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September 27, 2024

Arizona Regional Airspace EIS
c/o Stantec
501 Butler Farm Rd., Suite H
Hampton, VA 23666

Re: ***Arizona Regional Airspace Draft EIS Comments***

To Whom it May Concern,

The Aircraft Owners and Pilots Association (AOPA), the world's largest aviation membership association, submits the following comments in response to the Draft Environmental Impact Statement (DEIS) undertaken by the Department of Air Force (DAF) to assess the potential environmental consequences associated with the Arizona Regional Special Use Airspace (SUA) Optimization effort.

As has always been the case, AOPA supports the US Air Force's mission and appreciates their need to train in a realistic environment. We understand the existing special use airspace complex located in Arizona and New Mexico, and comprised of 10 military operations areas (MOAs), can be challenging for certain low-altitude and supersonic training.

However, the potential safety, operational and economic impacts that will be felt by general aviation (GA), if this proposal is adopted, are significant and we feel there are opportunities for the proponent to reduce the impact of this expansion.

While we recognize that the needs of the military are changing in light of current foreign threats, AOPA continues to have serious concerns about the recent spate of SUA expansion efforts, including airspace floors being lowered to at or near the surface, supersonic floors being lowered, and the ever-increasing amount of US airspace that is categorized as SUA or special activity airspace (SAA).

As the DEIS does not yet specify mitigations to address these concerns, as laid out in our earlier comments during the Public Scoping process, we are reiterating and expanding on those concerns below and look forward to information about how the proponent can modify its proposal in response.

SUA utilization

Since 1992[i], we have observed an increase of over 20% in the amount of US airspace categorized as SUA. While we continue to see MOAs, restricted areas, and other SUA/SAA being created or expanded, we have observed very little being returned for civil use. While SUA utilization data remains difficult for the public to obtain, it is apparent that, in many instances, SUA is being significantly underutilized.

While the USAF reportedly maintains a policy of regularly reviewing under-utilized SUA, AOPA continues to ask that SUA utilization data be made available, not only to FAA, but also to the public, allowing for a review of airspace that might be able to be returned to the flying public.

Lower MOA floors

A primary focus of concern with the current proposal is the lowering of MOA floors to very near the surface, following a recent national trend (i.e. Mountain Home Range Complex in Idaho and Moody in Georgia). This, in essence, removes the ability for GA aircraft to remain clear of the MOAs as they are transiting the area or operating to/from underlying airports.

In the case of this proposal, an area of over 12,400 square miles would have MOA floors (Jackal, Outlaw, Gladden, Bagdad, and Tombstone) lowered to either 500 feet or 100 feet AGL. This constitutes approximately 11% of the state of Arizona and is in addition to the numerous other SUA areas in the state that extend to at or near the surface. This reflects a dramatic impact on the ability for GA to operate.

Negative impacts to air traffic

As is noted throughout these comments, most VFR pilots treat MOAs as restricted airspace, regardless of activation status, even though they are legally permitted to operate within them. As such, MOAs are a significant deterrent for these pilots and, especially considering the size of the airspace noted above, will result in significant reroutes, additional flight time, and CO2 emissions.

Unfortunately, even after these concerns are raised, DOD routinely asserts that there is little or no significant impact on GA. Further, in the responses to comments regarding GA impacts in the DEIS (page D1-23), it is stated that "Flying VFR through an active MOA is allowed but not recommended because of this concern [wake turbulence] and others." Yet, only 2 pages later (D1-25), it is repeatedly stated that "Federal Aviation Regulations allow VFR aircraft to enter an active MOA," inferring that this somehow negates the impacts of the airspace to GA.

Indeed, this rationale is cited elsewhere in the report. On pages 3-10 to 3-12, it is stated multiple times, with the intent of asserting a minimal impact from the lowered floors, that "If weather conditions allow for VFR, pilots have the option of proceeding through active MOAs." Yet, on those same pages, we also find the statement that "While VFR traffic is not prohibited from entering an active MOA, most VFR traffic, especially student pilots, may choose to avoid an active MOA for safety reasons."

