



421 Aviation Way
Frederick, Maryland 21701

T. 301-695-2000
F. 301-695-2375

www.aopa.org

November 11, 2008

Mr. Doug Allbright
EIS Project Manager
HQ AMC/A7PI
507 Symington Drive
Scott Air Force Base, IL 62225

RE: Grand Forks Unmanned Aircraft System Beddown Environmental Impact Statement

Dear Mr. Allbright,

On behalf of the more than 415,000 pilots, the Aircraft Owners and Pilots Association (AOPA) has reviewed the United States Air Force's (USAF) and United States Air National Guard's (ANG) proposal to base unmanned aircraft systems (UAS) at the Grand Forks Air Force Base. Due to the impact that resulting restricted airspace would have on general aviation, AOPA recommends that the military develop a suitable alternative strategy that permits the UAS operations, but without the restricted airspace.

Neither the current technology nor the existing airspace infrastructure can support the UAS operations in the Grand Forks area, and creating new restricted areas is contrary to public interest and Federal Aviation Administration (FAA) policy. The military should identify a strategy that avoids the need for restricted airspace and that will safely support UAS operation without undue harm to the rest of the National Airspace System (NAS) users. Some examples of mitigations that have been used in the past are ground spotters, chase aircraft, and operations in positive controlled airspace above Flight Level 180.

A recent survey of AOPA members showed that 77% of the members would prefer to share airspace with certified UAS than be subject to flight restrictions. This 77% represents well over half of all U.S. licensed pilots.

The proposal to segregate UAS in North Dakota will have negative impacts on general aviation from both an operational and economic standpoint, and the USAF and ANG have a fundamental responsibility to identify these impacts to the public. FAA Order 7400.2, *Procedures for Handling Airspace Matters*, paragraph 23-1-2 states that restricted areas are to be "*established when determined necessary to confine or segregate activities considered hazardous.*" AOPA questions whether the USAF, ANG, or the Department of Defense's intent was to classify UAS activity as hazardous. If it is determined that UAS is not in fact hazardous, than the establishment of a restricted area would be inappropriate.

Environmental Study Must Include Airspace from a National Perspective

In accordance with the ruling by the United States Fight Circuit Court of Appeals (No. 02-60288), any environmental studies conducted under the National Environmental Policy Act

(NEPA) must include discussion regarding the full impact to civil and commercial aviation. The ruling states “*Civil and Commercial aviation are part of the modern human environment broadly defined, and because the [airspace] would impact aviation, NEPA required the Air Force to address that impact in the EIS.*” The USAF and ANG should take into consideration all aspects of these impacts including the safety and economic impacts.

While the USAF and ANG are familiar with the creation of Special Use Airspace (SUA), and the associated environmental consequences, this instance is unique in a number of ways, and will require a unique perspective. This proposal marks the first time in history the military has proposed permanent restricted airspace for the sole use of UAS. Because of this, any environmental study, including this EIS must include a broad overview of the impacts the NAS as a whole. Because this proposal essentially sets the precedence for the creation of SUA for exclusive UAS use, the EIS must be comprehensive enough to include the broad national policy implications, as they are included in the *modern human environment*, as stated above.

Proposal Would Have Economic Consequences to Local and Transient Aircraft

As the United States Fifth Court of Appeals pointed out, Civil and Commercial aviation are part of the modern human environment. AOPA contends that this statement fundamentally extends to the economic environment of civil and commercial aviation.

An AOPA survey of members indicated that 64% of pilots deviate around charted SUA, regardless of its status. AOPA understands that the restricted areas would be activated on a daily basis. With a SUA complex of this size, the cost for a small or medium civil aircraft to route around the SUA in lieu of flying through can quickly become prohibitive. This can have severe economic consequences on not only the general aviation industry as a whole, but would also spread to other segments of the economy. Life Flight helicopters, small charter companies, freight companies, flight schools, as well as small and medium businesses that own and operate aircraft would all be impacted by an increase in the cost of operation. The USAF and ANG must identify these impacts, provide quantifiable data, and disclose them in the EIS.

Proposal Creates Negative Economic Consequences to Underlying Airports

While the proposed restricted areas will be active with a floor of 6,000 feet msl, AOPA would like to point out that there are existing Military Operations Areas (MOAs) underlying the proposed restricted areas that extend, in some areas, to 300 feet agl and the ANG plans to activate these MOAs whenever the proposed restricted areas are active. While the USAF is required to give public use airports that underlie the MOA a 3 nautical mile (nm) radius and 1,500 foot exclusion area, this does not allow for aircraft to ingress and egress the airport safely. Nor does this give any safety margin to the many private use airports that would be impacted. The 300 foot floor of the MOA does not allow for a safe buffer for civil aircraft. This will cause transient aircraft to avoid the area when they would otherwise land and use the services of the airports and surrounding communities. Fuel sales, overnight parking, rental cars, local hotels, and area restaurants are only a few examples of the total potential revenue that would be lost.

Mr. Doug Allbright
Page 3
November 11, 2008

Because MOAs were designed to segregate aircraft operating under Instrument Flight Rules (IFR) from military operations, these aircraft would not have the option to use the underlying airports. In light of the proposed usage times, this would essentially shut down the underlying airports to IFR traffic, and have major economic consequences.

Flight schools and Fixed Based Operators (FBOs) that reside under the proposed MOA would also suffer significant economic hardships. Pilots would be less likely to rent aircraft and aircraft owners would be less inclined to base their aircraft at an airport that underlies the proposed MOA. Many on-airport businesses rely on this type of consistent revenue stream to maintain employees and safe airport environments.

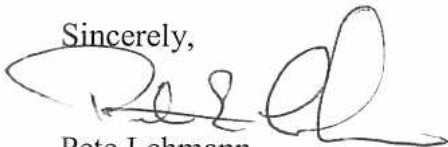
It has always been the USAF's policy to recommend civil aircraft avoid MOAs when they are active. In order to comply with these recommendations, aircraft used in flight training would have to fly more than 50 nm through the active MOA in order to clear the SUA and safely execute training. That 50 nm represents at least an hour of additional flight time and thousands of dollars they will pass on to customers which will multiply the cost of flight training at those airports. This will eventually drive customers away and make it impossible to stay in business.

The onus is on the USAF and ANG to conduct a full economic analysis as part of this EIS to quantify to the public and local, state, and federal elected officials the full impact this proposed SUA will have. AOPA contends that without this analysis, the EIS is incomplete and invalid.

In order to help users and interested parties understand the full effect of each alternative and its associated impacts, AOPA recommends the Air Force include an Adverse Impact Matrix in the EIS and ensure it is contained within the Executive Summary at the beginning of the document.

AOPA understands the value of UAS and the military's need to train for their use. The military however cannot adversely impact the majority of NAS users for the sake of this training. The USAF and ANG should implement UAS at Grand Forks using a safe and suitable system to share the airspace with existing users, without segregation.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Lehmann". The signature is fluid and cursive, with a large loop at the beginning and end.

Pete Lehmann
Manager
Air Traffic Services