Volume 3

Draft Final Environmental Assessment for Modification of Duke Military Operations Area

Maryland Air National Guard

175th Wing, Martin State Air National Guard Base

March 2023





Guarding America - Defending Freedom



Appendix H

Comments Received on the Draft EA

Section 1 Public Comments Received

Last Name	First Name	Date Received
Abbott	Janice	December 11, 2021
Abel	Nathaniel	December 14, 2021
Adams	Wendy	December 4, 2021
Alexander	Connie	November 29, 2021
Alexander	Connie	December 31, 2021
Alexander	Eunice	December 4, 2021
Allegretto	Lawrence	November 28, 2021
Alters	Daniel	November 20, 2021
Anonymous 1		December 3, 2021
Anonymous 2		December 5, 2021
Asinger	Tim	December 1, 2021
Atkinson	Marianne	December 5, 2021
Baker	Donna	October 30, 2021
Barber	Karen	October 28, 2021
Barber	Karen	December 7, 2021
Barbour	David	October 20, 2021
Barbour	Robert	November 20, 2021
Barr	Laurie	December 31, 2021
Bauman	Doug	December 2, 2021
Beck	Susan	December 27, 2021
Berkowitz	Henry	December 9, 2021
Bill		December 4, 2021
Bochanski	John	December 12, 2021
Bowers	Jim	December 3, 2021
Bowes	Jo Ann	November 23, 2021
Brandom	Barbara	December 3, 2021
Brooks	Dawn	December 31, 2021
Bryant	Brent	November 30, 2021
Bucheit	Fred	November 24, 2021
Buriak	Dan	December 6, 2021
Buss	Steven	December 4, 2021
Caldwell-Young	Martha	November 21, 2021
Campbell	Benita	December 4, 2021
Cardellino	Dave	December 20, 2021
Cavanaugh	Janice	December 29, 2021
Cickay	Steve	December 14, 2021
Clark	Cliff	April 6, 2021
Clark	Jennifer	December 13, 2021
Clark	Sandra	December 4, 2021
Clifford	Stephen	December 4, 2021
Colatch	John	December 3, 2021
Cole	Carol	November 14, 2021
Cole	Carol	November 27, 2021
Colucci	Pia	November 20, 2021
Conlin	Brandon	December 14, 2021
Coons	Heather	November 2, 2021
Copenhafer	Jordan	December 29, 2021
Crowley	Daniel	December 3, 2021
Clowicy	Daniel	December 3, 2021

Last Name	First Name	Date Received
Dabanian	Kathy	November 20, 2021
Detar	Jason	December 12, 2021
Dettwiler	Peggy	December 29, 2021
Dignazio	Teri	December 5, 2021
Dillett	Pamela	November 22, 2021
Dillett	Pamela	December 12, 2021
Dillon	Susan	January 20, 2022
Dodson	Ryan	November 21, 2021
Dodson	Ryan	December 5, 2021
Dolan	Susan	November 16, 2021
Drumheller	Lois	November 7, 2021
Eckenroth	Debra	December 30, 2021
Eisenhour	Kenneth	December 29, 2021
Elias	Karen	December 4, 2021
Elias	Karen	December 10, 2021
Elliot	Jennifer	December 5, 2021
Errick	Dave	December 7, 2021
Errick	Dave	December 7, 2021
Ershler	Amy	December 27, 2021
Fahy	Helen	December 14, 2021
Fiorini	Mark	December 9, 2021
Fishman	Janet	December 19, 2021
Fitch	Brenda	December 13, 2021
Fitch	Brenda	December 13, 2021
Fitzgerald	Loren	November 30, 2021
Fleisch	John	December 9, 2021
Fuhrman	David	November 17, 2021
Giambelluca	Peggy	December 13, 2021
Gilmore	Jason	January 13, 2022
Golla	Bonnie	December 29, 2021
Greisinger	Eric	December 14, 2021
Gunderson	Jacquelyn	December 18, 2021
Habashy	Noel	December 6, 2021
Hancock	Patricia	December 11, 2021
Harris	Larry & Sheila	December 20, 2021
Heckbert	Paul	November 24, 2021
Heller	Joan	November 16, 2021
Heller	Lance	November 17, 2021
Hendrix	Mark	December 31, 2021
Henkel	Patrise	December 9, 2021
Henry	Maureen	December 11, 2021
Heston	Mary Anne	December 8, 2021
Heston	Mary Anne	December 9, 2021
Hickey	Brendan	December 18, 2021
Hingson	George	December 13, 2021
Hinman	Linda	December 22, 2021
Hixson	Rick	December 30, 2021
Hoffman	Virginia	November 16, 2021

Last Name	First Name	Date Received
Hoffman	Virginia	December 14, 2021
Hoffman	Virginia	April 22, 2022
Holtz	Tim	December 6, 2021
Horowitz	Laura	November 20, 2021
Horowitz	Laura	December 5, 2021
Hricak	Georgina & James	December 31, 2021
Hrobuchak	David	December 5, 2021
Huggins	Richard	December 11, 2021
Hunts		November 24, 2021
Hyde	Linda	December 15, 2021
Janarella	Vito & Wendy	December 31, 2021
Jones	Karlie	December 31, 2021
Jonsey		November 28, 2021
Kaufman	Ray	December 11, 2021
Kavalukas	Brian	December 3, 2021
Kelley	Paul	December 3, 2021
Kennedy	Dan	November 20, 2021
Kenny	Thomas & Marguerite	December 5, 2021
Kerrigan	Kathleen	December 4, 2021
Kessler	Thomas	December 7, 2021
Kessler	Tim	December 7, 2021
Ketchum	Blake	November 20, 2021
Kirby	Martha	December 5, 2021
Klingaman	Linda	December 27, 2021
Knapp	Susan	December 6, 2021
Knefley	Michael	April 22, 2021
Kober	Wayne	December 6, 2021
Kochel	Jeffrey	December 15, 2021
Kovacovsky	Georgann	December 20, 2021
Kyle	Daniel	December 31, 2021
Lantz	Aron	December 16, 2021
Latterman	Holly	December 2, 2021
Laubscher	Wayne	December 31, 2021
Leitch	Mary Ann	November 20, 2021
Lemnitzer	Anna	December 14, 2021
Lerch	Susan	December 10, 2021
Leske	Dave	December 20, 2021
Levengood	Greg	December 14, 2021
Levin	Jon	November 20, 2021
Lieberman	Alexis	December 9, 2021
Logan	Donna	December 5, 2021
Loigman	Bruce	December 9, 2021
Lyman	Thomas	November 14, 2021
Lynch	Mary Lynn	December 6, 2021
Macdonald	Leo	November 21, 2021
MacKenzie	Therese	November 20, 2021
Madden	Barbara	December 23, 2021
Marshall	Dean	November 22, 2021

Last Name	First Name	Date Received
Marshall	Dean	December 4, 2021
Marusiak	Matthew	April 28, 2021
Mato	Scott	December 5, 2021
Mato	Shelly	November 2, 2021
Mato	Shelly	November 5, 2021
McDonald	Thomas	December 13, 2021
McElwaine	Andrew	December 29, 2021
McGeeney	Bill	December 11, 2021
McKinney	Vicky	November 13, 2021
Messina	Edward	December 7, 2021
Middleton	John	December 8, 2021
Miller	J Charles	November 13, 2021
Miller	Jason	December 15, 2021
Miller	Jared	December 8, 2021
Moon	Vicki	December 21, 2021
Morello	Lou	December 5, 2021
Moyer	Ben	November 22, 2021
Nachman	Anna Marie	December 15, 2021
Nachman	Edward	December 15, 2021
Newhouse	Carolyn	December 20, 2021
Nolt	Jeffrey	December 12, 2021
Olshefskie	Carl	November 23, 2021
Ott	Mark	December 6, 2021
Parana	John	November 21, 2021
Park		November 16, 2021
Patrick	Nancy	December 15, 2021
Paul	Judy	December 6, 2021
Pell	Melissa	December 12, 2021
Perrin	Juliet	November 30, 2021
Peters	Donna	No Date
Pettigrew	Ann	December 4, 2021
Philibotte	Jason	December 10, 2021
Piorkowski	Stanley	December 4, 2021
Pollack	Mary	December 17, 2021
Reed	Kevin	December 1, 2021
Reed	Kevin	December 3, 2021
Reeder	Rose	November 20, 2021
Reeder	Rose	December 10, 2021
Reichstall		December 20, 2021
Rice	James	December 9, 2021
Richard	Patricia	December 26, 2021
Richard	Patricia	December 28, 2021
Richard	Patricia	December 28, 2021
Richard	Patricia	December 29, 2021
Rickard	Charles	December 30, 2021
Rickard	Pat	December 30, 2021
Roberts	David	December 4, 2021
Robinson	Robert	December 3, 2021

Last Name	First Name	Date Received
Roden	Paul	December 4, 2021
Ross	Robert	November 20, 2021
S.	Travis	December 3, 2021
Schaeffer	Laurie	December 2, 2021
Schaitkin	Lauri	December 13, 2021
Schenkein	Ronnie	December 21, 2021
Schenkein	Ronnie	December 31, 2021
Scoufield	Gail	December 22, 2021
Seltzer	Elizabeth	November 20, 2021
Serafini	Joseph	December 2, 2021
Shaffer	Theodore	December 14, 2021
Shipley	Jason	November 20, 2021
Sidecar Tourz		December 21, 2021
Slyder	Linda	December 31, 2021
Smedley	Vicki	December 14, 2021
Snyder	John	December 5, 2021
Snyder	John & Olga	December 24, 2021
Sourbeer	Ben	December 16, 2021
St. John	Katherine	November 30, 2021
Stahr	Stanley	December 8, 2021
Steele	Michael & Laura	December 4, 2021
Stickles	Bill	November 24, 2021
Story	Julie	December 13, 2021
Stretavski	Kevin	December 2, 2021
Swanson	Jason	December 14, 2021
Swanson	Nancy	December 19, 2021
Tompkins	Phillip	November 21, 2021
Tompkins	Philip	November 21, 2021
Trayer	Lee	December 5, 2021
Trowbridge	Alice	December 31, 2021
Truax	Gary	January 18, 2022
Tucker	Terry	December 31, 2021
Turek	John	December 27, 2021
Ulmer	Stephanie	December 5, 2021
Vuccola	Craig	November 16, 2021
Wadsworth	Andrew	November 20, 2021
Wagner	Raymond	December 23, 2021
Wagner	Sandra	December 19, 2021
Walls	Jerry	November 1, 2021
Walls	Jerry	November 21, 2021
Walls	Jerry	November 28, 2021
Walt	Steven	December 6, 2021
Wasserman	John	December 4, 2021
Wear III	Jack	December 21, 2021
Webber	Melissa	December 8, 2021
Weidner	Samantha	November 28, 2021
- C		
Welfling Wingert	Alison H Eugene	November 3, 2021 November 21, 2021

Last Name	First Name	Date Received
Wolferman	Sondra	No Date
Wolstenholme	Ralph	November 27, 2021
Yearick	David & Julene	December 3, 2021
Zang	Elizabeth	November 3, 2021

From: <u>Janice Abbott</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] NO MOA for PA WILDS
Date: Saturday, December 11, 2021 4:11:33 PM

I am writing to express my disapproval of a MOA in the PA Wilds. It is wrong to even consider doing a MOA in this protected area. This area should not have even been considered . Sincerely,

Janice I. Abbott

From: <u>Nathaniel Abel</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke MOA Low
Date: Tuesday, December 14, 2021 3:27:45 PM

Hi,

I assume you get many comments from people who are lovers of the wild areas. Most of them commenting how you will ruin it.

I am an avid backpacker who regularly spends time in places like the Hammersely Wild Area. I would find it awesome if while backpacking I would get a fly-by. Count me in.

I would find it an awesome experience that would be outside of my ordinary life, which is what I am seeking in my outdoor excursions.

From: WA

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] National Guard should not strafe PA Wilds

Date: Saturday, December 4, 2021 7:37:22 AM

There should be an opportunity for public comment from impacted areas and an Environment Impact assessment before the Maryland National Guard allows tree top practice exercises in the PA Wilds. My family and scouts visit several parks in this area, including Cherry Springs, and we highly value the safety, serenity, and community there. Having been strafed while touring the Scottish highlands, I know it can be a loud and terrifying experience that should not be permitted near public hiking trails.

This proposed training area is the largest stretch of wilderness remaining in Pennsylvania, with 2 National Scenic rivers and 12 state parks. Making this a training area will harm wildlife and interfere with public use of the land. The National Guard must explain this plan and seek approval from the public.

Sincerely, Wendy Adams Doylestown, PA 18902 From: Connie Alexander

Sent: Monday, November 29, 2021 8:59 AM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

; KUCHAREK,

KRISTI L GS-13 USAF ANGRC NGB/A4

; NGB A4/A4A NEPA COMMENTS

Org < NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil >

Subject: [Non-DoD Source] Proposed Duke Low Level MOA

Major Andrieu,

Thank you for the opportunity to respond to the proposed Duke Low Level MOA draft Environmental Assessment and draft FONSI. I am attaching my letter that I have sent to the Potter County Commissioners and other officials and organizations. I am a concerned citizen of Potter County and am not in favor of the change to the existing Duke MOA.

While researching the need to lower the flight level, it has become apparent to me that AF Bases throughout the country are proposing changes to existing airspace. They appear to be doing this "piecemeal" and not through a Programmatic NEPA analysis.

I have taken a look at the approved MOA revisions at Smokey Hill ANG Range (KS) and Holloman Air Force Base (NM), and the proposed Evers MOA (WV, VA), Moody AFB (GA) and the Alpena Airspace (MI). There may be others. At Moody, the proposed airspace is lowered to 100 ft AGL in very limited circumstances. With the Evers proposal, the low level training (1000' AGL) is reportedly over abandoned strip mines. This is in sharp contrast to the proposed Duke Low Level MOA with relatively few exceptions to the 100 ft AGL. This knowledge gives me no confidence that the proposed Duke EA and FONSI are sound, complete and adequately protect human health and the environment. I am not in favor of the Duke MOA revisions and support the "No Action Alternative".

After conversations with friends and neighbors here in Potter County, I have found there is very little knowledge of the Duke MOA proposed revisions. With an October 2021 publication, the proposal has come out during the very busy hunting and holiday seasons. Our residents must have access to this information through public meetings that are well publicized, available virtually, and serve all the various communities in the region. High speed internet access is not available everywhere.

Thank-you for your consideration in this matter.

Respectfully submitted, Connie Alexander Shinglehouse, PA



November 26, 2021

Potter County Commissioners Nancy Grupp, Chair 1 North Main Street Coudersport, PA 16915

Re: Duke Low Level Military Operational Area (MOA) Proposal https://www.175wg.ang.af.mil/Duke-MOA-Low/

Dear Ms. Grupp

My husband and I chose Potter County as our retirement home in 2012 and have greatly enjoyed the peace, quiet, and solitude that this area offers. It is an extraordinary experience to be able to step out onto my porch and hear nothing but the sound of the wind blowing through the trees. It is a privilege that I have apparently taken for granted.

I have recently become aware of the Maryland Air National Guard's proposal to convert the existing Duke Military Operations Area into the Duke Low Level MOA for fighter jet pilot training. They are planning on conducting exercises approximately 170 days a year for two hours a day with perhaps 6 aircraft, primarily in Potter County. The Environmental Assessment (EA) that has recently been made public states that "....individual low level overflights would be loud enough to startle individuals and cause readily perceptible vibrations in homes and buildings directly under their flight paths" (page 3-26). Yet I am expected to accept the often repeated statement, "These effects would be less than significant". Who are they kidding! It is clear to me that low level, high speed fighter jet pilot practice does not belong over a civilian population. The risks to health and safety are too great and the long term negative health effects have not been fully studied. The Maryland Air National has taken a real short cut at the expense of the people of Potter County by not evaluating the proposal by way of a complete and comprehensive Environmental Impact Statement.

I have great respect for our military. Both my husband and son-in-law are veterans of the Armed Forces. However, the Air National Guard unit proposing flights into Potter County and the military bases from which they originate are far removed physically, economically and emotionally from this area, its people and the beauty of the landscape. This is atypical of the normal military community and is a significant void in my opinion. I have real concerns that the people of this region are being taken advantage of due to haste and oversight on the part of the Maryland Air National Guard in the greatly deficient EA and FONSI.

Furthermore, it is striking to me that the examination of alternative sites in the EA is so weak and extremely limited given the importance and long term use necessary for required low level training. For instance, the statement in the FAQ section that "...the US Navy has decreased the amount of time an outside user is allowed to schedule their range" speaks of a much broader Department of Defense (DOD) problem. The military apparently is requiring specific training needs prior to providing the means in which to accomplish them. They are literally "putting the cart before the horse" and the citizens of Potter County and beyond are being asked to pay the price. Please see the attachment (Appendix 1) to this letter which is an important examination of the apparent DOD policies and decisions that have led to the problem that we are facing today, that of the potential for low level, high speed fighter jet pilot practice in our midst!

The citizens of Potter County are counting on you and all of our elected officials to protect OUR best interests and health and safety. When evaluating your actions, please consider OUR shift workers in our manufacturing and health care industries with daytime sleep requirements, OUR local need for rapid aerial medical teams or search and rescue missions, OUR combat veterans with PTSD seeking peace and solitude, OUR horseback riders and kids at summer camp who will no longer be safe because of the rearing/bolting of their horse. The list goes on and on and my love of quiet porch sitting pales in comparison. The Maryland National Guard should not get a pass on the inadequate and hasty EA and FONSI that has been submitted.

It is fair and not unpatriotic to question any DOD decision that will have direct, negative consequences to the people you serve. The DOD must address the new requirements for low level fighter jet pilot practice at the national level. At the very least, at this point in time, the MD ANG must submit a complete and carefully prepared Environmental Impact Statement for the proposed Duke Low Level MOA. Thank you for your continued work and dedication to the citizens of Potter County.

Very truly yours,

Connie Alexander

CC:

Maryland Air National Guard, Major Jeffrey Andrieu Governor Tom Wolf
Senator Robert Casey
Senator Pat Tomey
Congressman Fred Keller
PA Senator Chris Dush
PA State Representative Martin Causer
PennFuture
Pennsylvania Chapter of the Sierra Club
Pennsylvania Environmental Defense Foundation
Pennsylvania Forest Coalition

Appendix 1

Comments on the ENVIRONMENTAL ASSESSMENT FOR MODIFICATION OF DUKE MILITARY OPERATIONS AREA (The Duke Assessment)

1. The requirement for low level altitude training was generated by policy making at the DoD level. The decision and policy emanating from that decision constitutes a major Federal action pursuant to NEPA, and therefore, subject to NEPA analysis and documentation at a programmatic level. A "major Federal action" is defined in NEPA as an agency action that "significantly affect[s] the quality of the human environment". The courts have previously ruled that Agency Rules and policies can be considered major Federal actions as defined by NEPA. Implementation of policies directing low level altitude training requires a broader strategy to evaluate the best locations to implement and meet directed training demands and under what conditions.

The decision and requirement originates from the National Defense Strategy dated 2018. The following language has been taken from the Summary Document National Defense Strategy 2018 (Sharpening the American Military's Competitive Edge) The US military, in order to build a more lethal force, must "Modernize key capabilities. We cannot expect success fighting tomorrow's conflicts with yesterday's weapons or equipment. To address the scope and pace of our competitors' and adversaries' ambitions and capabilities, we must invest in modernization of key capabilities through sustained, predictable budgets. Our backlog of deferred readiness, procurement, and modernization requirements has grown in the last decade and a half and can no longer be ignored. We will make targeted, disciplined increases in personnel and platforms to meet key capability and capacity needs. The 2018 National Defense Strategy underpins our planned fiscal year 2019-2023 budgets, accelerating our modernization programs and devoting additional resources in a sustained effort to solidify our competitive advantage." This is accomplished by: "Joint lethality in contested environments. The Joint Force must be able to strike diverse targets inside adversary air and missile defense networks to destroy mobile power-projection platforms. This will include capabilities to enhance close combat lethality in complex terrain."

The Draft ENVIRONMENTAL IMPACT STATEMENT for the Georgia Moody Air Force Base Comprehensive Airspace Initiative, SEPTEMBER 2020, makes clear the relationship between the DoD decision and policy requirement for training operations at low level altitudes, articulated in the 2018 Defense Strategy. The following language from the Moody AFB EIS is as follows:

"From 1990 to 2018, the focus of Air Force training operations was against low-threat enemies, which kept most aircraft training above 10,000 feet above ground level (AGL) to avoid the threat. The National Defense Strategy of 2018 however refocused the Air Force's training to engage near-peer, high-threat enemies. This requires training at low altitudes to avoid the threat envelope of modern surface-to-air missiles."

2. It appears that existing training missions are attempting to meet DoD policy initiatives and a NEPA analysis **piecemeal** through an "integration of parts". Thus far, under comparable conditions, each "part" has determined a different level of documentation is adequate.

In the eastern part of the US there are at least (2) efforts ongoing to expand air training operations to include low level altitude flying. These actions are comparable in mission scope. The first, and subject to this review, is the Duke Military Operations Area (MOA). The Duke Environmental Assessment summarizes its purpose as follows: "The purpose of the proposed action is to establish low-level airspace beneath the existing Duke MOA to train and prepare military pilots and aircrews for current and future conflicts. The action provides reasonable flexibility for aircrew usage and ATC de-confliction. The 175 WG cannot train to realistic threat or target scenarios in the existing Duke MOA because the airspace begins at 8,000 ft MSL (approximately 6,000 to 7,000 ft above ground level [AGL] or the distance above the ground). Pilots operating the A-10C will regularly descend down to 1,000 ft AGL or lower during a simulated gun or rocket delivery......Simulated diving weapon delivery profiles span the altitudes between 100 ft AGL and 18,000 ft MSL." The AF NGB contends the EA is adequate to conclude the NEPA analysis with an EA and a Finding of No Significant Impact (FONSI).

Concurrent with the NEPA effort at the Duke MOA, Moody Air Force Base is proposing new low-altitude Military Operations Areas (MOAs) immediately underneath existing Special Use Airspaces (SUAs) within the Moody Airspace Complex to increase the capacity of low-altitude MOAs and align the Moody Airspace Complex with the various aircraft training missions at Moody Air Force Base (AFB), Georgia. Training flights at Moody are being realigned or reconfigured to more appropriately accommodate the training missions at low altitude (less than 8,000 feet MS). To date, Moody AFB has prepared a draft Environmental Impact Statement (EIS) to evaluate the potential environmental impacts of this Proposed Action.

3. The analysis of alternatives is incomplete and superficial.

The Definition of "Reasonable Alternatives" from Section 989 of the AF Implementing Regulations for the Environmental Impact Assessment Process is as follows:

"Reasonable" alternatives are those that meet the underlying purpose and need for the proposed action and that would cause a reasonable person to inquire further before choosing a particular course of action. Reasonable alternatives are not limited to those directly within the power of the Air Force to implement. They may involve another government agency or military service to assist in the project or even to become the lead agency. The Air Force must also consider reasonable alternatives raised during the scoping process (see § 989.18) or suggested by others, as well as combinations of alternatives. The Air Force need not analyze highly speculative alternatives, such as those requiring a major, unlikely change in law or governmental policy. If the Air Force identifies a large number of reasonable alternatives, it may limit alternatives selected for detailed environmental analysis to a reasonable range or to a reasonable number of examples covering the full spectrum of alternatives. "

It is inconceivable that there are no other alternatives to the civilian airspace identified herein. For purposes of this analysis, the AF arbitrarily limits the distance to the training airspace to 200 miles from Martin State Airport. The A-10 Wharthog has a flying speed of 420 mph and cruising speed of 348 mph. It can be to Fort Drum NY in a little over an hour.

Failure to perform adequate coordination with existing military operations is not an adequate justification to remove an alternative. As stated in Section 989 above, reasonable alternatives may involve other governmental agencies or military service to assist in the project. Scheduling conflicts at the Patuxent River Restricted Areas, or allowance of "reduced use by outside users" appears to be an internal DoD issue. **Apparently, it is easier to avoid internal discussions and target civilian airspace.** R-5002 (Warren Grove Range, NJ) and R-5802 (Ft Indiantown Gap, PA) is eliminated because Airport R-5002 is not available when a range control officer is not present? Why can't additional personnel address this concern? Why weren't the current military operations considered in combination to accomplish mission objectives?

Based on Figure 2-6 of the EA, it appears heavy use airspace could be avoided enroute to areas of Western Maryland. Maryland is home base for AF NGB components requiring low level altitude training. Maryland receives the economic benefit of the base of operations. Why was Western Maryland not considered?

A call for a Programmatic NEPA analysis for conducting low level airspace training is not only required but would assist the DoD to develop a coherent plan to more efficiently and effectively accomplish mission objectives. Moving operations into civilian airspace because the service components fail to cooperate, and it's easier, is not acceptable.

From: Connie Alexander

ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4; NGB To:

Richard

A4/A4A NEPA COMMENTS Org

Cc:

Subject:

[Non-DoD Source] Proposed Duke Low Level MOA Date: Friday, December 31, 2021 8:01:17 AM

Connie Alexander Duke MOA EA + App 1 (6).pdf Attachments:

Additional Comments Duke MOA EA 12-30-2021.pdf

Dear Major Andrieu and Ms. Kucharek:

I am a concerned citizen in Potter County, Pennsylvania and have submitted a letter commenting on the proposal and addressed it to our Potter County Commissioners (November 26, 2021). I copied you and others at that time. I have not received a response or reply that my letter has been received by your office and my concerns documented. I have attached that letter today for completeness.

My purpose for writing again is to follow up on my previous letter and add additional comments. These comments and my initial letter are attached below. Specifically, my additional comments are in regard to: 1. The dismissal of the Evers MOA for 175th WG training, 2. Low level pilot training procedures in a civilian environment, 3. Federal Aviation Administration involvement, 4. Local weather concerns, and finally, 5. The historical realignment of the A-10 aircraft out of Pennsylvania to Maryland due to BRAC. Please also make these part of the proposed project's Administrative Record.

Additionally, I believe that it would be very useful in the interest of transparency, for a copy of the entire Proposed Duke Low Level MOA Administrative Record to be made available for information and review by the public. Perhaps it can be disseminated in a document provided to our public libraries in the region.

Thank you for your consideration in this matter. Sincerely,

Connie Alexander Shinglehouse, PA

CC.

Nancy Grupp, Potter County Commissioners

Governor Tom Wolf*

Senator Robert Casey*

Senator Pat Toomey*

Congressman Fred Keller*

Congressman Glenn Thompson*

PA Senator Chris Dush

PA State Representative Martin Causer

PA Dept. of Conservation and Natural Resources*

PA Wilds Center for Entrepreneurship

PA Forest Coalition

PA Environmental Defense Foundation

PennFuture
PA Chapter of the Sierra Club*
Natural Resources Defense Council
Victor Sparrow, Director of Graduate Programs in Acoustics, Penn State
Mathias Basner, MD, University of Pennsylvania, School of Medicine

*copy sent by USPS



November 26, 2021

Potter County Commissioners Nancy Grupp, Chair 1 North Main Street Coudersport, PA 16915

Re: Duke Low Level Military Operational Area (MOA) Proposal https://www.175wg.ang.af.mil/Duke-MOA-Low/

Dear Ms. Grupp

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I have great respect for our military. Both my husband and son-in-law are veterans of the Armed Forces. However, the Air National Guard unit proposing flights into Potter County and the military bases from which they originate are far removed physically, economically and emotionally from this area, its people and the beauty of the landscape. This is atypical of the normal military community and is a significant void in my opinion. I have real concerns that the people of this region are being taken advantage of due to haste and oversight on the part of the Maryland Air National Guard in the greatly deficient EA and FONSI.

Furthermore, it is striking to me that the examination of alternative sites in the EA is so weak and extremely limited given the importance and long term use necessary for required low level training. For instance, the statement in the FAQ section that "...the US Navy has decreased the amount of time an outside user is allowed to schedule their range" speaks of a much broader Department of Defense (DOD) problem. The military apparently is requiring specific training needs prior to providing the means in which to accomplish them. They are literally "putting the cart before the horse" and the citizens of Potter County and beyond are being asked to pay the price. Please see the attachment (Appendix 1) to this letter which is an important examination of the apparent DOD policies and decisions that have led to the problem that we are facing today, that of the potential for low level, high speed fighter jet pilot practice in our midst!

The citizens of Potter County are counting on you and all of our elected officials to protect OUR best interests and health and safety. When evaluating your actions, please consider OUR shift workers in our manufacturing and health care industries with daytime sleep requirements, OUR local need for rapid aerial medical teams or search and rescue missions, OUR combat veterans with PTSD seeking peace and solitude, OUR horseback riders and kids at summer camp who will no longer be safe because of the rearing/bolting of their horse. The list goes on and on and my love of quiet porch sitting pales in comparison. The Maryland National Guard should not get a pass on the inadequate and hasty EA and FONSI that has been submitted.

It is fair and not unpatriotic to question any DOD decision that will have direct, negative consequences to the people you serve. The DOD must address the new requirements for low level fighter jet pilot practice at the national level. At the very least, at this point in time, the MD ANG must submit a complete and carefully prepared Environmental Impact Statement for the proposed Duke Low Level MOA. Thank you for your continued work and dedication to the citizens of Potter County.

Very truly yours,

Connie Alexander

CC:

Maryland Air National Guard, Major Jeffrey Andrieu Governor Tom Wolf
Senator Robert Casey
Senator Pat Tomey
Congressman Fred Keller
PA Senator Chris Dush
PA State Representative Martin Causer
PennFuture
Pennsylvania Chapter of the Sierra Club
Pennsylvania Environmental Defense Foundation
Pennsylvania Forest Coalition

Appendix 1

Comments on the ENVIRONMENTAL ASSESSMENT FOR MODIFICATION OF DUKE MILITARY OPERATIONS AREA (The Duke Assessment)

1. The requirement for low level altitude training was generated by policy making at the DoD level. The decision and policy emanating from that decision constitutes a major Federal action pursuant to NEPA, and therefore, subject to NEPA analysis and documentation at a programmatic level. A "major Federal action" is defined in NEPA as an agency action that "significantly affect[s] the quality of the human environment". The courts have previously ruled that Agency Rules and policies can be considered major Federal actions as defined by NEPA. Implementation of policies directing low level altitude training requires a broader strategy to evaluate the best locations to implement and meet directed training demands and under what conditions.

The decision and requirement originates from the National Defense Strategy dated 2018. The following language has been taken from the Summary Document National Defense Strategy 2018 (Sharpening the American Military's Competitive Edge) The US military, in order to build a more lethal force, must "Modernize key capabilities. We cannot expect success fighting tomorrow's conflicts with yesterday's weapons or equipment. To address the scope and pace of our competitors' and adversaries' ambitions and capabilities, we must invest in modernization of key capabilities through sustained, predictable budgets. Our backlog of deferred readiness, procurement, and modernization requirements has grown in the last decade and a half and can no longer be ignored. We will make targeted, disciplined increases in personnel and platforms to meet key capability and capacity needs. The 2018 National Defense Strategy underpins our planned fiscal year 2019-2023 budgets, accelerating our modernization programs and devoting additional resources in a sustained effort to solidify our competitive advantage." This is accomplished by: "Joint lethality in contested environments. The Joint Force must be able to strike diverse targets inside adversary air and missile defense networks to destroy mobile power-projection platforms. This will include capabilities to enhance close combat lethality in complex terrain."

The Draft ENVIRONMENTAL IMPACT STATEMENT for the Georgia Moody Air Force Base Comprehensive Airspace Initiative, SEPTEMBER 2020, makes clear the relationship between the DoD decision and policy requirement for training operations at low level altitudes, articulated in the 2018 Defense Strategy. The following language from the Moody AFB EIS is as follows:

"From 1990 to 2018, the focus of Air Force training operations was against low-threat enemies, which kept most aircraft training above 10,000 feet above ground level (AGL) to avoid the threat. The National Defense Strategy of 2018 however refocused the Air Force's training to engage near-peer, high-threat enemies. This requires training at low altitudes to avoid the threat envelope of modern surface-to-air missiles."

2. It appears that existing training missions are attempting to meet DoD policy initiatives and a NEPA analysis **piecemeal** through an "integration of parts". Thus far, under comparable conditions, each "part" has determined a different level of documentation is adequate.

In the eastern part of the US there are at least (2) efforts ongoing to expand air training operations to include low level altitude flying. These actions are comparable in mission scope. The first, and subject to this review, is the Duke Military Operations Area (MOA). The Duke Environmental Assessment summarizes its purpose as follows: "The purpose of the proposed action is to establish low-level airspace beneath the existing Duke MOA to train and prepare military pilots and aircrews for current and future conflicts. The action provides reasonable flexibility for aircrew usage and ATC de-confliction. The 175 WG cannot train to realistic threat or target scenarios in the existing Duke MOA because the airspace begins at 8,000 ft MSL (approximately 6,000 to 7,000 ft above ground level [AGL] or the distance above the ground). Pilots operating the A-10C will regularly descend down to 1,000 ft AGL or lower during a simulated gun or rocket delivery......Simulated diving weapon delivery profiles span the altitudes between 100 ft AGL and 18,000 ft MSL." The AF NGB contends the EA is adequate to conclude the NEPA analysis with an EA and a Finding of No Significant Impact (FONSI).

Concurrent with the NEPA effort at the Duke MOA, Moody Air Force Base is proposing new low-altitude Military Operations Areas (MOAs) immediately underneath existing Special Use Airspaces (SUAs) within the Moody Airspace Complex to increase the capacity of low-altitude MOAs and align the Moody Airspace Complex with the various aircraft training missions at Moody Air Force Base (AFB), Georgia. Training flights at Moody are being realigned or reconfigured to more appropriately accommodate the training missions at low altitude (less than 8,000 feet MS). To date, Moody AFB has prepared a draft Environmental Impact Statement (EIS) to evaluate the potential environmental impacts of this Proposed Action.

3. The analysis of alternatives is incomplete and superficial.

The Definition of "Reasonable Alternatives" from Section 989 of the AF Implementing Regulations for the Environmental Impact Assessment Process is as follows:

"Reasonable" alternatives are those that meet the underlying purpose and need for the proposed action and that would cause a reasonable person to inquire further before choosing a particular course of action. Reasonable alternatives are not limited to those directly within the power of the Air Force to implement. They may involve another government agency or military service to assist in the project or even to become the lead agency. The Air Force must also consider reasonable alternatives raised during the scoping process (see § 989.18) or suggested by others, as well as combinations of alternatives. The Air Force need not analyze highly speculative alternatives, such as those requiring a major, unlikely change in law or governmental policy. If the Air Force identifies a large number of reasonable alternatives, it may limit alternatives selected for detailed environmental analysis to a reasonable range or to a reasonable number of examples covering the full spectrum of alternatives. "

It is inconceivable that there are no other alternatives to the civilian airspace identified herein. For purposes of this analysis, the AF arbitrarily limits the distance to the training airspace to 200 miles from Martin State Airport. The A-10 Wharthog has a flying speed of 420 mph and cruising speed of 348 mph. It can be to Fort Drum NY in a little over an hour.

