

annually. Each operator who seeks to obtain, or is in possession of an air carrier or FAA operating certificate must comply with the requirements of 14 CFR Part 135 in order to maintain data which is used to determine if the air carrier or commercial operator is operating in accordance with minimum safety standards.

4. *2120-0043, Recording of Aircraft Conveyances and Security Documents.* Approval is needed for security conveyances, such as mortgages, submitted by the public for recording against aircraft, engines, propellers, and spare parts locations. There is an estimated 56,000 hours on an estimated 56,000 respondents.

5. *2120-0049, Agricultural Aircraft Operations, 14 CFR part 137.* Standards have been established for the operation of agricultural aircraft and for the dispensing of chemicals, pesticides, and toxic substances. Information collected shows applicant compliance and eligibility for certification by FAA. 14 CFR Part 137 prescribes requirements for issuing agricultural aircraft operator certificates and for appropriate operating rules. We estimate 4000 respondents with an estimated annual burden of 14,000 hours.

6. *2120-0543, Pilots Convicted of Alcohol or Drug Related Motor Vehicle Offenses or Subject to State Motor Vehicle Administrative Procedures.* The requested information (1) is needed to mitigate potential hazards presented by airmen using alcohol or drugs in flight, (2) is used to identify persons possibly unsuited for pilot certification, and (3) affects those pilot who have been convicted of a drug-or alcohol related traffic violation. The respondents are an estimated 2,200 pilots who have been or will be convicted of a drug or alcohol-related traffic violation. The estimated annual burden is 375 hours.

7. *2120-0545, Race and National Origin Identification.* The collection of data is necessary for examination of employee selection procedures, enhancement of recruitment programs and providing equal employment opportunity to all candidates. The respondents are an estimated 50,000 individuals taking the FAA air traffic control specialist examination. The estimated total annual burden is 1,700 hours.

8. *2120-0552, Suspected Unapproved Part Notification, FAA Form 8120-11, Suspected Unapproved Parts Notification.* The information collected on the FAA Form 8120-11 will be reported by manufacturers, repair station operations, owner/operators, or the general public who wish to report suspected unapproved parts to the FAA.

The notification information is collected, correlated, and used to determine if an unapproved part investigation is in fact warranted. It is estimated that there will be 400 respondents annually for an estimated burden of 60 hours.

9. *2120-0554, Employment Standards—Parts 107 and 108 of the Federal Aviation Regulations.* Section 105 of Public Law 101-604, the Aviation Security Improvement Act of 1990, directed the FAA to prescribe standards for the hiring, continued employment and contracting of air carrier and appropriate airport security personnel. These standards were developed and have become part of 14 CFR parts 107 and 108. Airport operators will maintain at their principal business office at least one copy of evidence of compliance with training requirement for all employees having unescorted access privileges to security areas. Air carrier ground security coordinators are required to maintain at least one copy of the annual evaluation of their security-related functions. This is a recordkeeping burden and the affected public is estimated at 1,300 airport operators and air carrier checkpoints. The estimated annual recordkeeping burden is 16,300 hours.

10. *2120-0571, Alcohol Misuse Prevention Program for Personnel Engaged in Specified Aviation Activities.* This regulation required specified aviation employers to implement an FAA-approved Alcohol Misuse Prevention program (AMPP) to provide the FAA with an AMPP certification statement, and to report annually on alcohol testing results. The respondents are an estimated 5,500 specified aviation employers for an estimated burden of 32,000 hours annually.

11. *2120-0606, Fleet and Operations Reporting: Grand Canyon National Park.* The information is needed to (a) establish accurate information on overflights of Grand Canyon National Park for noise and safety management purposes; (b) validate noise models for use in mitigation studies; (c) determine when and where noise mitigation is required and (d) provide the basis for a flexible and adaptable noise management system.

Issued in Washington, DC, on October 1, 1999.

