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Major Stephen R. Lippert
NGB/A 7AM, Program Manager
3500 Fetchet Avenue
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re: ANG0956737 - Draft EIS - Modification of Condor MOA

Dear Major Lippert:

Following are my comments on the referenced Draft Environmental Impact Statement. These comments should not be considered final as the EIS is only a draft. I reserve the right to make further comments when a final EIS is made available for public comment.

Analysis of land area affected by Condor: The Condor proposal will lower the airspace over 4000 square miles. The DEIS claims that 53% of the area is already impacted by low level flights as it underlies existing Military Training Routes (MTR). This figure relies in large part on the inclusion of Instrument MTRs, yet the DEIS includes no information regarding the actual use of said Instrument MTRs. Without specific data on such use, these MTRs represent simply lines on the map and no more. The following specific issues must be addressed in a competent EIS:

1. Civil aviation relies on FAA publications for guidance for safe flight. FAA Airman's Information Manual, Part 5, states "Operations on these routes are conducted in accordance with IFR regardless of weather conditions."

FAR Part 91 mandates IFR operations be flown, " In the case of operations over an area designated as a mountainous area in Part 95 of this chapter, an altitude of 2,000 feet above the highest obstacle within a horizontal distance of 4 nautical miles from the course to be flown." This translates to 6000 feet msl for much of the instrument MTR area in Condor - a far cry from the "500 feet above the ground" implicitly claimed in the DEIS.

2. The DEIS admits that the 104th never flies these Instrument MTRs and makes no claim that they are regularly flown by any other military unit. If the ANG can not show that these routes are flown regularly, these Instrument MTRs should be formally discontinued by the Air Force, not used to justify more intensive use of civil airspace under Condor.

If the DEIS can not document significant use of these routes at a low altitude, it must revise the 53% figure to a more appropriate 25% or so and admit that Condor will require some 3000 square miles of additional lowered airspace, not the 1692 square nautical miles stated in the DEIS, Section 2.3.2, Table 2.3. Other pertinent sections of the DEIS should be corrected as necessary.

Analysis of area of land affected by alternatives: The existing Adirondack MOA Complex appears to be capable of accommodating an operations area similar to Condor with the lowering of some 1170 square miles of existing MOA (see map attached as Exhibit 1), not the 1838 to 2725 square nautical miles stated in the DEIS. The existing visual MTRs in this area will reduce the affected land area further, consistent with the methodology adopted for Condor.

While the existing Cranberry MOA is currently available only from November through April, Lt. Gen. Wyatt's letter of Sept. 10 (attached hereto as Exhibit 2) indicates that low level routes are currently flown "in the winter months during the day." and "Under the proposed airspace modification this will continue." If Cranberry MOA were made available in summer months, the total area affected would still be far less than the additional 3000 square miles needed for a Condor Low area.

The DEIS states concern with lowering additional airspace over the Adirondack State Park. The Adirondack Park, however, is not a normal park in the image of Acadia National Park or the Rangeley State Park. Rather it is simply a planning region within a Blue Line drawn on a map. Over half of the land within this Blue Line is privately owned and is regulated by the Adirondack Park Agency much as Maine's Land Use Regulation Commission regulates use of much of the land underlying Condor. Less than 1 % of the public land within the Park is available for even primitive structures to accommodate conventional park use. A competent EIS must analyze the impact on various land uses within the alternatives, not just the ownership patterns.

Impacts on civil aviation operations: The AOPA has detailed concerns over the impact on safe operation of civil aircraft in a lowered Condor, particularly the lack of communication and radar capability. To these I would add the conflict of fighter jets with unanticipated off-airport take-offs and landings, particularly by seaplane. All water bodies in Condor are open for seaplane operation, and slow pop-up traffic from them is frequent.

The alternative of lowering an additional portion of the Adirondack MOA would alleviate many of these concerns. Adequate radar and communication capability exists in the area. Significant military facilities are located nearby for emergency use. No public use land airports exist in this area. Adirondack Park Authority regulations prohibit seaplane operations on all water bodies within the Blue Line except for those few lakes on which they are specifically allowed. Potential unanticipated conflicts between fighter jets and slow pop-up traffic are thus greatly reduced from what would occur in Condor. A competent EIS must analyze these factors in detail.

Noise impact: The DEIS finding of "no significant impact" stretches the credibility of the FAA's noise analysis methodology to the breaking point. The civil aviation industry depends on the FAA to defend appropriate use of the existing airport structure in conflicts such as the current Santa Monica dispute. If the FAA, as a cooperating agency, concurs with the Condor DEIS's extreme interpretation of its methodology, it may well find itself forced to defend the indefensible in cases far more central to the utility of aviation than is Condor.

