



STATE OF MAINE
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Paul R. LePage
GOVERNOR

19 August 2011

J. Randolph Babbitt, Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Gen. Craig R. McKinley, Chief
The National Guard Bureau
1411 Jefferson Davis Highway
Arlington, VA 22202

RE: CONDOR MOA – Proposal to lower base altitude

Dear Administrator Babbitt and General McKinley:

In the near future, it appears the National Guard Bureau (NGB) will submit an application to the Federal Aviation Administration (FAA) to lower the base altitude in the CONDOR MOA to 500 feet above ground level (AGL) from the current base of 7,000 feet above sea level. For the reasons outlined below, the State of Maine strongly opposes this change.

CONDOR is a MOA located in the western mountains of Maine, an area filled with forests, mountains, and lakes. For generations, Maine people have used the area for outdoor recreation, including skiing, hunting, fishing, snowmobiling, hiking, and camping. With the advent of aircraft, private pilots have been darting to and fro on amphibious floats from lakes to the numerous small airports and private strips that dot the area. Lastly, Maine's Penobscot Indian Nation ancestral lands lie within this area, with the land tied to all their historical cultural uses.

I was first briefed on the CONDOR change proposal early in my administration. At that time, the NGB made strong arguments for the necessity of the airspace expansion. The defense of the United States is the responsibility of both the Federal Government and the several States and Maine will continue to do her part while I have the privilege of serving as Governor. It is politically unpopular to support CONDOR but I was prepared to do so, believing the expansion of airspace was a military necessity.

During meetings with constituents, the opposing viewpoint was brought forward. This gave me pause since those opposed were retired Air Force pilots living in the affected area. Their perspective as former fighter pilots with time in seat in both A-10s



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and F-15Es was enlightening. They were able to speak knowledgably and intelligently on the issues. With these two perspectives on the issue, my administration organized a briefing and discussion between the two sides to help shed truth on some of the points of disagreement.

After being briefed on the various points raised at that meeting, I come back to one primary conclusion: the expansion of CONDOR is a want, not a need, of the NGB. The pilots of the Massachusetts and Vermont Air National Guard are currently qualified to stand ready on Air Sovereignty Alert and, while the expansion of the CONDOR airspace would give pilots more training options, the want of options does not a necessity make.

Further, it appears to me that CONDOR is being pursued because of political expediency – CONDOR, located in Maine, is the path of least-resistance compared to the Adirondack MOA located in upstate New York. While I understand that recent changes have been made to the Adirondack MOA to allow for use of the air-to-ground range at Fort Drum, those changes were only made after compromises with a politically-constituted “stakeholders’ committee” headed by the New York State Department of Environmental Conservation.

The area under the Adirondack MOA has, at the absolute densest, a population density of 9.9 residents per square mile. CONDOR has large areas with greater than 50 residents per square mile. The significant difference in population has marked effects on both the potential changes in safety and quality of life should the CONDOR base altitude be lowered.

This is compounded by the possible uses of the land under the two MOAs. While New York prevents private float aircraft from landing on many of the lakes in the Adirondack area, Maine has no such prohibition. This is compounded by the lack of airports and private strips in the Adirondack region compared to western Maine. Taken together, these two realities mean that, at any time, a private aircraft can pop-up without warning. Maine’s private aviation community is robust and active, so a real threat to safety would be present if fighter aircraft are flying through at 500’ AGL.

The NGB will argue that they will be working around ski resorts, airports, and the like when designing the low-altitude MOA and utilizing them as simulated SAM sites. However, the sheer multitude of possible take-off areas – adding in lakes and private strips – makes this unworkable. They will also state that flights in the MOA will be scheduled with plenty of notice, giving private pilots time to call a 1-800 number to see if low-level flights are scheduled. Nevertheless, NGB officials stated that such notice is not mandatory and a pilot, if diverted from another area, could radio a request to reserve the CONDOR MOA and arrive within minutes with no advance warning. Even if a private pilot did the responsible thing and confirmed via 1-800 number that the area was all clear, that information is dated as soon as he hangs up the phone.

One of the rationales for staying away from Adirondack was because it is one of the older state-designated parks, so the NGB saw it fit to treat it "like a National Park." Most of the lands under CONDOR are neither a State nor National Park. However, substantial acreage does belong to the Penobscot Nation which seeks to protect the land for their traditional cultural practices. It should be clear the special place their lands hold and the protections afforded to state and federal lands must be given to tribal land as well.

Lastly, the economic impact of CONDOR is likely to be significant. Tourism is a primary industry in that area of Maine, whether it is skiing, hunting, camping, or any other opportunities our great outdoors provide. Low-level flights by high speed military aircraft will have a negative effect on that industry, among others. As we try to get our State and National economies moving again, hampering industry to satisfy the desire of the government to provide itself with more options will only serve to stifle, not support, the private sector job creation we all desire.

As I have said, if the proposal of the NGB was a true need of our Armed Services, I would support it. However, at the current time, it appears only to be a want. I cannot support the change in CONDOR airspace, with its significant impact on safety, industry, and the Penobscot Nation, simply because the NGB wants it. I strongly encourage the NGB to re-assess feasibility of establishing a lower base altitude in the Adirondack MOA. Otherwise, I request the FAA deny the forthcoming application to lower the base altitude in the CONDOR airspace.

Sincerely,



Paul R. LePage
Governor

cc: Hon. Leon E. Panetta, Secretary, Department of Defense
Hon. Olympia Snowe, Senator, Maine
Hon. Susan Collins, Senator, Maine
Hon. Chellie Pingree, Representative, Maine – First District
Hon. Michael Michaud, Representative, Maine – Second District
MG William Libby, The Adjutant General, State of Maine
Mr. Don Boone, Chief, Plans and Requirements Branch, National Guard Bureau
Mr. Kirk E. Francis, Chief, Penobscot Indian Nation
Public Dissemination