Failure to perform adequate coordination with existing military operations is not an adequate justification to remove an alternative. As stated in Section 989 above, reasonable alternatives may involve other governmental agencies or military service to assist in the project. Scheduling conflicts at the Patuxent River Restricted Areas, or allowance of "reduced use by outside users" appears to be an internal DoD issue. **Apparently, it is easier to avoid internal discussions and target civilian airspace.** R-5002 (Warren Grove Range, NJ) and R-5802 (Ft Indiantown Gap, PA) is eliminated because Airport R-5002 is not available when a range control officer is not present? Why can't additional personnel address this concern? Why weren't the current military operations considered in combination to accomplish mission objectives?

Based on Figure 2-6 of the EA, it appears heavy use airspace could be avoided enroute to areas of Western Maryland. Maryland is home base for AF NGB components requiring low level altitude training. Maryland receives the economic benefit of the base of operations. Why was Western Maryland not considered?

A call for a Programmatic NEPA analysis for conducting low level airspace training is not only required but would assist the DoD to develop a coherent plan to more efficiently and effectively accomplish mission objectives. Moving operations into civilian airspace because the service components fail to cooperate, and it's easier, is not acceptable.

Alexander, Connie. Re: Duke Low Level Military Operations Area (MOA) Proposal. Letter to the Maryland Air National Guard through the Potter County Commissioners. 26 November 2021

Additional Comments submitted for the Public Record, 30 December 2021:

Comment 1. Analysis of Alternatives.

This comment is focused on the dismissal of the Evers MOA as an alternative. The District of Columbia Air National Guard (DCANG) recently prepared and finalized the EA for modifications and additions to the existing Evers MOA located in northern Virginia and West Virginia. The EA was finalized in December 2020 and expanded the air space from 450 square nautical miles to 3500 nautical miles, a sevenfold increase. According to the analysis provided on pg. 2-9, section 2.3, of the Draft Duke Low Level MOA, "The primary consideration for eliminating use of the Evers MOA was that the existing MOA (1,000 ft AGL floor) or the proposed modifications (1,000 ft AGL floor) by other users would not support A-10C low-level qualifications training below 500 ft AGL and would not be adequate for 175 WG low-level flight operations to maintain proficiency. Evers MOA cannot be expanded below 1,000 ft AGL due to mountainous terrain and the resulting sparse radio coverage. In addition, the national radio quiet zone is beneath the Evers MOA."

- It is recognized that the Green Bank Observatory (GBO) and associated quiet zone (NRQZ) is an exclusive area, however, according to the ANG in the Evers EA (page 3-14) "the GBO and NRQZ are beneath the existing Evers MOA. The military training events and the GBO/NRQZ have coexisted for many years."
- Low altitude training currently takes place at Evers. As outlined in Section 3.1.2.3 of the Final Evers EA, there is existing military air traffic on Military Training Route (MTRs) throughout the areas beneath the existing and proposed Evers MOAs. "These air operations are both lower to the ground, more frequent, and along designated routes." The referenced MTRs at Evers may not be under direct control of the DCANG; my understanding is that they are controlled by Langley AFB (Report to Congress Sustainable Ranges 2007).
- The Final EA for Evers identifies the MDANG as an expected user of the Evers MOA, and as a significant user. Apparently, the 175th has a current reservation for training at the Evers MOA.
- It is noteworthy that the 113th WG (DCANG) has been included in the Draft Duke Low Level EA as a user, and that in the final EA for Evers, the Duke MOA was dismissed as an alternative for the 113th WG (page 2-12).

The apparent lack of clarity regarding the use of the Evers and Duke MOAs begs the following questions:

- Where are MDANG 175th WG pilots currently training to meet some or all pilot qualifications?
- Where is the MDANG 175th WG listed as a user of air space for training purposes?

Comment 2. Low Level Pilot Training Above a Civilian Population

A statement regarding upgrading and accommodation of the 175th Wing training requirements at low level, refer to aircrew missions that require "operating below medium and low weather decks, search patterns for isolating personnel, threat reactions against simulated threats, and finding targets visually" (page 1-5, Draft Duke Low Level MOA). Furthermore, another statement about the unsuitability of low-level training over water (Final Evers EA, page 2-13) "because of the absence of terrain features, moving vehicles, personnel, and surface roadways do not provide realistic training scenarios" leaves one to wonder how these are provided in a non-military environment. Who are the personnel being targeted, whose moving vehicles are being observed/targeted, and how are simulated threats generated in a civilian landscape for military pilots flying at low level?

Comment 3. Federal Aviation Administration (FFA) Involvement

The FAA will review, comment and provide the final approval of any change to the national airspace. How is this agency being kept informed and updated on the public comment and questions about the Draft Duke Low Level MOA? Have they received all comments and questions and provided input? If not, when will this occur? Will the FAA comments and response be made public?

Comment 4. Weather Conditions

The following statement can be found on page 5-1 of the Draft Duke Low Level MOA, "The proposed Duke MOA would only be activated and used during VMC, whereas VFR flight rules would always be permitted. (ie. Pilots would always have sufficient visibility to maintain visual separation from terrain and other aircraft during approach and departure from airports)." The Northern Tier has highly changeable and unpredictable weather resulting in a great number of overcast days and precipitation events. Some areas are subject to lake effect snows. I have found no references about the local climate and its adverse effect on visibility in the region in the Draft Duke Low Level MOA. Have the local weather conditions been evaluated for suitability and safety for low level flights?

Comment 5. Realignment of the A-10 Aircraft from Pennsylvania to Maryland

In its 2005 BRAC Recommendations, the DoD recommended that the 111th Fighter Wing be inactivated from the Willow Grove Naval Air Station, Horsham, PA and it subsequently assigned A-10 aircraft to the 175th WG among others. This recommendation was part of a larger BRAC move that would close the Willow Grove operation. At that time, Pennsylvania's governor fought the recommendation, but the DoD prevailed. The aircraft had resided at the Horsham base for 68 years. The last flight of the A-10 from its Pennsylvania base was in 2011. What was the rationale for the realignment to Maryland when apparently Maryland, according to the Draft Duke Low Level MOA EA has no capacity to accommodate training (Maryland airspace was not even considered as an alternative).

From: <u>Eunice Alexander</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source]

Date: Saturday, December 4, 2021 5:02:49 AM

Dear Sir/Madame:

The WILDS of Pennsylvania are not appropriate areas for low-flying practice by the National Guard. Extreme noise pollution such as that caused by tree-top level strafing is traumatic to most birds and mammals. Put yourself on the ground and your child and imagine this.

I am confident that you'll prevent such manuvers.

Best wishes, Eunice Alexander From: <u>Lawrence Allegretto</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] low flying planes
Date: Sunday, November 28, 2021 6:03:29 AM

Let them fly!!!! I think its awesome to see our military planes fly overhead.I am 69 years old and always enjoyed seeing and hearing the planes fly over northern Elk County

Pennsylvania.LET "EM RIP!!!!

LAWRENCE ALLEGRETTO WILCOX PA.

From: Daniel Alters

Sent: Saturday, November 20, 2021 5:37 PM

To: NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] Maryland Air National Guard Low-level FLights

I accidently "sent" an uncompleted email, so I'll try again. I am commenting on the proposal by the Maryland Air National Guard to conduct low-level flights over Pennsylvania air space. As a life-long Pennsylvania resident, I am disappointed in this proposal, for the following reasons:

- 1. Why not conduct these flights in Maryland air space.
- 2. Almost the entire area proposed for these flights has the special designation as "Pennsylvania WIlds" due to it's extraordinary environmental features. It is quiet, is home to many wild animals. Many birds call the Wilds home, such as the American Bald Eagle and the Northern Goshawk, both of which breed in northern Pennsylvania are subject to stress should low flying aircraft go near their nest sites.
- 3. While scattered, many people live within the PA Wilds, and their lives would be disturbed by low flying aircraft.
- 4. I've heard stories about some pilots being 'cowboys' during the flights, taking unnecessary risks. Low flying combat aircraft are dangerous enough, no one needs additional risks.
- There was definitely one incident involving an aircraft of the NY ANG cutting a high-voltage power line crossing a river, with that line then laying across the major highway in the river valley.

I demand the Maryland ANG comply fully with the federal laws requiring an Environmental Impact Study. As a former manager of the Pennsylvania Department of Environmental Protection, I am aware of the importance of a well-prepared Statement, containing improvements and revisions following full and complete review of comments and recommendations by the public.



From:

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Flight training over Pennsylvania wilderness

Date: Friday, December 3, 2021 6:46:14 AM

Why don't you fly these missions 100 feet overhead from the illegal immigrants flooding over our southern border? What real life mission are you training for zooming over the Pennsylvania forests? The threat is the invasion at our southern border, now and until it's deterred with military force.

From:
To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] PA Wilds and Warthogs
Date: Sunday, December 5, 2021 3:05:56 AM

I think the low level flights of the Warthogs should continue with some modifications. Keep up the good work.

From: Tim Asinger

Sent: Wednesday, December 1, 2021 9:20 AM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] PROPOSED DUKE LOW MOA - DRAFT ENVIRONMENTAL ASSESSMENT

Major Andrieu,

As a concerned citizen of living in McKean County, a business owner that operates throughout the Northern Tier of PA and an outdoor enthusiast of this region, I'd like to respectfully request a copy of the DEA - Draft Environmental Assessment

It is my understanding that this information was to be complete by the Fall of 2021 and is available to public on request to your email account

The purpose of the request is to better understand the impacts that the PROPOSED DUKE LOW MOA may have on this region

One last request would be for information that you or if you could direct me to information that would support our region accepting the LOW MOA, currently public sentiment seems to be one of negativity and in general against it

Thanking you in advance

Tim	Asinger	,

From: <u>Marianne Atkinson</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Comment - National Guard training locations

Date: Sunday, December 5, 2021 8:43:04 AM

The PA WILDS is not the appropriate place for disturbance by the National Guard. The PA Wilds is not the appropriate place to conduct extremely low-level training in airplanes.

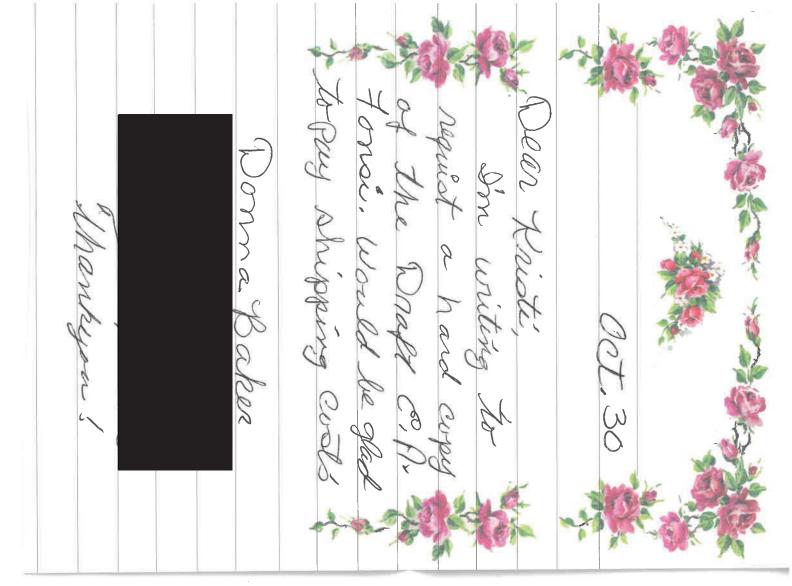
The PA WILDS is a \$1.8 billion industry that makes up 11 percent of the region's economy. DCNR, alone, has invested over \$180 million in the region since 2003.

The proposed training area is the state's largest acreage of wilderness and is home to two National Wild & Scenic .Rivers and the largest elk herd in the northeast.

Twelve state parks would be impacted by this proposal.

Marianne Atkinson





nna Baker

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Kriste Kucharek National Guard Bureau 3501 felchet avenue Joint Buse andrew's Md.

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DEAR F- 35 A EIS PROJECT MANAGER:

PLEASE SEND A FUIL HARD COPY OF THE DRAFT ENVIRONMENTAL ASSESSMENT (EA) ON THE THE POTENTIAL IMPACTS ASSOCIATED WITH THE MODIFICATION OF THE DUKE MILITARY OPERATIONS AREA (MOA) IN PENNSY WANIA AND NEW YORK TO ESTABLISH LOW ALTITUDE AIRSPACE TO:

THANK GOW.

SINCERELY, LA BARBER

MD DECEMBER 7, 2621

LRISTI KUCHAREK NATIONAL GUARD BUREAU JOINT BASE ANDREWS, MO

DEAR KRISTI KUCHAREK:

THIS IS MY SECOND REQUES TO

RECEIVE A HARD COPYOF THE DRAFT

EA/FONST BY MAIL. ALTHOUGH AT

THIS LATE DATE I MAY NOT BE ABLE

TO SUBMIT COMMENT, I STILL ASK

THAT YOU SEND ME A COMPLETE. I

HAVE A THREE RING BING BINDER GR

TWO WAITING FOR THE MATERIAL.

THANK YOU IN ADVANCE FOR YOUR

ATTENTION TO THIS MATTER.

MAY THE PROTECTION, LOVE, AND

THE MATERIAL MAY BE FORWARDED TO: KAREN BARBER

WISDOM OF GOD BE WITH YOU ALWAYS.

From >
Sent: Wednesday, October 20, 2021 8:41 AM
To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD
Subject: [Non-DoD Source] Flyovers in Pennsylvania

Dear Airman:

I write to you today to express my disapproval of military aircraft using the airspace over the Hammersley Wilderness in North central PA. Aircraft there is a noncompatible use of this area which has been set aside for quiet and peaceful experiences.

Military readiness is no longer needed as it had been in the 20th century as Biden has boasted to us and the whole world. Your outfit can achieve its goals by flying over any metropolitan area which is already noisy and congested with traffic. There your movements will go unnoticed.

If you want to be supported by the citizens of this county, then do not dirty the wilderness and above all do not lose wars abroad that cost us all more than we can calculate.

David Barbour Montoursville, PA From: Robert BARBOUR

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] PA Wilds Military use
Date: Saturday, November 20, 2021 9:07:01 AM

The purpose of this email is to voice my extreme opposition the the Maryland National Guard using the PA Wilds State Forest Lands for their training grounds. This piece of wilderness is much too valuable to disrupt wildlife and human use by having jets screaming over the tree tops. I am in no way opposed to our military or blind to the need for training. This proposed area of use is not reasonable and another area MUST be chosen that would not have the unquestionable detrimental impact to wildlife and loss of peace and quiet enjoyment of all visitors to that area. In no way is this proposed use of PA's State Forest Lands acceptable.

Sincerely,

Rob Barbour

From: <u>L Barr</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [URL Verdict: Neutral][Non-DoD Source] Comment on the Duke Military Operating Area (MOA)

Date: Friday, December 31, 2021 9:11:19 AM

To the Air Force and the National Guard Bureau (NGB),

Please accept this email as my comment on the proposed modification to the Duke Military Operating Area (MOA) to lower the floor of the existing MOA from 8,000ft Mean Sea Level (MSL) to 100ft Above Ground Level (AGL).

Duke MOA Low

Duke MOA Low

The official website for the 175th Wing

My name is Laurie Barr and I reside within the the Duke Military Operating Area (MOA) where I maintain two Monarch Butterfly Waystations in Potter County, Pennsylvania.

The first Monarch Butterfly way-station my husband and I began developing over 15 years ago in Roulette, PA. Another monarch way-station we began developing in Coudersport, PA in the spring of 2016. These way-stations are where monarch butterflies return to and reproduce, year after year. And every year their numbers increase.

Some Monarch Butterflies stay in this region and reproduce all summer long, others pass through this region and continue their migration North. See A Journey North: https://journeynorth.org/monarchs

Year after year monarch butterflies return to our two way-stations and surrounding milkweed fields located in the Duke Military Operating Area (MOA). Milkweed is the host plant and single food source for monarch caterpillars.

During the Monarch's migration in the spring butterflies congregate in large numbers in trees in order to stay warm at night. These trees are 'roosting sites' used by Monarchs during their annual spring and fall migrations.

One of these roosting sites is pine trees located in Patterson State Park in Summit Twp., Potter County within the Duke Military Operating Area (MOA). Year after year successive monarch butterfly generations return to the Patterson State Park roost.

Interruption of the Monarch Butterfly migration could do immeasurable harm to a species that already meets the criteria for listing as an endangered species according to The U.S. Fish and Wildlife Service.

The only reason the Monarch Butterfly has not been listed, according the the U.S. Fish and Wildlife Service is *lack of funding*.

In 2014 The Center for Biological Diversity, Center for Food Safety, Xerces Society and a private individual petitioned the U.S. Fish and Wildlife Service to list the monarch as an endangered or threatened species. In 2016 the U.S. Fish and Wildlife Service launched the status review and made a positive 90-day finding.

The U.S. Fish and Wildlife Service found the Monarch Butterfly "meets the criteria for listing as an endangered or threatened species, however the service does not have the funding and/or personnel to devote to a listing proposal because there are listing actions with a higher priority." This could be found here: Questions and Answers: 12-month finding on a petition to list the monarch butterfly

https://www.fws.gov/savethemonarch/FAQ.html#FAQ2

On December 15, 2020, the U.S. Fish and Wildlife Service announced that listing the **monarch as endangered or threatened** under the Endangered Species Act is **warranted**, but precluded by higher priority listing actions. The decision is the result of an extensive status review of the monarch that compiled and assessed the monarch's current and future status. The

monarch is now a candidate under the Endangered Species Act; we will review its status annually until a listing decision is made."

https://www.fws.gov/savethemonarch/ssa.html

- Monarchs only travel during the day.
- Each spring and fall, millions of eastern North American monarch butterflies undergo a <u>long-distance migrations</u>, traveling to and from Central Mexico & Canada.
- During monarch migration butterflies have been spotted flying as high as 11,000 feet.

The airspace that you are proposing to use for training exercises involves the Monarch Butterfly's annual migration routes. These have been used for generations, connecting critical monarch butterfly habitats from Mexico to Canada. The airspace above the area milkweed crops, monarch way-stations and roosting sites, include our way-stations and the Patterson State Park roosting site needs to be avoided in order to prevent harm to these sensitive Monarch Butterfly populations and their migration routes.

Based on the potential for harm of the Monarch Butterfly Population and migration route, I am demanding that the 175th Wing, the Air Force and the National Guard Bureau (NGB) deny the proposed modification to the Duke Military Operating Area (MOA) to lower the floor of the existing MOA from 8,000ft Mean Sea Level (MSL) to 100ft Above Ground Level (AGL).

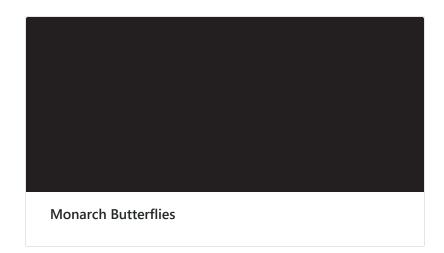
I will promptly pursue legal remedies if the proposed modification to the Duke Military Operating Area (MOA) is authorized and by doing so causes injury, reduces the numbers of monarch measurably at these way-stations, roosting sites and regional habitats that I have worked over 15 years to conserve and protect.

Sincerely,

Laurie Barr



Monarch Butterflies



From: <u>Doug Bauman</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke MOA opinion
Date: Thursday, December 2, 2021 12:46:57 PM

Greetings:

As a lifelong resident, I oppose the Duke MOA. The effects on the right to quiet enjoyment of life are greatly affected by this proposal.

Our area is an outdoor enthusiast's paradise. The Duke MOA is a direct challenge to our area's greatest appeal, and a detriment to our local way of life.

The Maryland Air National Guard had every right to conduct their flights — over the great state of Maryland. Please consider a different area for your tests — there are plenty of rural areas in Appalachia that do not rely so heavily on tourism.

As one of the largest blocks of public land between NYC and Chicago, we need to protect this valuable resource. Open land is vanishing to development all over the state and country, and we're not going to let you affect one of the few areas of the Northeast where one can go to escape the stress of everyday life.

The PA Wilds are perfect the way they are.

Let's keep them that way.

Regards,

Doug Bauman

From: Susan Beck

To: HUGHES, BENJAMIN C Capt USAF ANG 175 WG/PA; NGB A4/A4A NEPA COMMENTS Org;

; ROBINSON, DEVIN T Lt Col USAF ANG ANG/CC/PA; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4; ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] PLEASE REPLY: Comments on Draft EA - Modification of Duke MOA

Date: Monday, December 27, 2021 8:48:16 AM Attachments: Comments on Duke Low MOA EA.pdf

Sirs and Ma'ams,

Attached are my comments regarding the Draft EA for the Modification of Duke MOA and the Finding of No Significant Impact (FONSI). Please confirm receipt of this email and include these comments in any decision making on this subject.

Regards, Susan M. Beck Colonel (Retired), USAF



December 24, 2021

Attn:

Maryland National Guard Public Affairs Captain Ben Hughes

ngb.a4.a4a.nepa.comments.org@us.af. mil

Pennsylvania National Guard Public Affairs CPT Travis Mueller Air National Guard Public Affairs Lt Col Devin Robinson

Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762 Attn: Major Jeffrey Andrieu

Attn: Kristi Kucharek, GS-13

Dear Sirs and Ma'ams,

The attached comments are in response to the **Draft Environmental Assessment (EA)** for Modification of Duke Military Operations Area. I'm writing on behalf of several of my family members and friends who live in Pennsylvania and who have expressed their concerns to me. I served 24 years in the US Air Force, starting my career as an Air Battle Manager and completing my career as the Director of the Secretary of the Air Force Action Group under the Clinton and Bush Administrations. Therefore, I am aware of the potential impacts of the proposed action in this draft EA and have significant concerns about how this has been handled.

Please ensure these comments are included in any decisions that you make regarding moving forward with the proposed action.

Regards,

Susan M Beck

Susan M. Beck Colonel (Retired), US Air Force



Comments on Draft Environmental Assessment (EA) for Modification of Duke Military Operations Area

The Purpose of the EA and its Proposed Action are Misleading

The title of this EA, "Draft Environmental Assessment (EA) for Modification of Duke Military Operations Area," is misleading because it indicates that the proposed action being assessed involves the <u>modification</u> of the current Duke Military Operations Area (MOA), which is not supported by the text of the ANG's EA. Not only is the title inaccurate, but the text of the EA seems to obscure the ANG's actual intent, which is to create a new airspace called Duke Low MOA, rather than to modify Duke MOA.

In Section 1.0 INTRODUCTION, the Air National Guard (ANG) asserts that this is a "...modification of the Duke Military Operations Area (MOA) to establish low-altitude airspace..." However, in Section 1.1 BACKGROUND AND LOCATION, the EA states that "The proposed Duke Low MOA would underly the existing Duke airspace..." This clearly indicates that the proposed Duke Low MOA is a separate MOA which the ANG wants to establish below the existing Duke MOA. This becomes clearer in Section 1.3 PURPOSE AND NEED where the EA states, "The purpose of the proposed action is to establish low-level airspace beneath the existing Duke MOA to train and prepare military pilots and aircrews for current and future conflicts." In Section 2.2 PROPOSED ACTION, the EA states that "The Duke Low MOA may be activated separately from the Duke MOA or concurrently as needed to facilitate low-level training requirements." Figure 2-2 also depicts the proposed Duke Low MOA beneath the existing Duke MOA. There is additional text in the EA that further clarifies that Duke Low MOA is a new MOA, separate from the existing Duke MOA, which the ANG wants to create, rather than a modification to an existing MOA.

Most importantly, with the confusion created by the title and the text in the EA, the ANG is downplaying the impacts of the proposed action to conduct a lower level of analysis than that which is actually required for a proposal of this magnitude.

ANG Must Complete an Environmental Impact Statement for the Proposed Action

By completing and issuing its Draft Environmental Assessment (EA) for Modification of Duke Military Operations Area, dated October 2021, and the accompanying Finding of No Significant Impact (FONSI), the ANG is essentially asserting that this EA and FONSI are adequate to satisfy the requirements of the National Environmental Policy Act (NEPA) and the Environmental Impact Analysis Process (EIAP). 32 CFR Part 989 - ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP), § 989.14 Environmental assessment says that, "(c) An EA is a written analysis that: (1) Provides analysis sufficient to determine whether to prepare an Environmental Impact Statement (EIS) or a FONSI." The ANG only took the step of developing an EA/FONSI for the proposed action rather than conducting a more substantial analysis to determine whether an EIS is warranted for this proposed action. This is clear because neither the EA or the

FONSI states why the ANG concluded that there are no significant environmental impacts upon implementation of the proposed action that would warrant EIS. This is required as part of the EIAP.

From a review of the EA/FONSI, the ANG's proposed action involves the creation of a new, very low-level MOA that could have significant potential environmental and human impacts. With its EA/FONSI, the ANG seems to be hanging its hat on 32 CFR Part 989 - ENVIRONMENTAL IMPACT ANALYSIS PROCESS (EIAP), § 989.14 Environmental assessment, paragraph (k), which states that "A few examples of actions that normally require preparation of an EA... include: ... (4) Minor modifications to Military Operating Areas (MOAs), air-to-ground weapons ranges, and military training routes." But it is clear from the text of the EA that the proposed action is not a minor modification to an existing MOA. Therefore, to fully satisfy the requirements of NEPA and the EIAP, the ANG needs to expand its analysis and process and complete a comprehensive EIS for the proposed action, rather than just an EA/FONSI. The scoping process associated with an EIS, as well as the public hearings and receipt of comments would enlighten the ANG as to why the analysis associated with an EIS is crucial to making the correct decision on the proposed action.

§ 989.16 Environmental impact statement indicates that, "(a) Certain classes of environmental impacts normally require preparation of an EIS (40 CFR 1501.4). These include, but are not limited to: (1) Potential for significant degradation of the environment. (2) Potential for significant threat or hazard to public health or safety. (3) Substantial environmental controversy concerning the significance or nature of the environmental impact of a proposed action." The ANG's proposed action, the creation of Duke Low MOA, meets at least two of the three conditions above: (2) Potential for significant threat or hazard to public health or safety, and (3) Substantial environmental controversy concerning the significance or nature of the environmental impact of a proposed action.

There are many recent examples that can be cited demonstrating the Air Force's recognition of its responsibilities under NEPA and EIAP that the ANG would benefit from reviewing. These involve the completion of an EIS, rather than an EA/FONSI for proposals that are equivalent to or comparable to the establishment of Duke Low MOA. One of these which clearly demonstrates this level of assessment for decision making is the Final Environmental Impact Statement for Special Use Airspace Optimization to Support Existing Aircraft at Holloman Air Force Base, New Mexico (January 2021). [Here is a link to this EIS.] The EXECUTIVE SUMMARY of the EIS states: "This Environmental Impact Statement (EIS) analyzes the potential environmental consequences resulting from the United States Air Force (Air Force) proposal to optimize the special use airspace (SUA) [meaning MOAs] available for current and anticipated future F-16 pilot training at Holloman Air Force Base (AFB). Much of the SUA used by pilots assigned to Holloman AFB was developed for legacy aircraft more than 30 years ago. As such, it does not have the optimum volume or attributes needed to meet the training requirements of pilots flying modern aircraft.

Reconfiguring existing airspace and establishing new airspace would improve the availability of suitable training airspace for pilots stationed at Holloman AFB."

Because the Air Force was considering establishing a new MOA, Headquarters Air Force deemed it crucial and even required that they complete a comprehensive EIS, including all the steps of the EIS process detailed in the EIAP. In the EIS, ES.2 Purpose and Need for the Action states, "The purpose of the Proposed Action is to modify existing airspace and establish new airspace in order to provide readily available and adequately sized training airspace with appropriate attributes needed to conduct training missions." It is obvious that in proposing to create the new Duke Low MOA, the ANG is trying to do the same thing: establish a new airspace in order to provide readily available and adequately-sized training airspace with the appropriate attributes needed to conduct its training missions. The Air Force EIS for Holloman AFB analyzed three alternatives to modify existing airspace and also to create a new MOA called Lobos. The EIS stated that, "optimization of the existing, or creation of new optimized SUA would improve the training opportunity of F-16 pilots, increase efficiencies, and reduce disruptions to training." The ANG could benefit greatly from a review of this EIS and the process behind its development.

Among its many other actions under NEPA/EIAP, the Air Force has also recently issued an EIS entitled "Airspace Optimization for Readiness Environmental Impact Statement for Mountain Home Air Force Base" in July 2021. [Here is the <u>link to this EIS</u>.] As with the Holloman AFB EIS, this EIS is also provides a more in-depth analysis that demonstrates the Air Force's recognition that an EIS is needed not only to document the potential environmental and human impacts, but also to mitigate any impacts of the proposed and ultimately-selected alternative. One other note about this EIS: the Air Force extended the period for comments after its public hearings and receipt of comments from the public and elected leaders with this announcement: "In order to provide the public and stakeholders more time, the United States Air Force has further extended the comment period for the Draft EIS. The public review and comment period will now end on **October 25**, **2021**." (Comments were originally required by August 23, 2021.)

There is much the ANG still needs to learn about the area that Duke Low MOA would overlay and also much that the public needs to know about this proposed action. Therefore, the ANG should slow down and complete an EIS which would provide more comprehensive inputs for decision making regarding the establishment of the Duke Low MOA. While ANG pilot training is important, it is also important to ensure that the area contemplated for Duke Low MOA is the right place to conduct this training.

From: <u>Henry Berkowitz</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Warthogs in the Pa. WIlds Date: Thursday, December 9, 2021 10:48:37 AM

This is a very disturbing proposal. Disturbing for a lot of reasons that the form letters cover quite well, but disturbing because of a intrusion in a way of life so many have sought in the Pa. Wilds area. I myself moved my young family away from the city many years ago to lead a different life where being able to live closer to nature and away from all the distracting noises of city life. Often, when I am out on the hillside I live on, I have to stop, sit down and enjoy the quiet that surrounds me and think about how lucky I am to have that peace. There is no background noise of buses, trucks, airplanes, lawn mowers, snow blowers, and lawn trimmers, just quiet. While that may not be for everyone, it is for some, and there should be places for us too.

Sincerely,

Henry Berkowitz

Sabinsville, Pa. 16943

From: Bil

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] pollution and potential disaster

Date: Saturday, December 4, 2021 6:56:45 AM

Why can't the military resist destroying the environment even when there are safer alternatives?

[] While using an air tanker on a wildfire, our plane was flying in a generally easterly direction from the Moshannon air tanker base, approaching the side hill fire header. Airspace was closed to all other traffic, **but** a Warthog was flying just above the west branch of Susquehanna River. The air tanker was diverted just in time to avoid a disastrous mid-air collision. The Air operations manager for Bureau of Forestry made an official complaint.

[] A National Guard A-10 was flying low above the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County. The twin tail section of the aircraft severed a power line which crossed the river, which whipped the high voltage power line across Pa Route 120.

[] While BOF crews were planting tree seedlings by using mechanized tree planters pulled by small dozers, National Guard Warthogs would practice strafing by using the active tree planter as targets. Because of these well-documented concerns, we must reject the Maryland Air National Guard plans for the Duke Low-level MOA.

From: John Bochanski

Date: Sunday, Dec 12, 2021, 10:10 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Low flying zone

Hi Major

Please consider having open public discussions regarding the use of the PA wilds for low flying aircraft training. The proposed use would be disruptive to people and wildlife. The public should at least be able to voice their opinion.

Thanks John -----Original Message-----

From: Dean Bottorf

Sent: Thursday, November 18, 2021 2:31 PM

To: NGB A4/A4A NEPA COMMENTS Org < NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] Duke MOA

Dean Bottorf former two term Clinton County PA Commissioner. Duke MOA looks to be the unfortunate rebirth of Antler MOA. Antler was defeated and for good reason. Here in Clinton County PA for example, people from every state in the USA visit and fly in the proposed MOA. A little research would tell you that this area is the home of Piper Aircraft. Additionally, decades of funding and work on tourism in the PA Wilds has payed off. The proposed MOA is not uninhabited, it is a vibrant community filled with trails, biking, hunting, camping, fishing, snowmobiling. It's a paradise visited by 10's of thousands yearly. Oh and people live here too. It won't be given up easily. Pressure is building. Get up here and speak to the people.

From: <u>Jim Bowers</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] military flights over PA
Date: Friday, December 3, 2021 1:27:53 AM

Keep your flights in MD. I am completely uninterested in your using our airspace.

Jim Bowers USAF Veteran From: <u>Jo Ann Bowes</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Flights over Clinton Co PA **Date:** Tuesday, November 23, 2021 5:23:51 AM

I am opposed to increased flights over Clinton County PA. I am a hiker and birdwatcher in our mountains and valleys, mainly for the peace and quiet. the Susquehanna River is part of the migration flyway and waterfowl would be inpacted by the noise and movement. In the 1980s jet fighters used to fly over my inlaws' house in Blanchard PA, so low you could almost see the pilots. It made me think our country was at war, and the noise was deafening. Animals in the fields were quite disturbed. Piper Airport is busy and the private aviation would be severely impacted. Many people have drones, and I see them frequently hovering over the river and town, which would be dangerous.

Jo Ann Bowes

From: Barbara Brandom

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Richard Martin

Subject: [Non-DoD Source] Maryland Air National Guard plans for low level practice over wild PA lands

Date: Friday, December 3, 2021 10:46:39 PM

I really enjoy the peace and quiet in the tall trees of Pennsylvania. I feel that the forest has added years to my life. No doubt this is because of the quiet and clean air.

But the many planes that fly high overhead remind me that I am sitting under a flight path. Then I remember that the air is not as clean as it could be.

It would be so much worse if the planes were lower, closer to the treetops. I am not seeing as many woodpeckers as I did last year. Why are they moving away?

Too many industries, including the National Guard claim that what they do has no environmental impact. False claims of no impact move the results of the unexamined actions onto the people. Too often it is impossible to remedy the damage that occurs before the true impacts are recognized.

At the very least the people living in the areas to be impacted must have a chance to discuss the planned activities and request changes. If this does not happen, the rights of those people are diminished. Is this how we should live? I think the Constitution of the State of Pennsylvania says otherwise.

Barbara Wendeborn Brandom, MD (retired)

From: To:

NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Use of air space over the PAWilds

Date: Friday, December 31, 2021 6:26:52 AM

Hello,

I am an avid hiker and spend a lot of time in the woods in the PAWilds area. While I am not totally opposed to the Maryland National Guard using this Airspace for flights- I feel the number of allowed days is excessive. We own an Airbnb and most of our guests come to PA for the isolation of the wilderness. Please work to keep our mountains serene and free of interuption

Thank you, Dawn Brooks From: Brent Bryant

Sent: Tuesday, November 30, 2021 11:34 AM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Public Meeting Request

Major Andrieu,

Please hold public meetings to share information/address concerns about the Air National Guard low-fly proposal affecting Potter County, PA.

Thank you for your time and consideration.

BB

From: Fred Bucheit

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] MOA for the PA Wilds
Date: Wednesday, November 24, 2021 4:48:43 PM

Hello,

I very much think this is an outrage that you would blast this area with the kind of noise that would occur with the planes you plan to use. Thousands of people bike and hike and camp and hunt and fish in the area you plan to blast with noise that has levels that will damage the ears of many people and many animals. I'm not against training pilots and whatever else you want to accomplish. But certainly you can find better areas to do it. If not, then I suggest that you forget the training and put the pilots in simulators. thanks for your consideration Fred Bucheit

From: <u>Dan Buriak</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Opposition to lowering flight levels - Tamarack Swamp Area

Date: Monday, December 6, 2021 8:41:23 AM

My name is Dan Buriak, and I am the owner of 20 acres and a residence at 3779 Tamarack Road, Renovo, PA. My property is within the proposed zone to lowering flight paths from 8000 feet to 100 feet, specifically the Tamarack Swamp area.