These statements reflect a dramatic discontinuity – it is simply not acceptable to treat a pilot practice as an impact mitigation, while, in the next breath, admit that it is a safety issue. To repeatedly assert this, in order to minimize the impact on the GA community, is disingenuous at best.

In addition to the impacts on VFR traffic, the impacts to IFR traffic are even more profound. While IFR flights are currently able to operate below the current Jackal, Outlaw, Gladden, Bagdad, and Tombstone MOA floors (currently set no lower than 3,000 feet AGL), that will no longer be the case if this proposal is adopted. Instead, these flights will need to be routed around these SUA areas, absent agreements to provide ATC coordination to accommodate them.

Considering the large area that would be encompassed by these low-floor MOAs, we believe that provisions must be made to allow for both VFR and IFR traffic to transit the area while remaining clear of the MOAs.

One avenue to consider might be altitude stratification of the MOAs, providing "High" and "Low" MOAs to segment out the lower altitudes when they are not in use and to allow the military to utilize higher altitudes with limited disruption.

We believe there are opportunities for the proponent to further segment the MOAs in question, shrinking those areas where operations at low altitude are permitted. Alternatively, AOPA would also advocate for one or more VFR corridors through the complex, wherever practical, allowing for VFR traffic to transit the area while remaining clear of the SUA.

Negative impact to airports

Airports that underlie SUA can be adversely impacted by access limitations for Instrument Flight Rule (IFR) aircraft. The impact of these limitations can have long-term financial impacts on the airport businesses, the aircraft operators, and the surrounding communities. As noted above, aircraft flying under Visual Flight Rules (VFR) can also be discouraged to fly to airports located under active SUA due to the unusual activity that takes place in the airspace around them. In addition to limiting access for GA aircraft, the businesses relying upon GA operations would be negatively impacted.

We ask the proponent to consider cut-outs for several public use airports that lie near the SUA boundaries, such as Safford Regional Airport (SAD) and White River Airport (E24) in the Jackal MOA, Bagdad Airport (E51) in the Bagdad MOA, and Bisbee Douglas International Airport (DUG), Cochise College Airport (P03), Douglas Municipal Airport (DGL), and Bisbee Municipal Airport (P04) in the Tombstone MOA. These cut-outs are an important mitigation that ensures these GA airports remain accessible for all operators.

In addition, we count at least 20 private airports either underlying the existing MOAs, or within the proposed expansion of Tombstone. In accordance with JO 7400.2L, para. 25-1-4, MOA Floor, “if the MOA floor extends below 1,200 feet AGL over a charted private airport, coordination should be effected with the airport operator to determine whether there would be any conflict between the MOA activity and airport operations.” We believe it is a responsibility for the military to coordinate their proposal with the charted airports and we encourage the military to engage with all other private airports affected by this proposal. As a good neighbor, communicating with those affected assists with understanding the proposal and why the military is requesting the establishment of this airspace.

Pilots must have adequate ability to see and avoid

We are very concerned that the proposed floor for supersonic operations in the Outlaw, Jackal, Reserve, Morenci, and Tombstone MOAs is 5,000 feet AGL. As most GA aircraft operate at altitudes up to 10,000 feet AGL, we believe this floor is much too low. While we are aware that the military monitors for non-participating aircraft in these MOAs, GA pilots must also have a reasonable ability to see and avoid military traffic. Expecting them to be able to spot a supersonic aircraft in time to avoid a collision is unrealistic.

We note that a similar proposal for the Mountain Home Range Complex in Idaho was subsequently modified to raise the supersonic floor to 10,000 feet AGL. We would like to see a similar modification made to this proposal before it moves forward.

While this would be a welcome change, we continue to question whether supersonic speeds below Flight Level 180 (FL180) are appropriate outside of restricted areas.