**Patricia W. Carter,**

*Acting Manager, Standards and Information Division, APF-100.*

[FR Doc. 99-26169 Filed 10-6-99; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Record of Decision for the Adoption of the Colorado Airspace Initiative Prepared by the Air National Guard

**AGENCY:** Federal Aviation Administration.

**ACTION:** Record of decision.

**SUMMARY:** The Federal Aviation Administration (FAA), after carefully reviewing the Final Environmental Impact Statement (FEIS) prepared by the Air National Guard (ANG), announces its decision to adopt the ANG FEIS and implement the requested Special Use Airspace changes to the National Airspace System in and around the state of Colorado. This airspace initiative is known as the Colorado Airspace Initiative (CAI).

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Graffin, Environmental Specialist, Environmental Programs Division (ATA-300), Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591 (202) 267-3075.

**SUPPLEMENTARY INFORMATION:** As provided in 40 CFR 1506.3 and FAA Order 1050.1D, "Policies and Procedures for Considering Environmental Impacts," the FEIS of another Federal Agency may be adopted in accordance with the procedures in 40 CFR 1506.3. Under 40 CFR 1506.3(b), if the actions covered by an EIS and the actions proposed by another Federal agency are substantially the same, the agency adopting another agency's statement is not required to recirculate it except as a final statement. The FAA has determined that the proposed action of modifying existing and establishing new military training airspace areas over the State of Colorado is substantially the same as the actions considered in the ANG's FEIS. FAA staff has independently reviewed the ANG FEIS and has determined that it is current and that the FAA NEPA procedures have been satisfied. FAA has determined that the FEIS adequately assesses and discloses the potential environmental impacts of the proposed action. FAA staff concluded that, after mitigation measures are taken into consideration, the existing airspace can be modified and new military training airspace can be established with no significant impacts on environmental resources.

The ANG has requested this action to respond to changes in readiness training requirements. The requirements

are reflected in specific United States Air Force regulations for military aircraft and personnel operating in the affected airspace. Additionally, this action responds to the changes in commercial aircraft arrival and departure corridors required for operation of the Denver International Airport.

The Text of the entire Record of Decision is provided as follows:

### I. Introduction

This document serves as the Record of Decision (ROD) for the Federal Aviation Administration's adoption of the Air National Guard's (AGN) Final Environmental Impact Statement (FEIS) and ROD for the proposal known as the "Colorado Air Initiative" (CAI).

Pursuant to Section 102(2) of the National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental Quality (CEQ) regulations implementing NEPA procedures (40 CFR Section 1500-1508), the ANG prepared and published a FEIS that analyzed the potential environmental impacts associated with modification of existing airspace and the establishment of new military training airspace in and around the state of Colorado. The document also considered changes in airspace utilization by military flying units.

The FEIS considered three alternatives, the "Preferred Alternative", the "Original Proposal" and the "No Action Alternative" as required by the CEQ regulations. Five other alternatives has been identified but were eliminated from further consideration.

The ANG has submitted the FEIS along with the supporting aeronautical proposals to the FAA for consideration and adoption pursuant to CEQ regulation 40 CFR Part 1506.3. The proposal submitted by the ANG to the FAA for consideration is the alternative designated by the ANG as the Preferred Alternative. This alternative is also the environmentally preferred alternative. The Preferred Alternative proposes the modification of three existing Military Operating Areas (MOA) and four Military Training Routes (MTR), the deletion of one MTR and a portion of one other, as well as the establishment of one MOA and three MTRs. One MOA would remain unchanged.

The following is a discussion of the proposal submitted to the FAA, a brief discussion of the other alternatives considered, environmental impacts and additional mitigation measures mandated by the FAA as well as the decision of the FAA.

### II. Background

The ANG prepared the CAI FEIS in support of its request for modification to the National Airspace System administered by the FAA. The ANG requested these modifications to address new military airspace training requirements in part related to the modernization of their aircraft and weapons systems. The ANG is also seeking these modifications in response to changes in commercial aircraft arrival and departure corridors dictated by the FAA for the operations of the Denver International Airport.