I am opposed to this MOA expansion proposal as it will grossly decimate our PA woods, wildlife and of course living at our residence. I must admit I was astonished to even hear your plan, and am terribly disappointed at such disregard for our mountain residences and the caretaking of these PA Wilds that so many of us protect and cherish.

Please feel free to contact me should you need further clarification of my vehement opposition to this proposal.



From: set

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] National Guard Training Above PA Wilds

Date: Saturday, December 4, 2021 5:27:53 AM

Dear Sir/Madam,

I am writing to express my strong opposition the use of the airspace above the "PA Wilds" area by the National Guard for military training. There are fewer and fewer place in the great State of Pennsylvania where my family and I can go to enjoy the peacefulness and beauty of unspoiled forests. We regularly visit the PA Wilds area to hike and watch the wild animals and bird life in a peaceful environment. The sounds of military aircraft will greatly diminish this experience for us.

We are also concerned for our personal safety and the safety of others due to the low level flight training. Military accidents are all too common and low level training over civilian areas is not a good plan when there are many other options available. While we support our military and our veterans, we strongly urge the National Guard to find a safer and less disruptive area for their flight training. Accordingly, I appeal to the Maryland National Guard to stop any plans for using the airspace above the PA Wilds as a military training area.

Respectfully,

Steven Buss

From: <u>Martha Caldwell-Young</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] I say "no" to flight training over Potter County

Date: Sunday, November 21, 2021 2:20:06 PM

I just read a news article about possible low level flight training by the Maryland National Guard over Potter County, PA.

I vote no.

I do not want my home to be the training grounds for military harrassment and potential murder, here or aboard.

Sent from Yahoo Mail on Android

From: <u>benita campbell</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Warthogs in PA Wilds
Date: Saturday, December 4, 2021 5:18:35 AM

To whom this may concern:

Why doesn't the Maryland Air National Guard (MANG) plan to hold public meetings or perform an environmental impact study (EIS)? Theoretically, the U.S. military is to serve the people and the lands of our country, not the other way around.

MANG must hold public meetings in the counties that will be impacted by the flights and must be at times and places that encourage maximum participation, meaning that those events must be well advertised (print/internet/radio/TV) and must reach out to the Plain Sect communities living within this area too.

The National Guard's unsubstantiated and dismissive statement of "finding of no significant impact" could have been pulled out of the armpit of a pampered billionaire and is outright gaslighting. At minimum the people in the impacted counties deserve and must have a full and fair EIS.

Pennsylvania wilds constitute 11 percent of the economy worth \$1.8 billion. Has the Guard considered a simple, safe, and reasonable alternative, such as setting up courses for training at Maryland airports?

Pennsylvania has already experienced dangerous situations from training flights of the **NY** National Guard—also at tree-top level, as indicated in the details of DCNR reports concerning previous Warthog flights over the PA Wilds area.

The Maryland Air National Guard plans for the Duke Low-level MOA is bad for Pennsylvania. Maryland has its own forested area in its western panhandle, although better alternatives to that strategy must be devised and considered as well.

Sincerely,
Benita J. Campbell

From: <u>dave cardellino</u>

To: Wanda Shirk; NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Re: MOA - MD ANG

Date: Monday, December 20, 2021 6:26:16 AM

Add my name to any correspondence to the powers that be! Dave

From: Wanda

To: ngb <ngb.a4.a4a.nepa.comments.org@us.af.mil> **Date:** Saturday, 18 December 2021 3:21 PM EST

Subject: MOA - MD ANG

On behalf of the Susquehannock Trail Club, as its president, representing 280 members and thousands of non-member hikers of the Susquehannock Trail System, I request that an extensive environmental impact study be completed and that public input be considered carefully before the Maryland Air National Guard proceeds to expand its Military Operations Area to levels as low as 100' above our county and our state forest.

I have heard these planes roar over my house in Potter County. If there is any right to "peace and quiet," it is certain that they disturb that state. The noise is incredible and a fearful distraction to any living being. It is heart-breaking to think that we could live with the sounds of a war zone above us multiple times a week.

Everything that goes into this Military Operation -- the millions of dollars in hardware, the tens of thousands of gallons of burned fossil fuels, the prioritization of the military over civilian tranquility -- is antithetical to a good life we have sought here.

We raise our voices in protest.

Peace ~ Wanda Shirk

Potter County

Kristi Kucharek, national Gura Bureau 3501 Fetchet are. Goint Base andrews MD 20762-5157 First of all your notice of availability in the local papers fauts an ambiguous and falsely pasitive spin on a very negative happening: ending the freace and tranquilety in mortheastern PA. The average citizen) taxpayer reading your motion would be chieless as to the untent, rewenty or location of the proposed changes Reafele living in Petter County and surrounding areas chose it for a reason, giving up the luxure and commation of city life for the wholeseme, if brugal, natural beauty of the PA Wilds. I've lived To years within an hour of Geletons I love every square unch ab Potter Country and cannot imagine losing my place of retreat and soul food This area is as close to wilderness as you can bind today: invaluable and irreplaceable. Genesia 1: 31 states that "Lod saw everything He made and it was very good. " The Wilds has remouned largely unchanged to the year 2022 We must not deserrate it with noise pollution now. If you want to know who might be effected by excreaming get engines at treetop height, I can tell you. Reafale who built or are now building their home or reterenest cobin in a corefully selected natural area. - Reaplevenhose feraperty values will drop if this area changes its character - Keterans rounded reterons or those with PTSD who see this area as a place of healing after war. - Respection a ride area who come to wint a few bouts or a few days to escape modern stresses

- a night shift worker reveled have to re-locate. Reaple who love all the bird species that are in short decline. Twelve get engines flying in and out, turce a day, would mean a islaughter. To be more specific, an autistic child would panic when jets fly over his swingset, and serior with algheimers would become very distressed. a Kretnam War vieteran does not recent to be burged by get bighters, and a cancer fatient does not want to be awaken between painfills. This area has to remain a place of mental physical, and speretual healing, as it has always been. Do not write me off as anti-military. I have an excellent feeligree: Husband's grandbather in WWI. His bather in WWII 5 Uncles in WW II my sisters husband in havy, Bay of Piegs Invasion. ather sesters husband in marines. hephewin Lolf War. another in NY hatimal Guard Daughter in claw was in air Force hiere, 12 years in air Force, hephen, 4 years my husband tried to enlist in air Force, but has a heart murmer, His Cousin was a coreer fulat, USAF I have not been in the military but live spent 58 years as a taxpayer, helping with sclavies, meals uniforms, bombs, and bullets. I support many Veteran organizations and Charities We respect and value all of our US mulitary personnal. He pray for your safety, he trust you well find the right place to train. Ganice Cavanaugh \intercal Janice Cavanaugh

From: STEVE CICKAY

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Subject:

[Non-DoD Source] Please Preserve the Silence of the Forests: Stop Military Training in the Forests.

Date: Tuesday, December 14, 2021 5:44:28 PM

To Whom It May Concern:

I understand that there are plans underfoot to begin conducting military training exercises in wilderness areas in Pennsylvania.

I just wanted to express my objections to yet another encroachment into nature by our species.

Most of us live in crowded noisy cities (I am listening to am ambulance siren right now) and have rare opportunities to experience the silent beauty of natural landscapes. I understand that the plans are to conduct military exercises with noisy warplanes flying low to the forest tree lines.

This could create opportunities for accidents that could destroy natural habitats.

State Parks like Bucktail, Cherry Springs, Denton Hill, Elk, Kettle Creek, Lyman Run, Ole Bull, Patterson, Prouty Place, Sinnemahoning and Sizerville were created to allow people peace and quiet from the hustle and bustle of ordinary hectic modern life. So many people enjoy these parks and don't come to them to hear noisy military aircraft flying over their heads. Hunters, anglers, equestrians, paddlers, bikers, birdwatchers and ordinary people want to come to the great outdoors for peace and quiet.

Please stop this initiative. We have already dome so many terrible things to this planet. Let's leave these beautiful parks alone in natural silence.

Thank you for listening.



From: <u>Cliff Clark</u>

To: MAYOR, CHRISTOPHER J Lt Col USAF ANG NGB/A7AR

Subject: [Non-DoD Source] RE: IICEP Environmental Assessment (EA) for the proposed Modification of Duke Military

Operations Airspace (MOA)

Date: Tuesday, April 6, 2021 7:23:35 AM

In looking at the map of mitigated areas, it is clear there is little understanding of the area in general. To avoid Prouty Place State Park, for instance, which is little more than a few picnic tables, but not avoid, or even identify and therefore presumably flyover the towns of Emporium, Austin, and Coudersport among others, is senseless and disturbing. There will be flights at 100 feet over or even near these towns? Similarly, the identification of wild areas shows the lack of knowledge that they are no more wild or inhabited by animals than is the rest of the region. This is a special area in that is peaceful and remote in its entirety. We don't go to parks to recreate. We go out the front door. At the same time it is not uninhabited but is being treated as such. Many people will be affected by the noise and distraction. I understand the need to train, the talent it surely takes to be a pilot, and appreciate the sacrifice needed to protect our freedom, however, the disturbance of flying 170 days/year at 100 feet over this specific area is undeniably excessive and quite frankly, whether it seems trivial or not, voids the very reason people live here.

Thank you.

From: Other

Sent: Monday, December 13, 2021 2:17 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Aircraft

Good Afternoon Sir,

In reference to the proposal of low-flying aircraft if I may be so bold to say "no". This action comes as there have been low-flying aircraft that have had our horses running into our fences and shaking our houses. Perhaps a better idea would be to be an unpopulated areas that would be able to be seen on Google maps. Thank you so much for your consideration in this matter.

Respectfully submitted, Jennifer a Clark

Sent from my iPhone

From: Sandra Clark

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Training in PA WILDS
Date: Saturday, December 4, 2021 8:24:51 PM

While we support our military, the PA Wilds is not the appropriate place to conduct extremely low-level training in airplanes. The PA WILDS is promoted as an unspoiled destination for those seeking nature-based tourism. It cannot become a training ground for treetop-level strafing runs. The National Guard plan would turn the PA Wilds into a military training area.

Examples include:

Previous training flights by the **NY** National Guard in Pennsylvania were at tree-top level and had resulted in extremely dangerous situations. DCNR reports detailed several incidents during previous Warthog flights by the NY National Guard which raised serious safety concerns during training flights over the PA Wilds area.

1 While using an air tanker on a wildfire, our plane was flying in a generally easterly direction from the Moshannon air tanker base, approaching the side hill fire header. Airspace was closed to all other traffic, **but** a Warthog was flying just above the west branch of Susquehanna River. The air tanker was diverted just in time to avoid a disastrous mid-air collision. The Air operations manager for Bureau of Forestry made an official complaint.

Just what we need is a larger fire and multiple deaths not only of civilians but also military personnel. Not a smart move at all!

2 A National Guard A-10 was flying low above the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County. The twin tail section of the aircraft severed a power line which crossed the river, which whipped the high voltage power line across Pa Route 120.

This could cause electrocutions, severe power outages and in winter could create problems with people not having heat and what if the Warthog had crashed? Do you even think these things through?

3 While BOF crews were planting tree seedlings by using mechanized tree planters pulled by small dozers, National Guard Warthogs would practice strafing by using the active tree planter as targets.

Did you not THINK that there would be people around monitoring those tree planters and driving the dozers? Are you nuts?

Conversion to a training area will adversely impact our natural resources and the wildlife we protect in 12 state parks. The National Guard must clearly justify all actions which affect the quality of our environment and the people who work and recreate as well as the people who live in the area. The National Guard has not considered a simple, safe and reasonable alternative: Since skill-building is based on repetition, simply set up courses for training at their airports with aircraft race pylons such as are used in Red Bull air races to safely practice maneuvers. That way, training can be continuous.

Sandra

From: <u>Stephen Clifford</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] Warthogs

Date: Saturday, December 4, 2021 5:51:22 AM

The PA Wilds are meant to be wild meaning minimal impact by humans. A high velocity machine making severe, unnatural noises is disrupting to wildlife as well as people seeking needed solitude. And there is the potential safety problems.

Stephen Clifford

From: <u>John Colatch</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Low altitude flights over Pennsylvania Wilds

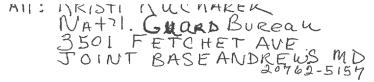
Date: Friday, December 3, 2021 5:11:12 AM

To Whom it May concern,

I am writing to speak against the expansion of low altitude training flights in the northern tier of Pennsylvania know as the "Wilds." I write, because I have experienced low-altitude training slights while living in Franklin County, Virginia. Training flights from Oceana Naval Air Station used to fly over our part of the county. At the time, we had two small children, and the sudden roar of the jets terrified them regularly. While driving on the rural two-lane road that was our connection to towns nearby, I nearly had an accident when a jet suddenly screamed overhead. We were given a toll-free phone number to call to report such incidents. Not surprisingly, none of the residents who ever called that number had the call answered. We loved living in that beautiful area, but the harassment from those jets sometimes made for a miserable existence. Please don't burden the Pennsylvania Wilds with the same misery.

Sincerely,

Dr. John P Colatch Milton, PA





I am very concerned about the Low Fly Zone proposed for this region. I believe it would potentially have detrimental effects on our farm animals, wildlife, and many who seek recreational areas. Our area is noted for hunting with many camps and lodges dotting our area. A prime example is Cherry Springs State Park, renowned for its "Dark Skies", and is a huge draw for visitors and astronomers. Many people travel to Potter County from urban areas to seek refuge from noise, pollution, and a hectic pace.

Although there has been news of establishing a Low Fly Zone over the last year or more, it is a very disconcerting factor that flights could be 100 feet above ground to 7999 feet. The altitude of 100 feet is alarming to me. The map printed in The Endeavor shows Potter County as the center of consideration, "the eye of the storm."

The Endeavor stated a draft assessment was available for public view at libraries in Bradford, Coudersport, and Galeton. The Potter Leader Enterprise, November 11, 2021, has a small announcement of the "Draft Environmental Assessment" on Page 11 in the classified section mentioning one other library, being Wellsboro. It could also be available online with web site stated. My point being that I do not think this is an adequate effort to inform the public with just four libraries and an on-line web site (with many not having internet availability in our rural area). Also December 15th is the stated end of the comment period which might limit the time for response.

I did have an opportunity to review "Volume I of the Draft Environmental Assessment for Modification of Duke Military Operations Area, Maryland Air National Guard, 175th Wing, Martin State Air National Guard Base dated October 2021." As I understand it, Potter County contains most of the proposed Duke MOA and is needed for the training of the 175th Wing Guard and that other sites were excluded because of proximity to commercial airports and other reasons. Additionally, Low Fly Zone flights are expected to be two hours per day, twice per day and over 170 days per year. I think this is excessive and will add to the cumulative potential negative effects.

It thus appears that Potter County is targeted for the Low Fly Zone because of being rural, yet this is the main reason people live in, and visit, Potter County for its rural attributes which may be negatively impacted.

There were many resources that were carried over in the Assessment for further analysis such as noise levels, biological resources, safety, and socioeconomic due to potential effects, but it is unclear how they will impact Potter County. Our area has suffered the loss of big and small businesses. Now we face the peace and quiet and rural life as we know it being usurped also.

I would like to see further study before the implementation of the Low Fly Zone.

A Concerned Potter County Citizen Corol Cole

From: Carol Cole

Sent: Saturday, November 27, 2021 11:45 AM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Low Fly Zone

I am very concerned about the Low Fly Zone proposed for Potter County. I believe it would have detrimental effects on our farm animals, wildlife, environment and our tourism. I have reviewed the Draft Assessment for Modification of the Duke Military Operations Area prepared by the Maryland

Air National Guard at the Coudersport Library. I found it to be very detailed with facts regarding airspace, noise ,land use ,and safety, etc. Particularly interesting were the facts on page 3-20 under the heading of speech interference stating that low flights can interfere with communication on ground such as radio, TV, and telephone use. I did not see mention of the internet. The assessment is full of facts and also phrases such as no significant impact, negligible and minimal effects which I

find disheartening and not completely innocuous as a lifelong resident of Potter County familiar with rural life. The 175 Th Wing Guard excluded other proposed sites due to proximity to commercial airports and other factors but chose Potter County due to being rural. Rural attributes are the main reason people live and visit Potter County and I believe its rural attributes will be negatively impacted by the proposed Low Fly Zone. The cumulative effect of excessive Low Fly

Zone flights of two hours a day, twice per day, and over 170 days per year is potentially worrisome

I have written a letter to Krist Kucharek at the Joint Air Force Base in Maryland expressing my views and sent copies to Senators Casey and Toomey and to Congressman Fred Keller. I also do not think that a Dec 15,2021 is fair for public comment since the assessment is at only four libraries and available on line. I think there should be public meetings and additional study on environmental impact on Potter County.

A Concerned Citizen Carol Cole From: <u>Pia Colucci</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Warthogs

Date: Saturday, November 20, 2021 5:26:17 AM

There is no reason these low flights happen over my state's wild lands. I read of three incidents that occurred which are absurd! Dangerous, and incomprehensible.

A warthog narrowly missed a fire fighting aircraft. Another warthog tail snapped a live wire sending it across a roadway. Another where the warthog was using people acting seedlings as targets.

Unacceptable 100%. Stop this immediately.

Pia Colucci

From: <u>Brandon Conlin</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Air National Guard Proposal Date: Tuesday, December 14, 2021 5:42:32 AM

Hi-

For what it's worth, I oppose the proposal for the Air National Guard to fly so close to the ground over the wilderness area. I'm not a treehugger but that will really suck to be out kayaking or hiking in the Hammersley area and have an A-10 buzz over. Having gone to air shows before that noise level is psychologically disturbing and won't be appreciated by anything outside.

Thanks for reading.

From: Heather Coons

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] Duke MOA Low Project

Date: Tuesday, November 2, 2021 6:07:10 AM

To Whom It May Concern:

I am against the Air Force and the National Guard Bureau (NGB) proposing to lower the floor of the existing Duke MOA from 8,000ft Mean Sea Level (MSL) to 100ft Above Ground Level (AGL). I will reiterate PA DCNR's concerns that the proposed action would drastically change the character of this region and the numerous state parks and forests that shape its unique conservation landscape and wilderness. The proposed action is not conducive to the nature of this wilderness area and could adversely impact the natural resources and wildlife, interfere with recreation in the affected parks and forests; and be detrimental to the people and businesses that live and work on these lands.

Thank you, Heather Coons NEPA Planner From: <u>Jordan Copenhafer</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke MOA Low Comment
Date: Wednesday, December 29, 2021 1:29:50 PM

Attachments: <u>image.png</u>

Good afternoon,

I am writing to inform you that I endorse the comments in the letter provided by the Eastern States Trail-Endurance Alliance on the subject matter of providing comments to the proposed modifications to the Duke Military Operating Area. I understand the need for realistic training opportunities for pilots and why this particular area is of interest. That said, the Pennsylvania Wilds is an area that is already fighting an uphill battle. The proposed modifications to the Duke MOA would leave this area of Pennsylvania with even greater challenges to overcome. I ask that you evaluate and consider what is discussed in the letter provided by the ESTEA (signed by president Jeffrey A. Calvert).

Reference ESTEA letter heading shown below:

Eastern States Trail-Endurance Alliance 499 Stevenson Road Port Matilda, PA 16870 es100rd@gmail.com



December 29, 2021

Maryland Air National Guard 175th Wing 2701 Eastern Blvd. Middle River, MD 21220 ngb.a4.a4a.nepa.comments.org@us.af.mil

Re: Proposed Modifications to the Duke Military Operating Area ("Duke MOA")

- Public Comments from the Eastern States Trail-Endurance Alliance

("ESTEA")

Best Regards,

Jordan Copenhafer

From: **Daniel Crowley**

To: NGB A4/A4A NEPA COMMENTS Org

Subject:

[Non-DoD Source] flights Friday, December 3, 2021 1:59:08 PM Date:

Keep our pilots sharp the wildlife will survive.

From: <u>KathyLynn Dabanian</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] A-10 Warthog flight training **Date:** Saturday, November 20, 2021 5:22:11 AM

To whom it may concern,

These trainings so close to public wild lands and or anywhere where people reside is a threat to our lives!

Anything could happen including starting wildfires, tearing down high tension wires which apparently already

has. It is a disaster waiting to happen aside from what already has happened. It is ruining the quality of life for

humans and the natural inhabitants of our parklands. It frightens people and animals when they are flying so

low. Please take all of this in consideration and clearly doing an impact study on wildlife might be a waste of

money. Seriously it will impact wildlife - that is a given. Birds are already on the down swing because of

everything we have already done! I have been doing the Cornell Bird Count and our Bird population is

diminishing. It is already alarming to see before our eyes birds, bugs and wildlife decrease in the numbers

they have. So please find somewhere else where it will be less harmful to everything around! Listed below

are some examples of what has already happened.

Previous training flights by the **NY** National Guard were at tree-top level and had resulted in extremely dangerous situations.

DCNR reports detailed several incidents during previous A-10 (Warthog) flights by the NY National Guard which raised serious safety concerns during training flights over the PA Wilds area.

[] While using an air tanker on a wildfire, our plane was flying in a generally easterly direction from the Moshannon Air tanker base, approaching the side hill fire header. Airspace was closed to all other traffic, but a Warthog was flying low just above the west branch of Susquehanna River. The air tanker was diverted just in time to avoid a disastrous mid air collision. The Air operations manager for Bureau of Forestry made an official

complaint.
[] Where a power line crosses the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County, an A-10 was flying low above the river and the tail sections of the aircraft severed a power line which crossed the river. The high voltage power line whipped across Pa Route 120.
[] While BOF crews were planting tree seedlings by using mechanized tree planters pulled by small dozers, National Guard Warthogs would practice strafing by using the active tree planter as targets. This was totally unsafe and frightening.

Sincerely, Kathy L Dabanian

From: <u>Jason Detar</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Public comment for the Maryland Air National Guard Duke MOA

Date: Sunday, December 12, 2021 5:47:33 AM

Air Force and the National Guard Bureau,

I am writing to provide public comment for the proposed changes to the Duke MOA that would lower the floor of the existing MOA from 8,000 ft Mean Sea Level to 100 ft Above Ground Level. The Pennsylvania Wilds region in northcentral Pennsylvania is unique and sensitive. The wild, undeveloped nature of this region make it a destination for outdoor recreation and is an important stronghold for wildlife. There is no other region in Pennsylvania like the Pennsylvania Wilds. The noise associated with low altitude flights is disruptive to humans and wildlife and therefore I am opposed to the proposed changes to the Duke MOA that would lower the floor. Such a change would be disruptive to wildlife and outdoor recreation including camping, hunting, fishing, and hiking. If outdoor recreation is negatively impacted, the local economy of northcentral Pennsylvania will also be negatively impacted as outdoor recreation is an important component of economic revenue. I recognize the importance of training flights and therefore recommend evaluating an alternate location to hold the low elevation training flights.

Regards, Jason From: <u>Dettwiler, Peggy</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: <u>Dettwiler, Peggy</u>; <u>Jurgen</u>

Subject: [Non-DoD Source] Concern about Flyover Plan

Date: Wednesday, December 29, 2021 12:19:54 PM

Dear Ms. Kristi Kucharek,

My husband and I have lived in Mansfield, Pennsylvania, since 1993, almost 30 years. We chose the area for its scenic beauty and peaceful atmosphere.

We are very concerned about the proposal of the Maryland National Guard to conduct lowaltitude military training over the portion of the PA Wilds (Tioga and Potter Counties), exactly where we live! The frequency and altitude as low as 100 feet are truly frightening! The wildlife will react and scatter, certainly causing more traffic accidents. Our own pets will be affected as well.

I am the Director of Choral Activities at Mansfield University and work in the Butler Music Center, the highest building in Mansfield. We offer as many as 100 concerts per year, often recorded. These flights will certainly impact the music-making in that building.

I do not believe that the Mansfield community has been appropriately informed of this proposal. I read our area newspaper and have not seen a public meeting scheduled to allow us to learn more or express our concerns.

Please re-consider this proposal and at the very least, offer a public hearing to provide more information.

Thank you, Peggy Dettwiler

Peggy Dettwiler, D.M.A.



From: <u>Teri Dignazio</u>

To: NGB A4/A4A NEPA COMMENTS Org; NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Military fly over training West Branch Susquehanna

Date: Sunday, December 5, 2021 8:35:45 AM

I am appalled to read about National Guard training over our Pennsylvania's wilderness treasure!

The area of concern, called the PA WILDS is for hiking, nature, solitude. It must not be converted into a military training ground! This action would effect the public's use and cause other unseen impacts on wildlife in the region.

I am unaware of any public information or announcements of planned public meetings? When will these be held? Where can I find dates and location for public reviews in the counties effected?

Just as there is environmental injustice in our urban areas ----this proposal for military exercises is also a form of environmental

injustice. Those in public positions need to protect humanity and animal's lives by protecting an area dedicated to environmental best management practices.

I can not support the environmental pollution which can harm individuals and ecosystems in the PA Wilds region.

https://pawilds.com

Sincerely,

Teri Dignazio Oxford PA From: Pamela Dillett

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke MOA

Date: Monday, November 22, 2021 11:23:49 AM

I'm a resident of Clinton County, PA. I moved here to enjoy my retirement surrounded by nature and its peace and quiet. I am outraged to hear about the proposal of extremely low altitude flyovers in my area to take place most days of the year.

This activity took place a few decades ago with the result that area residents and visitors were greatly disturbed—both physically and mentally—by the unbearably loud and omnipresent noise. Hunters were unsuccessful, sleeping infants woke up crying, and our local airways were prevented from carrying out routine and life saving flights. Regarding the last point, Clinton County is rural, and patients must regularly be life flighted to better equipped hospitals in Lycoming, Centre, Montour and Dauphin Counties. These critical flights must not be impeded by the constant passage of fighter jets.

Clinton County is not a wealthy county, and we rely heavily on tourism for economic viability. Hunters, cross country skiers, campers, hikers and fishermen will not want to come here with deafening roars assaulting them just overhead.

I'm also concerned about what impact these war games will have on our wildlife. Central PA is a major migratory path for thousands of bird species that are already in decline, thanks to climate change. Have you done extensive, definitive research on how they would be affected?

And what impact will this have on our deer, bears and the numerous other wildlife species that have made their home here for millennia?

Just the noise alone would be devastating to us all. There are countless studies readily available showing that prolonged noise over a certain decibel level adversely affects mental health.

We in Clinton County are already bombarded by fracking activities, including thunderous truck noise all day and all night. We are already extremely disadvantaged.

Leave us alone!

Pamela Dillett

Sent from my iPhone

From: Pamela Dillett

Date: Sunday, Dec 12, 2021, 4:43 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] MOA in the PA Wilds

Dear Sir,

As a resident of Clinton County, PA, I'm concerned about the low flyovers planned for this area. I'm requesting an immediate public meeting so more residents can ask questions, voice their concerns, and inform themselves about this project.

Thank you. Pamela Dillett Lock Haven, PA

Sent from my iPhone

From: Susan Dillon

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] opposition to proposed low level flights by Maryland NG in north central PA

Date: Thursday, January 20, 2022 7:42:00 AM

As a resident of north-central Pennsylvania, I am writing to express my concern and opposition to the proposed MOA that would allow low level flight training in my area. The Maryland National Guard says their impact study shows a Finding of No Significant Impact (FONSI) which is ridiculous. This flight plan would mean residents and visitors in these counties could hear and see A-10Cs, F-16s and other military aircraft flying very low (as low as 100ft !!) over their homes, cabins, or popular outdoor recreation destinations multiple times per day every other day of the year, if not more frequently, for many years to come. It stretches the imagination to say this will not impact quality of life for residents, wildlife, livestock, the visitor experience, and small businesses dependent on visitor spending. They have already admitted that "some" wildlife could be spooked, "some" windows rattled etc. This is a gross understatement.

Maryland has similar terrain in their own state that could be used for the training flights. I believe the main reason they are proposing these flights here in our quiet corner of Pennsylvania is because they think we will not care enough to object and there aren't enough of us to matter. The "finding of no significant impact" is insulting to every resident, business and visitor here in what was (ironically) designated as the Pennsylvania Wilds. They are refusing (so far) to even have any public meetings here. If they can't bring themselves to face us in person, then the arrogance is palpable.

My husband and I owned a small outdoor recreation business for many years and I can tell you that the number one reason visitors come to our area is for it's natural setting and that quiet is especially prized. Residents desire the same.

I implore you to reject this plan.

Susan Dillon

From: Ryan Dodson

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] No more Warthog fly-bys please

Date: Sunday, November 21, 2021 7:33:47 PM

DCNR reports detailed several incidents during previous A-10 (Warthog) flights by the NY National Guard which raised serious safety concerns during training flights over the PA Wilds area.

[] While using an air tanker on a wildfire, our plane was flying in a generally easterly direction from the Moshannon Air tanker base, approaching the side hill fire header. Airspace was closed to all other traffic, but a Warthog was flying low just above the west branch of Susquehanna River. The air tanker was diverted just in time to avoid a disastrous mid air collision. The Air operations manager for Bureau of Forestry made an official complaint.

[] Where a power line crosses the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County, an A-10 was flying low above the river and the tail sections of the aircraft severed a power line which crossed the river. The high voltage power line whipped across Pa Route 120.

[] While BOF crews were planting tree seedlings by using mechanized tree planters pulled by small dozers, National Guard Warthogs would practice strafing by using the active tree planter as targets. This was totally unsafe and frightening.

--

Ryan Dodson PA Contractor License 154755 From: Ryan Dodson

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] PA Wilds and Warthog fly-overs

Date: Sunday, December 5, 2021 12:03:15 PM

After a full EIS or alternative publicly reviewable study, Public Meetings must be held in each of the impacted counties (Cameron, Clinton, Elk, McKean and Potter).

The National Guard must consider safer and more reasonable alternatives than the exhibited fly-overs that have resulted in severed power lines, near mid-air collisions, and noise pollution.

Thank you

--

Ryan Dodson Lancaster PA PA Contractor License 154755 From: <u>Susan Dolan</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] DUKE Moa Low
Date: Tuesday, November 16, 2021 10:03:35 AM

To Whom it May Concern:

I oppose the proposed flyover plans for Central PA.

This area is one of the true wilderness areas in the East including not only the PA Wilds area (a huge source of tourist income) but also the Cherry Springs Dark Sky area, one of the top places in the US to view the night sky without light interference.

I live here, and the beauty of the quiet woods filled with varied wildlife and birds cannot be found in many places. The air is clear and the silence is peaceful.

It seems to me that there is little need for this type of exercise to be expanded from what is already done, especially with the increasing use of drones and other technical, unmanned weapons.

We do NOT want deafening jet flights screaming 100 feet above our homes and wilderness. Please reconsider this plan, and let us live in and enjoy our natural environment. Protect our environment, do not threaten it.

Sincerely, Susan Dolan From: Lois Drumheller

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Low MOA flights across the Pennsylvania Wilds

Date: Sunday, November 7, 2021 6:15:53 AM

To Whom It Concerns,

This comment is from a Pennsylvanian citizen living in Allegheny County upon learning about a proposal for low flying A-10 Warthogs to practice combat flying across the Pennsylvania Wilds (rough calculations indicate their area for war games would cover around 800 square miles) with some flights descending as low as 100 feet above the ground.

This insane proposal must stop for obvious reasons that include disruption to wildlife in areas that have already reported incidents where power lines were cut during flight.

There is no further argument. My decision is final enough to fight you every inch of the way on this ridiculous proposal.

Lois Drumheller

From: <u>Debra Eckenroth</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Comment re: MOA
Date: Thursday, December 30, 2021 5:28:15 PM

Please consider this email as a voice in VERY strong opposition to the finding of "no significant impact" on the environment and way of life should the proposed low flying military training activity be permitted.

Debra Eckenroth

From: KENNETH EISENHOUR

To: NGB A4/A4A NEPA COMMENTS Org [Non-DoD Source] Fwd: Questions Wednesday, December 29, 2021 1:38:19 PM DUKE Ken2.docx Subject:

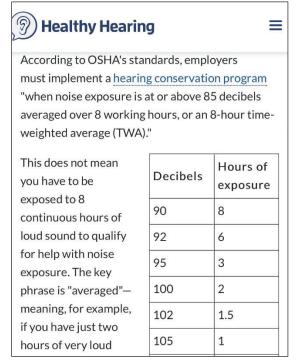
Date:

Attachments:

Dear Sir,

Thanks for giving us an opportunity to ask questions about this low-level Air Force National Guard training area over Potter County.

1. In your environmental report for the Maryland Guard it says that nobody under the MOA will be exposed to instantaneous sound levels exceeding 140 decibels. Does this mean they would be exposed to noises up to that decibels? From what I've been told anything over 85 decibels isn't good for someone's hearing. When I worked in manufacturing, even with hearing protection guys couldn't be exposed to those levels more than a few minutes a day. Here's a chart from the internet that my boss used use as a reference.



We found some information on internet about one of the kinds of planes you want fly at treetop level, it said – At 3,600 feet above the ground an A-10 makes noise which can be measured at between 101.9 to 103.7 decibels.

You want to fly between 1,000 feet and 100 feet above the ground for two hours every other day. Is that right?

So, if noise from an A-10 measured at 3,600 feet away is around 102 decibels, and OSHA says a worker can't be exposed to over 102 decibels in an hour and a half of an eight-hour workday how can you say that an instantaneous noise level not exceeding 140 decibels is safe for people or animals?

2. Would other military A-10s be permitted to use MOA if this is approved? You list a few other expected users. Where are these units out of and will any be using planes below one-thousand feet? what planes do they fly. Isn't the

193 Special Operations Wing (SOW) a Pennsylvania unit? Do they still fly A-10's?

- 3. You say Weekends would be limited mostly to Saturdays; Sundays. But the Public Affairs Guidance says that Duke MOA would be activated Tuesday Friday 10:00am 12:00pm / 2:00 pm 4:00pm." Does this mean Tuesday through Friday or Tuesday and Friday? **How strictly will this be enforced or are these suggestions?**
- 4. In addition to permanent residents for the Northern Tier, this will affect thousands of Pennsylvanians who have second homes in these countries. It doesn't appear as though you've included those property owners who are seasonal. There are more than 60,000 seasonal residents in this area plus tourists. How will you avoid their homes which may be off the beaten trail? This action which will very likely have a major affect the local economy, tourism, and sensitive habitats, rare birds, and bats.

Sincerely,

Ken Eisenhour

From: Karen Elias

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] I oppose the Maryland National Guard"s plan

Date: Saturday, December 4, 2021 12:42:59 PM

The Maryland National Guard's plan to establish a Low Military Operations Area over portions of the PA Wilds is misguided. If approved, this proposal will permit flight-training exercises in northern Clinton County for two hours a day, up to 272 days a year, and at dangerously low altitudes (as low as 100 feet above ground). It seems, having looked at a map of our area and declared it largely unpopulated, the military has determined that their operations will have "no significant impact."

