

**Taylor, Bob (Thune)**

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**From:** Taylor, Bob (Thune)  
**Sent:** Thursday, August 18, 2005 11:22 AM  
**To:** 'Beauchamp, Arthur, CIV, WSO-BRAC'  
**Subject:** FW: Military Airspace Question  
**Follow Up Flag:** Follow up  
**Flag Status:** Red

Art, I'm forwarding to you a couple of email responses I got from FAA regarding changed usage in FAA approved MOAs. This goes to the issue of what is the realistic availability of using many of the other MOAs within the 300 mile radius of Dyess, when originally approved for other usage and other environmental impacts. It seems clear that there is a gap between what is required by regulation and what is actively enforced by FAA. That said, the guideline should always be what is required by law and regulation, not what the services manage to get away with by practice when using various MOAs. They also told me via phone that talks are currently underway between FAA and the AF (Col. McCullough's Installations office/SecAF) on establishing better enforcement over usage. (Apparently, the FAA has privately taken issue with some of the AF's lack of compliance with proper procedures as to their requirements for following and, as need be, modifying FAA approved usage.) This AF attitude, that we can fly anywhere in anyway we want, seems to be reflected in their claim that all these other MOAs are available for B-1 use without modification to RODs or EIS. You may want to confirm this with FAA.

Some suggested FAA supervisor contacts are:

Edie Parish, Manager, Environmental Programs Group, and Acting Manager,  
 Airspace and Rules Group  
 Doug Gould, Manager, Strategic Operations Security Group, and Acting Manager,  
 Tactical Operations Group  
 Timothy D. Fruth, Lieutenant Colonel, USAF (military reimbursable)  
 Gerry Shakley, Traffic Management Specialist Group

-----Original Message-----

From: brian.langdon@faa.gov [mailto:brian.langdon@faa.gov]  
 Sent: Thursday, August 18, 2005 10:05 AM  
 To: Taylor, Bob (Thune)  
 Subject: Re: Military Airspace Question

The talks we were having with the PBFA were only about the scheduling system.

MOAs are non-rulemaking; the unit works with the facility, submits the proposal, it's reviewed by the region (if an environmental is necessary, it will run concurrently and the FAA will act as cooperating agency), the region publishes a non-rule circular to solicit public comment for 45 days, it analyzes comments received, and determines whether the proposal needs modification (if so the region negotiates that with DOD). If the region validates the need and recommends approval, it forwards the package to us for a final determination. We review the package, (if there's an environmental, it's reviewed for legal sufficiency and adopted by the FAA

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or we work with DOD to resolve the environmental issues) and, when all this is done, if we approve it, we submit it to NFDC for publication and charting.

As long as the military operations are contained within the area designated in its proposal, the MOAs are not aircraft specific. If there is a change in types of aircraft operating in the area, it's the military's responsibility to determine if a new environmental study is needed or if the environmental on file covers it. It is the military's responsibility to ensure that it is in compliance with NEPA. We do not police that.

**Basically, if there is any type of increase in the parameters (altitude, dimensions, times of use, etc.) the military should submit a new or revised proposal.** We don't do any enforcement on them. If the military tells us it's using a MOA for T-38s 16 hours a day, that's what we accept. However, the military is required to file annual use reports which talk about the numbers of sorties and the times used, which we review.

**During base realignments, when they typically look at putting different types of units in those areas, is probably when an environmental would be done.** This would be similar to when Moody AFB changed from a fighter wing to a rescue wing. We do not police that.

IFR training routes (IR) are done at the facility and regional level and we never see them except for charting. The region signs off on IRs because they have implications for IFR service.

We always encourage joint use where possible to the need for additional MOAs.

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Here is text from a separate FAA email:

Change in Airframe:

Our initial review indicates that a change in aircraft type would not require any additional staff work except for notification of the new user.

**However, if the dimension, altitude, and/or time/hours of activity were to change, then a formal request, possibly an environmental study and Advisory Circular with 45 days of open public comment, would have to occur.**

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