Withdrawn Lands*, provides for grazing, protection of wildlife and wildlife habitat, control of predatory and other animals, recreation, and the suppression of brush and range fires.

2.1.4 Protection of Otero Mesa and the Sacramento Mountain Foothills

Several commentors stated that because of the uniqueness of Otero Mesa and the Sacramento Mountains foothills, these valuable areas must be protected. Although military activities in these areas may continue under some of the withdrawal alternatives, the Army has and will continue to take precautions to minimize impacts to the areas, and complies with environmental regulations and laws. In addition, nonmilitary activities on Otero Mesa and the Sacramento Mountains foothills are co-managed with the BLM in accordance with the RMPA.

2.2 GENERAL COMMENTS

Many commentors provided statements in support of a specific alternative. There are 179 comments that support Alternative 1, the renewal of the McGregor Range land withdrawal. There are six comments that support Alternative 3, the partial withdrawal of McGregor Range and the return of 180,000 acres to the

public domain. There are four comments in support of Alternative 4, the partial withdrawal of McGregor Range and the return of 244,000 acres to the public domain. There are three comments in support of Alternative 5, the No Action Alternative. Thirteen comments state support for Alternative 6, designation of Culp Canyon as a Wilderness Area, and the Otero Mesa and Sacramento Mountains foothills as an NCA. The full text of the letters that provide only support for a specific alternative are provided in Appendix A.