DCNR disagrees, stating in response to news of the plan, "The proposed activity would drastically change the character of this region"

For an action to have an impact, it must be delivered with some force. Approval of this project will initially permit A10 and F16 aircraft to participate in these maneuvers; A10 bombers can fly up to 439 mph, while F16s can reach 1,522 mph. If additional training programs are granted access to our space, which is likely, F22s and F25s will be added to the mix, both of which can clock speeds of over 1000 mph.

Flying through our airwaves at these speeds will produce significant noise. The National Guard's Environmental Assessment (EA) agrees that these maneuvers will "generate distinct acoustical events" but insists that these will be experienced as no more than "thunder-claps" that will momentarily "cause brief interruptions in speech on the ground."

Looking more carefully at the Assessment, however, we see another story. The EA states that these maneuvers will "cause readily perceptible vibrations in homes and buildings directly under their flight paths." In addition, the A10s alone, when flying at 100 feet, will produce decibel levels of 114. (At 110 decibels, hearing loss is possible within 2 minutes.)

What's missing from the EA is acknowledgment that this plan will become a profound intrusion for those of us who do indeed populate the area. Time limitations have not been built into the proposal, which means these training operations could go on indefinitely. How will they affect our wildlife? our tourism industry? our real estate values? our psychological well-being? our hiking and ATM trails? our hunting and fishing grounds? our economic health?

DCNR's statement goes on to say that these operations will "drastically" impact "the numerous state parks and forests that shape [our region's] unique conservation landscape and wilderness."

As camp owners, recreationists, and property owners in Clinton County, we value the beauty and serenity of our area. The rural character of our county is a precious resource we are not ready to surrender. This plan will indeed have an impact, and it will happen at our expense. I urge you to withdraw this proposal.

Thank you.

Dr. Karen Elias

From: Karen Elias

Date: Friday, Dec 10, 2021, 12:54 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] request for public meeting

It is essential that the voices of those who will be most affected by the MOA plan to conduct low-flying military ops in the PA Wilds region be heard. Please schedule a public meeting.

Thank you. Dr. Karen Elias Lock Haven, PA 17745



12-5-21

Dear Ms Kucharek,

AS Im sure you've read } numerous letters from we are extremely upset y Warthogs the ground very self sufficen our snow, living in areas access, the owners, we our meat, Fish, cut ou trees for our tight the wild tranquilit woods & mountains give us. was in the Army for

defense of our country. To destroy one of the major elements of wood by Flying these jets overhead Iso destroy industry that has hung or due to covid. have the Pa Elk will be disrupted noise, since you conducted studies pattern suggested. The Jam is just over my hi calm not to ment fragile mental state back here after educated & saw how were. I gave up career opportunities aries to come here

re nature & peace the mountains. mountain way of ive hear would noise here morning when opened calling his eeders Mdeer on my bac Sincerel

From: <u>Dave Errick</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Maryland Air National Guard **Date:** Tuesday, December 7, 2021 1:20:48 PM

Those of us living in north central Pennsylvania do not want low flying aircraft disturbing our peaceful way of life. Use the airspace out west over uninhabited federal land or over the ocean. Thank you!

Warm regards,

David E. Errick



Sent from my iPad

----Original Message-----

From: Dave Errick

Sent: Tuesday, December 7, 2021 4:15 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Maryland Air National Guard / Public Comment

Please do not use our area of Pennsylvania for air practice fly overs. Although we are a rural area those of us living here do not want our peace of life disturbed with low flying aircraft. Thank you!

Warm regards,

David E. Errick

D.E. Errick Inc.



Sent from my iPad

From:
To: NGB A4/A4A NEPA COMMENTS Org

Subject: [URL Verdict: Neutral][Non-DoD Source] The Duke MOA Low Project

Date: Monday, December 27, 2021 12:46:25 PM

To Whom it May concern:

These comments are about the Maryland ANG's proposal to use the PA Wilds as a training ground by allowing training units to fly as low as 100 feet above ground level (AGL) for up to 170 days per year. Training is now limited to 8,000 feet above mean sea level (MSL) -- or 6,000-7,000 AGL. If the new MOA is approved, then, other ANGs from across the United States would have the ability to use the airspace. We could hear and see A-10Cs, F-16s and other military aircraft flying over our homes, cabins, and serene outdoor destinations multiple times per day every other day of the year, if not more frequently. The proposal would also authorize New Jersey and D.C. wings and other wings to fly F16s and request airspace, increasing days and types of aircraft.

The PA Wilds encompasses the greatest concentration of public lands in Pennsylvania - more than two million acres including state parks, forests, game lands, and national wild and scenic rivers (https://pawilds.com/), and includes 29 state parks, 8 state forests, 50 state game lands and the Allegheny National Forest – the only National Forest in Pennsylvania. It is home to the largest wild elk herd in the Northeast, two designated National Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest night skies in the country (Cherry Spring State Park). The Pennsylvania Grand Canyon, the Pine Creek Rail Trail, the Mid-State Trail, Pine Creek, places to view elk and fall foliage are all here. It's wonderful for hunting and fishing, cross country skiing, mountain biking, trail running, hiking, road biking.

Tourism is a core component of this region's economy and many small businesses rely on visitors to stay afloat. Many people live in this region because it offers a natural sanctuary. People visit the region to fish, hunt, hike, and escape from the rat-race of urban areas. The PA Wilds hosts several trail running, biking, hiking and other types of hiking events that attracts many people from all over. While about half a million people live in the PA Wilds, almost 15 times that – 7.2M - in day trip visitors annually. Personally, this area has been a godsend through these very difficult pandemic times.

There is grave potential for mid-air collisions with birds of all sizes. Sudden noise impacts and perceived threats can cause flocks to scatter and birds to abandon their nests and young. The intended low-level training flights pose a significant threat to migratory, breeding, and resident birds. Of particular concern are the annual periods of peak migration, nesting, and breeding that occur from March through October. Mature forest birds like the Wood Thrush and Scarlet Tanager rely on Pennsylvania's forested landscape with one in twelve Wood Thrushes and one in ten Scarlet Tanagers nesting in the Commonwealth's forests. Additionally, eleven species of hawks and eagles, and two species of vultures migrate over this part of Pennsylvania by the thousands each year during the spring and fall. Introducing a human-made disruption of this scale to avian populations seeking the diverse habitats and migratory corridors that are

endemic to the PA Wilds, could disrupt these critical life stages and cause irreparable harm.

Another area of concern is agriculture. Agriculture is abundant in the area. The area is also home to many Amish. Will low-level flying negatively affect farm animals and horses? The ANG has not provided adequate notice to the public to review the highly-technical draft Environmental Assessment -- the 45-day period extends over the Thanksgiving holiday period, a busy time for many families. The ANG refused to hold public meetings

The PA Wilds is a patriotic region – so much so that 'patriotism' is called out as a theme in the PA Wilds Design Guide for Community Character Stewardship, an award-winning planning document in use in the region. There are many veterans living here. It is critical to assess whether these training exercises will adversely impact the veterans living here who are suffering from PTSD.

Please do the following:

- 1) Complete a full and thorough Environmental Impact Statement to demonstrate due diligence in researching and identifying potential risks for this low MOA proposal in the PA Wilds region for both nature and the residents;
- 2) Extend the public comment period into 2022 to provide sufficient time for review and feedback by local stakeholders; and
- 3) Hold public hearings in each of the PA Wilds counties, so stakeholders, residents, and visitors to the region can ask questions and hear from the ANG directly about its plans. These counties include: Warren, McKean, Potter, Tioga, Lycoming, Clinton, Elk, Cameron, Forest, Clearfield, Clarion, Jefferson and northern Centre.

Thank you for your consideration,

Sincerely -

Amy Ershler



From: Helen Fahy

Cc:

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Duke MOA Low Altitude Modification EIS

Date: Tuesday, December 14, 2021 9:44:24 PM

I am writing you to express my **opposition** to your reckless proposal to go from 8,000 ft. MSL to a mere 100 ft. AGL above my PA Wilds secluded tranquil home. As a private pilot I understand how extremely dangerous it is to fly at 100 ft AGL at high speeds, 450 knots. **You can't recover from that altitude**. I also understand the adrenaline rush of buzzing close to the ground at 450 knots that your young pilots experience. We know that your young pilots are not keeping to the 8,000 MSL limits they are currently under now. Many of us have seen your pilots fly extremely low above our Genesee farms that we can see the pilot faces. You are not controlling their testosterone now. We know that 100 ft AGL will not really be the limit they fly and they will be endangering us and themselves.

I have looked for other MOA current proposals and found the MOA at Michigan's thumb over Lake Huron is proposed at 500 ft. AGL. You can't recover from this altitude either. I would think it would be much safer to fly above Lake Huron than above my PA Wilds area with towering pine trees, red tailed hawks, bald eagles, utility wires, windmills, private drones, and private aviation aircraft, in the flight path. I know how invisible utility wires are from the cockpit. Captain Sully encountered Canada geese in highly urban NYC airways. You don't think you will encounter geese and raptors in the PA Wilds? Why don't you practice at 100 ft AGL at an abandoned or constructed airfield? It is reckless to inflict this "low altitude, Top Gun, Maverick, need for speed" risk on us.

I can't imagine the adverse effect the jarring, startling noise at **114 dBA** (indoor rock band volume) will have on our tourism or my personal tranquility. We can change our tourism advertising to "Come recreate around fighter jets flying lower than pattern elevations. We have Top Gun, Maverick III scenes (minus Tom Cruise) at least 170 days per year, two times a day,....you are surely going to get a thrilling air show view, but bring your ear plugs."

As a pilot I understand the importance of training. My Uncle was a Naval aviator in WWII in both the European and Pacific theaters and stayed in the Marine Corps test flying experimental aircraft until retirement. My brother was a pilot and in the Air Force during Viet Nam. There will be inevitable accidents that will endanger me and my wonderful Potter County neighbors who choose to live in the PA Wilds and be left the hell alone, instead of the congested urban Baltimore MD area. Knowing that "public comment" only means that you have to wait 60 or 90 days to take in comments that you will ignore, since your conclusion is that "this is the only MOA available to you within a reasonable distance and after all, there are not that many people there, so we won't get many complaints". This proposal is likely a sure thing. However, one thing you can do (this is my ask) is have a contingent plan. When there is a fatal accident, drop the reckless 100 ft. AGL and go to 5,000 ft. AGL and monitor your Maverick pilots for compliance with the 5,000 ft. Find safe controlled low altitude areas that a pilot might be able to recover from a problem. There must be airports that are available for safe low level training, such as Mid State Airport. You don't need to endanger us and our tranquility and ruin our tourism with your uncontrolled reckless 100 ft. AGL high speed proposal.

Helen Fahy

From: Mark

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] No Maryland Air National Guard In PA Wilds

Date: Thursday, December 9, 2021 3:54:03 AM

Correction.

To whom it may concern,

As a veteran of a foreign war I believe in the freedom I fought for. I believe in wild open spaces. There should NOT be training for the Maryland Air National Guard in the PA Wilds.

They do not even plan to hold Public Meetings or perform an Environmental Impact Study (**EIS**). They must hold Public Meetings in the counties which will be affected by the flights. These meetings must be held at times and places which encourage wide participation. Meeting must be well-advertised, including efforts to include the Plain Sect communities residing within this region. The National Guard is operating in bad faith.

The PA WILDS is a \$1.8 billion industry that makes up 11 percent of the region's economy. DCNR, alone, has invested over \$180 million in the region since 2003.

Do not allow A-10's to buzz this pristine wilderness.

Sincerely,

Mark Fiorini

From: <u>Janet</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] Strafing in national parks

Date: Sunday, December 19, 2021 9:34:43 AM

I am concerned about these precious places being used for military practice.

The PA WILDS is not the appropriate place for disturbance by the National Guard. Our PA WILDS ranks with the Adirondack Park and Preserve and the Great Smoky Mountains National Park as places to protect forever.

Hikers, hunters, anglers, equestrians, paddlers, bikers, birdwatchers and others enjoy nature at its best in the PA WILDS.. We seek a nature-based experience, not aircraft strafing at tree-top level.

Thank you for reading my comment. I'm counting on you to outlaw this practice.

Sincerely, Janet Fishman Philadelphia 19143 From: BRENDA FITCH

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke MOA Low
Date: Monday, December 13, 2021 10:14:09 AM

To Whom It May Concern,

We adamantly OPPOSE this plan! We have an Outdoor Recreational Park here in McKean County, PA. Our business brings in over 50,000 people per year to this area from larger cities in the Tri-State Area. Our park helps sustain many businesses in this area. Our Customers want the peaceful serene atmosphere that they get here now. If your plan is approved our customer's serenity would be disrupted. If they wanted the noise of airplanes (Especially 100') they may as well stay home.

If your PLAN is passed, it will not only ruin the serene peacefulness of the Majestic Allegheny Plateau, it will disrupt the abundant wildlife that we have here.

Another concern is about the Beautiful and Majestic Forests that we have here. If one of the planes were to crash, it could start a MAJOR forest fire. The area that you plan on flying is protected by VOLUNTEER FIRE DEPARTMENTS. How do you think these departments would be able to handle such a crash? The staffing of these Fired Departments is already understaffed and overworked.

Please RECONSIDER a different location for your project!

Thank you,

Brenda Fitch

Majestic Trails



From: BRENDA FITCH

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke MOA Low
Date: Monday, December 13, 2021 10:26:18 AM

As I said in the previous email, We OPPOSE this plan.

My son was in the Air Force for 10 years and I highly respect the Air Force and how important it is to train our pilots. My son lived on 3 different bases and I know 1st hand how loud the plans are. This noise is NOT a healthy noise for this environment. This area does NOT need to lose another business and the people they attract to the area.

PLEASE, PLEASE find a different location for this training.

Thank you,

Brenda Fitch

Majestic Trails



-----Original Message-----

From: Sharon

Sent: Tuesday, November 30, 2021 2:55 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] PA Wilds - Training question

Maj Andrieu,

I'm a resident of Potter County, PA...quick question for you...is the Maryland ANG not permitted to train over the less populated areas of Garrett County, MD & Northern WV? If not, why not?

Thank you.

Loren Fitzgerald, SMSgt, USAF (Ret)

From: john fleisch

To: NGB A4/A4A NEPA COMMENTS Org

Cc: john fleisch

Subject: [Non-DoD Source] Comments Regarding - Volume 1 Draft Environmental Assessment for Modification of Duke

MOA - 12/09/2021

Date: Thursday, December 9, 2021 1:52:32 PM

Air Force, National Guard Bureau (NGB), and Maryland Air National Guard (MDANG),

Of course I support the military in general.

I am a Pennsylvania Resident in the central part of the state. I choose to live here, like so many others, to experience the bounty of our wilderness areas like we have in the North Central region of the state. I am an active fisherman, hiker, bird watcher, boater, and camper and enjoy doing so on the public lands and waterways available in this region. Most of my friends, and many others, enjoy the same outdoor activities as me, but also hunt in the North Central region during the respective seasons for deer, bear, elk, pheasant, grouse, turkey and other large and small game. Many "out of staters" come regularly to also enjoy this natural bounty. There is no place I would rather be than here.

More than 100 years of conservation foresight, coupled with vast public and private investment, have reserved an incomparable region where local people have built a new economy, based on national craving for contact with nature. Additionally, since the inception of the covid pandemic, demand for all forms of outdoor activities in forested areas has skyrocketed.

I have familiarized myself with an understanding of the proposed "Low Military Operations Area" proposal. Everything about it is excessive and significant: the 170 days for training flights (one out of every two days!), the hours per day flown, the number of aircraft, and most especially the low altitude of 100 feet.

Noise levels will be unwelcome and intolerable for both humans and all wildlife involved.

Animals will be disturbed, which could result in their movement to nonoptimal living areas in regards to food and shelter. Breeding could also be affected. The same applies to all bird families: daily flyways may be altered in regards to their search for food and shelter from winds and other severe weather. And the noise levels could also affect their willingness / ability to breed ... and the young of both animals and birds would likely be in shock from the noise of low flying aircraft. The ongoing noise may put both animals and birds constantly on the move to try to avoid it which would greatly deplete their energy and general health. And Trout and other game fisheries would also be spooked from the noise / vibration they can hear through the water and likely stop feeding for the rest of the day, or longer ... thus causing mal-nutrition. Additionally any angler fishing then is likely done for the day resulting in a wasted trip.

People will simply stop visiting the forests because it will no longer be fun. How then will they be able to escape from their daily rigors and stress levels? And more than ever, parents need to bring their children to visit and recreate in the forests to keep them balanced with their "at home" screen time".

In addition to the likely impacts on wildlife, I do not want to hear and feel like I am in a "war zone" while recreating in the uniquely spectacular "PA Wilds" region of North Central Pennsylvania. There are only a few places like it in the East.

Therefore, **I am strongly opposed** to changing from the current operations and flight levels of 8,000 feet above mean sea level.



From: David Fuhrman

Sent: Wednesday, November 17, 2021 8:25 PM

To: NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] Lowering of altitude requirements

I am former Navy, and lived in the Pensacola area for 30 years. We lived just off outlying field Spencer where Navy, Marine, and Coast Guard helicopter pilots hone their landing and take off skills. We were on the approach to the various facilities in the Pensacola and Milton areas (NAS Pensacola, Saufley Field, and NAS Whiting Field).

I miss my military flyovers. I currently live at the spot where your A10s make their turn northward towards Ft Indiantown Gap. Tell the pilots I said, "Come on down" and pay us a visit but with one precondition; They must drop their wing tips as they go by!

FLY NAVY!

Dave Fuhrman, Disclosure Officer
PA Dept of Labor and Industry, Office of UC Service Centers and Office of UC Benefits and
Policy. (and former Navy spy)!

From: Peggy Giambelluca

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Oppose the Low Fly Zone Intentions

Date: Monday, December 13, 2021 9:55:18 AM

I am significantly concerned about the low fly zone in the Rew, PA area and oppose this plan,

PLEASE, PLEASE do NOT disrupt our peaceful natural forest environment!

Thank you.

Peggy Giambelluca

From: <u>Jason Gilmore</u>

To: ROBINSON, DEVIN T Lt Col USAF ANG ANG/CC/PA; ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD;

KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4; NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Military Flights Over the Pennsylvania Wilds

Date: Thursday, January 13, 2022 8:27:19 AM

Hi,

I am concerned with the Maryland Air National Guard's (ANG) plan to designate the Pennsylvania Wilds airspace as a military operations area (MOA) for their low-flying military training, specifically the Duke Low MOA. I am requesting your help in demanding further due diligence of this proposal through completion of a full Environmental Impact Statement (EIS). A thorough investigation must be conducted on the effects that this type of military engagement would have on our natural resources, the safety of our citizens, and the potential adverse economic impact to our rural economies.

The PA Wilds is one of 11 official tourism regions in the Commonwealth of Pennsylvania and one of eight state-designated Conservation Landscapes because of its unique natural and heritage assets. The 13-county PA Wilds region is home to the greatest concentration of public lands in Pennsylvania. We have 29 state parks, 8 state forests, 50 state game lands, and PA's only National Forest, the Allegheny. We have the largest wild elk herd in the Northeast, two designated National Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest night skies in the country.

For over 15 years, a collaborative effort among local, state, and federal partners, philanthropists, and the private sector has focused on intentional economic development built on the wide-ranging assets of the PA Wilds. This dedicated partnership has turned the PA Wilds into the quintessential outdoor recreation destination, diversifying rural economies, creating jobs, inspiring stewardship, and improving quality of life. Today, thanks to the work of many organizations, businesses, and individuals, tourism is a driving economic force in the region that makes up a large percentage of our economy. Every year, 7.2 million people visit the PA Wilds to enjoy the peace and beauty of the great outdoors.

The current draft environmental assessment (EA) and draft findings of no significant impact (FONSI) of the Duke Low MOA are insufficient. These findings do not adhere to the National Environmental Policy Act (NEPA), given that the proposed Duke Low MOA will have diverse and complex environmental and community impacts that exceed NEPA thresholds for a comprehensive EIS and evaluation of alternatives. Additionally, the draft EA does not address the following key areas:

- 1. Impact on wildlife and habitats, including critical breeding areas and migration routes for a wide range of species.
- 2. Biological and agricultural impact to existing land uses, traditional practices, and established biological and economic activities, including forest management and farming.
- 3. New and increased safety hazards that exceed the capacity of local emergency response services and disproportionately impact specific communities.
- 4. Noise pollution levels and the potential risks to public health and wildlife, particularly given the maneuvers will occur at 100 FEET above ground level.
- 5. Adverse effects on recreational activities, including PA's hunting seasons and the associated impact to the recreation community and the revenue that supports the Game Commission's budget.

- 6. Economic impacts, including the risk of negatively impacting the vital local tourism industry, which is built on peaceful enjoyment of nature and the outdoors by anglers, backpackers, cyclists, campers, hunters, day hikers, wildlife watchers, horseback riders, photographers, astronomers, canoeists, and other groups.
- 7. Equity considerations given that this proposal could disproportionately impact underserved communities, including a large Amish population, distressed communities, and low-income households.

There are many elements of this proposal that have not been thoroughly explored and I ask that you raise your voice in support of a thoughtful adue diligence period, including the completion of a full EIS that addresses the complete suite of impacts to the community and environment.

Jason

From: Bonnie Golla

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Public Input to proposed Duke Low MOA

Date: Wednesday, December 29, 2021 12:38:51 PM

Dear Sirs:

Regarding the Low Duke MOA: Our family owns a home just outside the Duke MOA boundary, as well as surrounding land, approximately 45 acres. We use the land for fishing, hiking, and observing wildlife. This area is part of the region known as the Pennsylvania Wilds, renowned for its wildlife and wildlife habitats.

I would like to request public meetings be held, in order to answer questions regarding the potential impact to the area by the proposed Duke Low MOA. I also request that these meetings take the form of hybrid meetings, conducted via ZOOM or via a similar method, in order to allow members of the public to attend. The public in the affected area is currently suffering under increasing numbers of COVID infections, and virtual meetings would allow the attendance of any interested individuals.

Some of the questions I would have include: What would be the frequency and duration of the disruption caused by the flyovers; are there any plans for an environmental assessment; how would the designated altitude for flyovers be determined and how much variation would there be; would maneuvers be scheduled only for sunny days; would this potentially encourage other military organizations to begin to utilize this area for drills and flyovers.

Thank You,

Bonita S. Golla

Mechanicsburg, PA and North Bend, PA

Sent from Mail for Windows

From: eric greisinger

Sent: Tuesday, December 14, 2021 3:51 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Impact on Pennsylvania Wilds

Dear Major Andrieu,

I hope this finds you well and enjoying the holiday season.

I am contacting you concerning the decision to lower the flying elevation in the Duke Military Operations Airspace located over the Pennsylvania Wilds. I learned of this decision through the most recent newsletter of the Susquehannok Trail Club of which my family have been members since the early 1970's. My late father and I both completed Club's Circuit Hiker Award and I am now guiding my wife through the Susquehannok Trail System to complete the circuit. A unique opportunity afforded by the wonderful Pennsylvania Wilds.

Beyond the above points my family's history stretches back to the 1930's when my family built its first camp along the Kettle Creek Watershed located close to the Hammersley Wild Area.

In addition, and most importantly, my father is buried in the area over which the Duke Military Operations Airspace stretches. His decision to be interred in this region was based upon three main criteria, family history, the untouched wildness of the area, and the undisturbed peace and tranquility of the area. With all due respect to your command and the United States military of which members of our family have served from the Civil War through the Vietnam/Cold War era the decision to lower the airspace destroys the untouched wildness and undisturbed peace of the area as well as having untold outcomes on various species of animal.

The world is polluted enough with human incursion, and we are currently living in the midst on an ongoing deadly pandemic that was spurred on by human intrusion into nature. We do not need another attack on nature.

I strongly urge you to reconsider the decision to lower the airspace of your command in recognition of the history and wildness of the Pennsylvania Wilds as well as respecting the peace of the final resting place of many individuals.

I respect your position and thank you for your service. However, I will continue to work in any way I can, through my many contacts in the Commonwealth and Federal Government to stop this process. My mother, an

honorably discharged Army Nurse Corps veteran of the Vietnam era will do the same to ensure that her husband's final resting place is not subject to unnecessary disruption.

Respectfully,

Eric B. Greisinger, B.A., M.A., Ph.D.

From: <u>Jacquelyn Gundersen</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [URL Verdict: Neutral][Non-DoD Source] Maryland National Guard Proposal

Date: Saturday, December 18, 2021 10:25:23 AM

I do not support the proposal. Tioga County is my home and I am grateful for and appreciate its quiet beauty.

Get Outlook for Android

From: Noel Habashy

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Concerns about lowering the floor of MOA to 100ft AGL

Date: Monday, December 6, 2021 7:53:18 AM

Dear sir or madam,

I am concerned about the ecological, environmental, and human impact of lowering the floor of the existing MOA from 8,000ft Mean Sea Level (MSL) to 100ft Above Ground Level (AGL). This region is host to an abundance of wildlife that may easily be disrupted by increasing air traffic. This is also an area where I enjoy hiking and camping. Please reconsider this adjustment and not lower the MOA floor.

Thank you for your consideration, Noel

Noel Habashy State College, PA

Patricia Hancock From:

To:

NGB A4/A4A NEPA COMMENTS Org
[Non-DoD Source] Requesting a public meeting about low flying air training.
Saturday, December 11, 2021 11:06:58 AM Subject:

Date:

Patricia Hancock

From: sheila harris

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Proposed lowering of MOA

Date: Monday, December 20, 2021 9:46:30 AM

Attachments: Screen Shot 2021-12-20 at 11.27.53 AM.png
Screen Shot 2021-12-20 at 11.27.40 AM.png

<u>Screen Shot 2021-12-20 at 11.27.40 AM.png</u> <u>Screen Shot 2021-12-20 at 12.05.05 PM.png</u>

Dear Sir or Madam,

The area that the 175th Wing is proposing to train at heights at 100 feet is very popular and well utilized by many citizens year round for outdoor recreation: fishing,hunting,biking,bird watching etc.

Furthermore homes, camps and businesses are scattered throughout. Small business owners who make a living primarily bases upon activities that center on tourism the PA Wilds will be driven to ruin as tourism is negatively impacted by huge planes flying over the best fishing or hunting, quiet hiking areas 2-3 x/week for 2-4 hours 176 days a year.

The area demarcated in purple along the Sinnemahoning also encompasses a single main state highway,872, that runs right along that river; 500 feet above those areas with the purple ink indication is not high enough not to cause issues.

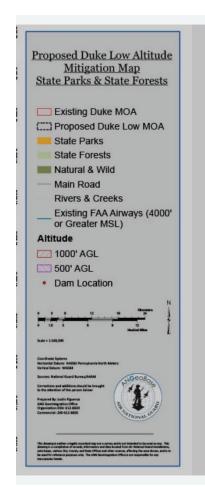
Realistically no matter how rare, there is always the looming issue of a plane crash as accidents do happen.

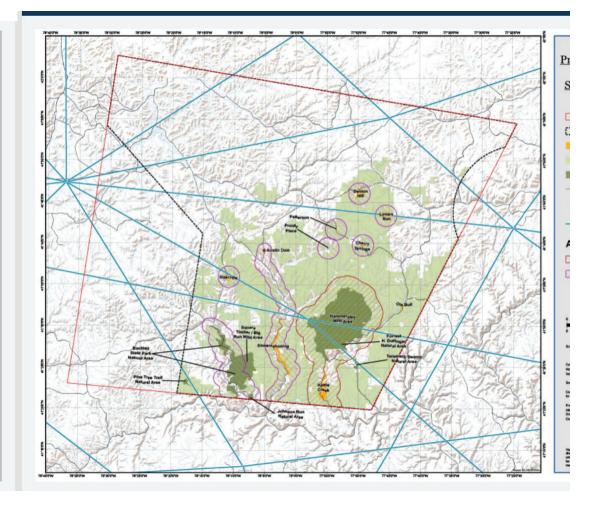
We've had some very dry summers the past years and as we have only small volunteer fire departments per hamlet or townships that are far flung around the area map, a plane crash carrying huge fuel tanks in these forests that have no good road infrastructure would be devastating.

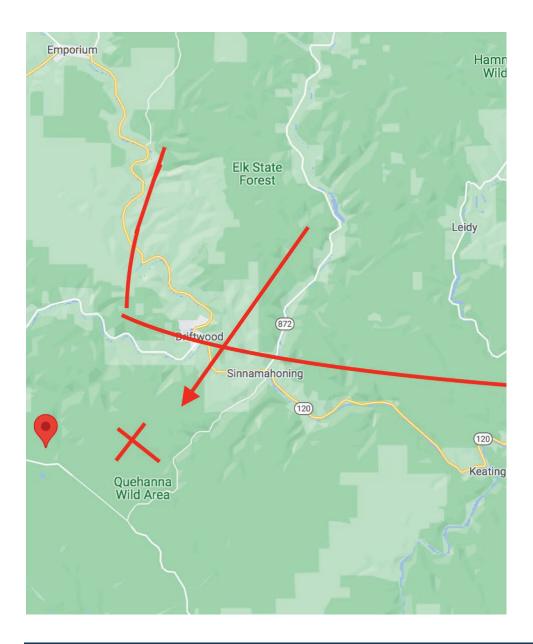
Kindly consider relocating the low flying part of training to a more remote less used and not at all populated by people like the Quehanna Wild Area, for instance, just 2 minutes SW as the crow flies of the area in discussion. SEE green map below.

Thank you for allowing comment from the public and expanding that window as well.

Respectfully, Mr Larry and Mrs Sheila Harris







WHAT AND WHERE IS THE DUKE MOA LOW PROJECT?

In support of the 175th Wing, the Air Force and the National Guard Bureau (NGB) are proposing to lower the floor of the existing MOA from 8,000ft Mean Sea Level (MSL) to 100ft Above Ground Level (AGL).

This flight modification would accommodate the training requirements for our A-10 aircrews who must train by simulating all types of weapons delivery and mission sets which can range from 20,000ft MSL to as low as 100ftAGL.

The current charted Duke MOA is located in North, Central Pennsylvania with a small portion extending past the southern boundary of New York.

-----Original Message_----

From: Paul Heckbert

Sent: Wednesday, November 24, 2021 6:53 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD <jeffrey.andrieu.4@us.af.mil>Subject: [Non-DoD Source] public meeting needed - PA Wilds

I'm appalled by the idea of a testing zone with noisy, low-flying airplanes over the PA Wilds. There needs to be a public meeting about this!

From: <u>Joan Heller</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Clinton County airspace
Date: Tuesday, November 16, 2021 11:24:25 AM

Dear administrators of the Clinton County Airspace:

I retired to central PA for peace and quiet. There have been military planes that have buzzed my neighborhood. It is frightening, and loud enough to cause hearing loss.

The steers in my pasture are cowed by this noise and the wildlife - deer, bear, turkeys, fox, to name a few - will be negatively affected.

Bombers flying " as low as 100 feet, up to 272 days of use" they don't say what times of day. In the past this has been day and night.

For people, livestock, and wild animals, this is disastrous.

Please vote against using central PA in this manner!

Joan Heller

From: <u>Lance Heller</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] NO! Duke MOA for Clinton County **Date:** Wednesday, November 17, 2021 10:50:29 AM

To whom it may concern,

As a Clinton County resident, veteran, commercial pilot and outdoorsman, I fully support Pennsylvania Wilds (https://form.jotform.com/213114113358040) and strongly object to the proposed Duke Low Military Operations Area (Duke MOA) proposed for Clinton and other Pennsylvania counties.

Respectfully Lance Heller Clinton County resident

--

From: Mark Hendrix

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Public comment on proposed fly zone

Date: Friday, December 31, 2021 6:04:56 AM

I think it is great and endorse your plans. I enjoy the sound of freedom and support our military to be their best by training.

Mark Hendrix

From: Patrise Arts

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] opposing approval of low level flights over Pennsylvania

Date: Thursday, December 9, 2021 6:31:49 AM

I am a former Maryland Resident and so I understand the importance of Maryland's air national guard in protecting the midatlantic region and our nation's capitol. However, I am now a resident of western Pennsylvania and I strongly oppose the approval of low level flights of this extreme closeness to life on the ground. I have heard the jets passing over the Laurel Ridge where I live, and they are certainly higher than the current minimum of 800 feet. even then they are disturbing to the peaceful ness of the mountain landscape.

Maryland has easy access to the Atlantic ocean where it could certainly practice these low level exercises without disturbing residents, visitors, livestock and wildlife. The experience of these jets at close range is frankly terrifying - the approaching sound, the movement of air, the sudden violence from above is alarming to me. I cant imagine what small children and animals experience other than terror.

Please practise your drills where the fewest living things will be affected. It's closer to your home as well.

thank you



Patrise Henkel

From: MAUREEN HENRY

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Public comments on EA
Date: Saturday, December 11, 2021 7:46:25 AM

Hi,

I am expressing our, my familys, concern about the proposed Duke MOA low altitude mitigation map over the PA Wilds areas and surrounding counties.

We visit these areas frequently specifically because of their peaceful and quiet natural beauty. Flying planes at 100 feet above ground will destroy the peacefulness and serenity of this area. The goal of getting people out of their homes especially during this time of the pandemic is to provide an attraction of a naturally peaceful area.

The sound of jets at such a low altitude will destroy the peace for humans as well potentially scare wildlife who may bolt across roadways causing accidents. The loud sounds of jets would cause a ripple effect throughout the area damaging tourism as well.

Please listen to the community outcry to stop this plan from happening. Please keep our peaceful counties peaceful.

Signed, Maureen Henry Edward Henry

Sent from my iPhone

From: <u>mary heston</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Concerns about the proposed training flights in our area

Date: Wednesday, December 8, 2021 5:31:01 PM

I'm writing to ask for an Environmental Impact Study and a public hearing in Potter County, which is the county most impacted by these proposed training flights. Although I support the military and I understand the need for training zones, I am concerned and want to know more about the plans for these flights. My concerns are:

- 1. The noise levels and their impact on migrating and nesting birds and on other wildlife, as well as domestic animals, in our area. According to your own assessment, the brief nature of the flights would make such disturbance insignificant, but the frequency of flights, perhaps three days a week, from one to four hours, for approximately 170 days a year may be more significant than claimed.
- 2. How the frequency and noise of the flights will affect tourism since many people come to our area for the peace and quiet presently found here. Campers, sportsmen, hikers, birdwatchers, stargazers and others come here for respite from urban congestion. Tourism has become a vital part of the local economy.
- 3. How the flights may affect the forests that also provide jobs and serve as important carbon sinks to counter climate change gases. Emissions from the fuel burned during these flights may have detrimental effects on the forest ecology. How much fuel is burned by an A-10 during its travel to and from the base in Maryland and while in flight over the designated area?
- 4. Safety. These planes may fly as low as 100 feet from the ground. How many accidents have occurred previously during such training flights with A-10's? I have read that DCNR recorded several potentially serious incidents involving New York Air National Guard exercises previously conducted here.
- 5. Liability. How is property damage in the event of an accident covered?
- 6. Finally, why must the PA Wilds serve as the sole training area? Why can't other states, such as West Virginia, Virginia, and Maryland share some of the responsibility for accommodating this training? What considerations limited the designated flight zone to our area?