The FAA has noted that, as a result of the additional distance required to see and avoid aircraft due to the increased closure rates at speeds above 250 knots, the basic VFR weather minimums are higher in Class E airspace at or above 10,000 feet MSL. Per 14 CFR § 91.155, the basic VFR weather minimums for Class E airspace at or above 10,000 feet MSL require 5 statute miles visibility, 1,000 feet above or below clouds, and 1 statute

mile horizontal distance from clouds. The visibility and clearance from cloud requirement for Class E airspace below 10,000 feet MSL, where aircraft are restricted to less than 250 knots, is less with only a 3-statute mile visibility requirement, and 500 feet below clouds, 1,000 feet above clouds, and 2,000 feet horizontal distance from clouds. These differences in basic VFR weather minimums highlight not only the important relationship between a pilot's ability to conduct see and avoid but also illustrate why the 250-knot speed limit below 10,000 feet MSL exists.

AOPA has previously requested that, in order to determine whether supersonic operations at these altitudes are appropriate in terms of safety, the USAF, in collaboration with other industry groups and the FAA, conduct a safety risk assessment and safety study to assess the effectiveness of see and avoid when supersonic aircraft are in question. Unfortunately, AOPA is unaware of any such study being conducted to date.

We understand that the military has need to conduct some supersonic training at low altitudes. However, we believe that this training should occur within areas much more limited in scope and should either be conducted where GA traffic will be at a minimum and, ideally, within the boundaries of restricted areas.

Pilots need advanced notification of activation

The activation of these MOAs should be independent of each other to ensure aircraft operators have the ability to avoid those that are active and comfortably fly through areas that are not. Additionally, as normally requested, we believe that advance notice of at least four hours is necessary to assist pilots with their flight planning and to help them avoid costly reroutes or the need for fuel diversions. This amount of time is included in many SUA legal descriptions. Furthermore, the FAA states in JO 7400.2L, para. 21-2-4(b)(3)(e), "the minimum advance notice should be at least 4 hours prior to the activation time."

In addition, we would like to see the proponent coordinate with the FAA a Letter to Airmen (LTA) that would discuss any established SUA. This LTA could include the military scheduling telephone number so pilots might call in advance of their flight to learn of upcoming airspace activation, in addition to checking SUA.FAA.gov. Pilots flying at low altitude in other areas have expressed that information sharing would help to mitigate the impact of unusually low floor altitudes.

Real-time SUA solution should be prioritized

Another way to mitigate the impacts of this change is to make it as easy as possible for GA pilots to obtain the real-time (hot/cold) status of the MOAs electronically, both during preflight and while airborne. While pilots can get some scheduled information through FAA's SUA website (sua.faa.gov), Notices to Air Missions, and Flight Service Stations, the only way to obtain actual real-time data currently is by making direct radio contact with ATC. This is a time-consuming and inefficient process, while pilots are now accustomed to being able to obtain most other flight information electronically.

AOPA has long advocated for a solution that will allow pilots to obtain this real-time information via electronic means (i.e. electronic flight bags, mobile apps, etc). Section 1085 of the 2021 National Defense Authorization Act NDAA (Public Law No: 116-283) included language requiring the implementation of a mechanism to do just that. Unfortunately, even in the face of a Congressional requirement, work on a real-time SUA/SAA solution has largely ground to a halt within both FAA and DOD and there appears to be neither any current action or interest within either agency to implement a solution.

This unwillingness to provide real-time SUA/SAA information, as has been requested by all segments of the civil aviation industry for nearly 2 decades, makes it very difficult for the GA community, and AOPA specifically, to support airspace modifications like this one.

Conclusion

AOPA recognizes and fully supports the military's need to train as they fight. We appreciate being engaged early in the process, but we feel that there are substantial mitigations necessary, designed to ensure an equitable balance between the needs of the proponent and the needs of the GA community, before we can be supportive of this proposal.

Thank you for reviewing our comments on this important issue. Please feel free to contact me at 202-509-9515 if you have any questions.

Sincerely,

Jim McClay
Director, Airspace, Air Traffic and Security

[i] https://www.aaai.org/Papers/Symposia/Spring/1992/SS-92-01/SS92-01-034.pdf#:~:text=1.1%20Problem%20DescriptionNearly%2025%20percent%20of%20continental%20United,civil%20sectors resulting%20in%20the%20need%20for%20better%20management.