

August 28, 2009

Bill Albro
NGB/A 7
3500 Fetched Avenue
Andrews AFB, MD 20762

Dear Mr. Albro:

The Condor MOA hearing on the Draft EIS (DEIS) is scheduled for next Wednesday, September 2, in Farmington, Maine. Yesterday, at my request, Maine DOT hosted a meeting of some Western Maine residents who are opposed to the expansion of Condor MOA. They were accompanied by three legislators from the area (Rep. Thomas Saviello – Dist. 90, Rep. Lance Harvell – Dist.89 and Rep. Jarrod Crocket - Dist. 91). Along with Maine DOT representatives, others from the Maine State Planning Office representing the Quality of Place Council and the Attorney General's Office were also in attendance.

The residents provided information they wanted me to be aware of to help frame this communication. Based on the summary of points made below, I believe that the ANG has not met its burden of proof, and I am requesting that the public hearing be postponed for six to nine months in order to allow the ANG to conduct a more thorough analysis of the environmental impacts to the State of Maine and, in particular, the Western Mountains region.

1. Maine DOT's Assessment:

A. The DEIS does not respond to all CEQ regulations; in fact, the text of the EIS would suggest that the EA was simply reissued under a new name. Maine DOT has specific additional comments relative to the CEQ regulations as relates to the EIS.

B. The DEIS does not list the individual public airports in the MOA, nor does it list the number of based aircraft that cannot be seen by radar. Based on data that we have, the number is 114 based aircraft and 43,340 operations per year in addition to through traffic. This information should be factored into the safety considerations.

C. Maine DOT does not have staff with the specialized analytical skills to assess the validity of the noise impact analysis, which is likely the most significant impact to the area with the possible exception of safety. The ANG should provide funding to hire an independent noise analyst to review and make findings on this section of the EIS.

1. Residents' Assessments (abbreviated):

A. The DEIS does not satisfactorily respond to the socioeconomic issues;

i. the Fermata Report, the Brookings Institution Study and other Maine Office of Tourism evaluations that quantify the value of the Western Mountains to Maine's economy should

be evaluated and responded to in the DEIS;

ii. the DEIS is requesting use of the area 24/7, but suggests it would not typically fly on weekends or holidays, especially in light of “guard” training being a weekend activity; the residents would like caps placed on the number and timing for sorties

. B. The DEIS does not adequately address the safety considerations for general aviation, nor does it address the hazards of low-altitude flying; in particular it does not address issues associated with migratory bird and raptor strikes. There does not appear to have been any communication with Maine IF&W or USFWS.

C. The DEIS does not address the impacts of noise on the public, on quality of place or on wildlife due to the change in floor altitude from 7000 feet to 500 feet – see item 1b.

D. The DEIS does not address impacts on land use patterns or activity; it does not quantify how this airspace is more conducive than the Adirondack MOA, which is very similar in size to the proposed Condor MOA. A more detailed alternatives analysis is needed, as initial assessment by citizens shows that a much larger population is affected in western Maine than in the Adirondacks.

E. The DEIS does not clearly identify why the military must use this air space for this training; nor does it prove why this particular type of training is necessary.

F. The DEIS notification around availability of the DEIS and public hearing continues to be challenged; not everyone in the area feels they were given adequate notice of the hearing.

G. The DEIS suggests that fewer sorties will result, but bases this opinion on potential future BRAC decisions which may or may not occur. Also, the type of aircraft that would use the MOA is not limited in the DEIS; as such, any and all types of military aircraft could use the area in the future.

H. A prior request to expand the MOA under the McKernan (Governor in 1980s) Administration was denied; the DEIS does not mention that analysis or denial, nor indicate what has changed with this request to make it more acceptable than in the past.

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Attorney General's Assessment:

A. the DEIS does not adequately address the impact of low-altitude flights on the Appalachian Trail and its users. There is no evidence in the document of consultation with the National Park Service regarding the Appalachian Trail.

B. the DEIS makes no reference to communications or consultations with the Penobscot Nation, which owns more than 60,000 acres in the affected area and is planning some

development projects in that area.

As you can see, these assessments strongly suggest that more work needs to be done to assure me and the people of the Western Maine that no significant impacts will result from the proposed changes to the Condor MOA. I look forward to your response.

Sincerely,

John E. Baldacci
Governor

cc: Attorney General Janet Mills
David A. Cole, Maine DOT Commissioner
General John Libby, DVEM Commissioner