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Various Dates

RE: MAANG PROPOSAL
CONDOR 1 & 2 MOA MODIFICATION

FAXED to Sen. Snowe, Sen. Collins, Rep. Michaud, Rep. Pingree, Sen. Bryant
EMAIL: Gov. John Baldacci, Rep. Jarrod Crockett

Dear *elected official*,

I am writing to enlist your help as an elected official, *Governor of Maine, as member of the Maine Congressional Delegation, Senate Committee on Science, Commerce and Transportation (with oversight of the FAA), a full Committee Member on the Senate Armed Services Committee (with oversight of the Air Force/Air National Guard), a member of the House Armed Services Committee* and as a fellow Maine citizen regarding the above topic.

I trust you are already informed about the efforts of the Massachusetts Air National Guard (MAANG) to lower the fighter jet training altitude from 7000 to 500 feet in western Maine. The DoD/Air Force/MAANG have sponsored an Environmental Assessment (EA) and an Environmental Impact Statement (EIS)¹ that have been in process for several years.

This is a long letter, but this is an important topic and serious issues are raised. The purposes of this letter are to inform about the **incomplete process** the Massachusetts Air National Guard (MAANG) has undertaken in their quest to modify the CONDOR 1 & 2 MOA, their **inferior performance** resulting in the **poor quality** products of the process (for **both the EA and EIS**), and the **deleterious effect on subsequent decision-making** these will have.

Background

I am a certified Project Management Professional and my expertise is technical project management. I have successfully managed many different types of software, hardware and system development and implementation projects involving many different disciplines over the past two decades. I have the utmost respect for the individuals who serve our country in all capacities and have an appreciation for the breadth and complexity of their responsibilities to the United States. I wholeheartedly support ongoing education and training of the military to 'become the best they can be' and stay that way. I also enjoy air shows be they commercial, hosted by the local Civil Air Patrol, at a military base or impromptu overhead. Now, here are the reasons for my letter.

EA/EIS Work Product(s)

To be blunt and to the point, from this citizen's perspective, the MAANG has failed miserably in it's execution of both EA/EIS projects proposing changes to the CONDOR MOA. It has:

- **Not complied with the Freedom of Information Act.² The MAANG has not made a *good faith* effort to communicate about the EA/EIS projects or provide current, factual information to those subject to the proposed air space changes.**

From the beginning, the MAANG has avoided publicizing or verbalizing their process, schedule or timeline, or informing what other entities are involved as their agent, if any.

The hearings/scoping meetings/public meetings held by the MAANG have not been scheduled in a timely manner, locations have been changed multiple times and notices were

all but hidden. These actions appear disingenuous from this citizen's point of view, particularly when other arguably less critical or time-sensitive communications by the MAANG have been made through conventional press releases and other readily accessible public forums.

Citizens have repeatedly requested both specific and general information from the MAANG relative to this CONDOR project. Responses to requests have effectively been delayed through statements by the MAANG that 'the request has been submitted for resource staffing.' Requestors of information have had to repeat their requests and responses by the MAANG have been incomplete or unsatisfactory.

- **Not made genuine effort to ensure the *input* of all constituents subject to proposed changes as dictated by the DoD/Air Force³ and NEPA⁴ procedures.**

One example is the Penobscot Nation. Receipt for delivery of a letter to the Nation is not input. This is characteristic of the outreach effort by the MAANG to important constituents.

- **Conducted itself, by any qualitative or quantitative measure, in an overall unsatisfactory and dismissive manner.**

The content of information including the most recent EA and EIS documents, information on the MAANG CONDOR website⁵, and the record of communications to/with the public or affected constituents are critical indicators of MAANG performance and speak for themselves. The EA and EIS documents are incomplete and inadequate with regard to the scope of affected constituents, spectrum of aircraft that may traverse the CONDOR area and the frequency with which they may do so. While the MAANG is the requesting agency, to the extent they know other agencies and entities will avail themselves of the modifications of the CONDOR area if approved, the MAANG must make an effort to include them in the EIS. Despite having verbally indicated other entities will be using the CONDOR airspace, there is no mention of the entities or possible aircraft in the EIS.

Repackaging the previous work, not addressing concerns. In the famous words of Albert Einstein, "The definition of insanity is doing the same thing over and over again and expecting a different result." This is just what the MAANG appears to be doing. The most recent EA and DEIS documents consist of information from the even older, *previous EA effort over a decade ago, which was rejected by then Governor McKernan in 1992*. The most recent EA was deemed inadequate by the Governor of Maine, Maine Attorney General and members of Maine's Congressional Delegation and a more in-depth EIS was requested. Despite the fact that an EIS requires more due diligence on the part of sponsors than an EA, it is obvious to all who review both documents produced by the MAANG that much of the information found in the draft EIS was *simply carried forward from the previous EAs*, with the Appendix of supporting information minimally updated and more importantly leaving the concerns of Governor Baldacci apparently unaddressed.

