

April 28, 2014

Manager, Operations Support Group, ATO Central Service Center, AJV-C2
Airspace Study 14-AGL-06NR
Department of Transportation
Federal Aviation Administration
2601 Meacham Blvd
Fort Worth TX 76137

Dear Manager,

I am writing you on behalf of the State of Montana to voice our concerns with the proposal to expand the Powder River Military Operating Area (MOA). I understand that a robust national defense is founded on the proper training of our military. However, this large airspace expansion as proposed raises several concerns that will negatively impact our State.

Safety

Communications/radar – communication capability and radar services are limited to altitudes above those commonly flown by Visual Flight Rules (VFR) aircraft. This prevents a pilot from communicating with or being seen by Air Traffic Control to be alerted to activity in the area. Additional communication and radar capability would enhance safety for aircraft transiting the area. Airspace within the proposed expansion is jointly controlled by the Denver, Minneapolis, and Salt Lake Air Route Traffic Control Centers (ARTCC). High speed military aircraft can transition between these three centers in a short period of time. Coordination between these high speed military aircraft, general aviation (GA) aircraft, and three ARTCC's further complicates the issue of no communication or radar in the area. During LFE operations, a distinct plan must be in place to designate which ARTCC is in charge.

See and Avoid – by Federal Aviation Regulations, VFR aircraft operating below 10,000 feet are limited to airspeeds of 250 knots to allow the VFR pilot to visually identify other aircraft and take corrective or evasive action to avoid a collision. Allowing high speed military aircraft to operate in excess of 250 knots in the same airspace as GA aircraft is inherently dangerous and compromises the “see and avoid” concept.

Induced Congestion – the “Gaps” will only serve to concentrate air traffic in corridors and induce congestion that otherwise would not exist. Forcing multiple VFR aircraft to operate in a confined area is fundamentally unsafe particularly during periods of low visibility.

NOTAM's – a MOA may be activated by a Notice to Airmen (NOTAM) with only 2 hours' notice. The average GA aircraft has an estimated flight duration of 4-6 hours. The MOA may be activated during a GA flight without the pilot having knowledge of this updated information or having the ability to receive it in a timely fashion.

Flight Training – a prudent flight instructor will not send a student pilot into an active MOA. The workload of a student pilot in the cockpit is challenging enough without the added distraction of flight in a MOA.

Economic Impacts

Eastern Montana Resource Development Areas– natural gas liquids, crude oil and coal are produced and/or transported in this area resulting in significant aviation activity. GA aircraft that are based at an airport underlying this MOA will be impacted by not having unrestricted 24/7 access to airspace. Some of those may choose to relocate, creating not only logistical but economic issues as well. This development has changed the traffic patterns in the area. The FAA should perform a traffic study to determine if there is a need for an air corridor between Baker, MT and Gillette, WY.

Airports/Aviation business – Aircraft typically choose to use local services at airports that are not affected by a MOA. There are six public use and more than 40 private use airports underneath the proposed MOA. The public use airports and associated aviation businesses rely on transient traffic for a majority of their income. Private airport owners (farmers, ranchers) utilize GA aircraft in their day-to-day operations. The proposed MOA will reduce revenue and impact efficiency of these business entities by severely restricting their ability to operate and possibly result in moving commerce to sites outside the proposed MOA.

Access

Instrument Flight Rules (IFR) – by current practice, IFR traffic in an active MOA is prohibited by ARTCC. Procedures for “recalling” military aircraft to allow for civilian departures and arrivals must be agreed to by both agencies and clearly identified.

Air Traffic Control Assigned Airspace (ATCAA) – the effect of the proposed MOA at or above 18,000 feet (ATCAA) is unknown. An action to create an ATCAA will affect GA, commercial and airline operations.

Life Flight –the draft EIS states priority will be given to these operations, however, prioritization is not defined. Communication issues further complicate an already complex set of circumstances and any delay to life flight operations is unacceptable.

Aerial Applicators- The proposed MOA will create significant problems for aerial applicators that operate in the area. Their operations fall well within the use areas and as a seasonal activity, are limited in the window during which they can and must operate.

Mitigations

In addition to the restrictions listed in the FAA proposal, the State of Montana proposes the following mitigations concerning low altitude operations, supersonic flight, and chaff/flare expenditure over SE Montana be mandated by the FAA prior to approving the Powder River MOA expansion:

Powder River 3 MOA – restrict to the high MOA only removing the PR3 Low MOA and restrict PR3 operations to LFE only (10 days/year).

Hardin, Colstrip, St. Labre Mission, Broadus, Ekalaka and Baker - raise the minimum altitude and radius to 5000' AGL and 5 nautical miles over these Montana communities; restrict supersonic flight over these communities to no lower than 20,000' AGL and 10 nautical miles; and raise the minimum altitude for chaff and flare expenditures to 12,000' over these communities.

Chaff/Flare Expenditure –restrict over the National Park Service (NPS) mitigation designation for the Little Bighorn Monument.

Supersonic - no supersonic operations within the Powder River Training Complex after 8pm Mountain Time.

Private airfields - maintain the 1,500' AGL and 3 nautical mile restrictions over active SE Montana private airfields within the Powder River Training Complex.

Hours of activation - develop coordination procedures that are clearly defined to include anticipated hours of operation as well as deconfliction processes for VFR aircraft.

I am interested in continuing to work together to enjoy our freedom that open skies provide and am hopeful that the above measures will be adopted to accommodate the desires of the State of Montana. The State of Montana is committed to working with all stakeholders to develop a safe and effective airspace plan for our military.

I appreciate our Armed Forces and the service they provide to this great country.

Respectfully,

Steve Bullock
Governor