The ANG issued the CAI FEIS in August 1997 and executed its ROD in October 1997. In the spring of 1998, the ANG submitted these documents to the FAA for adoption pursuant to CEQ guidelines. Thereafter, the ANG submitted its aeronautical proposals to the FAA, formally requesting that the FAA make the requisite changes to the National Airspace System.

The FAA held six informal airspace meetings. In response to many of the comments received as well as to incorporate safety and efficiency requirements, the FAA mandated the additional mitigation measures that are outlined in this document.

### III. Proposal

The ANG FEIS analyzed three alternatives, the Preferred Alternative, the Original Proposal, and the No Action Alternative. Implementation of either the Preferred Alternative or the Original proposal would result in a reduction in the number of operations compared to the No Action Alternative (existing conditions). Five other alternatives were originally identified but were not carried forth for consideration. The ANG in its ROD dated October 28, 1997, selected the Preferred Alternative. This alternative was also the environmentally preferred alternative. The following is a discussion of the alternatives considered.

#### *Preferred Alternative*

The Preferred Alternative was developed in response to issues and concerns raised during the ANG scoping process. This Alternative took into account comments made by the CAI Working Group and recommendations from former Governor Romer's Office.

The Preferred Alternative proposes the modification of three existing MOAs and four MTRs, the deletion of one MTR and a portion of one other. It also proposes the establishment of one MOA and three MTRs. One MOA would remain unchanged. The proposal considered in the FEIS is as follows:

- Modify Kit Carson A/B MOAs and rename them Cheyenne High and Low MOAs. Minimum altitude would be raised from 100 feet to 300 feet Above Ground Level (AGL).
- Modify Pinon Canyon MOA. The eastern border would be moved approximately 1 nautical mile (NM) to provide FAA clearance criteria for a north-south airway.
- Utilize La Veta MOA. This MOA would remain unchanged.
- Modify Fremont MOA and rename Airburst MOA. The southeastern corner would be extended east and south to connect with the La Veta MOA. The modified airspace would be renamed Airburst A, B and C would form contiguous airspace with the La Veta MOA and the Airburst range. This would exclude an area over Canon City, Colorado and Penrose, Colorado. The bottom elevation of Airburst B and C would be 500 feet AGL.
- Establish Two Buttes MOA. This MOA would be established east of the adjoining Pinon Canyon MOA. The MOA would be divided into low and high areas. The elevation for low would be 300 AGL to 10,000 mean Sea Level (MSL). The elevation for high would be 10,000 MSL but not higher than Flight Level (FL) 180.
- Modify IR-409. The bottom elevation of this MOA would be raised from surface to 300 feet AGL for the two final segments and raised from surface to 500 feet AGL for the remainder of the route. The route width would be reduced from 16 NM to 10 NM along two segments, from 22 NM to 8 NM along one segment and from 16 NM to 6NM for the remainder.
- Delete VR-412.
- Modify VR 413. The floor would be raised from surface to 500 feet AGL. The route width would be reduced to 6 NM. The southwestern most turning point would be 12 NM along the centerline to eliminate flights over the Great Sands Dune National Monument. Restrictions would be added to the route so that aircraft would remain 2000 feet AGL to the maximum extend possible when they cross the Sangre de Cristo wilderness areas between Highways 50 and 285.
- Modify IR-414. The minimum altitude would be raised from the surface to 300 feet AGL. The width would be reduced from 28 NM to 6 NM. An existing maneuver area would also be eliminated.
- Establish XIR-424. Create a new MTR that would follow the reverse ground path of IR-414 and then follow the existing ground path of IR-409 to the Airburst Range. The bottom altitude of XIR-424 would be 500 feet AGL from Cottonwood to Airburst Range.
- Modify IR-415. This IR would be modified so that it would join IR-409 at Cedarwood and continue to the Airburst Range. The minimum altitude for this route would be raised from the surface to 300 AGL beginning at Point E near Cedarwood and raised from the surface to 500 feet AGL from Point E to Airburst Range. The width would be reduced from 21 NM to 10 NM and from 33 NM to 10 NM.
- Modify IR-416. The southern portion of this route from Point G to Point L would be deleted. The altitude for the remaining route

would be raised from the surface to 300 feet AGL.

