

Trojans, Thune (Thune)

From: Taylor, Bob (Thune)
Sent: Tuesday, August 23, 2005 12:35 PM
To: 'Lazarski Anthony Col SAF/LLS'
Subject: RE: Letter from ASECAF to Sen Thune re: RBTI

Lazer,

Thank you for forwarding the letter. The tone of the letter was professional and fairly straightforward. We appreciate that. However, we still disagree on a number of points.

It's obvious the AF is still viewing the litigation through rose-colored glasses. For example, the AF admits their supplemental EIS has a "possibility" of being challenged in additional litigation. In reality, it's probably closer to a virtual certainty. It's ok to take on an optimistic attitude when dealing with litigants and the court, but in dealing with the BRAC commission, and members of congress, a little more realism would be appropriate.

The letter is quick to point out that only a couple of areas in the EIS need to be addressed in the supplemental EIS, however conveniently ignores the fact that the circuit court of appeals vacated the district court rulings, vacated approval for the AF ROD and vacated FAA approval. It also ignores that this process began in 1997 is still not approved, almost eight years later – and, easily, may take yet a couple of more years to complete the SEIS (and to fight the expected battles that will arise within that process). Normally, the approval process takes one to two years, max. I'm afraid the AF is looking at many, many more years before this is resolved.

In reality, the Fifth Circuit did not "uphold the Air Force's [EIS] on all but two procedural grounds." Instead, the court agreed with the plaintiffs "that the Environmental Impact Statement (EIS) prepared by the Air Force and adopted by the FAA does not satisfy NEPA and therefore remand to the agencies to prepare a supplemental EIS in accordance with this opinion."

The AF still implies that it desired to fly no lower than 500 ft in IR-178 anyway (not true) and states "the Air Force continues to provide effective and realistic training in IR-178." This directly contradicts the DeCuir sworn affidavit saying these same restrictions would not "allow aircrews to fully meet necessary realistic training objectives."

It also assumes no need – or fails to address – a requirement to modify their Supplemental EIS to account for additional Ellsworth B-1s. The plaintiffs have already laid down a clear marker to the AF that just doing a short addendum would not be acceptable, would violate NEPA and would accordingly be challenged in court. Again, if the AF is going to give the "short" option a try in court, that's ok if that's the AF legal strategy. But for us, and the commission, a little more reality as to the legal options, likelihood of success and anticipated opposition would have been a fairer representation.

The letter also asserts the AF gave "appropriate consideration" to the litigation in the BCEG deliberations – though there is simply no written evidence of that in any of the deliberative documents or minutes produced. This brings up the question: under data call # 200 to the question asking whether the installation's mission was limited by "existing" or "proposed activities" of other military departments or "other federal" agencies (like federal courts for example), why did Dyess answer "NO" when the AF was aware (as they claim) of the court rulings and impending limitations? The answer should have been "YES."

Finally, the letter again brings into play the "other airspace" issue. Though the data call question clearly asked for airspace to support "bomber" missions, we are very much aware that the Dyess has claimed virtually every piece of airspace w/i 300 miles, and then some. Sixty-six of the claimed airspaces exceed 300 miles. But, again, the original BRAC inquiry that triggered the letter exchange was about the RBTI and its unique capabilities. Does Dyess really claim area P-47 and plan to fly B-1s over President Bush's Crawford Ranch? That could get a little dicey with the Secret Service, don't you think?

But, seriously, thanks for the forwarding the letter and for all your help attempting to bridge the gaps. I'll let you know if a formal response from the Senator is forthcoming.

v/r

Bob

From: Lazarski Anthony Col SAF/LLS [<mailto:Anthony.Lazarski@pentagon.af.mil>]

Sent: Tuesday, August 23, 2005 9:21 AM

To: Taylor, Bob (Thune)

Subject: Letter from ASECAF to Sen Thune re: RBTI

Importance: High

Bob,

I apologize for the delay in answering Sen Thune's letter but the AF wanted to ensure we completely addressed and answered every one of Sen Thune's concerns. I will bring by the original signed letter as soon as it arrives on the Hill.

I will be in the office all day. Please call if you have any questions or comments.

v/r,

Lazer

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