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February 19, 2019

Mr. Shawn Kozica
Operations Support Group
Western Service Center
Federal Aviation Administration
2200 South 216th Street
Des Moines, WA 98198-6547

Re: Supplemental Environmental Impact Statement Required for Additional Air Traffic Control Assigned Airspace (ATCAA) at the Powder River Training Complex

Dear Mr. Kozica,

I am writing on behalf of the Aircraft Owners and Pilots Association (AOPA), the world's largest aviation membership association, to express our concern that the United States Air Force (USAF) may be omitting important National Environmental Policy Act (NEPA) requirements by requesting the establishment of additional Air Traffic Control Assigned Airspace (ATCAA) at the Powder River Training Complex (PRTC). AOPA is aware that in 2018 the FAA approved the use of a new ATCAA over the existing PRTC airspace between the altitudes of Flight Level 270 and 510 by applying a Categorical Exclusion (CATEX). Although utilized only temporarily, this airspace spanned thousands of square miles and impacted hundreds of flights. We understand the USAF is submitting a similar request for their 2019 Large Force Exercise. We respectfully request the FAA not approve the USAF request for additional ATCAAs until the environmental impacts and the public's concerns are fully resolved by the completion of a supplemental Environmental Impact Statement (EIS).

New ATCAA will have a significant impact on civil aviation

ATCAA's are established by a Letter of Agreement (LOA) between a military unit and the local FAA Air Route Traffic Control Center. The purpose of an ATCAA is to provide separation between nonhazardous military training and other nonparticipating aircraft. When an ATCAA is activated, civil aircraft must be routed around the airspace incurring additional flight time and expense. Notably, ATCAA's are not charted, their activation is not announced via NOTAM, their dimensions are not published, and the public is normally not able to comment on their establishment.

In review of the USAF's October 2018 ATCAA request, the FAA conducted a historical review of the number of aircraft that flew through the affected area. When looking at those same days for previous years, the number of flights that transited that area was 1,174 in 2015, 1,289 in 2016, and 1,321 in 2017. The daily number of civil aircraft that would be affected averaged over 400. This is a large number of aircraft requiring reroutes and that would need to fly less optimal and fuel efficient routes. These alternative routes will increase the emissions and fuel consumption of aircraft versus the current state. The economic impact due to a temporary ATCAA could be hundreds of thousands of dollars for operators over the timespan of a Large Force Exercise.

In February 2018, AOPA and NBAA collaborated to survey members about their experiences flying in and around the PRTC that spans across Montana, Wyoming, North Dakota, and South Dakota. We

surveyed pilots to determine if the SUA had adverse impacts on their flying; we received 329 responses. For pilots who routinely fly in the SUA, three out of four reported adverse impacts. Inefficient routing through and around the SUA was noted to cost pilots time and money. AOPA received complaints from operators regarding the 2018 Large Force Exercise and we believe the new ATCAA exacerbated the impact.

We believe it is undeniable that the proposed ATCAA will have environmental impacts. In accordance with FAA Order 1050.1F, paragraph 9-3, we believe this ATCAA would constitute a substantial change to the previously approved PRTC Final EIS. AOPA contends the USAF's requested airspace is of great enough significance to warrant the preparation of a supplemental EIS. The supplemental EIS should be published in the Federal Register for public comment.

Extraordinary circumstances exist

We do not believe a CATEX to be appropriate as extraordinary circumstances exist that would preclude use of the CATEX for this SUA proposal per FAA Order 1050.1F, paragraph 5-2. This airspace action would establish a precedent for future actions that might have significant negative effects for the public. Approving the USAF's airspace request without additional environmental requirements would make it acceptable for SUA proponents to conduct an EIS for a portion of the airspace complex they need and then later, in a separate and opaque manner, request additional SUA. As ATCAAs are not circulated for comment, nor are the LOA's that establish them publicly available, the military could establish large swaths of airspace with little public awareness or involvement. Large military airspace complexes could be created with little oversight and with little regard to the public directly affected by the change. It appears the military is attempting to circumvent the public awareness and comment requirements.