- Establish XIR-426. This new MTR would follow the reverse ground path of the current IR-416 from Point L to Point G. The minimum altitude of this route would be 300 feet AGL.

- Establish XVR-427. This visual route would begin approximately 7 NM south of the northern border of Cheyenne MOA. The route would proceed southwest then north and terminate at Airburst Range. The new VR would conform to the existing IR-409 route widths and altitudes beginning at Point F. The minimum altitudes prior to Point F would be 300 feet AGL.

#### *Original Proposal*

This Alternative had been identified by the ANG during its scoping process and was retained for further consideration within the FEIS. Under this Alternative, four existing MOAs and MTRs would be modified, one MTR and a portion of another would be deleted, and one new MOA and three new MTRs would be established. After considering public input received during the scoping process, the ANG determined that the Preferred Alternative was more responsive to the public while ensuring that their training requirements could be accomplished.

#### *No-Action Alternative*

Under the No-Action Alternative, existing airspace would continue to be utilized. No modifications to training airspace configuration would occur. However, the operations at the Denver International Airport, since its opening, have placed limitations on the ANG's use of existing airspace. In addition, new modern warfare training requirements mandated by the Air Force necessitated modification to the existing airspace. The ANG determined that the existing airspace would not enable its pilots to accomplish their training requirements in a manner that would adequately prepare them for wartime taskings. Therefore, this alternative was not considered a viable alternative.

#### *Alternatives Identified But Not Carried Forward For Further Detailed Study*

Five other alternatives were originally identified by the ANG but were eliminated from further detailed study. They are as follows: (1) Continued use of the existing MOAs and MTRs aside from those addressed previously and the creation of one MOA and five MTRs. The new MOAs and MTRs were eliminated because they did not meet criteria established for meeting aircrew proficiency requirements or were dismissed by the FAA. (2) Establishment of 6 new MOAs. Each MOA was eliminated from further consideration because it did not meet

training or distance from home station requirements. (3) The elimination of the 140th Wing of the COANG. The ANG eliminated this alternative because its evaluations demonstrated economic and logistical advantages associated with individual state ANG units including the 140th Wing. (4) Elimination of military training airspace in the state of Colorado. This alternative would have impaired the ability of pilots stationed in Colorado from accomplishing the required level of training. (5) Replacement of all military aircraft training with simulator assisted training. Although simulator training does assist aircrews in obtaining certain type of training it does not provide the opportunity to obtain the most important aspect of aircrew proficiency training, which is the requirement to conduct actual military training flights.

#### *Modification to the Initial Proposal Submitted to the FAA*

In addition to the proposals considered in the FEIS and considered as part of the Preferred Alternative, the ANG ROD detailed minor modifications of five MTRs. These modifications had been requested by the FAA stemming from the FAA's on going aeronautical review. They are as follows:

- IR-409. Corridor width narrowed along several legs.
- IR-414. Corridor width narrowed under Cheyenne MOA.
- XIR-424. Corridor width narrowed under Cheyenne MOA.
- IR-416. Corridor width narrowed under Cougar MOA. Southern half of the route would not be eliminated.
- XIR-426. Proposal withdrawn (adoption of the no action alternative)

#### **IV. Environmental Consequences**

The ANG, in its FEIS, considered the potential environmental impacts associated with all three of the alternatives carried forth for analysis. The analysis for each piece of airspace was conducted as if the maximum possible numbers of sorties were to be performed in that airspace. The ANG FEIS considered the potential environmental consequences on the following: Noise, Airspace Management/Air Traffic, Land Uses and Resources, Safety, Visual Resources and Aesthetics, Biological Resources (Vegetation, Wildlife and Domestic Animals and Threatened and Endangered Species), Cultural Resources, Air Quality, Socioeconomic Resources, Earth Resources, Water Resources, Hazardous Material Release, Human Health Effects and Natural Quiet. The EIS also considered the cumulative impacts of the proposal.

