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September 8, 2025

Manager, Operations Support Group, AJV,C2  
Attn.: Jesse Acevedo; Airspace Study: 24-AWP-91-NR  
Federal Aviation Administration  
10101 Hillwood Parkway  
Fort Worth, TX 76177

(sent by email to [9-natl-csa-public-notice-airspace@faa.gov](mailto:9-natl-csa-public-notice-airspace@faa.gov))

Dear Mr. Acevedo,

I am writing with comments on the Airspace Study 24-AWP-91-NR, Arizona RSOP proposal.

I live at the base of the Chiricahua Mountains in the Tombstone MOA and near VR-259.

First, I would like to raise the question of why this Federal Aviation Administration (FAA) request for comments was not published in the Federal Register or in relevant local newspapers or other public notices. This request did not even appear on the FAA's own website, under public notices or elsewhere. It seems only to have been distributed to a small specialized list. On August 14, 2025, I emailed the [9-natl-csa-public-notice-airspace@faa.gov](mailto:9-natl-csa-public-notice-airspace@faa.gov) address asking for a copy of the notice. It was twenty days before I received a response. (See attached for 8/14/25 and 9/3/25 emails.) Given the amount of concern that has been expressed by the public, by government agencies, by pilots, and by local governments about this proposal, this seems like a significant procedural error on the part of the FAA.

This is but one of a series of procedural issues, including many NEPA violations, made by the Department of Air Force (DAF) and the FAA as a cooperating agency on the DAF proposal.

With regards to the substance of the proposal, the biggest concern I have with the proposed changes to the airspace is safety and specifically the issue of fire risk.

Uncontrolled wildfires are one of the biggest risks we face here in New Mexico and Arizona. We have lived through horrible fires like the Telegraph and Horseshoe 2 fires that have burned hundreds of thousands of acres, threatened and destroyed homes and buildings, and cost tens

of millions of dollars. This region has been in a long-term drought for 30 years, and in the current environment of climate change, there is always a high risk of fire here.

The risk of wildfires caused by military flares dropped at both lower elevations and with more frequency is undeniable.

Fires in New Jersey in 2007 (Feuer, 2007; Associated Press, 2007), in Oregon in 2018 (Schick, 2018), on San Carlos Apache Tribal lands (Rambler, 2022), on Tohono O'odham lands, and the Telegraph Fire in Arizona in 2021 (Resnik, 2021) were all likely started by military flares. In regards to the fires on San Carlos Apache lands, Chairman Terry Rambler has documented at least ten fires caused by DAF flares on San Carlos Apache land, providing maps and pictures (Rambler, 2022).

Statements from the DEIS like “the increased number of flares proposed does not directly correlate to an increased fire risk” defy both common sense and research. While the DEIS tiptoes around the possibility of flare-caused fires and the dangers of dud flares, it ultimately states “The possibility of a wildfire from flare usage would be remote.” Like so many other areas of the DEIS, the Air Force discounts facts and says that this won’t be a problem.

This proposal presents a serious and immediate safety risk of increased fires, both from flares and prospective accidents.

In addition, there is the issue of the degree to which the military is already violating FAA regulations, causing nuisance and safety risks to our communities.

I have written several times to the FAA about our community’s experience with flights from Morris Air National Guard Base and Davis Monthan Air Force Base as documented in the attachments herein. These frequent low altitude military flights over residences in our area (which includes the Chiricahua Mountains near Portal, Arizona and Rodeo, New Mexico) are not only a nuisance, but they represent a significant safety risk to residents and structures in this area.

Our community has submitted approximately 300 nuisance flight reports that include documentation of violations of current FAA rules. A few of my own reports are attached. I believe more are being sent to you as a part of other comments.

While we understand that in the MOA, flights can go as low as 500 feet above ground level, and on VR-259, military aircraft can fly down to 300 feet above ground level and down to 100 feet above ground level on VR-263, flights are at times below these levels. Flights at these low levels have also been observed outside of the MOAs. In fact, the DAF seems to have already moved into the proposed expansion area around Portal.

In addition, FAA regulation 91.119 specifies that aircraft may not be operated closer than 500 feet to any person, vessel, vehicle or structure. This is also not being adhered to. We have been told by military airspace personnel that they have no way to tell the location of residences, buildings, and campgrounds other than visually.