The MAANG EA and EIS projects have been executed in an 'opaque' manner. There have been no posters or fliers about these projects distributed in the CONDOR areas. No project calendars, timelines, or key milestones have been communicated. Questions regarding process and schedule were referred to the consultant at one meeting who indicated he had no schedule and did not 'know how this is going to play out.' There exist many examples of publications^{6,7} distributed and websites established by other sponsoring organizations (some peers of the ANG) for the purpose of providing EIS project information. These stand in stark contrast to the MAANG efforts and serve as examples of the level of information and communication most commonly provided during modern EIS projects. A check of the MAANG CONDOR website proves the point.

- **Considered few alternatives and these were of limited scope. CONDOR modification alternatives considered by the MAANG were limited to other geographic locations and ‘do nothing.’**

It seems as if the MAANG is stuck in a time warp and conducting ‘business as usual.’ Technology has become an integral part of military services in all areas particularly training, intelligence and operations. Public and private organizations across our country have had to adjust to changing economic and political climates, operationally becoming more agile and flexible in the last decade. In fact, the Air Force itself has invested heavily in technology, including F-16/18/22 pilot training simulation. ***There has been no mention nor is there documentation to show the MAANG has genuinely explored or considered operational and technological alternatives to the proposed changes to the CONDOR airspace in addition to the geographic ones.*** There is no mention of the MAANG adhering to the **AFSO 21**,⁸ "Air Force Smart Operation for the 21st Century" to "reduce costs, maximize training and make more aircraft available for operational missions." What modern military group would want to operate in a manner other than smart or in a century prior to the 21st?

Root cause(s)?

As a professional project manager, I look for root causes when issues arise so as to address them with finality. In this case, I asked myself the question: "Why would the MAANG conduct itself and this process in such an inadequate manner?" The following possible answers come to mind:

1. The MAANG is untrained or inept in project management techniques or oversight of consultants hired to perform these services.
2. The MAANG does not think there is any value in the processes defined by the DoD/Air Force or NEPA for an EA/EIS, or that the requests of the Governor of Maine or Congressional Delegation of Maine warrant consideration.
3. The MAANG is confident the FAA is going to approve whatever is presented, regardless how incomplete, inaccurate or outdated the content.

None of the above scenarios is good or acceptable when taken individually. Unfortunately, and alarmingly I think there is evidence all have been/are contributing factors in the present situation.

With regard to first point, while I appreciate the difference between executing an EA/EIS process and the core business of the ANG, their conduct and the products of their efforts with regard to the CONDOR airspace have not and do not engender confidence or trust in the MAANG. Lack of basic organization, communication and documentation on these projects by the MAANG, all of which are apparent to this citizen, support this point. The MAANG hired consultants for the EA and the EIS, which one expects. However, if the meetings serve as indicators and if the public has been provided ALL of the information compiled relative to this project, ***the quality and content of the deliverables in no way justify the hard or soft costs that have been expended on this project to date. The MAANG must be held accountable for its actions and those of consultants it has hired.***

Regarding the second point, there are many sources for EA/EIS guidance in addition to the NEPA process for the MAANG. The Air Force has codified processes³ for the MAANG to use as a guide to execute EA or EIS efforts. The FAA provides procedures for handling airspace matters.⁹ The MAANG has many peers throughout the country to which it can refer for ‘best practices’ in conducting EA or EIS projects. The Maine Governor and Congressional Delegation asked that specific actions be taken and for information from the MAANG. It is puzzling that MAANG efforts have progressed to the current state apparently without the benefit of or in

compliance with any of the available resources. It is concerning that the efforts of the MAANG have progressed to the current state apparently without the benefit of oversight and guidance by the DoD/Air Force both in the areas of compliance with the defined processes and in providing 'state of the art' solutions to required training. It is alarming that the FAA would, despite information from concerned constituents including state and federal entities, find the recent EA not only adequate and meeting requirements, but having no significant impact on the environment in the CONDOR area. And indications are the DEIS is on a fast track for the same treatment.