Thank you for your consideration, Mary Anne Heston

Hector Township, Potter County

Sent from Mail for Windows

From: <u>mary heston</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Additional question concerning MANG proposed flights

Date: Thursday, December 9, 2021 12:44:50 PM

Just one more question: How many other states currently use this air space for military training? In Appendix C: Aeronautical Proposal, of the Duke MOA FONSI Draft Proposal, Page 104, under Joint Use, e. Activities, lists A-10, 3 sorties, 2 times a day; F-16, 2 sorties, 2 times a day; and C-130, 1 sortie per week. The F-16's are operated by the NJ ANG, and the C-130 is with the PA ANG (page 103). Does the NYANG still conduct sorties in the area?

Thank you,
Mary Anne Heston
Hector Township, Potter County

Sent from Mail for Windows

Α

From: <u>Brendan Hickey</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] A-10 and wilds
Date: Saturday, December 18, 2021 9:33:32 AM

Dear Committee

Personally, I love the A-10 Warthog. It flies low and slow and it gets stuff done, and I understand the need for pilots to be sharp.

However, when I get into the wilderness, I do it for a reason. I make a long and intentional trip to get into the deep forest. I leave my cell and all of the other nonsense behind. It's good for my body and my mind.

An A-10 screaming just above the treetops is wrong. That forest is not a blank spot on the map. It is an important and valuable resource. You wouldn't practice strafing runs over a bank or a museum or a football stadium. Pennsylvania's wild lands are worth at least that much to me.

Please protect our shared treasure by prohibiting training flights over the Commonwealth's wild lands.

Thanks.

Brendan Hickey, PhD

From: George Hingson

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Public comment on Duke Military Operations Area Proposal

Date: Monday, December 13, 2021 9:36:14 AM

Hello,

As a resident of Pennsylvania, I am writing to express our deep concerns about the Maryland National Guard's plans to establish a Low Military Operations Airspace over the Pennsylvania Wilds. The area chosen is a haven for wildlife and outdoors enthusiasts. Much of the area recommended for the 100' AGL contains trail systems that are loved by the residents of the state. Two of these trail systems (Susquehannock and Donut Hole) are among the 100 longest backpacking trails in the entire country. Trail systems of this magnitude are both vital to the identity of this region and extremely rare in the northeast. Alternatives must be considered, and the public must be allowed to voice their opinion before these natural resources are damaged.

I request that the ANG complete a full Environmental Impact Statement (EIS), extend the public comment period, and consider other possible locations for their ongoing military training operations due to the prospective risks and negative impacts these drills are likely to cause in our region

Respectfully,

_.

George Hingson

Senior Reliability Project Engineer - Wabtec Corporation Northeastern University Class of 2018 Bucknell University Class of 2010 From: <u>Linda Kay Hinman</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Opposing the Duke-MOA Low Date: Wednesday, December 22, 2021 6:15:20 AM

I live in the PA Wilds. I oppose the increase in the number of low-level flights and the addition of other allowable aircraft flying over this area. The impact on wildlife and humans is not known. The guesses being made could end up costing us dearly. Once the harm is done it will not be undone. Please do not move forward with this project.

Linda Hinman

Sent from Mail for Windows

From: Rick Hixson

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Rick Hixson

Subject: [Non-DoD Source] Negative comments on proposed changes on the DUKE MOA in North Central Pennsylvania

Wilds area

Date: Thursday, December 30, 2021 7:31:14 AM

First, I believe that MD Air National Guard and the people trying to establish this DUKE MOA have no interest in the impact on the people and environment they are planning to affect. I can't help but think that the bureaucrat that did the EIS probably never left Washington, D.C. to actually see what we who live here value as our home, wildlife and forest treasure. We have had some flights of A-10s and FA-18 fly over Clinton County Pennsylvania at lower altitudes in the past. It has concerned me then, that privately piloted aircraft and Life Flight aircraft risk a mid-air collision with these planes. I have taken flying lessons to become a licensed Light Sport pilot. While in VFR, I cannot imagine how it would be possible to avoid a mid-air collision with an A-10 closing at 500 mph. Even if avoided, the turbulence generated by the fast moving heavier A-10 would probably cause a major problem, damage or loss of control of a Light Sport or a full sized civilian aircraft possibly causing it to crash. We who live here choose to live here to get away from the big city noise, slums, squalor, rampant crime, political corruption and "wokeness" that seem to typify the urban experience. The ocean is in close proximity to Maryland and MD ANG can fly as low as they want without affecting the environment and people. If there is a critical need for low level flying over obstacles, I suggest the larger AFBs in the West where there are deserts, sand dunes and mountains. There are even bombing and live firing ranges available. These are owned and patrolled by the Federal Government and allow for the type of activity the MD ANG is seeking. As a retired conservation professional, I do not want to see what has been protected, conserved and preserved in what is identified as Pennsylvania Wilds be destroyed by flights that can be flown elsewhere.

R.D. Hixson Pennsylvania Game Commission Game Protector, retired USNR ISCS, retired From: <u>Virginia Hoffman</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] PROPOSED DUKE MOA LOW ALTITUDE MITIGATION MAP

Date: Tuesday, November 16, 2021 3:14:28 AM

Dear Sirs,

As a private landowner of approximately 300 acres of forest and wildlife directly in the proposed Duke MOA Low Altitude Mitigation Map, much of which is situated on top of a mountain in Clinton County and which includes a private resident in which I live 6 months of the year, I have many concerns regarding this proposed change and therefore list the following:

- 1. I request a series of public comment meetings be held in all affected counties.
- 2. I request that hybrid meeting where remote landowners and other affected parties can likewise attend, comment and question proposed changes.
- 3. As part of those meetings I request the National Guard do a series of prescheduled and publicly announced fly-overs which would be examples of the proposed, so that local citizens could be present and experience in person the affects of the proposed change of lowering the ceiling from 8,000 ft to 100 ft., and then follow those demonstrations with public input.
- 4. I ask you reach out to the Amish Community located in the affected region and accurately access the impact to what happens when they are using their horses to plow fields, or house valuable livestock in barns during the fly overs. My concern is that their valuable animals are at risk of injuring themselves during such low flyover disturbance. I ask that comments and findings from that group likewise be made public.
- 5. I ask the you include national and local environment groups in these meeting and make public all comments from them, including but not limited to groups that have taken leadership in aviary migration such as Cornell Lab of Ornithology, National Audubon Society, American Bird Conservatory, University of Texas Biodiversity Center, and more.
- 6. That such above organizations are given the opportunity to access and publish the impacts to endangered and protected species known to be resident in the proposed area, for example Northern Goshawk, Little Brown Bats both of which I have personally seen in Clinton County in the last six months. The area also includes the endangered Short Eared Owl.
- 7. Additionally I ask that you outline a proposed plan and fund it to make available money for people who have adverse impacts due to any flyover event. For example window breakage, an Amish horse dies or is injured due to fright from a flyover, rental cabins become unrentable etc.
- 8. I ask that a national conservatory organization assess and publish finding or impacts in regards to the Migratory Bird Treaty Act of 1918.
- 9. In general I am concerned in the degradation in quality of life for humans and wildlife from living in a military training zone. I wish to fully understand those impacts prior to any change and for the National Guard to remain open to that input, before, during and after any changes in regards to this.

This serves as a starter list of my areas of concern which I hope to refine into a realistic understanding over the next several months.

Thank You,



From: <u>Virginia Hoffman</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Subject:

[Non-DoD Source] My Public Input Duke Low MOA Environmental Assessment

Date: Tuesday, December 14, 2021 12:49:02 PM

December 14, 2021

Subject: Public Input to proposed Duke Low MOA

Dear Sirs:

I support the military and military training needs having worked on the Space Shuttle in Houston, TX for many years of my life. As an IBMer and Contractor to NASA, I wrote and tested software that was used during in-flight, live missions of the Space Shuttle.

In regards to the Low Duke MOA: I was born and raised in Clinton County, PA and am 4th generation on owning a home there which I live in about ½ of the year. It is just outside the Duke MOA boundary and I also co-own about 300 acres of land on top of a nearby mountain. I am not a hunter but I use the land for hiking, observing, photography and preserving wildlife. My extended family and friends visit the area often as a result of the pristine natural environment the area affords.

I will point out that the targeted area is known as the Pennsylvania Wilds, and provides jobs centered around maintaining wildlife, wildlife habitats, forests, parks, recreation and tourism. It draws not only tourists in the traditional sense but likewise is used to teach the next generation of family and friends a love for nature and a need to preserve it.

First I would like to request that public Town Hall meetings be held in the area, scheduled enough in advance, and very well advertised, to be able to book airplane reservations and be able to attend. The documentation and Environmental Assessment do not answer my questions, and I feel it is important for the general public to hear both, question and answers from me and others in order to determine if the proposal has large or small impacts.

I request that hybrid meetings also be conducted via ZOOM or some such method to allow the large number of people who own camps and/or visit the region for outdoors or wildlife related opportunities, may also attend.

I will point out that currently the public in the affected area is suffering some of the highest COVID-19 rates since the pandemic began in 2020. Infection rates and community spread began in late October and has grown increasingly each week since that time. Local hospitals, operating at 130% of capacities, now have patients stacked up in the hallways and are even turning people away from the Emergency Room on occassion. The general public is therefore not focused on reviewing this proposed Low MOA or providing meaningful feedback before the deadline of Dec 31st, to something could have large impacts on their quality of life. A Town Hall

meeting scheduled in late 1st or 2nd quarter 2022 would allow for a much better response.

Additionally I understand that A-10C Warthog, the primary reference aircraft in this proposal, was released in March 1977, almost 25 years ago. I would expect that the military has been adequately training pilots for more than 20 years without this additional airspace...why is request for the Low MOA happening now?

Of particular concern to me are the following, in no particular order:

- 1) The frequency and duration of disturbance. Even though the document outlines only brief interruptions, the people I have talked to report "It is very loud when they come screaming through" and you can "hear them long before you see them." Another person in the Cross Forks area reported that she could hear the planes for a couple hours and it was very annoying and also once or twice startled her. Given the reported level and duration of the noise, it would seem that more information is needed to make a judgement on the acceptable volume and duration of noise. How would this noise compare to living next to an active airport for example where it's the length of low noise that degrades the environment for humans?
- 2) What changes should people just outside the proposed Low MOA expect as far as disturbance and air usage? Currently planes coming into the area are very high but with the Low MOA coupled with FAA rules that allow pubic planes to fly at 500 ft, does this mean that most aircraft coming into the low MOA will do so at 500 to 1000 ft above ground? How many miles out from the MOA will they do this? For example, I own property on Dry Run Mountain, which is next to Young Woman's Creek. Will planes be going overhead at 500ft above ground on many occasions during the year?
- 3) Given that the request is for 172 days of the year to be used for training purposes, and that the area has 177 non-rainy days per year, should one expect military training to be conducted on practically every sunny day of the year?
- 4) If the FAA converts this to a Low MOA, does this open this area up to be used by military organizations from all over the US to use for training purposes and not just the Maryland ANG? I.E. What should the area realistically expect as far as how many days aircraft will be training overhead?
- 5). The Environmental Assessment should be conducted by an independent and professional organization so the true impacts are accurately understood. Currently the EA addresses what it believes might be sensitive wildlife, specifically Bald Eagle and Golden Eagle nests. The EA does not acknowledge that this area is prime, untouched wildlife area with many species that could (will) be affected by a Low MOA. First, demonstrating the gross inaccuracy of the EA, Golden Eagles do not nest in the area. At a minimum the endangered Goshawk, a highly noise sensitive species, does nest in the area and ONLY nests north of Interstate 80. The Goshawk impact is not addressed. Both Bald Eagles and Osprey are finally recovering in the area after years of work by environmentalist. What will be the impact to not just their nesting but their rearing of fledglings? Likewise nothing is mentioned in the EA about neotropic

songbirds that thrive in the US and Central America because they breed and raise their young in the proposed Low MOA area – these are warblers, vireos, tanagers, hummingbirds and others. Many of these birds nest in high canopies and are noise sensitive. These flights are particularly likely to impact Scarlet Tanagers and Blackburnian Warblers for example.

- 6) Additionally the proposed Low MOA training flights do not mention potential impact during Spring and Fall Migration. The U.S. has lost 1 in 4 birds in the last 50 years, what will be the impact of the Low MOA on this area that serves to counter the long term destruction of many species?
- 7) What will be the impact to many citizens who are shift workers in that area? People who work at First Quality and some of the chemical plants work rotating shifts. Will noise from the daytime flights serve as an added disturbance to them?

Please help me to understand the true and realistic, long term impact to the region especially in regards to wildlife, including birds, and to quality of life. I am very invested in the area in questions and wish to understand what a common laymen of the area needs to know.

Thank You,

Virginia Hoffman

Austin, TX and North Bend, PA

From: <u>Virginia Hoffman</u>

 To:
 NGB A4/A4A NEPA COMMENTS Org

 Subject:
 [Non-DoD Source] Duke MOA

 Date:
 Friday, April 22, 2022 4:00:01 PM

Dear Maryland Air National Guard,

Please excuse my lack of knowing who to address this email to other then "Maryland Air National Guard", as normally I would address my email respectfully to a person.

Per your official webpage, I am contacting you to ask -

- 1. Has the Maryland Air National Guard submitted a request to the FAA to use the Duke Low MOA?
- 2. What are the next steps that will be happening as far as this request to do low flyovers in several Pennsylvania Counties?
- 3. Will that include additional Public Hearings? Additional Environmental Assessments from what has already been performed in 2021?

FYI I am just a member of the public who lives in affected area. Nothing more has been said in local newspapers nor on your webpage.

Thanks,

Virginia Hoffman Clinton County PA resident From: tim holtz

Sent: Monday, December 6, 2021 4:39 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Duke Low Fly MOA

Dear Sir,

I'm writing in support of the Duke Low Fly MOA. I believe it's important that our military be well trained. It only makes sense that such training take place over public lands.

I sense that there is resistance on the part of the Pennsylvania DCNR to approve the plan, some of this being concern for the noise level. Beyond that, Pennsylvania DCNR has recently increased access to State Forest Lands for motorized ATVs. There are hundreds, if not thousands of these machines running through the forest system on designated trails and roads, which generate plenty of noise and disturbance.

Thank you for this opportunity to express my thoughts.

Yours truly, Tim Holtz From: <u>Laura Horowitz</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] protect our PA Wilds
Date: Saturday, November 20, 2021 3:12:23 PM

The PA WILDS is promoted as an unspoiled destination for those seeking nature-based tourism. It cannot become a training ground for aircraft strafing runs. I ask you to see that any decisions about doing military training over these areas be made in full public view and with public participation.

Thank you.

Sincerely-

Laura Horowitz



Virus-free. www.avast.com

From: <u>Laura Horowitz</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] keep the PA Wilds quiet!

Date: Sunday, December 5, 2021 6:09:02 AM

I love our public lands in Pennsylvania. Especially since the pandemic started, being able to find a place of quiet, safety, and serenity is essential for our mental and emotional health. The PA WILDS is promoted as an unspoiled destination for those seeking nature-based tourism. The proposed training area is the state's largest acreage of wilderness and is home to two National Wild & Scenic Rivers and the largest elk herd in the northeast.

Twelve state parks would be impacted by this proposal, including Bucktail, Cherry Springs, Denton Hill, Elk, Kettle Creek, Lyman Run, Ole Bull, Patterson, Prouty Place, Sinnemahoning and Sizerville."It cannot become a training ground for treetop-level strafing runs.

But the Maryland Air National Guard does NOT plan to hold Public Meetings or perform an Environmental Impact Study (EIS). This is not the way to make decisions that directly impact the public. The Guard must hold Public Meetings in the counties which will be affected by the flights. These meetings must be held at times and places which encourage wide participation. This meeting must be well-advertised, including efforts to include the Plain Sect communities residing within this region.

The National Guard's very premature statement of FONSI (Finding Of No Significant Impact) demonstrates bad faith. They cannot refute our concerns regarding the proposal's impacts without a full Environmental Impact Study. <u>After</u> a full EIS, Public Meetings must be held in each of the impacted counties (Cameron, Clinton, Elk, McKean and Potter).

The National Guard has not considered a simple, safe and reasonable alternative: Since skill-building is based on repetition, simply set up courses for training at their airports with aircraft race pylons such as are used in Red Bull air races to safely practice maneuvers. That way, training can be continuous.

I thank you for your attention to this matter.

Sincerely,

Laura Horowitz

From: Georgina Hricak

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] To the Air Force and the National Guard Bureau (NGB)

Date: Friday, December 31, 2021 2:13:57 PM

To Whom It May Concern,

This email will serve as my comment on the proposed modification to the Duke Military Operating Area (MOA) to lower the floor of the existing MOA from 8,000ft Mean Sea Level (MSL) to 100ft Above Ground Level (AGL).

My husband (James S. Hricak) and I own a vacation home, soon to be retirement residence within the Duke Military Operating Area (MOA). We purchased this property in 2005 with the intent of spending our leisure and vacation time in this beautiful untouched and unspoiled area and ultimately moving up there to live out our retirement.

Since 2006, we have maintained a milkweed field to support the local population of Monarch Butterflies in their population preservation. Since 2006, these butterflies return and reproduce every year. Disturbing the Monarch Butterfly migration would cause immeasurable harm to this species which already meets the criteria for listing as an endangered species according to the U.S. Fish and Wildlife Service.

On December 15, 2020, the U.S. Fish and Wildlife Service announced that "listing the monarch as endangered or threatened under the Endangered Species Act is warranted, but precluded by higher priority listing actions. The decision is the result of an extensive status review of the monarch that compiled and assessed the monarch's current and future status. The monarch is now a candidate under the Endangered Species Act; we will review its status annually until a listing decision is made."

The airspace that you are proposing to use for training exercises involves the Monarch Butterfly's annual migration routes. These have been used for generations, connecting critical monarch butterfly habitats from Mexico to Canada. The airspace above the area milkweed crops, area waystations and the Patterson State Park roosting site needs to be avoided in order to prevent harm to these sensitive Monarch Butterfly populations and their migration routes.

My husband will retire in 2022. At that time our plan was to move to our property in Potter County with our 3 horses and 4 dogs. There is already a large population of horses in the proposed airspace to be used for training exercises. Equines are flight animals and will run through fences or any other containment injuring themselves potentially to the point of death when faced with extreme fear. The impact of A-10 Warthogs and F-16 Fighter Jets flying 100 feet over my horses and all the area equines (not to mention cows, food source animals and wildlife) would cause catastrophic damage. Who will pay the veterinary bills? Area Veterinarians are already in short supply, where will we get care for our injured animals? Who will take responsibility and be accountable for the carnage? There is a large population of Amish in the area. Horses are their means of transportation and income, as they are used in the fields and to produce their food goods and are their lifeline.

There are veterans who live in this area, who specifically chose the area for the peace and quiet, many of whom suffer from PTSD.

We all have our personal reasons for buying and investing in this area, but the one thing in common is nature, and the peace and tranquility that go along with the PA Wilds and the area called God's Country. People (like us) have invested our life savings in the area, tourists come from all over, astrologers come here to one of the best sites on the east coast to Cherry Springs to stargaze. There are many AirBnB facilities, campsites, fishing, stargazing and numerous other visitor facilities. This decision to disregard all that would be devastating to the area tourist and visitor industry.

The Environmental and Economic impact of this irresponsible proposition has obviously not been adequately addressed. Public meetings are needed, with facilities to accommodate both full time and part time residents (online or zoom accessible).

My husband and I will promptly pursue legal remedies if the proposed modification to the Duke Military Operating Area (MOA) is authorized and by doing so causes injury to the Monarch Butterfly population which we have worked since 2006 collectively with other residents, our horses, our properties, and our livelihoods via income from these properties.



From: <u>David Hrobuchak</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] MD Air National Guard plans for low-level training in northern PA

Date: Sunday, December 5, 2021 9:15:25 AM

Dear Sir and/or Madam,

I have serious concerns for the Maryland Air National Guard and its plans to conduct low-level combat aircraft training in the wilds of northern Pennsylvania. While I fully support our US military and its peace keeping mission, I am also an outdoor enthusiast who respects the sanctity of our environment. I truly believe low-flying aircraft training would be disruptive to the wild animals and all of the people who enjoy the solitude of the outdoors and therefore other options should be explored for this training.

Respectfully yours, David Hrobuchak Harrisburg, PA

Sent from my iPad

From: <u>Kathy Huggins</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Warthogs

Date: Saturday, December 11, 2021 1:24:19 PM

Dear Air National Guard,

Warthogs and horses don't mix. I am referring to the horseback rider aspect of low-level flights by Warthogs in north central Pennsylvania state forests. There are two heavily-used horse camps near Rt. 44 in Potter County. A plane flying low overhead will panic almost any horse. And if that panicked horse is carrying a rider at the time, there will almost certainly be serious injuries — or worse. Even if a horse is tied in camp, it may spook, break loose and be lost in the woods.

I support the military wholeheartedly and would enjoy watching your pilots train. But please avoid the camps along Rt. 44 at Dyer Road and Twelve Mile Road and the surrounding trails frequented by horseback riders, at least during the spring, summer and fall camping seasons. I sure would hate to lose my wife in a horse accident caused by a Warthog.

Thank you,

Richard Huggins

-----Original Message-----

From: Hunts

Sent: Wednesday, November 24, 2021 5:37 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD of

Subject: [Non-DoD Source] DUKE MOA

I have enjoyed seeing the jets for my entire life (61 yo). Over the years I have seen A7, F4, F15, F16, A10, C130, C17. Please keep them flying! The population of the MOA and the landscape dictates a perfect area to train for TFR. DCNR is a taxpayer funded agency and has been gulping up dollars creating their version of PA Wilds. Those of us who live in the area don't agree with the way they waste our money. Good luck in your endeavor to persevere!

From: Linda Hyde

Sent: Wednesday, December 15, 2021 9:57 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Re low fly zone proposal for Potter county, Pa and adjoining areas

Dear Sir: I would like to suggest that the Maryland Air National Guard respond to public comments prior to commencing low fly operations in this area. Linda Hyde Genesee, Pa

From: <u>VITA JANERELLA</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Opposition to Duke MOA low fly zone in North, Central Pennsylvania

Date: Friday, December 31, 2021 10:53:29 AM

We would like to express our opposition to the proposed Duke MOA low fly zone in North, Central Pennsylvania.

As residents of North Bend in Chapman Township, Pennsylvania, we oppose your proposed low fly zone in North, Central Pennsylvania. We feel that the current training flights that take place in our geographic area are low enough. Any lower altitude flights would create potential catastrophic hazards, especially in our mountainous area. As an extremely rural area, we do not have the emergency response systems in place to quickly deal with any potential emergencies that could result from accidents, e.g. plane crash, explosion, fire, forest fire, etc. We are also concerned about the potential affects to wildlife, our tourism industry and our forests.

Thank you for your consideration of our comments.

Vito and Wendy Janerella

From: Karlie Jones

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] PROPOSED DUKE MOA LOW ALTITUDE MITIGATION MAP

Date: Friday, December 31, 2021 10:01:10 AM

To whom it concerns:

The local residents and hunters need to be made aware of this situation, as it's going to disrupt the flow of wildlife that many people survive on in this region, including the Seneca Nation of Indians. Are there going to be public hearings? Or are we all mean to find out about your plans after they are enacted?

Thank you,

Karlie Jones

From: <u>Jonesy 22</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Low altitude flyovers
Date: Sunday, November 28, 2021 9:06:21 AM

Why would you do this? This region is already struggling with all.of our current dictators enforcement and protocols. Tourism is about the only thing left in this part of the country and anyone with a brain knows this will ruin that. There are other places not populated by any people you could do this, or maybe just stay in Maryland and find a place.

From: Ray Kauffman

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Northeast PA. Training flights

Date: Saturday, December 11, 2021 7:00:45 AM

My name is Ray Kauffman, I want to say I'm in favor the training program scheduled for the area around my family's hunting camp in Potter County PA. I have sat in the woods many times when these planes were flying low over the trees. I've had deer standing less than 50 yds from my position when they flew over low enough to see the pilot and the deer never looked up. I apologize for all the selfish people that are fighting this program. I can't believe they expect these same pilots to protect them and their interest in time of war when they have not been properly trained. If they don't recieve the training they need it will lead to a lot of our military men and women to die needlessly just because of a group of selfish greedy people. Any true patriot would never try to stop this. They try to claim it will be detrimental to tourism but I disagree with that. I personally will be setting around a look out in the mountains watching these brave men and women doing their thing in preparation of war. Again I apologize for the sad group of people that call PA their home. Most of the ones fighting to stop this have moved to that area and want to cause a disturbance to get their little 5 minutes of fame at their stupid selfish meetings. This is my opion, bring the jets and let's get this air show rolling! Thank you, Ray Kauffman

Sent from the all new AOL app for Android

From: Brian

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Public comment: Duke MOA Low

Date: Friday, December 3, 2021 6:48:02 AM

I've read this proposal and find that the area as proposed is inappropriate. This area of the State of Pennsylvania is extremely dependent upon eco-tourism. 100ft flying jets is a blatantly obvious conflict with the established use of this land by people who live and visit there.

My suggestion is to move the map boundary to exclude the green area entirely. It seems rather unbelievable that we could dissect the green area into altitude zones and think that the noise and disturbance will not happen.

Brian Kavalukas Pennsylvania resident Frequent PA Wilds recreator From: Paul Kelley

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Proposal

Date: Friday, December 3, 2021 10:15:17 AM

I take this opportunity to share my thoughts and knowledge seriously. Please stay with me while I share them.

First, truly detailed work of the impact of disruptful noise on wildlife has shown to be far greater and longer term than a cursory examination would expect. I wish I had a source, but I know I read about it in conjunction with a story about a researcher who has been documenting the quietest places on Earth. The impacts of noise on stress levels and physical and mental health on individuals are well documented.

These proposed low fly zones are in some of the highest quality natural environments in Pennsylvania with some of the most favored state parks in the Northeast, including a dark skies treasure used by a population far exceeding that of the local area. While the benefits of training are certain, so is attention given to rapidly diminishing quality areas to experience peaceful calm, and I believe with knowing conviction that putting off their protection for another place and another time in the interest of training for future missions and conflicts assures they and the human benefit of experiencing these qualities now are forgotten - even though they certainly ought to be considered one of the vitally important freedoms our service members and leaders are pledging to defend. Lowering a flight height from 8000 to 100 feet as it seems this proposal is asking - well, cringing is not the word to describe the impact such an experience would have on my experience of the place and the impact that would have on the local population.

Secondly, towns and parks in the region are not the only areas if population. Pennsylvania is an inhabited countryside, where people's vacation homes, hunting lodges, deer stands, farms, and regular homes share space with state forest land. The small areas of mitigation, combined with the deep valleys that the physiographic region is named after (DCNR map of physiographic regions) would not protect those places from serious disruption even if they were the only inhabited areas.

Finally, two questions about practicalities. Does the military actually need such environments to train in? Are virtual realities not enough to give a lifelike equivalent? Have these methods been developed fully, as a replacement for or in conjunction with real world training? Will the full public be given notice of possible flyovers and will they conducted when there are likely less hunters, atv'ers, campers, hikers, and stargazers in the region?

Thank you for recording my comments. Paul Kelley, Ph.D. Havertown, PA

From: Dan Kennedy

Sent: Saturday, November 20, 2021 4:20 PM

To: NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] Keep the low level training routes!

I love nature, but love American freedom more. I still talk fondly about the time I was fishing in Anderson Creek near Rockton PA, when an A-10 flew over a few hundred feet above the trees. Sounds and sights of freedom. That brought a smile to my nature loving face.

-Dan Kennedy Portage PA From: MARTE KENNY

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke mos

Date: Sunday, December 5, 2021 6:26:50 AM

We are property owners in Potter Country and Pennsylvania taxpayers who strongly opposes the Maryland National Guard flying over this pristine and wild area at low altitudes. This will be destructive to the wild animals and birds that are native to this area, included but not limited to , the osprey, the bald eagle, the elk, and the white tailed deer. It will also impact the residents who live here and their economy, as tourists come here for the peace and quiet and serenity of the Pa mountains. So to reiterate we are totally against this.

Thomas and Marguerite Kenny

.

Sent from my iPhone

From: <u>Kathleen Kerrigan</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Please reconsider your proposal

Date: Saturday, December 4, 2021 5:08:43 AM

Greetings,

I would like to comment on your training proposal. I believe that the new proposal is incredibly short cited and wildlife will absolutely be negatively affected it's quite crazy to me that your impact statement says that this will not negatively affect the wildlife of the region even with the exception in place for certain wild areas. This proposal is short-sighted negatively impacts the quality of life of residents, wildlife, and tourists. If this were your home you wouldn't be allowing such things to happen. I am a Pennsylvania resident and I'm staunchly opposed to the new training altitudes in your proposal. Please reconsider your location and altitude limits. Thank you.

Kathleen Kerrigan PA Resident From: how are you doing thomas kessler
To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] L19 Warthogs in Pa wilds **Date:** Tuesday, December 7, 2021 12:27:26 PM

I'm writing this letter in protest to the L19 warthogs flying over pristine Pa woods in Potter county Pa. My son owns a camp outside of Carter Camp in potter county. My wife and I go to his camp a lot due to being retired. We are from York county Pa . We go to enjoy the peacefulness of the mountains that surround his camp. I can't imagine sitting on the front porch with a good glass of wine and all of sudden these warthogs come flying over disturbing our peacefulness of the area. I would think this would not be good for the wildlife that live in these areas also. I feel this area plus other areas of potter county should NOT be training ground or strafing runs for these jets. Please consider stopping this unwanted intrusion to this wonderful area called Gods Country.

Thomas L Kessler

From: <u>Tim Kessler</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] L19 Warthogs in PA Wilds Date: Tuesday, December 7, 2021 6:05:02 AM

I would like to express my concern as a tax paying citizen of Pennsylvania regarding the subject above.

The training of the Maryland Air National Guard over the PA Wilds would be disastrous from the perspective

of folks like myself. My family and I (along with numerous friends) that use this area as a form of relaxation,

escape from the hustle and bustle/ noise of our daily lives would be devastated to hear/see low flying Jets over

this area. This area was set aside by the state to preserve as a place that people can share quality time together

with their families and enjoy the pristine quiet and serenity of the surrounds. I can't imagine going for a hike,

hunting, fishing, etc. and seeing/hearing low flying Warthog fighter jets over the treetops. It not only ruins the

feel of the area but also could be a detriment to local land owners who own property in this region. Property

values could drop as a result of less demand for the use of the area. There has to be plenty of other areas and

alternatives to train.

I also find it a risk and very unsafe for users of the this area. Here are some examples:

DCNR reports detailed several incidents during previous Warthog flights by the NY National Guard which raised serious safety concerns during training flights over the PA Wilds area.

-While using an air tanker on a wildfire, our plane was flying in a generally easterly direction from the Moshannon air tanker base, approaching the side hill fire header. Airspace was closed to all other traffic, **but** a Warthog was flying just above the west branch of Susquehanna River. The air tanker was diverted just in time to avoid a disastrous mid-air collision. The Air operations manager for Bureau of Forestry made an official complaint.

-A National Guard A-10 was flying low above the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County. The twin tail section of the aircraft severed a power line which crossed the river, which whipped the high voltage power line across Pa Route 120.

- While BOF crews were planting tree seedlings by using mechanized tree planters pulled by small dozers, National Guard Warthogs would practice strafing by using the active tree planter as targets.

I would hope That the Maryland Air National Guard will reconsider that the PA Wilds be used as training grounds for the Warthogs.

Please think about how many people feel the same way I do in this regard. Too many state parks would be affected by this and is just not acceptable in the minds of taxpaying Pennsylvanians like myself.

The proposed training area is the state's largest acreage of wilderness and is home to two National Wild & Scenic Rivers and the largest elk herd in the northeast.

Twelve state parks would be impacted by this proposal, including Bucktail, Cherry Springs, Denton Hill, Elk, Kettle Creek, Lyman Run, Ole Bull, Patterson, Prouty Place, Sinnemahoning and Sizerville.

PLEASE FIND ANOTHER ALTERNATIVE FOR THIS TYPE OF FLIGHT TRAINING SO FOLKS CAN STILL ENJOY WHAT THE AREA WAS SET ASIDE FOR BY ALL OF OUR FOREFATHERS!!!!

--

Timothy J. Kessler



Virus-free. www.avg.com

From: Blake Ketchum

Sent: Saturday, November 20, 2021 3:10 PM

To: NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] Warthog menace over State Land

This practice is disruptive to the people and the wildlife that depend upon these ecosystems for sanity and fundamental life needs.

Take your war toys and fly them over land that's already disturbed.

Dr. Blake Ketchum (Land owner and naturalist adjacent to Blue Knob State Park)

From: <u>Kirby, Martha</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Air Natioal Guard issue with low level strafing runs

Date: Sunday, December 5, 2021 8:29:24 AM

Please reject the Maryland Air National Guard plans for the Duke Low-level MOA.

The following are documented problems:

While using an air tanker on a wildfire, our plane was flying in a generally easterly direction from the Moshannon air tanker base, approaching the side hill fire header. Airspace was closed to all other traffic, **but** a Warthog was flying just above the west branch of Susquehanna River. The air tanker was diverted just in time to avoid a disastrous mid-air collision. The Air operations manager for Bureau of Forestry made an official complaint.

A National Guard A-10 was flying low above the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County. The twin tail section of the aircraft severed a power line which crossed the river, which whipped the high voltage power line across Pa Route 120.

While BOF crews were planting tree seedlings by using mechanized tree planters pulled by small dozers, National Guard Warthogs would practice strafing by using the active tree planter as targets.

Thank you for reading these comments

From: <u>Linda Klingaman</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Potter County citizen concern

Date: Monday, December 27, 2021 7:55:05 AM

To Whom It May Concern,

I am a resident of Potter County, PA and owner of a 300 acre farm. I was born and raised on this farm and chose to remain here and raise my children here as well. Even though my career took me to Penn State and Indiana University of Pa as a college professor, my husband and I chose to stay in Potter County. Needless to say I drove many miles to work.

We are very concerned that having low flying planes in our airspace 170 days a year is going to change the reasons we remained here. We see this proposal as being disruptive to our wildlife, our environment, our economy, the value of our farm and production on our farm.

We are not a prosperous county. Many people stake their income on the many tourists who come to God's Country.

It feels like because we are small, we don't matter. I need an answer as to why there will be no public meetings to discuss this with you.

I totally understand the need for excellent pilot training. My son-in-law is an Air Force colonel who flies the F-22. His 20+ years have included 3 deployments to the Middle East. We support our military and advocate excellent training for all pilots.

However, I would like information as to why our area, especially Potter County, was targeted as the center of this training. The environmental and economy are going to be negatively affected. It seems like this could be condensed into maybe your presence here only a few months of the year.

We would like to meet you face to face.

Thank you,

Linda Klingaman, PhD Coudersport, PA

Sent from my iPhone

From: Susan Knapp

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] Public Comments

Date: Monday, December 6, 2021 5:27:11 AM

To whom it may concern:

Please reject the Maryland Air National Guard plans for the Duke Low-level MOA.

Previous training flights by the **NY** National Guard in Pennsylvania at tree-top level have resulted in extremely dangerous situations.

- An air tanker being used on a wildfire was flying in a generally easterly direction from the
 Moshannon air tanker base, approaching the side hill fire. Airspace was closed to all other traffic,
 but a Warthog was flying just above the west branch of Susquehanna River. The air tanker was
 forced to divert, just in time to avoid a disastrous mid-air collision. The Air operations manager for
 Bureau of Forestry made an official complaint.
- A National Guard A-10 was flying low above the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County. The aircraft severed a high voltage power line above the river, which whipped across Pa Route 120.
- While BOF crews were planting tree seedlings by using mechanized tree planters, National Guard Warthogs would practice strafing by using the active tree planter as targets.

