

Mr. Travis Moseley  
Forest Supervisor  
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SUBJECT: High Altitude Mountain Environment Training Strategy (HAMETS) Helicopter Operations Project.

COMMENT: I believe, based on reading the related documents, that the proposed LNF-HAMETS project is not legal. It does not follow the current Forest Plan (1986 amended).

July 8, 2016

Mr. Moseley,

Thank you for the opportunity to provide comments to the High Altitude Mountain Environment Training Strategy (HAMETS) Helicopter Operations Project.

We all understand and appreciate the need for our military to provide the quality training necessary to defend our country. Congress agrees with that need and has provided the Department of Defense with over twenty five million acres for our soldiers to use for the training necessary to defend our country. I support the needs of the Army to provide this training to ensure that our troops are ready and prepared to serve their country. I believe that we can ensure military readiness through training on those twenty plus million acres as does Congress.

We must also honor the investments and commitments that we have made in conservation, recreation, wildlife and habitat preservation, local economies, and the quality of life of rural communities in and around the Lincoln National Forest.

I am a long time resident in the area affected by the HAMETS project (hereafter called "LNF-HAMETS"). I have a BSEE degree. I am a private pilot, with about 800 hours flight time. I have owned and built aircraft. I am an amateur radio operator, licensed by the FCC and operate a radio station. I am a volunteer firefighter and have over ten years experience with fires and emergency services here in the Lincoln National Forest and surrounding communities. I have extensive experience in business and database management. I own a business in Weed, NM.

I have concerns about the LNF-HAMETS proposal and how it fits with the current Forest Plan and other USFS charter documents. The HAMETS projects impacts all Sacramento Ranger District users as well as many nearby private property owners. The project does not coexist well with any other Forest use.

In fact the LNF-HAMETS project violates every aspect of the Forest Service charter documents. It violates the current Forest Plan (1986), the Multiple Use and Sustained Yield Act, the Organic Act of June 4, 1897 and the MOU between the Department of Defense (hereafter called "DoD") and the Department of Agriculture of 1988 (see my separate comments on this MOU which tie into this letter's comments). I offer supporting documentation for my contention below. First let's look at some of the impacts proposed in LNF-HAMETS.

The scope of this project (per "Comments Letter" from your office dated May 18, 2016) includes both 18 landing zone areas, and apparently, the flight paths from the Alamogordo or TorC airports to these landing zones. The LNF-HAMETS project claims that maneuverings for landing at the landing zones (LZ) will begin at altitudes 2,000 feet above ground. However, the Comments Letter fails to discuss ingress / egress routes. Neither flight paths nor flight altitudes are defined. Any flight path is effectively a noise corridor. These corridors project noise and vibration onto the forest below. That noise, vibration and visual disturbance affects the wildlife, humans, livestock, historical sites, businesses, and so on, that are located below, in the "noise corridor". The amount of impact depends on the altitude and path. Lower level flight has greater impact than higher level flight.

Since the Comments Letter fails to specify these routes or altitudes the intention must be (and prudence should make us assume) that the Army is allowed to pick any route, with any legal altitude to fly, across any part of Sacramento Ranger District that they choose. These routing and altitude elements combined with noise, vibration and visual disturbance affects the scope of LNF-HAMETS. They must be considered per NEPA guidelines. The majority of the Sacramento Ranger district is, or might be, affected (see the map in your Comments Letter and description of helicopter travel from Alamogordo airport to the LNF, also see the document titled “20160519-HAMETSBrief-final1” on the LNF website).

Based on review of available literature and the above facts, I believe this “project” has serious, negative impacts for the LNF-SRD, forest users, private lands within and adjacent to the LNF, endangered species, species of conservation concern, local economy, human health, invasive species and so on. In addition, I believe, based on reading the related documents, that the proposed LNF-HAMETS project is not legal and fails to meet the current Forest Plan (1986, amended)..

Also find my comments on the 1988 Memorandum of Understanding between the Department of Defense and the Department of Agriculture under a separate cover. That MOU may be used as justification for HAMETS and must be addressed. Those comments, even though under separate cover, relate to the illegality of the LNF-HAMETS project and must be taken as part of these comments.

The DoD's use of the LNF for mechanized Army use such as heavy helicopter operations, conflicts with the Forest Service's Congressional directives and laws (see specific references and quotes for those documents below). It conflicts with the LNF's own current Forest Plan of 1986 amended (which the LNF has mandated must be followed). It conflicts with the stated intentions of the United States Congress when it formed the Forests. It conflicts with the modifications that Congress enacted in the Multiple Use and Sustained Yield Act (MUSYA) law. It conflicts with the 1976 Federal Land Policy and Management Act. Not one of the USFS / LNF foundation documents or pertinent Congressional laws allow, enable or encourage the DoD to use our Forest. In fact when Congress felt exceptions should be made Congress passed specific laws, for a specific Forest, for a specific DoD activity. For example, a bill passed in the late 1980s directed the Secretary of Agriculture to make land in the Toiyabe National Forest, in California's Sierra Nevada, available to the Marine Corps for use as a mountain warfare training center. Congress clearly limits DoD use of USFS public lands.