Other FAA regulations that are common sense best practices are also not being adhered to. For example, the Section 7-5-6 Flights Over Charted U.S. Wildlife Refuges, Parks, and Forest Service Areas of Safety of Flight chapter of the Aeronautical Information Manual says, "Pilots are requested to maintain a minimum altitude of 2,000 feet above the surface of the following: National Parks, Monuments, Seashores, Lakeshores, Recreation Areas and Scenic Riverways administered by the National Park Service, National Wildlife Refuges, Big Game Refuges, Game Ranges and Wildlife Ranges administered by the U.S. Fish and Wildlife Service, and Wilderness and Primitive areas administered by the U.S. Forest Service." This guideline is violated by the proposed action. In fact, it is currently violated routinely.

While the DAF claims that its flights are not concentrated in any particular areas, such that the effects are negligible, the documentation we have gathered proves otherwise. We ask the FAA to conduct a study on the concentration of flights over the Chiricahua Mountains and its canyons.

We have been told and have observed firsthand that the military pilots enjoy flying low and fast through our mountain canyons. However, this is unsafe, and it is only a matter of time before there is a serious accident.

While our area is relatively sparsely populated, there has been considerable development over the last few years, and we believe that this may not have been taken into account by the FAA or the military. While some believe that no one lives in our remote area, this is assuredly false.

We are requesting that the FAA map the location of structures in this area and consider avoidance zones for relevant areas.

In addition, much of this region consists of noise-sensitive areas, including national forest and other public lands that have unique biodiversity and endangered wildlife species. We understand that aircraft flying over noise-sensitive areas are asked to make a voluntary effort to fly not less than 2,000 feet above ground level. This is routinely and frequently being violated here.

Finally, we have been told that the many violations of existing FAA and military guidelines have been “excused” by NOTAMs. Essentially, the military has said that they obtain routine last-minute exceptions to the rules, and thereby are able to do whatever they please. Surely, this is not the intent of either the rules or the NOTAM process. Further, if the DAF proposal is granted, allowing a further expansion of these rules, how much further will they push the boundaries?

As support for the issues raised here, please find the following enclosed:

- My letter to the FAA of 7/19/23, expressing concern about the number of military flights representing safety risks to our community; also submitted through FAA portal; no response received
- Peaceful Chiricahua Skies’ 12/2/24 letter to Kristi Regotti at the FAA regarding concerns about the proposal; no response received
- My nuisance flight reports of 3/30/23, 5/17/23, 5/25/23, 8/10/23, 8/18/23, 1/24/24, 8/27/24, 9/10/24, and 3/29/25; Note that these represent only a subset of regulation-violating flights.
- Letter of 3/22/22 from San Carlos Apache Tribe and Chairman Terry Rambler documenting fires caused by flares and describing the safety risks and other issues of concern with this proposal
- Letter of 10/25/22 from the US Forest Service describing the safety risks and other issues of concern with this proposal
- Letter of 10/28/22 from 20 Arizona state legislators describing the safety risks and other issues of concern with this proposal
- Letter of 9/17/24 from Congressman Gabe Vasquez describing the safety risks and other issues of concern with this proposal
- Letter of 9/26/24 from Congressmen Martin Heinrich, Ben Ray Lujan, and Gabe Vasquez describing the safety risks and other issues of concern with this proposal
- Letter of 09/30/24 from Senator Raul Grijalva describing the safety risks and other issues of concern with this proposal
- Letter of 10/4/24 from the State of New Mexico Commissioner of Public Lands describing the safety risks and other issues of concern with this proposal
- Letter of 10/23/24 from San Carlos Apache Tribe describing the safety risks and other issues of concern with this proposal
- Letter of 11/4/24 from the Tohono O’odham Nation describing the safety risks and other issues of concern with this proposal
- Letter of 11/12/24 from the Environmental Protection Agency describing the safety risks and other issues of concern with this proposal

- Email of 8/14/25 from Karen Fasimpaur to FAA regarding notice of request for comments and 9/3/25 response from FAA

These are only a sampling of the literally thousands of substantive comments opposing this proposal.

While the existing training flight regulations over these regions are already being violated, the pending DAF proposal for the expansion of the Tombstone Military Operations Area (MOA) and increased operations will certainly escalate these dangers going forward. We would like to resolve this before there is a serious accident or other peril.

We welcome the chance to talk more. Perhaps you could convene a meeting of the relevant military leadership with the concerned parties to try to find an accommodation that meets everyone's needs, while not compromising the safety of our community.

Thank you for your consideration.

Sincerely,

Karen Fasimpaur

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cc: Kristi Regotti, FAA, NEPA Project Manager