The ANG ROD concluded the following:

Based on the analyses conducted for the EIS, neither the Preferred Alternative, the Original Proposal, nor the No-Action Alternative result in significant environmental impacts. Any impacts which may occur can be minimized through the use of mitigation measures." (ANG ROD pg. 8)

#### **V. Mitigation**

After the publication of the ANG ROD, the FAA held six informal airspace meetings. From the input received from the public, as well as to assist the FAA in disseminating real time information relating to military training flights to the General Aviation population, the FAA determined that additional mitigation measures were necessary. In addition to the mitigation measures the ANG set forth in its ROD, the FAA mandated the following modifications:

- No operations to occur between the hours of 10:00 P.M. and 7:00 A.M.
- In addition to renaming the Kit Carson A/B, Cheyenne, the western boundary would be relocated 10 NM to the east.
- Reduction of Pinon Canyon MOA. The eastern boundary would be modified to coincide with the eastern edge of VR-109 and the western boundary of Two Buttes MOA.
- Airburst A modified. The eastern, southern and western boundaries would be the same as the existing Fremont MOA. The southern boundary would be moved north to avoid Canon City and the Fremont Airport. Altitude would remain the same, i.e., 1500 feet AGL but not higher than FL 180.
- Airburst B modified. The southern boundary of the existing Fremont MOA would be moved east along the southern boundary of the Fort Carson R-2601. The altitude would be 500 feet AGL but no higher than FL 180.
- Airburst C MOA modified. The southern boundary would be extended south of the Airburst B MOA to highway 50, then west along highway 50 to a point south of Airburst B MOA then north to the southwest corner of the Airburst B MOA. The altitude would be 500 feet AGL, but not higher than 8,500 feet MSL.
- IR-409 modified. Point E would be deleted as an alternative entry/exit point. The existing segment between Point H and Point I would become VR-410/411.
- Creation of VR-410 and VR-411. These MTRs were created in lieu of the expansion of the Airburst MOA extending from R-2601 to the La Veta MOA. VR-410 and VR-411 would be 6 NM wide and would utilize the same centerline as the existing VR-409. VR-410 would be the northbound route and VR-411 the southbound route. The Special Operating Procedures (SOP) for both routes would require that all operations conducted south of U.S. Highway 50 occur at or above 8,500 feet MSL.
- VR-413 narrowed in the vicinity of the town of Moffat. Route restrictions and

reporting requirements added to the route SOP.

- La Veta MOA modified. The northwest tip of this MOA would be removed to accommodate Global Position System (GPS) approach procedures and airspace to the Fremont County Airport.
- Elimination of the Cougar MOA.

The environmental analysis contained within the FEIS was reviewed by the FAA and a determination made that any potential environmental impacts associated with the modifications made to the airspace proposals would be consistent with those already disclosed in the FEIS.

## VI. Public Involvement Process

### *Informal Aeronautical Meetings*

In response to public interest in this proposal, the FAA held six informal aeronautical public meetings in 1998. Meetings were held in Saguache, Westcliffe, Penrose, Englewood, Colorado Springs and La Junta, Colorado.

421 comments were received during these informal meetings and many more were submitted in writing after the meetings. The comments were read and characterized. The major issues identified by the public during this process and responses thereto were compiled in a document entitled "Summary of Major Environmental Comments During FAA Aeronautical Review." This summary was mailed along with the FAA's **Federal Register** Notice dated April 27, 1999 declaring the Agency's intent to adopt the ANG FEIS to those individuals who had expressed concern about the initiative or who had attended an aeronautical meeting.

### *Informal Public Comment Period*

In a **Federal Register** Notice dated April 27, 1999, (FR Vol. 64, pg. 22670) the FAA announced that it was recirculating the ANG FEIS in compliance with CEQ regulation 40 CFR Part 1506.3, and that it intended to adopt the FEIS. The **Federal Register** Notice stated that FAA would receive public comments for 30 days or until May 28, 1999. By letter dated May 3, 1999, the FAA notified interested members of the public of its intent to adopt the ANG FEIS. Also included in the mailing was a copy of the summary of major environmental concerns discussed above.

