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Sent: Tuesday, August 09, 2005 2:28 PM
To: 'Beauchamp, Arthur, CIV, WSO-BRAC'
Subject: MOA annual review and analysis req'ts
Follow Up Flag: Follow up
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Attachments: MOA_req'.pdf

Art, I am forwarding some data to you that might be useful regarding underutilized MOAs, or changes in use made to MOAs. I held a conference-call last week with four FAA supervisors after our visit with you and Frank about this issue and they seemed clear on the point that change in usage or reuse of previously inactive MOA will most often require going through an reapproval process – especially for NEPA if their could be a change in the “noise footprint.” They admitted that the services, as a matter of practice, often fail to adhere to the regulatory requirements. Talks are apparently underway now with the AF to resolve and enforce these FAA requirements. At any rate, this is just another issue we raise about Dyess’ other available airspace they are claiming.

These procedures are set out in the attached excerpts from FAA Order 7400.2E on Procedures for Handling Airspace Matters. In Chapter 21 concerning Special Use Airspace (MOAs are a type of SUA), Sections 7 and 8 (attached) provide the requirement for annual utilization reports to the FAA containing information on "the times and altitudes used, and the types of activities conducted in restricted areas and MOAs. These reports assist the FAA in its management of the SUA program." Order 7400.2E at 21-7-1.

The regional FAA authority it to conduct a "through review of all annual utilization reports." The regional authority is then to prepare a "review summary" that documents "the findings, recommendations, and actions taken, as appropriate." Those review summaries are to be submitted to FAA HQ by March 31 of each year. See Order 74002E at 21-7-5.a., 21-7-6.

The annual review policy is also contained in section 8 of the Order at 21-8-2a. Part of the annual review obligation is to determine if "any adjustments should be considered to enhance the efficient use or management of the airspace." Id. 21-8-2.a.5. Also, the FAA is to [d]etermine if actual use supports the designated dimensions and times of use." Id. 21-8-2.a.3. The must also "[d]etermine if the airspace is being used for its designated purpose." Id. 21-8-2.a.2.

Under the "Utilization Standards" section (21-8-4), which was apparently developed in response to the GAO report on the need to improve FAA's management of SUA, it provides that "[h]ours actually utilized should equal at least 75 percent of the hours the area was activated, discounted for weather cancellations and delays, or loss of use for reasons beyond the using agency's control." Id. 21-8-4.c.2. Additional SUA review framework information is provided in section 21-8-5.

Of key note is the SUA Review Follow Up Action requirements in 21-8-6. Results of the review are to be maintained on file. If it is determined that the existing SUA parameters (times, altitudes, boundaries) are valid, no further action is required other than to document this result. If any SUA parameters are found to exceed the user's requirements, then the regional authority should discuss that finding with the military representative. When appropriate, the regional FAA is to request the user to submit an airspace

proposal to amend the SUA description. Id. 21-8-6.b.

These requirements suggest a series of questions you might want to ask. First, does the FAA have the annual utilization reports for the MOAs that Dyess is advertising to the BRAC as "Dyess owned airspace"? Second, what do those utilization reports show? Third, does the FAA have its annual review results of those reports?

If we can provide any additional information, please let me know.