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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

October 23, 2009

Lieutenant General Harry M. Wyatt, III  
Director, Air National Guard  
1411 Jefferson Davis Highway  
Arlington VA 22202-3231

Dear Lieutenant General Wyatt:

I write to you today to convey several concerns regarding the proposal of the Massachusetts Air National Guard (ANG) to expand the Condor 1 and Condor 2 training areas over Western Maine and to lower the flight level for those training areas. I very much appreciate the Air National Guard's response to recent input from Maine Governor John E. Baldacci, resulting in the rescheduled public hearing and extension of the period of public comment. These efforts will help to ensure that the State of Maine and affected communities have sufficient time to express their views and provide input regarding this potentially intrusive action.

With full understanding of the need and importance of providing appropriate training capacities to the Massachusetts ANG, I respectfully request that the ANG consider the full scope of the impact of the proposed Condor military operations area (MOA) expansion on the economic resources and environment of Maine, and the public health and safety of its residents. After detailed consideration of the Draft Environmental Impact Statement (EIS) submitted by the ANG, I ask that the issues delineated below be thoroughly addressed as soon as possible in order to supplement the material contained in the Draft EIS.

First, in accordance with EIS requirements delineated in 40 CFR Sec.1502.17, a list of names and qualifications (expertise, experience, professional disciplines) of EIS preparers and persons involved with significant background papers, basic components of the statement and, where possible, persons responsible for particular analyses is a standard inclusion of all Draft and Final EISs. Because the Draft EIS submitted by the ANG does not contain this information, I request that the ANG make the aforementioned records available to the public as soon as possible.

Second, it is my understanding that the Federal Aviation Administration is a cooperating agency with the ANG for the duration of this process and, as such, has been involved in discussions regarding the Environmental Assessment (EA). The FAA's formal approval of the airspace modifications will take place after the ANG submits the Final EIS. During the EA process, the FAA determined that there were no significant environmental impacts associated with the Condor MOA project.

The Maine Department of Transportation (DOT), in turn, has raised a variety of public safety concerns regarding the Condor MOA expansion proposal, to include an assessment of the validity of the noise impact analysis and the safety implications for a significant number of based aircraft that cannot be seen by radar. The Aircraft Owners and Pilots Association (AOPA) has also raised concerns about the safety

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implications of a lowered floor in the expanded Condor airspace. For example, the AOPA has noted that according to the Boston Air Route Traffic Control Center, radar coverage and communications within the footprint of the proposed MOA is intermittent to nonexistent below 7,000 feet, potentially creating greater hazard for general aviation aircraft.

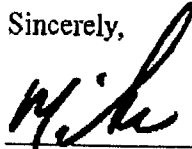
In support of ANG efforts to fully address these concerns, I request that the ANG make available the FAA's detailed assessment and analysis of data presented by the ANG regarding the impact of the proposal on general aviation safety which ultimately resulted in the FAA's approval of the EA. In the absence of such an analysis, I ask that a detailed account of ANG/FAA discussions regarding the EA, to include meeting minutes, be made available to the public as soon as possible.

Third, in a letter to the ANG dated August 28, 2009, Governor Baldacci voiced concerns regarding an apparent lack of communication or consultation with the Penobscot Nation. Although the Draft EIS recognizes that the Penobscot Nation occupies two parcels of Federal Indian Reservation lands under the Condor 1 and 2 MOAs, no documents supporting communication or consultation with the Penobscot Nation are included in Appendix A of the Draft EIS. In accordance with the Department of Defense's Annotated American Indian and Alaska Native Policy, the residents of these tribal lands should be included in a thorough consultation of the effects that the proposed actions may have before decisions are made by the ANG. To this end, please provide documentation of communication or consultation with the Penobscot Nation regarding the proposed action. In the absence of such communication, please provide information regarding ANG plans to confer with Penobscot Nation representatives prior to submission of the Final EIS, so that tribal officials may independently address the potential impact of the proposed action on protected tribal resources, tribal rights or Indian lands.

Finally, Maine State Representative Thomas B. Saviello has brought to my attention his concerns regarding the Condor MOA expansion proposal and the associated Draft EIS. Please find attached Mr. Saviello's correspondence. In order to appropriately address Mr. Saviello's concerns, I request that the ANG reply to each of his queries, which I may then subsequently forward to Mr. Saviello.

I fully recognize the vital contribution of the Air National Guard to homeland defense and national security and thank you for your continuing efforts to ensure that the proposal of the Massachusetts Air National Guard (ANG) to alter the Condor 1 and Condor 2 training areas over Western Maine is considered in the most comprehensive and evenhanded manner as possible. I appreciate your prompt attention to this matter and look forward to working with you.

Sincerely,



Michael H. Michaud  
Member of Congress

Encl.: Correspondence from Maine State Representative, Thomas B. Saviello, October 15, 2009

cc: Major General John W. Libby, Maine Department of Defense, Veterans and Emergency Management  
John E. Baldacci, Governor of Maine  
Thomas B. Saviello, Representative, Maine State Legislature