The National Guard has not considered a simple, safe and reasonable alternative: Since skill-building is based on repetition, simply set up courses for training at their airports with aircraft race pylons such as are used in Red Bull air races to safely practice maneuvers. That way, training can be continuous.

Thank you,

Susan Knapp Titusville, PA Ref: Proposed modification to Duke MOA

April 22, 2021

Michael Knefley

National Guard Bureau Lt Col Christopher Jesus Mayor 3501 Fetchet Avenue Joint Base Andrews, MD 20762-5157

Dear LtCol Mayor;

I am in receipt of your proposed plan to modify the **Duke Military Operations Airspace (MOA)** to accommodate training to **low levels down to 100 feet AGL** and wish to **vehemently object** to the modification or redefining of the MOA to include low level flying. I do so with six considerations of importance.

- 1. PEOPLE LIVE HERE and SOME OF US OWN AIRCRAFT AND FLY! This proposal will result in an extremely hazardous environment. I for one, and I know many, fly frequently. I own a Pa licensed airport which is not identified on your MOA chart. I also own three airstrips onto which I and others occasionally fly to and from. This proposal will make it unsafe for us to be in the air, especially because some of us fly fabric covered airplanes. I have personally observed military planes down between the ridges even though not an approved manner of training at this time. Even if we do not have a mid-air collision, the "jet wash" from your aircraft will create a significant amount of turbulence adding to the unsafe flying environment.
- 2. THIS MOA AFFECTS AIR SAFETY IN 8 COUNTIES YET NOT A SINGLE AIRCRAFT OWNER RESIDING IN THOSE COUNTIES HAS BEEN CONTACTED BY THE PROPOSING AGENCY. Those counties are Elk, Cameron, Clinton McKean, Potter and Tioga. In Potter County alone, there are 21 registered aircraft on the FAA website. It would appear that the proposer of this change to the MOA has not considered the affects to safety of those who regularly use this airspace. This is an indication of how serious the Guard is or has considered the impact to the local populace and air safety.
- **3. PEOPLE VISIT HERE SEARCHING FOR PEACE AND QUIET!** Imagine the surprise to the hiker walking through the woods or the photographer trying to get closer to an animal for a picture or the fisherman fishing for native trout. BOOM!! Through they come with deafening sounds. I can tell you from experience that once there is a loud noise, the trout cease biting for 30 minutes or so. Turkey flocks will bust up and scatter, making the young succeptable to predators. As a pilot, I do not fly low because of the impact on wildlife. The only exception is to chase bears from the corn fields of local farmers at their request.
- **4. THE NEGATIVE FINANCIAL IMPACT ON TOURISM will be significant.** This geographical area relies on tourism and jobs from tourism. If low level training is important, try it over the suburbs of Baltimore or over the rural areas of Gettysburg and see how well it is received. Just because we are sparsely populated does not mean that we do not expect a quality of life as well.

- **5. IMPACT ON THE AGRICULTURE WILL BE NEGATIVE.** Most who fly have at one time or another (if they are truthful) flown low over rural areas. In doing so, they should have observed the impact on farm animals and wildlife in that they often run and or scatter. Milk cows become restless, causing less milk production. Scattering of farm animals and wildlife cause weight loss. That can be significant as they try to gain weight for our harsh winters.
- **6. SAFETY OF THE MILITARY AIRCRAFT IS AT RISK HERE.** I recently purchased a PA-18 project for restoration. It has bullet holes in it from flying too low. It came from New Jersey so perhaps that is the reason.

In conclusion, I ask that you abandon this project and find alternate methods of training for low level combat missions.

Just a short sidebar; I have personally observed C130's (or similar size planes) fly below the ridges following Rt 6 where I live. Friends living in Emporium have looked out of their house, situated on top of a ridge, and looked down into the cockpit of a C130. Complaints have gone unanswered.

Respectfully submitted,

Michael Knefley

cc: Martin Causer

Clint Owlett

Tioga/Potter Tourism

Congressman Glenn Thompson

Congressman Fred Keller

Sen Pat Toomey

Sen Joe Scarnati

DCNR, Forestry

DCNR, Parks

From: Wayne W. Kober

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Mark Ott

Subject: [Non-DoD Source] Proposed Air National Guard Duke Low MOA Draft FONSI-My Comments

Date: Monday, December 6, 2021 6:21:09 PM

Dear Mr. Ortiz: I have reviewed the subject Draft FONSI and offer the following comments:

1. I completely agree and support the "DCNR Comments on Duke MOA" of October 1, 2021 in Cindy Adams Dunn's (Secretary of DCNR) to you on October 1, 2021.

- 2. I find that the "Noise Section" in the Draft FONSI is seriously flawed because it does not adequately and properly address the noise impacts to humans of low-level flying military aircraft on the DNCR State Forest and State Park Lands and other natural areas in Elk, Cameron, Clinton, McKean, Potter, and Tioga Counties and noise mitigation for the following reasons:
 - 1. <u>Inappropriate Noise Analysis Methodology, Criteria, and Conclusion:</u> The noise analysis methodology does not take into account the real noise impacts to humans using the subject DCNR and other natural lands in the proposed Duke Low MOA. Low-level flying jet aircraft impacts on humans cannot be measured in decibels.

Based on my personal experiences with low-level flying military jet aircraft with the disruption of my hiking, hunting, and fishing experiences in State Game Lands 210 and 211(Saint Anthony's Wilderness) adjacent to Indiantown Gap Military Base, I believe that the noise impacts must be measured non-numerically using a criteria which describe the actual impact on humans. When a low-level flying military aircraft flies over me, I have to completely stop what I am doing such as: listening to and identifying songbirds(mostly warblers), hunting gamebirds(wild turkeys, woodcock and ruffed grouse); calling turkeys and deer; enjoying the silence and serenity; and holding a conversation with other humans.

I disagree with the conclusion that the "Cumulative effects on the noise environment beneath the proposed Duke Low MOA would less than significant when compared to existing conditions. I recently spent over two weeks hiking, fly fishing, and hiking in the Susquehannock State Forest and its Hammersley Wild Area and Dutlinger Natural Area and covering square miles. I found these areas to be even more quiet and serene than State Game Lands 210 and 211.

I request that the noise analysis be redone to adequately assess and describe the noise impacts of the proposed action.

2. <u>Absence of Noise Mitigation Measures:</u> The Draft FONSI does not address mitigation for the noise impacts to humans in the natural areas other than operation measures which will incompletely reduce the noise impacts. Even though the Draft FONSI concludes that the noise effects will be "less than significant", serious consideration must be given to adding noise mitigation measures to the proposed action. There are

noise mitigation measures other than operational measures which should be considered such as: 1) funding of stream and trail access improvements; 2) trail mapping, marking, and signing; 3) trail maintenance(brush and deadfall removal); and 4) development and distribution of public information campaigns and materials. These types of mitigation measures will directly benefit the natural area users who will experience the noise impacts.

As an avid natural area user, senior transportation environmental management professional, and concerned Commonwealth and U.S. citizen, I respectfully share my comments on the proposed action and request a written response to my comments in both the comments and response section of the FONSI and a separate letter or email addressed to Wayne W. Kober at
If you have any questions feel free to call me at my cell phone number:
Thank you for the opportunity to review and comment on this proposed action and its Draft FONSI.
Please acknowledge the receipt of my comments. Wayne
Wayne W. Kober

From: Jeff Kochel

Sent: Wednesday, December 15, 2021 2:38 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] PA Wilds Low Fly Aircraft Training Proposal

Major Jeffrey Andrieu,

This is regarding the Air National Guard proposal for a low fly training area over the PA Wilds portion of PA. We support the military and I remember when low flying training missions were being carried out over this area. If I was on top of one of the hills I could actually look over and see the pilot. These flights were occasional and not intrusive. However, the current proposal would permit 170 flights a year. This seems excessive and would negatively impact the area and its citizens and tourist industry. I do not know the impact it would have on wildlife.

I believe the Air National Guard should be required to conduct an Environmental Impact Statement, determine the economic impact and conduct public hearings in the area affected prior to making any decision on this proposal.

Regards,

Jeffrey Kochel

From: Georgann Kovacovsky

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] PA wilds

Date: Monday, December 20, 2021 5:34:22 AM

Please do not disturb PaWilds with aircraft invasion from the military. Georgann Kovacovsky

Sent from Yahoo Mail for iPad

From:
To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke MOA
Date: Friday, December 31, 2021 3:01:40 PM

To whom it does concern,

My name is Daniel Kyle. I am an educator, hiker, backpacker, camper, fisherman, and hunter. I have spent 30+ years in the PA Wilds, owning a cabin near Betula, PA.

It is my hope that you will consider having a face-to-face meeting with the general public about your proposal to lower the flight ceiling of training jets from 8000' AGL to just 100' AGL.

My concerns are namely:

- 1. The impact on the economy of the PA Wilds region. The \$2 billion per year industry will take a hit if jets scream over the clear skies at Cherry Springs.
- 2. The migratory elk herds. These majestic animals, which bring a substantial amount of tourists in each year, are famously skittish. I fear jets just 100' AGL would work to their detriment.
- 3. Veterans. I know many, many active combat veterans who moved to north-central Pennsylvania for the sole reason that they could have peace, quiet, and freedom from the noises of war machines. Many express concerns about PTSD and related ailments.
- 4. The ongoing threat to our open, clear skies. I wish to raise my children in the bucolic environment of the PA Wilds. How can we hope to maintain this quiet, peaceful environment and atmosphere when the Air National Guard wants to rampage through the skies for half of the calendar year?
- 5. Why does the MARYLAND Air National Guard need to practice these maneuvers over PENNSYLVANIA air space? Stick to your own state, or go out over the vast ocean if you need to. When did it become acceptable to barge into our affairs?

I hope this email is read, and read with sincerity. I am a supporter of our nation's military, but this new proposal is simply unacceptable. I'm not sure you're even aware of the harm you will undoubtedly will contribute to the very gem of our commonwealth. I would relish the opportunity to tell you exactly what these harms are.

Please consider holding a public meeting on this issue. Otherwise, scrap the whole plan.

Respectfully, Daniel Kyle

Sent from my iPhone

From: grassrunways

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4

Cc: grassrunways

Subject: [Non-DoD Source] Duke Low MOA Comments for Air National Guard Readiness Center

Date: Thursday, December 16, 2021 10:19:21 AM
Attachments: Duke-Low-MOA-Letter-Comments-12-16-2021.pdf

Dear Major Andrieu and Ms. Kucharek,

Please find the attached PDF with comments on the Draft EA and FONSI regarding the Duke Low MOA.

This letter is in response to the request for public comment on the draft Environmental Assessment (EA) and

Draft Finding of No Significant Impact (FONSI) for the Duke Low Military Operating Area (MOA).

The PDF letter is entitled: Duke-Low-MOA-Letter-Comments-12-16-2021.pdf

Sincerely,

Aron Lantz

Major Jeffrey Andrieu Airspace NEPA Program Manager, Air National Guard Readiness Center and Kristi Kucharek, GS-13

3501 Fletchet Avenue, Joint Base Andrews, MD 20762

Dear Major Andrieu, and Ms. Kucharek,

This letter is in response to the request for public comment on the draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the Duke Low Military Operating Area (MOA).

I respectfully disagree with the EA and FONSI that this new airspace created at the existing Duke MOA would have no significant impacts. It does not appear that enough due diligence was performed, nor enough public outreach to potential stakeholders and to engage the stakeholders within or near the Duke MOA. A bulletin to four (4) public libraries, and notice in four (4) newspapers was not enough public outreach. On something this controversial, public meetings should have definitely been held during the process of developing the Draft EA. I've tried to look at this objectively with the different viewpoints based on my own experiences and interests, and even being an aviation enthusiast I just cannot see this project being good for the stakeholders in and around the existing Duke MOA and for people well outside who travel to the area for tourism; then there are the environmental concerns. While I understand training is needed there are alternative locations available.

Would the ANG actually proceed with this project of creating new airspace and vastly increased air traffic even though there are considerable concerns and opposition to it right now? There is opposition now amongst the parties who have learned of the project. There are so many people that do not yet know about this proposed MOA change so they have not been able to offer comments in the process. A full Environmental Impact Statement needs to be completed and the comments in opposition to the project need to be included and addressed in the EIS. This project which really is the creation of new airspace from 100ft to 7999ft should not move forward until a full Environmental Impact Statement process is completed.

The proposed changes to the Duke MOA allowing training to increase to an every other day on average frequency and the number of aircraft is a serious increase in air traffic. The proposed change to allow low level flight of 100 ft above ground with this increase in training activity in the MOA has serious ramifications for many, many stakeholders, some of which have not even been identified yet through a discovery process such as a full Environmental Impact Statement study process.

It would be a good course of action to see the opposition now entered in the comments phase and end the process, and pursue the No Action alternative concluding this study area. Continuing on will cost more taxpayer money and wasted time. Based on some of the comments from some stakeholders already in the Volume II Appendix of the Draft EA, really a full Environmental Impact Statement study process needs to be conducted which will be costly and time consuming.

Instead of creating new airspace at the Duke MOA, have other training locations been identified and studied as alternatives? Surely the other branches of the military are training already so why could not those sites be used rather than increase the activity in the Duke MOA? There are alternative locations available.

In reviewing the Draft EA there were statements in there saying that there would be no affect to areas outside the MOA which is not accurate. In fact making such statements calls into question the authenticity of many other things that are presented in the EA.

Troubling is that some users of the airspace may not have been identified as stakeholders and thus have not been reached out to and informed so they could understand the extent of the changes and have the ability to comment. In looking at an aviation sectional chart such as shown on www.skyvector.com there are general aviation airports within the existing Duke MOA. It is unclear whether each of these airports was contacted directly in the preparation of the Draft EA. In addition there is potentially free flight activity such as hang gliding and paragliding within the Duke MOA. For years there has been widely known hang gliding and paragliding activity just outside of the Duke MOA at Hyner View State Park. In addition it is possible for advanced paraglider and hang glider pilots to fly cross country routes from one destination to another on thermal lift days. Even if the MOA stays at is it with no low jet flying, the FAA should have the hang gliding and paragliding added to the sectional charts for improved air traffic safety at the Hyner area.

For the joint users of the airspace ranging from the general aviation to hang gliding and paragliding, there are major safety issues and risks associated with having ramped up jet training activity at low altitude within the MOA. Currently the MOA floor is 8000ft, so general aviation flights below that elevation does not create such a conflict. With the low altitude jet flights as proposed now we have a major safety issue with much more risk of catastrophic crashes precipitating a real disaster. The speed differential of a small general aviation plane compared to a jet is so extreme that avoidance of the other craft on a collision course may not be possible in the split seconds of decision time. With free flight activity such as hang gliding and paragliding it could be an even worse scenario if a jet at low altitude flies through an area where there is hang gliding or paragliding taking place. With airplane crashes there could be catastrophic loss of life, destruction of property, and obliteration /death of anyone nearby such a crash site, and possible forest fire ignition. When you hear the roar of the A-10 Warthog or an even faster jet it is practically too late to avoid it (or its air turbulence) with a small plane, hang glider or paraglider if you happened to be in its flight path.

There are unforeseen risks that have not been identified; more could be uncovered with a proper due diligence process. For example how is the training program air traffic getting to and from the MOA area being policed? Are the travel routes to be identified on mapping? Should the travel routes be part of any study for the added risks they may cause to stakeholders?

For example: This is a fact - in 2021 two military aircraft (A-10s) were flying very low, and very fast, and close to the trees atop Hyner View State Park when there was hang gliding activity just about to begin that day. The planes banked steeply buzzing the overlook. There were many people out enjoying the park, and more spectators there waiting to see the hang gliding activity. Had there been any unforeseen accident many people at Hyner View State Park could have been wounded or killed. As it turns out those military aircraft should not have been where they were that day officially, but that doesn't change the fact that they were there and gave the people a scare at Hyner. Just the air turbulence from low level jet's flight path could crash other aircraft flying through its wake, even more so with lighter aircraft such as ultralight aircraft, hang gliders and paragliders. The FAA should update the sectional chart to show hang gliding activity as well. A full Environmental Impact Statement study process needs to be conducted to address the stakeholders and a host of other concerns about the safety of Pennsylvanians and visitors within and around the existing Duke MOA.

In the incident in 2021 where two military aircraft (A-10s) were flying very fast, and very low and close to the trees atop Hyner View State Park, — was there disciplinary action taken related to that? Was the FAA notified of this issue? What will be done to police the new airspace boundaries and travel routes if the project were to move forward? Suppose the boundaries and the altitudes mentioned in the Draft EA were not adhered to, as is sometimes the case, what are the ANG and the FAA plans to prevent a reoccurrence? Who is the contact in that scenario?

What seems to be missing from the Draft EA is public outreach in the form of public meetings and the full identification of stakeholders and proof of actual engagement with the general public as stakeholders.

Has there been extensive outreach to the following?: the general public, local government, borough, city, municipality, county government, township, public service organizations such as fire departments, emergency medical services, hospitals, schools, churches, nature groups, conservation groups, trail/hiking groups, hunting and fishing clubs, campgrounds, businesses, aviation entities and airports, property owners, home owners, and entities such as mortgage lenders are stakeholders too since the proposed changes could affect land use and property asset values going forward. It would seem that all of these and potentially more should have been contacted for input into the Draft EA development process and given ability to comment on the proposed changes to the MOA.

In reviewing the EA, it did appear that some stakeholders were mentioned, however it does not state what was done to put this new Low MOA airspace before those stakeholders and engage them to offer comment during the pulling together of the Draft EA document. It appears that a bare minimum of public outreach was performed to slip the new airspace of the Duke Low MOA in as proposed changes to an existing MOA and move it through the process without much public input or time to raise objections.

In addition, threatened and endangered species are mentioned in the Draft EA, however these have not been adequately studied by field work to know exactly where they are in the MOA and nor have solid plans been created to protect them.

Where else in the state of Pennsylvania or any another state is there an MOA that would have a similar military flight training activity level (intensity of operations) at low altitude that could be used as a point of understanding or comparison? Providing a study and data on such a real location would be helpful and findings there should be an essential part of an Environmental Impact Study for this Duke MOA. Data such as noise levels, pollution, affects on air quality, water quality, wildlife, livestock, wellness of people living in an active low altitude training MOA should be presented and evaluated in an EIS process.

People travel to rural PA to relax and enjoy the outdoors and while here, they visit small businesses. The PA State Park System/DCNR provides part of the infrastructure that supports local economies. The proposed MOA changes will damage the PA State Park System and impact local economies. It is practically guaranteed that social media and online reviews of State Parks and natural areas, and businesses will receive negative reviews due to the military jet low altitude training, which would then change future decision making for people looking to visit this region.

Please listen to the people and the leaders in our region and do not proceed with the Duke Low MOA.

Respectfully submitted,

Aron Lantz

Aron Lardy

Concerned Citizen, Outdoor Recreation Enthusiast, Hyner Hang Gliding Club Member, General Aviation Pilot, Engineer, MBA

From: Holly

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] PA airspace

Date: Thursday, December 2, 2021 3:22:46 PM

As a Pennsylvanian resident, I oppose this proposal to use our quiet woods for a low level air training area. Who in their right mind would think this wouldn't disrupt rural residents, tourism, hunters/fishermen/hikers, and wildlife? This idea is so convoluted that the mind behind it should be analyzed for deficiencies. We are already dealing with the after effects of mine contamination in our waterways, fracking poisoning our wells and air and now you want to shake our windows and raise our blood pressure when we hear training flights scream through our woods. For the love of God just stop destroying our state.

Holly Latterman

From: <u>Wayne Laubscher</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] L3 Warthogs in PA Wilds
Date: Friday, December 31, 2021 3:41:15 PM

I am adamantly against using the PA Wilds as locations for low level A-10 training by the Maryland National Guard. This activity would disrupt and spoil the nature-based tourism of these areas.

An Environmental Impact Study (EIS) MUST be performed.

After the EIS, public meetings MUST be held in the affected ted counties-Cameron, Clinton, Elk, McKean and Potter.

The National Guard's rushed statement of Finding Of No Significant Impact is bogus and full of holes and misinformation. An EIS must be conducted.

There are several recorded instances of dangerous accidents and near accidents involving very bad judgement on the part of New York National Guard A-10 pilots. The National Guard must consider safe and reasonable alternatives.

Wayne Laubscher Lock Haven, PA Clinton Co. From: MAL

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] Stop L22 Warthog Flights over PA WILDS

Date: Saturday, November 20, 2021 7:24:57 AM

The National Guard must clearly justify all Federal actions which affect the quality of our environment and is required to prepare a detailed Environmental Impact Statement. It must be complete, comprehensive and published for all those affected to view and include any adverse effects and alternatives to the proposed action. The Guard must clearly justify all Federal actions which affect the quality of our environment.

The very premature statement of Finding Of No Significant Impact demonstrates bad faith. The National Guard must conduct a full Environmental Impact Study and host public meetings in each of the impacted counties (Cameron, Clinton, Elk, McKean and Potter). A simple, safe and reasonable alternative is to set up courses for training at their airports with aircraft race pylons to safely practice maneuvers. Previous training flights in Pennsylvania were at tree-top level and had resulted in extremely dangerous situations. Where a power line crosses the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County, an A-10 was flying low above the river and the tail sections of the aircraft severed a power line which crossed the river. The high voltage power line whipped across Pa Route 120.

While BOF crews were planting tree seedlings by using mechanized tree planters pulled by small dozers, National Guard Warthogs would practice strafing by using the active tree planter as targets. This was totally unsafe and frightening.

The Maryland Air National Guard must extend the December 15th deadline to accommodate the Public Meetings and ensure that participants have ample opportunity to respond to what they hear during the presentations.

Sincerely,	
Mary Ann Leitch	

From: Anna K Lemnitzer

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Concerned: Duke MOA Low Project

Date: Tuesday, December 14, 2021 7:36:00 PM

Good Evening And To Whom It May Concern,

I am writing in response to reading your post of the potential training in the skies in NW PA and SW NY. Particularly, I am concerned with the Duke MOA low project https://www.175wg.ang.af.mil/Duke-MOA-Low/

It is understandable that our military needs to train. However, this area is incredibly special to the indigenous peoples, beloved to the hardworking American people, and home to incredible wild life, including many American Bald Eagles.

Training and allowing aircraft to come within 100 feet of these beloved areas and without limitations is not supported by me.

I have massive respect for our military and honor them for all they do. However, I ask, as someone who dearly loves this area, the tough gem of NW PA, and our country, please do not take advantage of this incredible area.

The best of energy to you,

Anna Lemnitzer

From: Susan Lerch

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Modification of Duke Military Operations Area

Date: Friday, December 10, 2021 7:17:13 AM

I fully support the proposed modifications and our U.S. military of all branches. Our family truly enjoys our rural life but we love our country more! I do not feel these changes will affect our lives on a daily basis but only make our military stronger in the future. Practice makes perfect!

With gratitude and appreciation to all our military men and women for their services. God bless you all. God bless America

Susan Lerch

From: <u>Dave Leske</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke Low MOA
Date: Monday, December 20, 2021 9:15:59 AM

Dear Sir or Madam,

I have reviewed the draft Environmental Impact report for the modification of the Duke MOA and find that the proposed modification is completely unacceptable as it will have a detrimental impact on the residents of the area. This is based solely on the following statement on page 3-35:

"Every four days on average an individual on the ground may experience an individual aircraft overflight that would interfere with speech on the ground for approximately 22 seconds."

This is an absolutely unacceptable level of disturbance. Any reasonable person would not work in an office if they knew that once a week there would be a noise that interfered with speech. How is it somehow acceptable to impose this kind of disturbance on an entire region? Most people live or vacation in the region for the peace and quiet. This change will have drastic effects on the region.

Furthermore, I find that the report is woefully inadequate in addressing the real world impacts of the proposed modification. Deficiencies include the following -

There is no scientific analysis of the impact of the increased noise on any of the wildlife which inhabit the area. Given that Pennsylvania's Elk Management area is beneath almost all of the Duke Low MOA further analysis is absolutely necessary to insure that the activities will not negatively impact the Elk and the vital tourism industry they have created.

There is only a passing reference to the impact on hunting and it wrongly assumes that most hunting takes place on weekends. This is completely inaccurate as the region sees an influx of out of area hunters who spend the entire week hunting. Further, the report claims that wildlife is more active during early morning and late evening yet cites no study or evidence to support this statement. And while hunters may go out first thing in the morning, they hunt ALL DAY LONG not just during perceived 'high activity' periods. The reality is that the weather has more to do with when people hunt than the day of the week.

There is only passing discussion of potential bird strikes during migration seasons. The current MOA operates above 8,000 feet which is above migration routes. The proposed change places aircraft in known migration altitudes. Much further analysis is needed to determine the projected increase in bird strikes. Simply believing that pilots will adhere to an 'avoid when practical' criteria to avoid

bird strikes is naive and unrealistic.

The studies related to the affects of noise on wildlife used in the report are often 30 to 40 years old and are out of date given how much must have been learned in the decades since. Current studies should be used and if there are none available, then they should be commissioned. The report outright states that "little information is available on indirect or long-term effects on the vigor or survivability of wildlife populations due to overflight noise compared to other environmental factors" (pg 3-48). Prior to subjecting the region's wildlife to these disturbances further study is needed.

There does not appear to be any discussion of the impact of a crash within the MOA. Our region is served by volunteer fire companies who have been facing declining membership for over a decade. It is not uncommon for fire companies from other communities to respond to assist due to a lack of local resources. Last year a relatively minor brush fire started by someone burning yard waste required assistance to come in from 30 miles away. A fire fueled by thousands of gallons of aviation fuel could result in a massive forest fire and given there is limited access to much of our region it could take days to extinguish and do untold harm.

In conclusion, the report proves that the proposed change will have a tremendous negative impact on area residents and wildlife by subjecting them to a noise disruption at least once a week. Further the report has done little to investigate the actual impact on the abundant wildlife in the region and instead relies on outdated studies and admits that there is little information available.

The Maryland Air National Guard should abandon this proposal and instead focus its efforts on gaining access to other existing sites. While the Navy has been limiting access to R-4006, perhaps higher powers need to intervene to restore access. The report gives no reason why R-5802 can not be used as an alternative other than to say other services use it, which would appear to be nothing more than a scheduling problem.

Thank you for your time and consideration,

Dave Leske

Elk County, PA

From: <u>Greg Levengood</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Commentary on Low MOA Training Proposal

Date: Tuesday, December 14, 2021 4:26:59 PM

I have been actively involved with sportsmen's issues for more than 25 years, trying my best to preserve the quality of our outdoor sports for myself and fellow sportsmen. It seems like the war never ends.....the most recent battle being waged against the National Guard and its desire to designate northcentral PA as a Low MOA for training A-10 Warthog fighters. I am horrified to think of the environmental damage that will be inflicted on the Pennsylvania Wilds if the National Guard gets its way. It's bad enough that we need to endure the army of weekend warriors with their obnoxiously loud 4-wheelers cruising our township roads; the thought of these high-powered jet fighters violating the peace and tranquility that draws people to the hills and valleys of north central Pennsylvania is unfathomable.

While there isn't a more patriotic man than me, I cannot support this proposal by our military to use this pristine area as a place to practice. It's an infringement on the rights of the people who live and play there under Article I, Section 27 of the Pennsylvania Constitution:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

From a constitutional perspective, it seems that this proposal should be stopped in its tracks right there. Thank you.

Respectfully submitted,
Greg Levengood
Boyertown, PA

From: <u>Jon Levin</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] A-10 Warthog Flights
Date: Saturday, November 20, 2021 2:35:44 PM

Prior to any final decisions on these extremely low-level training flights over PA WILDS, the **Maryland** Air National Guard must hold Public Meetings in the counties which will be affected by the flights. These meetings must be held at times and places which encourage wide participation. Meeting must be well-advertised, including efforts to include the Plain Sect communites residing within this region.

By law, all Federal agencies must protect the environment by carefully weighing environmental considerations and considering potential alternatives to the proposed action before launching any major federal action.

The National Guard is required to prepare a detailed Environmental Impact Statement (EIS). It must be complete, comprehensive and must be published for all those affected may view it.

The EIS must include any adverse effects <u>and alternatives</u> to the proposed action. In short, the National Guard must clearly justify all Federal actions which affect the quality of our environment

The National Guard's very premature statement of FONSI (Finding Of No Significant Impact). Demonstrates bad faith. The National Guard must conduct a full Environmental Impact Study and then **host public meetings** in each of the impacted counties (Cameron, Clinton, Elk, McKean and Potter).

The National Guard has not considered a simple, safe and reasonable alternative: Set up courses for training at their airports with Red Bull aircraft race pylons to safely practice maneuvers.

Previous training flights by the **NY** National Guard in Pennsylvania were at tree-top level and had resulted in extremely dangerous situations.

DCNR reports detailed several incidents during previous A-10 (Warthog) flights by the NY National Guard which raised serious safety concerns during training flights over the PA Wilds area.

[] While using an air tanker on a wildfire, our plane was flying in a generally easterly	/
direction from the Moshannon Air tanker base, approaching the side hill fire header.	
Airspace was closed to all other traffic, but a Warthog was flying low just above the we	est
branch of Susquehanna River. The air tanker was diverted just in time to avoid a disast	rous
mid air collision. The Air operations manager for Bureau of Forestry made an official	
complaint.	

[] Where a power line crosses the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County, an A-10 was flying low above the river

and the tail sections of the aircraft severed a power line which crossed the river. The high voltage power line whipped across Pa Route 120.
[] While BOF crews were planting tree seedlings by using mechanized tree planters pulled by small dozers, National Guard Warthogs would practice strafing by using the active tree planter as targets. This was totally unsafe and frightening.
The Maryland Air National Guard must extend the December 15th deadline to accommodate the Public Meetings and ensure that participants have ample opportunity to respond to what they hear during the presentations.
Thanks,
Jon Levin Sent from my iPad

From: <u>alexis lieberman</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Against low fly
Date: Thursday, December 9, 2021 4:02:02 AM

The wildlife was here first. We disturb the whales in the ocean and the moose on the ground. We have no ability to coexist with all the creatures. Please do not conduct these low fly training exercises. Please have some humility and try to live with others.

Alexis Lieberman

From: <u>Donna</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] training

Date: Sunday, December 5, 2021 7:28:18 AM

I get that there is training that is required but really, does it have to be over PA land. Especially the PA Wilds area where people go to get away from noise and pollution, to see the animals in their habitat, enjoy all the beauty the outdoors provide.

Is there not some flight simulator one could practice on? What is the real purpose of all this training?

Why can't all this training be done in your state?

I see no real value in coming to our counties and making a big mess. Especially when there has been so much money put into that area to PRESERVE the WIDERNESS!

PLEASE DO NOT RUIN WHAT SO MANY PA RESIDENTS ENJOY!

Sincerely,

donna Logan

From: Bruce Loigman

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Low Level Aircraft Training
Date: Thursday, December 9, 2021 2:56:19 AM

December 9, 2021

To Whom It May Concern,

What happens if live fire exercises cause a fire in the Pennsylvania Wilds? What are the realistic plans for that worst case scenario. I doubt the mostly volunteer fire departments through out the counties directly effected would be able to handle the situation. No disrespect intended for the job they do.

I reference a New Jersey Pine Barrens fire sometime ago where an Air National Guard unit caused a substantial fire and the terrain is nothing like the rugged areas of the PA Wilds. Or worse, what if one of the many natural gas pipe lines is struck? The devastation to the area would be catastrophic.

Now to address the concept of a wild / wilderness area. The quite and solitude these areas are set aside for would be lost. The stress on the wildlife populations. If we keep widling away what a wild area is set aside for... There are no other places left that can replace or have a wilderness experience like the PA Wilds. What we do have set aside should be protected without question.

Sincerely,
Bruce Loigman

Philadelphia, PA.

From: <u>Tom Lyman</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] low level flight training over potter county pa

Date: Sunday, November 14, 2021 5:47:10 AM

The residents of Potter county live here to avoid the noise and to enjoy peace and quiet. We give up the opportunity to earn more money and access to many services available to the urban population.

Simply because we are few in number doesn't mean we should give up our rights to the pursuit of happiness of peace and quiet. Many come to live here because of PTSD. Low flying very noisy aircraft will have a very detrimental effect on their health.

Flight simulators should be sufficient training.

Thomas Lyman

From: ML Lynch

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Duke Military Operating Area (MOA) modification

Date: Monday, December 6, 2021 10:21:52 AM

I am writing as a concerned citizen of PA regarding your MOA modification. I understand that you need to do low level flying training but does it have to drop from the current 8000 ft. to 100 ft. above ground level??

I find it hard to believe that your Draft Environmental Assessment found "no significant impact on the welfare of the region."

The modification will affect the peaceful environment necessary for hunting, fishing, hiking, etc. that support the local economies of the area. It will also inpact the Amish communities that use easily startled horses for their farming and personal transportation.

A more robust Environmental Impact Study should be completed along with public meetings in the PA counties that this modification will affect. Input from a more complete study along with the local community should be considered when making your final determination.

Thank you for you consideration.

Mary Lynn Lynch

From: Leo Macdonald

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Subject:

[Non-DoD Source] Stop low flights over Public/nature lands

Date: Sunday, November 21, 2021 4:26:52 AM

Dear Maryland national guard,

Please do not fly low with any military aircraft, except over military areas. There are large tracts of military owned land (such as Aberdeen proving ground, bloodsworth islands, tobyhannah army Depot and others) in which you would be working within your military airspace to strafe the ground.

But in the wild lands of pa, you after causing emotional and physical and environmental damages to our state lands and our wildlife, and our citizens.

Please stop and conduct an environmental review. Please fly at a normal air flight height except over military areas to fly low.

Sincerely,

Leo Macdonald, resident of pa and user of many parks.

From: Terr

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Protect wildlife
School of the Name of the Source of th

Date: Saturday, November 20, 2021 12:35:23 PM

Thank you for accepting my comments. I earnestly hope you really consider them!

For life to continue, wildlife must continue. Overhead planes hardly qualify. Especially if they are involved in military exercises are they more than unwelcome.

I ask that you become supporters of the precious gift of life on this planet and let the wild areas remain wild.

Thank you.





From: <u>barbara madden</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: <u>Gus Ciardullo</u>

Subject: [URL Verdict: Neutral][Non-DoD Source] Pennsylvania Wilds & Maryland Air National Guard

Date: Thursday, December 23, 2021 8:42:34 AM

Dear Ms. Kristi Kucharek,

Please accept these comments, and I ask that you review my concerns about the proposed use of low-level airspace in north-central Pennsylvania as a training space by the Maryland Air National Guard. My email message is written not only as a US citizen/PA taxpayer and Wellsboro/Tioga County homeowner, but also as a 35+ year clinical and rehabilitative audiologist in the state of Pennsylvania.