The FAA methodology is a necessary discipline in estimating noise impact in the vicinity of airports. Airports feature slow flying planes with generally predictable patterns. You can hear them coming and anticipate the louder noise. There is no such warning for fast flying, low altitude fighter jets. Out of the clear blue a person is enveloped in a noise tsunami approaching the threshold of pain. An unsuspecting person engaged in a hazardous activity (such as carrying a pot of scalding water from stove to sink) can be at extreme risk. The DEIS euphemizes this as the "startle effect".

The State of Maine's April, 1992, "Comments on Proposed Modifications to Condor I and II MOAs", which is incorporated herein by reference, details many of the shortcomings of the FAA's methodology. The DEIS has made no attempt to respond to these concerns and is fatally deficient on that account. Exhibit 3 contains excerpts from this document particularly pertinent to the noise issues. A competent EIS must respond to all concerns expressed in this 1992 letter from the State of Maine.

Governor Baldacci's August 28 letter to Mr. Albro requests that the Air National Guard fund an independent noise analyst to review and make findings on the noise sections of the EIS. This would be a very effective way to defuse a controversy which could seriously compromise the FAA's credibility.

Population affected: The DEIS contains no analysis of the significant increase in resident population affected by the Condor proposal, apparently assuming a homogeneous pattern. The map attached as Exhibit 4 shows that the current MTR structure is located primarily over sparsely populated areas with a total population of roughly 5,000 residents. The proposed increase in lowered airspace would affect an additional 50,000 residents or ten times those affected by the current MTR structure.

Table 2.3 of the DEIS claims that, if an additional portion of the Adirondack MOA were lowered as an alternative to Condor, "Land use patterns are similar to Condor 1 and Condor 2 MOAs, so there would be no significant difference in the amount of urban versus rural land that would be affected between the alternatives."

This is flat out wrong. The land underlying the Adirondack MOA Complex is far less densely populated than that underlying Condor. The attached map (Exhibit 1) shows that a possible lowering of the Adirondack MOA would likely affect fewer than 5000 residents, less than one tenth those affected by the lowering of Condor. A proper EIS must consider detailed population factors in its analysis of alternatives.

Real estate value and tax impacts: The 104th could avoid all these impacts by deploying to an existing area for training. The chief reason given by the DEIS for not doing so is the cost of $1.2 million per year. The DEIS, however, omits any analysis of economic and tax cost to either the Condor or Adirondack areas as a consequence of lowering existing MOA airspace. It appears

to rely solely on the shoehorning of noise data into an FAA model neither designed nor adequate for any economic analysis of rural areas.

The municipalities underlying Condor have a total real estate valuation of $8.8 billion, excluding the valuation of unorganized townships. This yields about $120 million per year in real estate tax, which is some 100 times the aforementioned cost of deployment. Any loss of valuation over one percent would cost the local towns more than the National Guard would save. The fact that a low level jet training area simply exists in Condor would likely cause this minimal valuation loss, even before the flying starts.

Valuation and tax impacts will vary widely with property use, i.e. industrial, commercial, recreation, residential, and second home. A competent EIS must analyze the real estate patterns in Condor and the Adirondack area in some detail to determine these impacts adequately.

Other economic and tax impacts: A 1996 study of the Franklin County economy show tourism contributed $88 million annually. The tourism industry in other counties combined with the very robust second home industry form a several hundred million dollar annual economy together with its consequential sales and payroll tax receipts.

The tourist industry has long accepted the "Rule of Seven" whereby a bad experience by one tourist can cause seven others to rethink their plans. The second home industry, where the customer makes a serious financial commitment, likely features a higher multiplier. A detailed analysis the impacts of low flights on the tourism and second home economies of the communities underlying Condor as well as those underlying a possible lowered Adirondack area must be a part of any competent EIS.

Conclusion: The DEIS is so deficient in facts and analysis that a complete critique is impossible. A final EIS will doubtless address many of these deficiencies, but the ANG should not assume that all public concerns have been articulated in the public comments on the DEIS. The public must be given opportunity to express their concerns with the final EIS at a public hearing where the FAA, as cooperating agency, participates actively.

Thank you for the opportunity to comment. I look forward to the final EIS.

Very truly yours,

David W. Guernsey

Enclosures: 4 Exhibits, as stated.