The public comment period was extended an additional 30 days to provide the public the opportunity to submit their comment on the references made by the FAA to the ANG aeronautical proposal. (FR dated May 20, 1999, Vol. 64, pg. 27612) In a letter

dated May 19, 1999, the FAA mailed a summary of those refinements to the public and extended the period during which the FAA would receive public comments until June 21, 1999.

At the request of members of the public, the period during which the FAA would accept comment was extended one final time. By **Federal Register** Notice dated June 11, 1999, the FAA extended the informal public comment period to August 2, 1999. (FR Vol 64, pp. 31676-31677)

In excess of 400 comment letters were received by the FAA in response to the **Federal Register** Notices announcing its intent to adopt the ANG's FEIS. The letters were carefully read and considered. Major areas of concern were identified and a general response was sent to concerned citizens by letter dated August 11, 1999. All letters have become part of the administrative record and have been considered by the federal decision-maker.

### *Summary of Issues of Concern to the Public*

Informal aeronautical meetings were held by the FAA to obtain aeronautical comments related to the proposed modification to the National Airspace System. However, the vast majority of comments made by the public during the FAA's six informal meetings were related to concerns about the potential for environmental impacts and the sufficiency of the environmental analysis performed by the ANG. The primary concern was noise and the potential impact to quality of life for those who live under the proposed airspace. Below is a list of the major environmental concerns identified during the informal meetings in addition to those raised by the public during the informal public comment period. The ANG FEIS and ROD were reviewed and a determination made that the issues identified below were adequately analyzed within the FEIS and ROD.

#### Issues of Concern

- (1) Risk of aircraft accidents and the inability of local fire and rescue to respond to an accident.
- (2) Concern about overflights over Route 17.
- (3) Noise impacts to the Moffat School.
- (4) Potential disproportionate effects on low income and minority populations. (Environmental Justice concerns).
- (5) Risk of collisions with other airspace users.
- (6) Potential impacts on children's health and safety.
- (7) Noise and compatible land use, including startle effect on horses and other livestock and sleep disturbance.

(8) Potential impacts to tourism and property values.

(9) Inability to obtain "natural quiet" over National Park Service Parks.

(10) Potential Impacts to migratory birds and other wildlife.

(11) Accountability of the military pilots.

## VII. Decision

After careful and thorough review of the ANG's FEIS, the FAA has determined that the FEIS complies with the National Environmental Policy Act of 1969, (42 U.S.C. Section 4371 et seq.), the CEQ's implementing regulations (40 CFR Sections 1500-1508), and FAA's order entitled "Policies and Procedures For Considering Environmental Impacts" (1050 1d). The FAA has considered the contents of the ANG FEIS, and the ANG ROD.

Under the authority delegated to me by the Administrator of the Federal Aviation Administration, I have decided to adopt the ANG FEIS pursuant to CEQ regulation 40 CFR 1506.3. Moreover, having considered the environmental and aeronautical comments received from the public, the FAA deems it necessary to undertake the additional mitigation measures identified above.

Dated September 28, 1999.

William J. Marx,

Manager, Environmental Programs Division,  
Air Traffic Management Program.

### *Right of Appeal*

This decision is taken pursuant to 49 U.S.C. Section 40101 et seq. and 49 U.S.C. Section 47101 and constitutes an order of the Administrator, which is subject to review by the Court of Appeals of the United States in accordance with the provisions of 49 U.S.C. Section 46110.

Federal Aviation Administration,  
Environmental Programs Division,  
Air Traffic Airspace Management  
Program, Attn.: Elizabeth Gaffin,  
rm. 422, 800 Independence Ave.,  
SW, Washington, DC 20591.

Issued in Washington, DC, on October 1, 1999.

William J. Marx,

Manager, Environmental Programs Division.  
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