With regard to the third point above, the FAA stated in a 2003 meeting their "mission changed after 9/11 to aid in providing internal protection in support of the military."¹⁰

Indeed, FAA practice in recent years has apparently been to *approve* EIS requests. When asked in 2007 if it has *ever denied* a sponsor's Proposed Project during an EIS process, the **FAA itself stated, "We are unaware of any project that was "denied" as a part of the NEPA process."**¹¹

I find it highly unusual and unexpected that NO EISs have been denied by the FAA, defying laws of probability at best. **Knowledge that their EIS will not be denied by the FAA certainly could influence the quality of effort an organization puts toward an EIS project.**

Summary

To be frank, the MAANG is not representing the U.S. military very well in this process and their (in)actions are inviting ridicule at best, **causing citizens to question MAANG integrity** at worst.

As a patriotic citizen, I find it disturbing that the **MAANG has effectively made a mockery** of the formal processes defined and codified by the U.S. Air Force and the Federal Government, not to mention their apparent disregard for leadership at the highest levels of the State of Maine and its Congressional Delegation.

As a taxpayer, I find the **misdirected and wasteful use of resources** unacceptable and especially egregious in this economic climate. As a citizen of the U.S. and Maine, I do not accept or condone such from the MAANG, and the DoD/Air Force, FAA and Maine Congressional Delegation and Governor shouldn't either.

Requested Actions:

- A. The MAANG clearly requires the **immediate guidance and support of the Air Force to obtain 'state-of-the-art' training in accordance with AFSO21 and in so doing, not negatively impact the fragile economy and unique quality of life in western Maine.**
- B. **Investigate the FAA's record with regard to approval of EISs, particularly those sponsored by the DoD/Air Force/Air National Guard, then specifically with regard to the CONDOR area.** There needs to be a *balance* of military requirements/requests with the impacts on economic and quality of life of U.S. citizens; the former should NOT outweigh the latter except in case of emergency.
- C. It is premature and presumptive of the MAANG to submit an EIS at this time. **Asking the public, and local, state and federal entities to make decisions based on this EIS document will result in ill-informed decision-making from this point. Please initiate and support efforts to compel the MAANG to withdraw the currently proposed CONDOR Modification Project and EIS.** EIS sponsors must conduct a thorough and

genuine effort, adequately scoping possible impact sources, involving all key constituents and subject matter experts, and evaluating all viable options, to result in a complete document and subsequently informed decision-making.

In my opinion, had the MAANG appropriate oversight and focused efforts on securing state-of-the-art training for its pilots at the outset of this proposed CONDOR modification effort (years ago now) rather than carelessly expending internal and external resources, MAANG pilots would already be enjoying the benefits of state-of-the art training and at intervals that maintain and sharpen abilities; likely without putting the economic future and quality of life in western Maine in jeopardy and the reputation of the MAANG at risk.

Sincerely,



Carol Boden

CC: Sen. Olympia Snowe
Sen. Susan Collins
Rep. Chellie Pingree
Rep. Michael Michaud
Sen. Bruce Bryant
Rep. Jarrod Crockett

Links to information referenced in this letter:

1. MAANG CONDOR DEIS
<http://www.maine.gov/mdot/angcondor/documents/CondorDEIS080609.pdf>
2. Freedom of Information Act http://www.justice.gov/oip/foia_updates/Vol_XVII_4/page2.htm
3. DoD/Air Force Environmental Impact Analysis Process (EIAP) 32 CFR Part 989, Department of the Air Force Environmental Impact Analysis Process
http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title32/32cfr989_main_02.tpl
4. NEPA EIS Process: <http://ceq.hss.doe.gov/nepa/regs/nepa/nepaegia.htm>
5. MAANG CONDOR website: <http://www.maine.gov/mdot/angcondor/index.htm>
6. Ellsworth AFB EIS poster for the public:
<http://www.ellsworth.af.mil/shared/media/document/AFD-080619-025.pdf>
7. Montana Air National Guard Range: A Model for Successful Public Involvement
<http://www.dodbiodiversity.org/ch10/Chapter.10.Partnerships.pp144-153.pdf>
8. Flight simulators help AMC to 'maximize value, minimize waste'
<http://www.af.mil/news/story.asp?id=123172892>
9. FAA Procedures for Handling Air Space Matters
<http://www.faa.gov/documentLibrary/media/Order/AIR.pdf>
10. Eastern New England Region Airspace/Range Council – Management Session 11-12 June 2003, page 9, Mr. Gallo.
<http://www.fs.fed.us/r6/fire/aviation/airspace/rangemeetings/eneminutes0603.pdf>
11. Palm Beach International Airport EIS,
<http://www.pbia-eis.com/images/FocusGroupMeeting1-DiscussionPointsandResponses.pdf>
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