One USFS founding document, the Organic Act of June 4, 1897, is sometimes cited by DoD / USFS as allowing DoD to use the National Forests (along with the 1988 MOU between the DoD and USDA which was not authorized by Congress). However, the Organic Act states just the opposite from the DoD assertion. Mechanized DoD use of the Forests is not provided for in that document. In fact, that legislation specifies what Congress's purpose for creating the forest reserves were: “for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States.” That mandate is quite clear and excludes military use. It is a long stretch to believe that “necessities of citizens” means militarization of the Forest Reserves (as they were known then). This militarization is not what Congress intended. Congress separately provided lands for military use. In Fact the DoD has over 25 million acres provided by Congress for their exclusive use. If the over 25 million acres is not enough, DoD may acquire more land, legally, as needed, by eminent domain. They do not “need” to use the LNF.

The LNF is violating all these documents and its own policy by entertaining DoD mechanized operations in our Forest. The LNF should be an organization of law and should spurn lawlessness. It should follow its own Forest Plan and Congressional laws.

The present Forest Plan (amended) titled “Lincoln National Forest Land and Resource Management Plan” dated September 1986 specifically discusses appropriate Forest uses and resource development goals. For example, the plan offers provisions for the safe use and enjoyment of the forest resources by the public; early and frequent public participation (in LNF issues); Management of National Forest system lands in a manner that is sensitive to economic efficiency; recognition that the National Forests are ecosystems and their management for goods and services requires an awareness and consideration of the interrelationships among plants, animals, soil, water,

air, and other environmental factors within such ecosystems: protection and, where appropriate, improvement of the quality of renewable resources; preservation of important historic, cultural, and natural aspects of our national heritage; and so on. There is no direct mention of the use of the LNF by the Department of Defense. The only possible reference to DoD is “Coordination with the land and resource planning efforts of other Federal agencies, State and local governments, and Indian tribes;” which concerns planning not taking Forest resources. Beyond the lack of direct mention of DoD, it is clear from reading the current Forest Plan that DoD use is an anathema to other users, and adjacent residents, rural communities, Native Americans, and business. The LNF-HAMETS project conflicts with every other Forest user.

Since 1960, land management on national forests has been governed by the Multiple Use and Sustained Yield Act (MUSYA). MUSYA mandates that national forests be, I quote:

**"administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes."**

That mandate was extended to the BLM in 1976 by the Federal Land Policy and Management Act (Cawley and Freemuth 1997). MUSYA is very clear about what the LNF is to do. It does not approve DoD military activities. It does not approve mechanized Army use. In fact it indicates otherwise as mechanized military operations conflict with all other uses. Again Congress provided resources, separately, for the Department of Defense. Congress's intentions are clear and the law is clear.

The Organic Act of 1897 provides that “no national forest may be established except to improve and protect the forest, or to secure favorable conditions of water flows, and to furnish a continuous supply of timber. The Act is not intended to authorize the inclusion within national forests of lands that are more valuable for mineral or agricultural purposes” (UNM Summary). The Organic Act was modified by the Multiple-Use Sustained-Yield Act of 1960 (MUSYA) and the National Forest Management Act of 1976 (NFMA). However, these modifications did not embrace Forest militarization. In fact, they did specify multiple uses, and military use was not listed. DoD use of the Forest is not compatible with any of these acts, that is, the Organic Act, nor the MUSYA act, nor the NFMA act. None of these Congressional dictates support DoD use of the Forest, especially mechanized use.

I challenge the LNF Forest Supervisor to show specifically where in the current Forest Plan mechanized use of the LNF by the Department of Defense is allowed. I further challenge the LNF Forest Supervisor to show where Congress has approved these heavy helicopter operations when so clearly they have not.

I believe this LNF-HAMETS project to be a poor idea for the Lincoln National Forest. It adversely affects all other users, poses risks to endangered species, migratory birds, risks from fire and on and on. It fails to meet the Forest Plan. It fails, period. I urge the Forest Supervisor to ask the Department of Defense to use some of their existing 25 million acres for this training. Or use their power of eminent domain. The Lincoln should not violate its rules, regulations and mandates to cater to another Federal Agency's whims. Lincoln users: recreational, hunter, loggers, ranchers, hikers, residents, businesses should not face the risks, intrusion and takings by the military due to LNF Forest Supervisor bending the Forest's own rules.

Sincerely,

Walt Coffman  
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“We have met the enemy and he is us” – Pogo