AOPA believes an extraordinary circumstance exists based on the large number of civil aircraft that transit the area proposed for the ATCAA and as the PRTC airspace expansion was itself controversial. There were many concerns expressed by the civil aviation community regarding the existing ATCAA's when they were first proposed. Based on the number of comments submitted during that EIS process, it is likely there would be additional comments on this airspace action. We believe increasing the PRTC airspace without additional environmental analysis would be incorrect. Therefore, the airspace sponsor and the FAA should acknowledge that extraordinary circumstances exist that warrant analysis via conducting a supplemental EIS.

Establishing new ATCAA conflicts with previous decisions

The approval of the higher altitude ATCAA in 2018 was incorrect as it was counter to the formal commitments published in the FAA and USAF Record of Decisions (ROD) for the PRTC. Mitigations and assurances were made in those documents to ensure the impact of the new SUA on civil aviation would be reduced. Some of these mitigations were specific to Large Force Exercises, which is what this new ATCAA directly pertains to. We question whether the FAA and USAF are meeting their legal obligations if they allow new ATCAAs to be activated that magnify the adverse impact on civil aviation in the PRTC area. Approving use of this ATCAA directly conflicts with the promises made in the 2015 RODs.

It is clear the new ATCAA, which extends from Flight Level 270 to 510, would make the PRTC a large barrier that would need to be flown around, versus over or under. The existing ATCAA's were capped at Flight Level 260 to ensure aircraft could still fly over the PRTC. The FAA and USAF RODs specifically mentioned the importance of allowing aircraft to fly over the ATCAAs:

Limiting all PRTC activity to altitudes at or below 26,000 feet MSL (in the PR-1B and PR-1D ATCAAs, the airspace from 23,000 MSL to 26,000 MSL would be used only for infrequent LFEs) to reduce impacts on aircraft utilizing high-altitude routing (see sections 2.3.1 and 2.4.3 of the Final EIS).

We question the adequacy, accuracy, and validity of the PRTC Final EIS and the RODs if a new ATCAA will continue to be utilized at higher altitudes. We contend a reevaluation is required by NEPA as this large expansion of the airspace was not discussed and its inclusion now invalidates previous assumptions and commitments. It is important the public be afforded the opportunity to comment on the economic impact this new airspace will have and to comment on other issues, including safety concerns like a high rate of military aircraft spill outs.

Conclusion

The FAA's mission is to provide the safest, most efficient aerospace system in the world, and to protect the public's right of freedom of transit through the airspace. Implementing SUA that restricts General Aviation operations has significant environmental consequences on the communities, businesses, and airports that this airspace overlies and on the aircraft operators themselves. Adverse impacts include economic disruption, increasing costs, shifting of aircraft routes, and limitations on the public's freedom to fly.

AOPA supports the NEPA process as we believe it is important for the public to be able to protest proposed changes that could prohibit or restrict them from flying in certain areas. It is important for General Aviation pilots to be able to have their voices heard. The FAA is obligated to follow the NEPA requirements; therefore, we believe no additional ATCAA can be approved at the PRTC until further environmental analysis is accomplished and the public given an opportunity to comment. We believe a supplemental EIS is required for any additional temporary or permanent ATCAA over PRTC given the extraordinary circumstances that exist and based on the commitments documented in the Final EIS and RODs.

Thank you for reviewing our comment on this important issue, and we look forward to a response at your convenience. Please feel free to contact me at 202-509-9515 if you have any questions.

Sincerely,



Rune Duke
Senior Director, Airspace and Air Traffic

The Aircraft Owners and Pilots Association (AOPA) is a not-for-profit individual membership organization of General Aviation Pilots and Aircraft Owners. AOPA's mission is to effectively serve the interests of its members and establish, maintain and articulate positions of leadership to promote the economy, safety, utility, and popularity of flight in General Aviation aircraft. Representing two-thirds of all pilots in the United States, AOPA is the largest civil aviation organization in the world.