One of my esteemed colleagues, Nina Kraus, Ph.D., who has been a research audiologist for more than 30 years, recently published an article in Hearing Health/Fall 2021, a publication of the Hearing Healthcare Foundation, in which she describes the dangers of not only loud noise, but also the negative effects of constant environmental sounds and distractions on the brain and body. I have attached the link to the article (pages 10-13) below.

https://view.publitas.com/p222-4764/hearing-health-fall-2021-issue/page/10-11

My husband, Gus Ciardullo, and I purchased our home in Wellsboro, PA in 1990 in search of a peaceful, beautiful and rural place to get away from the hustle and bustle of the Philadelphia suburbs. We have cherished the Pennsylvania state forests and innumerable hiking paths, the rail-to-trail for biking and walking, and the frequent sightings of wildlife on every outing.

Please reconsider the decision to utilize the Wilds of Pennsylvania for this training area, and allow the public to express their concerns and fears in an Environmental Impact Study. As someone who will be significantly impacted by this decision, as well as my neighbors, our community and the animals and birds that cannot express their dismay, please consider and reflect on our concerns. My sincere thanks...Barbara J. Madden

Barbara J. Madden, Au.D., ABAC Doctor of Audiology, Board Certified ----Original Message

From: Dean Marshall

Sent: Monday, November 22, 2021 2:24 PM

To: NGB A4/A4A NEPA COMMENTS Org < NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] Duke MOA

Sirs:

The proposed use of the Duke MOA in the Pennsylvania Wilds for extremely low altitude A-10 Training Flights is a flawed Proposal on several aspects.

The findings of "Insignificant" Impacts in the Draft Environmental Assessment, (provided by the 175th Wing of the Air National Guard), is obviously compiled by Military Staff who likely have never been to the Pa Wilds!

Over-flying the MOA, or merely scanning a Topographic Map is no substitute for Living in or Visiting this nearly pristine treasure.

Hiking, Camping, Fishing, Hunting, Bird and Elk Watching, Swimming and Boating are just some of the activities enjoyed by residents and thousands of tourists every year. Not a single one of these peaceful and pleasant activities will Not be adversely affected by such air maneuvers by Jet Aircraft!

Additionally, civilian aircraft that routinely fly in and near the Duke MOA, and more so, the Migrating and Nesting of Multiple species of Birds, will surely be Impacted Significantly by Low Level Exercises whether constant or intermittent.

Elk and Deer and Bear are condensed into this habitat and feed, breed, and survive in spite of the surrounding encroachments from development at the fringes of this sanctuary. To infer that these Treetop Level flights have no "Significant Impact" is an insult to the intelligence of all Pennsylvanians! This proposal intentionally minimizes the Actual Permanent Adverse effects and exaggerates the "need" to use this particular airspace for these noisy and polluting planes.

Please devise an alternative method to train these pilots and crews. We already have too many threats to our last Wild areas from Fracking, Pipeline and Infrastructure Projects, and the Climate Deterioration they bring. We say, "Enough is enough"!!

Dean H Marshall

From: Dean Marshall

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Karen Elias

Subject: [Non-DoD Source] Duke MOA A-10 Low Altitude
Date: Saturday, December 4, 2021 12:20:15 PM

Sirs,

I recently moved to Clinton Co from the Fishing Creek area of Columbia Co., a few miles from Red Rock Mountain.

On several occasions, (a few years ago), the peace and tranquility of my home was disturbed by Low Level Flyovers of A-10 Warthog Aircraft. Information available at the time was these missions were training for evading RADAR detection from the Red Rock CAP Installation at the former USAF Base.

These incidents were truly shocking at first and later, profoundly annoying! I

Disagree with your Draft EA and find it unbelievable that it contains terms such as "no significant impacts"! The neighboring Cattle and Local Wildlife were visibly disturbed by every flight. The Pets for Vets Kennel erupted with Barking from the rescues and Nesting Eagles and Osprey were routed from their Fishing Perches.

Now you want us to think

there won't be similar or even greater "Impacts", by 100' AGL missions over even more pristine areas with PROTECTED Birds of Prey, Deer, Elk, and Pa Black Bear, not to mention residents and thousands of tourists using a dozen state parks, forests and waterways for Recreation and enjoyment of the natural beauty?

Public meetings must be held or this plan must be abandoned immediately.

Dean H Marshall

Sent from my iPhone

From: Matt Marusiak

Sent: Wednesday, April 28, 2021 15:42

To: MAYOR, CHRISTOPHER J Lt Col USAF ANG NGB/A7AR

Subject: [Non-DoD Source] IICEP Environmental Assessment (EA) for the proposed Modification of Duke Military Operations Airspace (MOA)

Dear Lt. Col. Mayor:

Please find attached my letter expressing concerns about the IICEP Environmental Assessment (EA) for the proposed Modification of Duke Military Operations Airspace (MOA)

Thank you for the opportunity to comment.

Regards, Matt Marusiak April 28, 2021

Lt Col Christopher Jesus Mayor 3501 Fetchet Avenue Joint Base Andrews, MD 20762-5157

Dear Lt. Col. Mayor:

As a conservation professional and local resident, I am writing to express deep concerns about the Maryland National Guard's plans to establish a Low Military Operations Airspace to fly low-level training flights repeatedly daily over the counties of Elk, Cameron, Clinton, McKean, Potter, and Tioga for the majority of the year. I am very concerned about the human, economic, and environmental impact of this sweeping proposal. An environmental assessment will not adequately consider the impact to residents and property owners in the region. I request that an Environment Impact Statement be completed with ample opportunity for public input from local residents and property owners in the affected area. I also request that a demonstration or simulation of the noise and impact from this use is provided to the public in the affected region prior to approval so that we can better understand how this proposal will impinge on our daily lives.

Although my permanent residence in Elk County does not appear to be affected by this plan, I also have maintained a seasonal residence in Potter County for nearly 30 years. As a result, this proposal will directly affect the use and enjoyment of my property in Potter County. And I am not alone with having a seasonal residence in this region. Over 40% of the housing in Potter County are seasonal residences. These landowners come to the region for its scenic and tranquil qualities, and provide important economic benefits to the region in terms property taxes and spending in local businesses. In addition to these property owners, over 7 million tourists annually come to the region to recreate, generating a \$1.8 billion industry that makes up 11 percent of the region's economy. If the Maryland National Guard's establishes a Low Military Operations Airspace, I fear that the economy and quality of life of the region will suffer.

Not only is a more careful consideration of the human and economic impact is needed, but the impact to natural communities also needs to be considered. The MOA includes heart of the Pennsylvania elk range. Elk were reestablished in this region over 100 years ago and have grown to be one of the largest free-ranging elk herds in the east. The region also contains exceptional habitats and natural heritage areas, and supports many plant and animal species of concern. I request that a careful analysis of the environmental impact of this proposal to important birds and mammals and species of concern is performed to ensure that the intensity of this use is not detrimental to the natural heritage of the area, which, after all, underpins the recreational

economy and quality of life that makes this area such a draw to local residents, seasonal residents, and tourists.

I certainly support our military and their need to train. But I request that a more in-depth analysis of this proposal with more public review and input and a more careful consideration of alternatives are completed before this use in Pennsylvania is approved. And if this proposal is found not to cause excessive human or environmental impact, then why would the Maryland National Guard not perform this training in Maryland?

I look forward to your response on these issues.

Sincerely,

Matthew F. Marusiak

Modest House

Copy:

Senator Robert Casey 817 East Bishop Street, Suite C Bellefonte, PA 16823

Senator Patrick Toomey 17 South Park Row, Suite B120 Erie, PA 16501

Congressman Glenn "GT" Thompson, PA-15 3555 Benner Pike, Suite 101 Bellefonte, PA 16823

Nicole Faraguna, Director of Policy PA Department of Conversation & Natural Resources 400 Market Street Harrisburg, PA 17105

Joseph Daghir, Chair Elk County Commissioners Elk County Courthouse Annex 300 Center Street Ridgway, PA 15853

Nancy Grupp, Chair Potter County Commissioners Gunzburger Building, Suite 203 One North Main Street Coudersport PA 16915 From: Scott Mato

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] no go on low level flights in the PA Wild

Date: Sunday, December 5, 2021 6:12:33 AM

The PA Wilds is a destination for people to connect with nature because there are few people; lots of wildlife; lots of places to engage in outdoor, nature-based activities; and there is a lack of noise and light pollution. The PA WILDS is a \$1.8 billion industry that makes up 11 percent of the region's economy. DCNR, alone, has invested over \$180 million in the region since 2003. Low level military flights disrupt the natural order of things as evidenced by low level flights in the PA Wilds previously conducted by the NY NG.

I support the NG. I was a member of the NG for six years. I do not support low level flying in the PA Wilds. For these reasons, I urge you to find alternative places to practice. There are plenty of remote places in MD for the MD NG to practice low level flights.

Scott Mato

--

Be well. Stay safe. Enjoy life!

From: Mato, Shelly

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Public Comment on Duke MOA **Date:** Tuesday, November 2, 2021 6:08:34 AM

To Whom it May Concern:

I am opposed to the training proposal involving the Maryland National Guard and the Duke MOA in Pennsylvania. I do not believe that any military training or operations should jeopardize our natural environment, the livelihoods of our citizens, nor the land and herd management long-term practices and plans that we, as citizens of Pennsylvania, pay for. It adds insult to injury that an out-of-state entity wishes to jeopardize these in our state.

If the proposed training is to go forward - and I am not convinced that it should at all - I wish to see severe restrictions placed on this use of the Duke MOA. I do not accept the determination that there will be no significant impact. I wish to see all sensitive areas protected with a 1000 foot floor, including state parks, state natural and historic areas, and active agricultural zones with livestock. There should be no training flights on weekends or holidays over any recreational areas, including state forest lands and state parks. And there should be no flights at all during key bird migration times, especially during migration of raptors as they are especially vulnerable populations. Moreover, there should be no flights during key times for elk rutting, etc. to protect these herds that, again, Pennsylvania has been nurturing.

The area known as the Pennsylvania Wilds is one of the commonwealth's most valuable and unique resources. And what makes it so valuable and unique are not the resources beneath or above the ground, but rather its very wildness. This proposal threatens that wild nature by creating noise and air pollution, disturbing the wildlife in this amazing area, and also disturbing the vast numbers of visitors to the region who come to experience nature and all its wonders. Training flights overhead are clearly detrimental to that experience, and in that way threaten Pennsylvanians' livelihoods as well.

Finally, I am incensed by the insouciance of the Maryland National Guard in not responding to the concerns expressed by the Pennsylvania Department of Conservation and Natural Resources in October of 2019. Their latest proposal shows not one change based on DCNR's letter, as if they have the right to do whatever they want in their neighboring states. Shame on you.



From: GM, Comments < ra-comments@pa.gov > Sent: Friday, November 5, 2021 10:11 AM
To: ng.md.mdarng.list.pao@mail.mil

Subject: [Non-DoD Source] FW: A new item is added to DCNR Contact Us Form

Importance: Low

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

From: CE, PowerAutomate <RA-CEPOWERAUTOMATE@pa.gov < Caution-Caution-mailto:RA-

CEPOWERAUTOMATE@pa.gov > >

Sent: Tuesday, November 2, 2021 9:14 AM

To: NR, AskDCNR < <u>ra-askdcnr@pa.gov</u> < <u>Caution-Caution-mailto:ra-askdcnr@pa.gov</u> > >; CE-WebOps < <u>CE-</u>

WebOps@pa.gov < Caution-Caution-mailto:CE-WebOps@pa.gov > >

Subject: A new item is added to DCNR Contact Us Form

Importance: Low

Prefix First Name *	Shelly
MI	
Last Name *	Mato
Mailing Address Line 1	
(Street Address, PO	
Box, Company Name,	
C/O) *	

Mailing Address Line 2	
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Building, Floor, etc.)	
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Alt Phone Number	
Comments *	I am opposed to the training proposal involving the Maryland National Guard and the Duke MOA in Pennsylvania. I do not believe that any military training or operations should jeopardize our natural environment, the livelihoods of our citizens, nor the land and herd management long-term practices and plans that we, as citizens of Pennsylvania, pay for. It adds insult to injury that an out-of-state entity wishes to jeopardize these in our state. If the proposed training is to go forward - and I am not convinced that it should at all - I wish to see severe restrictions placed on this use of the Duke MOA. I do not accept the determination that there will be no significant impact. I wish to see all sensitive areas protected with a 1000 foot floor, including state parks, state natural and historic areas, and active agricultural zones with livestock. There should be no training flights on weekends or holidays over any recreational areas, including state forest lands and state parks. And there should be no flights at all during key bird migration times, especially during migration of raptors as they are especially vulnerable populations. Moreover, there should be no flights during key times for elk rutting, etc. to protect these herds that, again, Pennsylvania has been nurturing. The area known as the Pennsylvania Wilds is one of the commonwealth's most valuable and unique resources. And what makes it so valuable and unique are not the resources beneath or above the ground, but rather its very wildness. This proposal threatens that wild nature by creating noise and air pollution, disturbing the wildlife in this amazing area, and also disturbing the vast numbers of visitors to the region who come to experience nature and all its wonders. Training flights overhead are clearly detrimental to that experience, and in that way threaten Pennsylvanians' livelihoods as well.

 $\label{lem:contact} Dashboard-DCNR\ Contact\ Us < Caution-Caution-https://pacedcitpowerapps.powerappsportals.us/services/Dashboarddcnrcontact/>$

From: Thomas McDonald

Sent: Monday, December 13, 2021 9:50 AM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Comments to Proposed MD-ANG A-10 Flights over Rural Pennsylvania

Major Andrieu,

Attached, please find a copy of initial questions/comments for your consideration and reply, pursuant to the proposed high frequency/low altitude flights of A-10's over Pennsylvania's northern tier.

Thank-you,

Tom McDonald

To: Major Jeffrey Andrieu 13th December, 2021

From: Tom & Maureen McDonald

Re: MD ANG Low Altitude Flights Over Pennsylvania's Northern Tier

Major Andrieu (or current MD ANG representative),

At a foundational level of understanding; let us agree that a general consensus exists among the majority Americans; a well-prepared air defense is an essential component to our nation's military might. It becomes an issue of contention though when we drill down the specific question(s) of where and how will the proposed on-going training of a precision flying program take place.

Property owners in Pennsylvania are unlikely to ever be in favor of high-frequency, low-altitude, loud volume flights. This image becomes particularly offensive when the ongoing sorties of A-10's originates from a neighboring state. It begs the question: Why isn't the Maryland Air National Guard staying in Maryland? Your state is blessed with contoured countryside similar to that of our area of Pennsylvania. The Deep Creek community is one such example. There are many others.

Purchase and ownership of private property, here in Pennsylvania comes with the expectation of control and sovereignty over that holding. The prospect of constant low-altitude flight(s) surely infringes upon those expectations. Rather than trample on the rights of private citizens, why not move your flight path over federally owned property, such as the National Park system? I suspect the response from the Air National Guard would be rhetorical: politicians in D.C.'s would never permit flight plans to pass through the Smokey Mountains or streak by the monuments of the Gettysburg battlefield. If MD-ANG's proposal won't pass muster for the U.S. government, why are you attempting to impose your will on the citizenry of rural Pennsylvania? Two different sets of rules applying to thee versus thy?

A few obvious questions: . . .

- From the standpoint of accountability: How and when will an initial environmental impact study be conducted; who will conduct it, who will interpret the data harvested and how will members from this community be involved in auditing both the committee assigned to perform the study as well as their conclusions?
- In order to establish a data baseline as well as provide continual monitoring of any impact to the environment, studies must be on-going. It is assumed that MD-ANG would shoulder all of these costs.
- Is the state of Pennsylvania receiving any monies from Maryland, MD-ANG or another entity for the use of our low-altitude air space? If so, how much money is involved? How is that money being distributed to the people of rural Pennsylvania counties impacted by the proposed MD-ANG flights?

We look forward to your responses.

Sincerely,

Tom & Maureen McDonald



From: Andrew McElwaine

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Request a full EIS on low flights over PA wilds and wilderness

Date: Wednesday, December 29, 2021 10:12:42 AM

I write as someone who frequently visits the impacted area of Pennsylvania for outdoor activities and historical research. Low flying military training flights over wild lands and near Federally designated wilderness areas would severely diminish the enjoyment of myself and thousands of others who engage in these activities. The result would be economically devastating to a region still recovering from the loss of coal mining and heavy industrial jobs.

The impacted area includes most of Pennsylvania's elk herd, a major source of tourism in our state. Would these flights disperse the herd? With what economic and environmental impacts?

Too little is known about the damage this project will cause to an environmentally sensitive part of the state. I join Secretary Cindy Dunn's call for full EIS and a longer public comment period including an in person meeting held at the affected location.

Thank you for your consideration.

Andrew S McElwaine

From: Bill McGeeney

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Comment opposing PA Wilds low fly zone

Date: Saturday, December 11, 2021 6:04:21 AM

This is a tough one. It literally incorporates all the things I love.

First off, as the son of an Air Force vet, I always loved planes, the Air Force, air shows and everything around jet culture. I also recognize the vital need for a highly skilled and trained military. God knows we live in a wild and crazy world with enemies outside seemingly as many that are inside, looking at our past President turned failed usurper, Trump.

However, we have to draw the line to protect nature as the war we've leveled against the natural space has been so profoundly one sided, with inadequate protections followed by irresponsible developers that we are quickly looking at a world where sea to shining sea is book ending a Jersey City like nightmare of a landmass.

I am firmly against loosening and environmental protections, including providing the right to accelerate noise pollution, by enabling a low fly zone.

Further, this area is critical bird habitat and one of the last remaining large areas on the east coast to provide adequate protections allowing safe bird migration and habitat.

It's time we finally out nature before us. Thank you for taking the time to review my comment. I firmly vote no to the low fly zone.

My best to our service men and women. Stay safe and thank you for all of your service!

Bill

From:

To:

NGB A4/A4A NEPA COMMENTS Org

Subject:

[Non-DoD Source] Low- Fly MOA

Date:

Saturday, November 13, 2021 8:32:06 AM

I live in Allegany, NY not far from the PA border. I have lived near airports during our Navy years, and have many concerns about the proposed Low-Fly zone. My children may be moving to nearby PA, and I do not want any adverse effects on my grandchildren.

I attended an air show in Niagara Falls and was horrified at the noise level, even with hearing protection. Your own website seems very proud of the "Deafening" noise of the planes. I enjoy the peace & quiet here and have no intention of moving. Please address the following concerns:

- 1. A 45 Day comment period is insufficient, particularly since local people knew nothing about this until the 11/1 /21 Olean Times Herald article. The article did not give easy directions to reach the comment site, and I am concerned that many comments will be directed to Mr. Eric Durr in your Public Affairs Office. He was who the OTH directed me to, so I am sure others have been misled.
- 2. What is the effect of repeated acoustic exposure on human hearing? Your own website states these flights, "Have the potential for long-term, minor adverse effects on the noise environment"/ Exactly what do you mean by that? What do you call "Minor"? Our quiet surroundings are why many of us love living here.
- 3. Will there be a publicized schedule of flights so people can plan quiet outings? Residents scheduling outdoor weddings/ events do not want planes intruding. Why are flights on weekends necessary at all? Are Nighttime Operations necessary? Campers will go elsewhere if disturbed, and this will impact many businesses, including Allegany State Park and the Seneca Nation of Indians.
- 4. Most homes in Western NY /PA do not have central Air Conditioning. We enjoy opening our windows during warm weather, especially at night. Will our sleep be disrupted? Must we close our windows and use A/C? That will be expensive and not eco-friendly. Will residents be compensated for this?
- 5. Is there a difference hearing response between Adult and Infants/Children? We have many nearby residences and facilities for Special Needs and Developmentally Disabled people. Autistic are particularly noise-sensitive. Do you have any data regarding how these flights will impact them, or were your measurements only done on 'average' adults? This could be a real problem for some.
- 6. I couldn't find any Altitudinal Mitigation Map for NYS. Is there one? Will nearby PA flights effect us in NY at all? Please do not respond with "Less than significant" as that means nothing.
- 7. We have cows, goats, dogs, and other farm animals. How does this effect them? I do not want to deal with howling dogs or animals that do not thrive because of ear pain. If the livestock are "spooked" by jets 100' overhead and go through our fences, will the ANG send a crew to chase them and fix fences and neighbors yards? We shouldn't have to. Will they reimburse our expenses to rebuild fences?
- 8. Our Bald Eagle population is rising. 100' alt will bring your planes within their flight area; 500' from "known" nests is inadequate to protect their young. We have other endangered species (bats)- how will you protect them?
- 9. Half the days in a year over 4 hrs is too much. While I appreciate the need for training, I also know Astronauts use simulators. Your training dollars might be better spent on simulators that can be used 24/7 without disrupting civilians or the environment.

- 10. Your report repeatedly states, "Less than significant" effects on several fronts. What, exactly, is that? Innocuous? Mildly harmful? Please define "Less than significant" as relevant to the people who live within the Low-Fly zone.
- 11. We know sound is effected by humidity, temp, ice vs grassy surfaces, etc. What is "Less than significant" on a rainy summer day can have distinct adverse effects when heard under icy winter conditions. How and under what conditions was your sound data taken?
- 12. Jet engines use a lot of fuel. Will this have any effect on our air quality over time? We have an organic farm and any pollutant is potentially a problem.

I look forward to your response. Vicky McKinney

From: Edward Messina

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] DUKE MOA LOW
Date: Tuesday, December 7, 2021 6:13:02 PM

To Whom It May Concern:

I am writing to you in opposition of the proposed modification of the Duke MOA low altitude airspace variance. The Duke MOA is in direct proximity to our hang gliding and paragliding area at Pennsylvania's Hyner View State Park, N41 19.59' W77 37.42' (41.3323, -77.6284). Expanding the Duke MOA to include low altitude modification, poses a direct conflict of safety for hang glider and paraglider air traffic in this sensitive area as well as the safety of the pilots of the MDANG A-10 aircraft.

The Hyner Hang Gliding Club, a long term member of the United States Hang Gliding Paragliding Association, has consistently conducted free flight with hang gliders and paragliders from the Hyner View State Park site since 1975.

Hang glider and paraglider pilots of local, regional, national, and international interests come to Hyner View State Park for the pursuit of free flight year round.

The Hyner Hang Gliding Club has hosted four club sponsored fly-in events every year since 1975. These events draw large numbers of pilots, their family members and friends, and numerous spectators to enjoy the flying of hang gliders and paragliders.

By expanding the Duke MOA to include low-altitude airspace, there is a direct negative impact on the safety of hang gliding and paragliding activity and the safety of spectators at Hyner View State Park.

On a personal note, I have been flying hang gliders at Hyner View State Park since 1979 when I was 18 years old. That is 42 years of enjoying the beauty and serenity of this cherished place. My wife and I have enjoyed this place many times each year with our children, who still look forward to visiting Hyner for the beauty, serenity, camaraderie, and seeing their father enjoy flying hang gliders there. By expanding the Duke MOA to include low-altitude training in this area will bring a halting stop to this life-long enjoyment.

I ask you to seek other training area opportunities to meet the needs of the pilots of the MDANG A-10 aircraft. I understand the need for their training; however, mixing low-altitude, low speed recreational aircraft such as hang gliders and paragliders and high speed, low-altitude jet aircraft in close proximity is a sure recipe for disaster.

Respectfully,



From: <u>John Middleton</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke MOA

Date: Wednesday, December 8, 2021 9:47:48 AM

I am opposed to the proposed changes. Allowing flight operations down to 100AGL is dangerous in that area. John Middleton

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CEO Who Fired Workers on Zoom: 'I Blundered the Execution'

http://thirdpartyoffers.netzero.net/TGL3241/61b0edc681ea96dc61650st04duc1

After Father's 14-Year Search, Abducted Boy Is Found

 $\underline{http://thirdpartyoffers.netzero.net/TGL3241/61b0edc6a0ec76dc61650st04duc2}$

Here's How Pfizer's Vaccine Fares Against Omicron

http://thirdpartyoffers.netzero.net/TGL3241/61b0edc6c175d6dc61650st04duc3

From: <u>J Charles Miller</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Planes over Potter County PA! **Date:** Saturday, November 13, 2021 2:52:23 PM

I would assume by now You know Potter County is one of the largest areas for hunting in the state! This leads me to the fact of some of the crazies up here will possibly take pot shots at your low flying planes. Myself, don,t own a rifle, but don,t look forward to the noise. The Atlantic ocean has thousands of square miles for training, go there, don,t bother us!!!!! And Maryland NG has no business up here so stay the fuck away! Good day.......

From: Jared Miller

Date: Wednesday, Dec 08, 2021, 9:57 AM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Low fly zone for PA wild

Major Jeffery Andrieu,

I am emailing you with concerns about the Maryland Air National Guard's proposal to turn 2,178 square miles of Pennsylvania's state game lands into a low fly zone for training. My first concern is this is gonna disrupt the wildlife habitats in those zones likely causing local wildlife to have to find new homes and over populate other parts of the states game lands. I also have concerns about the environmental impact this have in the areas in this proposal, how is flying that close to tree tops going to affect tree growth in those areas. Lastly this proposal is likely to cause lose of hunting land and tourism in those areas which will cause the cities and towns in the affected area to lose income from tourists and hunters coming to the area.

Respectfully, Jared N Miller Jared

Sent from my iPhone

From: <u>Jason Miller</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Public Comment regarding Duke MOA Low

Date: Wednesday, December 15, 2021 7:00:34 AM

Hello,

As someone who frequents the counties covered in the Duke MOA in North Central Pennsylvania, I vehemently oppose any increase in the utilization of this area for training flights. This area has struggled greatly after industry left decades ago. What little economy remains is driven almost exclusively by the recreation, wildlife and scenery offered in this area. The Duke MOA modification only serves to further erode the recreational opportunities afforded to us as residents of Pennsylvania. After all, the State Parks and Forests over which this will operate are granted to the residents by our Commonwealth's constitution.

The modification to the Duke MOA stands in direct contrast to the very idea of conserving and maintaining our State's public natural resources.

Thank you for your time, Jason Miller Lifelong Pennsylvania Resident From: <u>Vicki moon</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] MOA low

Date: Tuesday, December 21, 2021 2:06:23 AM

To Whom It May Concern:

Perhaps if you lived here you would understand the impact that your proposed project will have on the us. We are a poor area and don't have much to offer the country. But what we have is space, is clean air, clean water, stars at night. Something that people from urban areas crave and come here to Potter County to enjoy. This provides us with much needed funds for sustenance. If you complete your project, you will effectively take that also from us. Please reconsider. We love our country, our sons and daughters have served and served honorably in greater numbers than those from more prosperous areas. But this project takes too much from us.

Sent from Mail for Windows

From:

Date: Sunday, Dec 05, 2021, 9:45 AM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Public Meeting Request For Duke Low-Fly MOA Proposal in PA

Major Andrieu,

I live in Bradford, PA which is in McKean County. I have a few concerns about low-flying aircraft over McKean and neighboring counties in our state. I would like to request a public meeting to be held in McKean county to discuss these concerns.

My contact information is below:

Lou Morello

Thank you for your time and consideration in this matter.

From: bcmoyer

Sent: Monday, November 22, 2021 10:37 AM

To: NGB A4/A4A NEPA COMMENTS Org < NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Cc: 'Richard Martin'

Subject: [Non-DoD Source] Comment on proposed Duke Low MOA, Northcentral Pennsylvania

November 22, 2021

The proposed Duke Low MOA forces a hard choice on people who live in and visit the region of Northcentral Pennsylvania known there as "The Pennsylvania Wilds." It is hard because those citizens love their country. Many have served it in arms, as have their parents and their children. Their American allegiance is beyond question.

It is true that an MOA already operates over that same geography. That footprint, though, has a "floor" of 8,000 feet above mean sea level. The proposed Low MOA would permit low-level flights within one hundred feet of the ground (basically treetop-level across the Wild's plateaus, and conceivably below ridgetop observers if the plane traced a stream valley).

PA Wilds residents, businesses, municipal and county officials, and visitors deserve and merit a full environmental, social, and economic assessment of such an intrusive proposal as the Duke Low MOA, with 100-foot altitude, over their homes and treasured landscapes.

An Environmental Impact Statement must fully analyze the character of this affected place, and the impacts of noise and vibration so near ground level. The public should have unimpeded input into this analysis. Most important, the proposal's impacts should be fully evaluated, not only in their intensity, but in the context of the affected place.

As defined by NEPA, "context" means considering "...the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action."

As just one example among many, this heavily forested region harbors, during the nesting season, a high percentage of migrating songbirds that are in hemispheric decline due to habitat loss and fragmentation elsewhere. The forests of Northcentral Pennsylvania constitute many of these species' best prospect for survival. The impact of intense noise and vibration at low altitude on nesting success of these species must be evaluated before proceeding with the Duke Low MOA concept.

The obtrusive nature of this proposal would inarguably be ecologically and economically "significant" in the context of the Pennsylvania Wilds. With the possible exceptions of the Adirondack Park and Preserve, and Great Smoky Mountains National Park, there is no place like the Pennsylvania Wilds in eastern North America. A hundred years of conservation foresight, coupled with vast public and private investment, have reserved an incomparable region where local people have built a new economy, based on national craving for contact with nature, from the vestiges of coal and iron.

People who live, work in, and visit the Wilds must have an opportunity to learn about and comment on this proposal, without being labelled as "unpatriotic." There is something of great and rare value to be lost in this region. Open up this process to full environmental, social, and economic review.

Thank you for considering my position.

Sincerely,

Ben Moyer

Farmington, Pennsylvania

From: <u>Ann Nachman</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Ed Nachman

Subject: [Non-DoD Source] DUKE MOA LOW Comments

Date: Wednesday, December 15, 2021 6:25:33 AM

I am writing with vehement opposition to the proposed lowering of the floor to 100 ft above ground, as well as the proposed area of the training, namely, the North Central Pennsylvania area. The Quehanna wilds and the PA wilderness will be adversely affected by this activity! We own a bed-and-breakfast and most of our guests, as well as my hisband and I and many residents, enjoy that area of our state for recreation. You will be putting a great disruption to that activity and potentially cutting our business! It is our livelihood. We are retired and this is our supplemental income which you could potentially destroy with this activity! Please reconsider!

Respectfully Anna Marie Nachman





From: <u>Edward Nachman</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] DUKE MOA LOW Comments

Date: Wednesday, December 15, 2021 7:13:47 AM

I am opposed to the Maryland Air National Guard doing their combat training 100 feet above ground as stated on public media. As a supposed tourists state, the noise level alone is a total deterrent for that environment. Not to mention the impact on the wildlife in their natural environment.

We finally have a few tourists

coming into the state to see the Elk and that could be taken away as well.

We also run a bed and breakfast that could be affected. Our guests spend a lot of time in the Quehanna wilds, hiking miles of trails, seeking the quiet of nature that would be disrupted. They

travel from different states looking for a few days of R&R

only to be taken away. This is our source of supplemental income we use to meet our rising cost of living, hopefully that will not be taken away.

Ed. Nachman

From: <u>Carolyn Newhouse</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke Low MOA
Date: Monday, December 20, 2021 4:01:23 AM

Dear Sir and/or Madam:

I am concerned with the Maryland Air National Guard's (ANG) proposed plan to designate the Pennsylvania Wilds airspace as a military operations area (MOA) for their low-flying military training, specifically the Duke Low MOA. I am requesting your help in demanding further due diligence of this proposal through completion of a full Environmental Impact Statement (EIS). A more thorough investigation must be conducted on the effects that this type of military engagement would have on our natural resources, the safety of our citizens, and the potential adverse economic impact to our rural economies.

The PA Wilds is one of 11 official tourism regions in the Commonwealth of Pennsylvania and one of eight state-designated Conservation Landscapes because of its unique natural and heritage assets. The 13-county PA Wilds region is home to the greatest concentration of public lands in Pennsylvania. We have 29 state parks, 8 state forests, 50 state game lands, and PA's only National Forest, the Allegheny. We have the largest wild elk herd in the Northeast, two designated National Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest night skies in the country.

For over 15 years, a collaborative effort among local, state, and federal partners, philanthropists, and the private sector has focused on *intentional* economic development built on the wide-ranging assets of the PA Wilds. This dedicated partnership has turned the PA Wilds into the quintessential outdoor recreation destination, diversifying rural economies, creating jobs, inspiring stewardship, and improving quality of life. Today, thanks to the work of many organizations, businesses, and individuals, tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of our economy. Every year, 7.2 million people visit the PA Wilds to enjoy the peace and beauty of the great outdoors.

The current draft environmental assessment (EA) and draft findings of no significant impact (FONSI) of the Duke Low MOA are insufficient. Critically, these findings do not adhere to the National Environmental Policy Act (NEPA), given that the proposed Duke Low MOA will have diverse and complex environmental and community impacts that exceed NEPA thresholds for a comprehensive EIS and evaluation of alternatives. Additionally, the draft EA does not address the following key areas:

- 1. Impact on wildlife and habitats, including critical breeding areas and migration routes for a wide range of species.
- 2. Biological and agricultural impact to existing land uses, traditional practices, and established biological and economic activities, including forest management and farming.
- 3. New and increased safety hazards that exceed the capacity of local emergency response services and disproportionately impact specific communities.
- 4. Noise pollution levels and the potential risks to public health and wildlife, particularly given the maneuvers will occur at 100 FEET above ground level.

- 5. Adverse effects on recreational activities, including PA's hunting seasons and the associated impact to the recreation community and the revenue that supports the Game Commission's budget.
- 6. Economic impacts, including the risk of negatively impacting the vital local tourism industry, which is built on peaceful enjoyment of nature and the outdoors by anglers, backpackers, cyclists, campers, hunters, day hikers, wildlife watchers, horseback riders, photographers, astronomers, canoeists, and other groups.
- 7. Equity considerations given that this proposal could disproportionately impact underserved communities, including a large Amish population, distressed communities, and low-income households.

There are so many elements of this proposal that have not been thoroughly explored and I respectfully ask that you raise your voice in support of a thoughtful and detailed due diligence period, including the completion of a full EIS that addresses the complete suite of impacts to the community and environment.

Sincerely, Carolyn Boser Newhouse

From: Jeffrey Nolt

Date: Sunday, Dec 12, 2021, 7:35 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD **Subject:** [Non-DoD Source] Duke low-fly moa proposal in pa

I'm a potter county resident and requesting a public meeting regarding the above low fly zone proposal in our area. A decision of this magnitude needs public input and discussion. There are too many questions that need to be answered that cannot be simply addressed in emails. Please see the attached short video. It speaks volumes. Make sure your sound is on.

Sincerely

Jeffrey S Nolt M.D.

From: Carl Olshefskie

Sent: Tuesday, November 23, 2021 9:29 AM

To: KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4

Subject: [Non-DoD Source] Flights over pa

As immediate past Mayor of Renovo, Pennsylvania I personally enjoy seeing A 4's chasing Warthogs down the valley of the Susquehanna River. When this stops I pray that we don't totally loose our beloved USA! I am also a hunter and Past Department Commander of the American Legion

Thank you all for your service and protection!

Carl Olshefskie

From:

NGB A4/A4A NEPA COMMENTS Org;

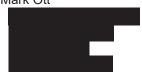
Cc:

Subject: [Non-DoD Source] Proposed Air National Guard Duke Low MOA Draft FONSI Comments

Date: Monday, December 6, 2021 5:03:38 PM

To: Maryland Air National Guard & Ramon Ortiz

From: Mark Ott



Date: December 6, 2021

Re: Proposed Duke Low MOA

Dear Mr. Ortiz, et al,

I have read through the FONSI for the proposed Duke Low MOA. I somewhat better understand your choosing the Duke Low MOA for meeting training requirements as opposed to most of the alternatives considered. In the past I had thought it was since Duke MOA covers some of the most remote and lightly populated areas of Pennsylvania that the area was chosen – less complaints from the ground. I now better understand that that isolation is what leads to it being away from commercial airports with inherent increased air traffic which in turn are in more densely populated areas. The FONSI does not make clear to me what would not be adequate for 175 WG Letter of Qualifications in the Evers MOA in WV nor why the Duke proposal would be selected over "existing MOA (1,000 ft AGL floor) or the proposed modifications (1,000 ft AGL floor) by other users" in the Evers MOA. I am not clear on why you cannot propose the Low MOA in Evers MOA as opposed to Duke. The Patuxent River Restricted Area was dismissed due to being predominantly over water. The FONSI further states that low level flights between 100 ft and 500 ft would be less than three minutes for the A-10's. It seems that Patuxent might work fine if you spent the expected 1% of flight time under 500 ft over the limited land there. The other 99% of the time would work fine over water in my limited knowledge of the training requirements.

I am heartened to see language addressing concerns about these flights over PA DCNR State Parks and Natural Areas as well as some sensitive areas of concern such as Sinnemahoning Creek. However, overall, I believe the FONSI does not adequately address the impact of these flights on the area. Are the other creeks in the area not equally sensitive areas of concern? Are the forested areas with trails, hunting camps, homes, businesses, and wildlife resources outside of the Parks and Natural areas any less sensitive to these flights? I do not see how that can be. Given the heavy usage of our State Parks and Natural areas by those wanting to get out and enjoy what Pennsylvania offers in outdoor experience, you should be further aware that the areas outside those parks are used by those wanting even more solitude and wilder may experience. I submit that they are even more sensitive than the Parks and Natural areas or sensitive areas of concern such a Sinnemahoning Creek. I heartily agree that the Parks and Natural Areas not be overflown at low levels, however I do not agree that areas outside those properties are any less sensitive.

The Land Use section states that the "Proposed Action would be in accordance with avoiding interference with hunting activities beneath the Duke Low MOA because there would be very little use on weekends ... the majority of hours (approximately two hours per activation day) used would occur during the mid-day, when hunting is least affected." It then goes on to tell me when wildlife is most active, early morning and late evening. I hunt deer from start to end of the legal shooting hours on any given day. This past week I harvested 3 does, two at 1245 and one at 1420. Over the years most of my harvests have been in the 1100-to-1500-time range with a very few in the early morning or late evening. This is the exact opposite of what is stated in the FONSI. You apparently based your comment on normal animal activity, not the

activity found during Pennsylvania rifle deer hunting season. Just from sitting in a deer stand for many days I can assert that I am not the only one with harvest times in that time range. Hearing the shots in the hills and hollows in the area around me, the majority of harvests occur right about the time the FONSI says they don't.

I live in an area of Centre County just outside the proposed Duke Low MOA, however where I live has been an MOA for as long as I can remember. During my years here I have quite a few interactions with the A-10's and F-16's. It has been an ongoing problem in our area. I attended a public information session in the late 1980's or early '90's that I believe occurred due to complaints about the training flights in the area. At that point I was fed up with flights that seemed to use our house as a beacon for attack runs on Sayers Dam in Bald Eagle State Park. Our then baby child was awoken nearly every day, several times a day by the blast of the jets flying over at low level, (but apparently above 500 or 1,000 ft). He screamed for quite a while afterwards until we could calm him. Then it would happen again, and again, and again. Even these many years later I can still remember the continuing nightmare clearly. Our quiet peace was suddenly and very loudly shattered by what was usually a flight of two jets but could reach five to six. We often had one or two come over followed shortly by another sortie which we figured was one group tracking and chasing another.

Then, shortly before the information session was held, I experienced an incident that stunned me. While driving with my wife along SR 192 in Brush valley to our East, following another vehicle with an older couple in it, I thought my car engine blew up. At the same moment we saw a jet right overhead coming from behind and following the road ahead of us. The car in front of us swerved side to side and nearly ran off the road. That car pulled over and we stopped to be sure they were OK. We were all fine, but the incident scared as all immensely. My wife and I could clearly see the rivets in the bottom of the jet as it flew over and ahead of us. We both remember that distinctly. I'm not sure how low a jet has to be to see the rivets, but that was certainly not above 500-1,000 feet. We had obviously been used for strafing practice and it was not something I ever want to experience again.

The Howard Fire Company hosted the informational session event. An officer from the Air National Guard politely listened to the people that spoke, addressed some of the concerns as best he could and gave us a chance to be heard. The best thing he did was leave us a phone number to call if we had any problems, concerns, or complaints. He acted appalled at the strafing story as well as other stories of others being strafed on the Howard causeway, and jets roaring down the lake over boaters, beachgoers, and State Park patrons in order to "bomb" the Sayers Dam. He said many of the incidents reported should not have happened and should never be happening. The fact is, they were and a lot of people in the area experienced them. He let us know that the jets originated in Maryland and New York, that they flew west from their airports until the turned in and ran a straight line to Indiantown Gap Military Base where they were to practice bombing runs. Apparently once these pilots were in the air, those basic flight rules went out the window. He stated that he would be looking into the complaints we registered and to be sure and use the number he gave if any further such events occurred.

Several years later, instead of a quick flyover and then gone, I began to hear continuous jets flying all directions over my house and the area around me. I went out and watched several jets having a dog fight above our home. This went on for many long minutes and then finally stopped. I looked up the number which I still had in my personal phone book and gave a call. The call went to a recording, so I started to relate what had just happened. Suddenly the flight returned and continued their dogfight overhead. I stood on the porch and let the noise go into the phone and onto the recording. This time it went on for even longer. During short lulls in the noise, I asked if this was what these pilots were supposed to be doing. I asked if this noise level was happening above the house of anyone who listens to the recordings, would they be OK with it. Meanwhile the fight kept on going. I seem to recall it was over a 20-minute recording with jets rolling, diving, rising and chasing right overhead. I kept recording until I just got tired of holding the phone in the air. I figured the message was good enough.

Much to my surprise, I received a call back a couple days later in which I received an apology. "That never should have happened" I was told. It should never happen again. Despite the best intentions of your plans and safeguards and attention to detail as to areas to avoid, things to not do and keeping to the mission, there is a shortfall in the pilots being trained. Apparently, they have some free time up there and

they just do what seems to be good practice to them. I'm sure it is good practice and I do not begrudge the Air National Guard their training – I know it is necessary. However, when things like this occur when the AGL limit is 500-1,000 ft, one must wonder what will happen when these pilots are "officially" allowed to go down to 100 ft AGL. They have been there before, trust me. This is not new to them, now it will just be officially allowed due to a FONSI that blatantly ignores the reality of what this does to those on the ground. Yes, it is short lived in most cases. However, a short low-level flight impacts my hunting, my serenity, my life. It is compounded over time, not just an occasional nuisance. It is not low impact, it is ongoing, random, disconcerting, and a burden. I rent backcountry campsites on my land. People come here to experience the solitude and deep forest wonder. The intrusion of these jets at even lower levels than currently allowed will be detrimental to my camping income and guest satisfaction. Multiply that by the many who make a living from tourism in the Proposed Action area of Duke Low MOA and there is much more impact than is alluded to in the FONSI. This is about more than short sound level impact, this is about the affect on people, the wildlife and the natural environment that we who live here moved here to enjoy and share. Yes, by your standards and measurements, the impact is negligible. Try using some real impact data that does not stand on sound measurements. When compared to existing conditions there is very significant impact.

As the immediate past President of the Pennsylvania Forestry Association, owner of a Certified Tree Farm, Volunteer Firefighter, Class 2A Swiftwater Rescue Tech and EMT I spend a major amount of time out in the Wilds of Pennsylvania. I know of what I speak. I'm not sure the writer of the FONSI can say the same. I am not sure why the Air National Guard from Maryland must be over Pennsylvania in the first place. I respectfully ask that you find somewhere else to train. In the end, I would wish the experience on no one. Not those in the Evers WV MOA, not those in the Patuxent River Restricted Area, nor anywhere else. I know you need training but perhaps it can be further spread over all those alternative areas you dismissed. Spread the impact over a wider area than the proposed DUKE Low MOA to include Evers MOA and Patuxent River Restricted Area and the other dismissed as "too small" areas so that even if we in the Duke Low MOA must endure these flights, they can be lessened and mitigated by spreading the flights over all the multiple areas available. It seems to me that many trouble spots in the world requiring military intervention are urban. Consider adding Baltimore and the suburbs, Annapolis, Philadelphia, Washington D.C. and Pittsburg to the MOA's. That would seem to provide an even better training opportunity when combined with our rural natural areas. Surely those jets can avoid commercial aviation. Perhaps that would add to the training of those controllers coordinating the flights so that they could be done safely in those populous areas without any more impact than they have here. Spread the noise over the rest of the East coast, do not keep it bottled up in our beautiful, serene natural Wilds of PA. Let all of us in Maryland, West Virginia, Pennsylvania, and New York share the need to train the Air National Guard. We don't mind you training to be the best, we just mind having it happen only over our heads so that the rest of the East coast does not have to put up with it.

Finally, if you do nothing else, please issue and publicize a new phone number that can be called when we have a problem. If the pilots know that they can be reported for acts that are outside the purview of their mission, perhaps they will comply with mission parameters. The old number no longer worked and now I don't even have that. A new number to the office of the Colonel in charge would be an immense step towards a little more acceptance of the proposal.

I respectfully submit these comments on the Duke Low MOA FONSI and ask for written response to my comments in both the comments and response section of the FONSI and by separate letter to me at the above address or email. I have included my phone number and if you feel the need to call, please do.

Thank you for your attention to the comments you receive and for the opportunity to comment.

Mark Ott, NREMT

From: <u>J Parana</u>

To:NGB A4/A4A NEPA COMMENTS OrgSubject:[Non-DoD Source] Low level training flightsDate:Sunday, November 21, 2021 7:17:40 PM

I have no problem of America's best training in the sky above my home. In fact, I look forward to it.

John W. Parana

Sent from Mail for Windows

From: Park

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Re: No, No, No, Myself , thousands of others and our wildly life live here. Our military kids are

great, but command and corrupted legislatures are mad.

Date: Tuesday, November 16, 2021 9:03:24 PM

No, no, our public forrests have been attacked since the 1700s when the King of England harvested white oaks for his Navy's "ships of the line'. The rest of degradation continued with lumber, coal, ore, gas and oil speculators. Every time the damage to our forests and the health of our community has suffered, with our tax dollars paying for a pitiful recovery.

Now jets roaring overhead, burning fissile fuel, will cause fierce wildlife stress, and more emotional and physical illness on thousands of people.

Send pilots, for training, around the country and world were similar topography is already used for training. Military tax the wealthy elite who benefit the most from protecting getting the materials for profit! Damn people. Stop it.

Sent from my iPhone

> On Nov 16, 2021, at 3:50 PM, Park wrote:
>
>
> Sent from my iPhone

From: Nancy Patrick

Sent: Wednesday, December 15, 2021 1:38 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Maryland national guard flight training

Dear sir,

As a resident of Potter county PA I would like to request a public meeting to help answer the many questions that our citizens have regarding the proposed

low-altitude training exercises. As of right now we know nothing; we're flying blind so please consider addressing our concerns.

Thanks so much for your time.

Yours truly, Nancy Patrick From: <u>Judy Paul</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source]

Date: Monday, December 6, 2021 2:48:44 AM

As a life long potter County resident it is important that our military be trained to be the best. It may be an inconvenience for some but the long term benefits out way that. I say let them train here.

From: Melissa Pell

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Opposition to fly over of the PA Wilds

Date: Sunday, December 12, 2021 12:34:43 PM

Hello,

I am a resident of Tioga County and a physician, and am writing to voice my opposition to the MD ANG's proposed low-fly military operations area in Tioga, Potter, McKean, Elk, and Cameron Counties. The people in this area value, and often tie their livelihood to, the land, plants, and animals that live here. This area is home to many outdoorsmen and women, and our economy is largely dependent on outdoors based tourism. We choose to live here because we value the quiet, minimal pollution (light and otherwise), and the abundance of wildlife. Low-flying aircraft would disrupt and harm the wildlife here, and could be deadly for bird populations. Please reconsider these plans. Come and visit us and enjoy our beautiful part of Pennsylvania, but leave the low-flying air craft at home.

Respectfully,

Melissa Pell, MD Wellsboro, PA Tioga County From: Juliet Perrin

To:

NGB A4/A4A NEPA COMMENTS Org; [Non-DoD Source] Proposed Military Training Flights over PA WILDS. Tuesday, November 30, 2021 11:25:02 AM Subject:

Date: **Attachments:** Military training flights over PA WILDS.docx Sondra Wolferman



RE: Proposed military training flights over Pennsylvania Wilds

As Pennsylvania continues to recover from centuries of deforestation, acid mine drainage, and industrial and chemical pollution, the Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Game Commission, Fish and Boat Commission, and the U.S. Fish and Wildlife Service have been working tirelessly over the past several decades to improve habitat on our public lands for rare, threatened, and endangered plants and animal species of concern. The thirteen-county region in northcentral Pennsylvania known as the Pennsylvania Wilds is a crucial part of this recovery.

A significant portion of Pennsylvania's declining species are bird and bat species that are acutely sensitive to noise, artificial light, chemical pollution, and fragmentation of the aerial habitat, all of which could result from the proposed low-altitude military training flights over Pennsylvania Wilds.

Twenty-one of Pennsylvania's 96 Important Bird Areas are located within the thirteen-county area of the Pennsylvania Wilds. In addition to the direct threat of collision with aerial vehicles, birds react to flying objects in the following ways, as described in an article published by the Institute for Ornithological Research: "When an airplane appears, all possible levels of excitation are described in birds, from outwardly non-visible physiological reactions to protection, ducking, increased calling activity, restless pacing back and forth, running away, flying off and returning to the same place or a place close by, flying off and leaving the area, right through to panic-like flight reactions. Using modern electronic instruments, it is possible to measure the heart rate of brooding birds.

Measurements show that these birds often react to the appearance of airplanes with a marked increase in heart rate, in other words they become nervous, even

if no outward reaction is visible. It thus becomes clear that the loss of time immediately associated with taking flight is not the only effect of an airplane on birds which must be taken into account". <u>L&N 3-1 Aircraft Effects on Birds.PDF</u> (fai.org).

This research suggests that the adverse effects of the proposed action on bird life expectancy, reproductive success, and population size would be significant. There are currently 16 bird species classified as endangered in Pennsylvania, any of which could potentially depend on undisturbed habitats in the region of the Pennsylvania Wilds. A species is considered endangered if there is a threat to its habitat. The northern goshawk (Accipiter gentilis) was recently added to the state list of endangered species in Pennsylvania, and a concerted effort is under way by the Pennsylvania Game Commission to recover and protect this species. According to the Pennsylvania Biological Survey, goshawks are "found in remote, higher-elevation forests across northern Pennsylvania and in mountainous areas southward, primarily in mature mixed and conifer forests with open understory." Historically, nesting pairs of goshawks have been documented in at least one of the counties to be impacted by the ANG proposal. Therefore, the proposed low altitude military training flights over the region could result in a major setback to the recovery efforts for the northern goshawk and other species of concern in the six-county area to be impacted by the proposed action.

The potential impact of the proposed action on Pennsylvania's bats is equally disturbing. Nine species of bats regularly occur in Pennsylvania, of which several are listed as endangered by state and federal authorities. According to the Pennsylvania Game Commission, Pennsylvania's bats routinely make their feeding flights in late afternoon, early evening and early morning, and thereby could easily come into conflict with low-flying military aircraft during training flights. Recent evidence suggests that bats may be affected by radar installations emitting electromagnetic fields, such as civil and military air traffic control. It is recommended that aerial habitats for bats be included in national and international conservation policies, and as such, the impact on bats of the proposed military training flights over Pennsylvania Wilds must be carefully considered before moving forward with this proposal. Conservation Strategies for Bats Flying at High Altitudes | BioScience | Oxford Academic (oup.com)

The Air National Guard has released a Draft Environmental Assessment finding of "no significant impact on the welfare of the region." This finding of No Significant Impact (FONSI) is premature. The National Guard must prepare a detailed Environmental Impact Statement that includes any adverse effects and alternatives to the proposed action. The EIS must be published where all who are affected can view it, and the EIS should be followed up with public meetings in each of the affected counties. (Cameron, Clinton, McKean, Elk, and Potter.)

Thank you for the opportunity to comment.

Sondra Wolferman

Albrightsville, Pennsylvania

Cristi Kucharek 3501 Fetchet Ave. Joint Base Andrews, MD

RE: Possible 100' practice flyovers in Clinton County PA.

I understand the necessity of proposed flyover practice flight for national defense preparedness; however, I emphatically object to the 100 foot height flyover proposal. In fact, several years ago, some fly jockey flew over our farm property so low it had to have been about 100 feet or less. I was so concerned that I called both State College & Williamsport, PA airports and suggested that they call appropriate authorities including the FAA.

My reasons are as follows:

- Danger to property , people, and animals. (If they'd crashed ,who pays for damages?)
- 2. Are air rights over private properties subject to automatic takeover by military if we're not at war?
- 3. I believe that minimum safety flyover is 200' NOT 100' (Even that's too low in mountains.)
- 4. My personal experience was plain scary because our silos are 70 feet tall and the barn is about 100 foot high. (I thought the pilot was about to take the top of the barn roof off. Maybe he was trying to evade radar.)
- Another rural citizen said he'd been up in his silo and could read the plane numbers and almost reach out and touch the plane plus was shaken by the plane's air wake.
- As rural citizens in a poor county of PA our financial expenditures are already outrageous. If I've got to add policy air rights to my insurances, it's an added burden.

I understand that current proposal is looking at the Renovo Pa area which is mountainous and poverty level for 100 foot flyovers. PLEASE RECONSIDER your height parameters for flyovers.

Sincerely, M. Paters

Donna M. Peters

From: <u>Ann Pettigrew</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] Warthog Strafing - MD National Guard

Date: Saturday, December 4, 2021 7:21:05 AM

To Whom It May Concern,

It has been brought to my attention that the Maryland National Guard wants to use parts of our most wild and scenic counties to practice flying their Warthogs. I strongly object to this practice and ask that you reconsider. Why can't they practice over their air fields and perhaps put up obstacles similar to the ones used in air races? Our wildlife is under enough stress in this day and age without having to put up with the frightening noise of Warthogs strafing our forests.

Thank you for your consideration.

Sincerely,

Ann C. Pettigrew, V.M.D. York, PA



"The greatness of a nation and its moral progress can be judged by the way its animals are treated."

— Mahatma Gandhi

From:
To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Public comment
Date: Friday, December 10, 2021 4:21:16 PM

Hello,

As an avid outdoorsman, frequent visitor of the PA wilds and Pennsylvania resident, I would like to adamantly oppose the proposed changes to the airspace by an out of state agency. The citizens of Pennsylvania should not be forced to deal with the pollution (noise, light and chemical) that comes along with military training exercises. You have plenty of land to utilize in Maryland, perhaps you should look there instead. I find your claims that there are no environmental impacts to be dubious at best. At worst they are a downright lie. Imagine if Pennsylvania decided to send hundreds of boats up and down the beachfront of ocean city. That's basically what you are doing to us. This is a joke and needs to be stopped. You can be assured I will be contacting state and federal representatives regarding this matter.

Signed, Jason Philibotte Walnutport,PA From: <u>Stanley Piorkowski</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Richard Martin

Subject: [Non-DoD Source] Warthogs

Date: Saturday, December 4, 2021 5:32:56 PM

It has come to my attention that an Air National Guard unit is planning on low altitude training and using the airspace above the area known as the PA Wilds. As a retired employee of the Bureau of Forestry's Division of Forest Fire Protection, I do not want to see these overflights because of the hazards that they create during wildfire operation being conducted that necessitates the use of air tankers. When air tankers are working a fire there may be a call to FAA to initiate a NOTAM to that effect and sometimes it is requested to close areas to other aircraft if it is a large fire and may be being worked with several aircraft. It has been my experience that military aircraft do not is some cases abide by these closures and seem to disregard the NOTAMs. The air tanker pilots are operating generally under 500 feet and paying particular attention to their dangerous mission much the same as the military pilots operating in that same airspace. I may be wrong but to me it looks like the military is setting up for an air-to-air mishap.

I understand the military would like to carry out training in areas with sparse population, however there are more things at work here than a sparse population. The PA Wilds area, as it is known, harbors animal species that do not do well with loud noises such as made by military aircraft. Military aircraft used, during the winter particularly, makes the wildlife that live in this area at a heightened awareness. With deep snows, certain wildlife may not be able to consume enough calories to bring them through the winter if disturbed often.

I think an Environmental Impact Statement would bear out the damage that could be done to the wildlife. I'm not sure what would be used to address the issue of safety as alluded to in my first paragraph but it must be addressed.

Thank you for allowing public input on this upcoming issue.

Stanley Piorkowski

Sent from Windows Mail

From: Mary Pollock

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Low Level Training Flights **Date:** Friday, December 17, 2021 2:17:43 PM

I have been a resident of Tioga County, PA, for 65 years and am already inundated with the noise of "quiet" windmills and the sounds of gas well projects. I do NOT need more noise in my life. I find the noise of low flying jets to be frightening and leads to the possibility of pilot errors. PLEASE, find another "sparsely" populated area to fly over. Just because there are not many people here, does not mean we don't matter. Enough! Sent from my iPad

From: Kevin Reed

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] A10 fly overs Potter County **Date:** Wednesday, December 1, 2021 1:57:24 PM

No. I'm a retired federal employee 35 years of service. I do not want your bullshit noise over my cabin. I spent 35 years protecting this nation at the Philadelphia Naval shipyard and FEMA in New York City. I do not want your asshole planes flying over my Cabin

I'd be happy to give you that same message in person or over the phone

Kevin J Reed

Sent from my iPhone

From: Kevin Reed

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Low Flying
Date: Friday, December 3, 2021 2:04:38 PM

Still the same

Fuck you and the noise!!

Kevin J Reed

Sent from my iPhone

From: Rose Reeder

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Duke MO MOA
Date: Saturday, November 20, 2021 7:02:50 AM

Hello.

While the sight and sounds of your aircraft may be a thing of beauty to you and all the crews, to the rural resident they are frightening and truly disturb our way of life. We live in this area because of the beauty, the wildlife, lack of noise and absence of the hustle and bustle of more urban settings.

The suggestion to lower the flights is unacceptable to most residents here. Our Pa Constitution states:

§ 27. Natural resources and the public estate.

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

(May 18, 1971, P.L.769, J.R.3)

You folks are not even of Pennsylvania! Your efforts to lower the MOA are unwelcome and unconstitutional in Pa.

The MOA Flyovers can happen more than every other day, up to 272 days a year. We fought this off once before because of the disruption to our way of life. It looks to me like all of the treasures of rural life will be disrupted by the noise, shaking windows, the startling suddenness of appearance and what appears to the layman to be the dangerous closeness of these aircraft. I experienced this once, the plane seemed to appear out of nowhere and was so close that I could see the rivets and flaps, etc. It really scared me. Although I realized later that it was not necessary, I dropped to the ground and felt very disturbed. That feeling did not leave quickly and, I am sure, repeated incidents will have a great impact on my mental well-being.

The areas you target struggle economically. Tourism and the uninterrupted peace and quiet are one of the few assets that we can market. Your flyovers would destroy this. Even 10 minutes a day would cause damage.

I suggest you transport your crews to currently existing sites where they can practice. I am sure you are going to have unending opposition to this plan for Central Pa.

Rose Reeder Clinton County Citizen From: Rose Reeder

Sent: Friday, December 10, 2021 1:14 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Duke MOA

Hello,

My husband and I, as residents of Clinton County, would like to have a town hall meeting concerning this plan. We are very concerned about low flying A-10s and other aircraft, both here, and in all of the Pa Wilds.

Thank you, Dr. Rose Reeder Daniel Reeder From:

To: KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4

Subject:[Non-DoD Source] Support for fly zoneDate:Monday, December 20, 2021 8:47:25 AM

Hello mam you have my support for fly zone in northern PA.

From: <u>JAMES RICE</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Finding of No Significant Impact for Modification of Duke MOA

Date: Thursday, December 9, 2021 10:11:01 AM

First, I want to thank you for permitting my comment. I have mixed feelings as I write this. We are a military family. Our military needs to train and prepare. However, the proposal from the Maryland Air National Guard to conduct low-altitude military training flights in northcentral Pennsylvania is unacceptable. The finding of no significant impact for modification of the Duke MOA is absurd.

ANG's reason for modifying the Duke MOA is that it's "closer, larger, and used less frequently than other MOAs" and the 175th Wing "determined there was not a suitable area to create a new stand-alone military operations area."

Rubbish. Pennsylvania already has an area for hedgehopping, the Bollen Range. This is restricted airspace which provides realistic aircrew training, such as close air support. The Maryland 'Hogs' have been using it for some time to maintain proficiency for combat readiness.

The Bollen Range is located just about one hundred miles northwest of the Warfield Air Base. Using the Bollen saves fuel. Wait. I hear whining about scheduling time for the Bollen Range. It's a busy place. Training time should not be wasted on old A-10 fossils trying to relive their glory days.

I witnessed, in person, a reckless act performed by such a fossilized A-10 pilot during supposed training in this valuable airspace. The offender was not a lowly lieutenant with butter bars. No, it was a high-ranking officer who was doing a tour behind a desk while striving to maintain flying status. That day he was trying to relive his Gulf War memories, pummeling Saddam's retreating army. He was wasting valuable training time needed by others. The spokesperson altered the details of the incident, dismissing it. So much for National Guard transparency.

Please let me reiterate, there is no need for more low-altitude flights by Maryland Air National Guard pilots (or any ANG pilots) across Pennsylvania, harassing tourists and citizens, inviting potential tragedy. Bad things happen very quickly in a fighter jet. The 175th Wing does not need to modify the Duke military operations area. The Bollen Range restricted airspace was created for combat training. The Marylanders should continue to use it responsibly.

Unless it's all about MONEY. How much would the bureaucrats in the Pennsylvania Department of Military and Veterans Affairs receive from this idiotic proposal? MONEY appears to be a contributing factor.

Thanks for your time. Jim Rice, Harrisburg PA

 From:
 NGB A4/A4A NEPA COMMENTS Org

Subject: [URL Verdict: Neutral][Non-DoD Source] Comments on LAND USE proposed DUKE LOW

Date: Sunday, December 26, 2021 2:47:09 AM

Greetings,

The document says there will be no change in land Use because military usage will be intermittent. Generally, a reasonable person's idea of intermittent is not SIX MONTHS minus 10 days per year.

My first question is this: At what AGL does your document consider private property to begin? Courts have ruled that generally, private interests end at 499ft AGL. By restricting use of airspace from 100ft AGL to 499ft AGL FAA is TAKING away private property rights without compensation. There are many court cases to support this. Among them are:. Heros Land v USA.

2. If the very very lowest AGL (meaning those between 999ft AGL to 100ft AGL) portion of DUKE MOA will only be used intermittently than why haven't you considered breaking the existing MOA into THREE SEPARATE MOAs?

Based on altitude, the lowest, DUKE VLOW from 3,600ft AGL down to 100 ft AGL would be extremely restricted in military use, for example restrictions on specific days corresponding hunting, fishing seasons or other important community events.

That 3,600 ft AGL remember is the altitude stated in Michigan ANG MOA EA at which to noise from A-10 is between 101.9dB and 103.7dB.

4. Breaking out the current proposal of one low MOA into TWO is a reasonable alternative and fits the screening criteria.

Thank you for giving me an opportunity to comment,

Patricia Richard

Sent from Yahoo Mail on Android

 From:
 NGB A4/A4A NEPA COMMENTS Org.

Subject: [URL Verdict: Neutral][Non-DoD Source] Draft EA

Date: Tuesday, December 28, 2021 5:59:55 AM

Attachments: <u>Duke temp MOA.pdf</u>

I've attached some comments on your idea to fly military fighters just above the trees in the secluded areas of Potter County.

Sent from Yahoo Mail on Android

Comment #1 - Several reasonable alternatives that meet the selection criteria¹ do exist but were not assessed in the draft EA. One reasonable alternative that was not addressed is developing DUKE low MOA as a temporary MOA either as a whole or broken into layers. For example, a temporary low altitude (from a 100 ft AGL floor to 3,600 ft AGL ceiling) would be available forty-five (45) days per year. A new mid-level MOA (from a 3,6001 ft AGL floor to a 7,999 ft AGL ceiling) and the existing (high level) duke MOA. This option would give the NGB, state ANGs and FAA much more flexibility in scheduling and activating airspace. This option would likely reduce negative impacts to land use, socioeconomic (i.e., tourism and seasonal residents) and other resource areas. Several different combinations temporary and layered MOAs should be considered.

Remember, in Section 2-1 Selection Criteria the criteria for selection of alternatives are: Must be with a reasonable distance (200 miles) of Martin State Airport to limit transit time and usage during normal flying windows.

- > Due to limits, training time, maintenance, distance beyond 200 miles limits opportunities for the A-10;
- Must provide sufficient low-level airspace to accommodate A-10C pilot training requirements; and
- Must be adequate for 175WG low level flight operations to maintain proficiency.

Comment #2 - Proposed restrictions on State owned land where groves of tall trees or individual tall trees exist is great. However, many tall trees and/or tall tree groves are located on private property. Your 100 feet AGL floor is at least 28 feet below Duke MOA's MTH² - meaning in some portions of Duke Low MOA the tree height exceeds 100 feet. Will A-10 pilots maneuver around trees exceeding 100 feet AGL, will they mow through them or will landowners be responsible for, maintaining tree height above 100 feet as is the case with certain FAA avigation easements? This likely would have a less than significant impact on the A-10 and be excellent training for the pilot; however, trees groves, and individual specimens of such heights are uncommon in Pennsylvania. Would private landowners be compensated for damage to their trees?

Comment #3 - Nearly fifty percent (50%)³of the low level (to 100 ft AGL) would occur during the tourist season (months of the year when most tourists and seasonal residents are present). While ANG pilots do not train on federal holidays many tourists come to the area during times. Three-day weekends and "mini-vacations" around Memorial Day, the Fourth of July, and Labor Day are common. Seasonal residents generally begin arriving on or after Memorial Day with some staying until Labor Day. Galeton and Germania and other communities under the DUKE MOA celebrate these holidays with fireworks, parades, and other activities. Due to the long travel time visitors wishing join into these celebrations plan to come to stay a few before and/or a few days after the federal holidays. Since federal holidays are easily identified and DoD pilots do not train on these holidays the week (seven days) before and the week (seven days) after these federal holidays should be blocked off as NO-FLY DAYS.

¹ See Section 2-1 Selection Criteria

² MTH = maximum tree height

³ 375/3419 June = 10.9%; 463/3419 July= 13.5%; 428/3419 August =12.5%; 380/3419 = 11.1%; 48% from to June through September; Using the numbers provided in Table 3.2 titled "Annual Aircraft in Airspace"

From:

To:

NGB A4/A4A NEPA COMMENTS Org

Subject: Date: [URL Verdict: Neutral][Non-DoD Source] Re: Comments on TRAINING and draft EA for Duke LOW

Tuesday, December 28, 2021 6:01:41 AM

Sent from Yahoo Mail on Android

On Sat, Dec 25, 2021 at 6:10 AM,

wrote:

Greetings,

There are many unclear and unanswered concerns regarding the proposed Duke LOW MOA when flying between 3.6k ft AGL down to a floor of 0.1k ft AGL or the extremely low floor of 500 ft AGL.

- 1. The draft EA for Michigan ANG proposed PIKE and GRAYLING LOW MOAs. It originally had a Low floor of 500 feet but the final approved floor was much higher. After further analysis and public outcry MIANG realized this extremely LOW floor of 500 feet would have too many significant impacts and floor was raised. My question is this, Since the MIANG cannot train in their state at a extremely LOW floor of 500 feet AGL will they train at DUKE LOW MOA? If MI may train at DUKE why isn't that part of the cumulative impact analysis?
- 2. The alternatives not carried forward section of draft EA discusses WV EVERS but ruled it out because the terrain is mountainous. My question is this, why is 200 miles distance your screening criteria? The NY ANG does have an approved LOW MOA, LOWVILLE LOW. It is easily within flying distance and return for Maryland's A-10s without the need to re-fuel.
- 3. Why can't MDANG A-10s use NYs existing MOA. Furthermore, what is the rationale for selecting 200 miles rather than 250, 350 or 550 miles?
- 4. Will MDANG conduct joint exercises with NYANG aircraft or NY Army National Guard or conduct joint operations with other DOD entities while any of these entities are using DUKE LOW MOA and/or land under this MOA. If so, this should be part of the cumulative impact analysis.
- 5. Will MD A-10s continue to use other MOAs and restricted airspace for training if DUKE LOW MOA is approved? Since 2011, in what states have Maryland's A-10 pilots trained, for how many flight hours, and at altitudes between 100ft and 499ft; and between 500ft and 999ft, and between 1k ft and 4,999ft? This should information should be included in document.

Thank you for your consideration.

From:

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [URL Verdict: Neutral][Non-DoD Source] Fw: Birds in Potter

Date: Wednesday, December 29, 2021 2:50:29 PM

Attachments: <u>DUKE BIRDS.docx</u>

Sent from Yahoo Mail on Andrei

Subject: Birds in Potter

To it may concern, I have attached some comments concerned the Maryland National Guard proposed training area MOA.

- 1. In Public Affairs Guidance (PAG) dated August 2019, Question 13 says that livestock habituate over time. This is too broad of a generalization it depends on the animal species, the individual's condition and its experience, and the time of year. Domestic turkeys have been known to run-to one corner of their enclosure, pile-up and smother each other to death. Varied reactions occur in horses as well. One study cited Harlequin ducks becoming agitated and abandoning their nests. Where predators are numerous, the sudden flushing of a nesting songbirds by low flying aircraft may be enough to doom an entire clutch of hatchlings to death. Further investigation is warranted to determine the effects of treetop (100ft AGL) on rare bird and bat species residing in the area. Have any recent bird surveys been conducted to ensure some accounting of any presence of rare species?
- 2. You state "overflight buffer and a 0.5 nautical mile (NM) lateral buffer around Bald and Golden Eagle nests would be incorporated per Air Force direction." **How recent, was the last eagle survey conducted?** Eagle nests should be inventoried and mapped before action begins to ensure an inadvertent taking does not occur.
- 3. Aside from eagles, what would be the buffer around other birds protected under the Migratory Bird Act?
- 4. Generally, federally endangered species have a regulatorily negotiated "taking". Since those the federally listed bats and birds unfortunate enough to cross paths with low (100' AGL) flying A-10 would not be identifiable or even noticed, how would you determine if a taking occurred and how would it be reported?
- 5. In your draft you discuss the Bird/Wildlife Air Strike Hazard (BASH) prevention program by DoD and FAA pre-flight protocols would be implemented. The ANG Eastern Area Defense Sector (What is this?) and the Pennsylvania Game Commission would create a communication plan with protocols, which would allow them to coordinate with each other and de-conflict airspace as needed during wildlife operations, such as annual census activities. Would other non-governmental entities such as Audubon Society (etc.) be invited to participate in developing protocols and surveys?

- 6. Research indicates that most bird migration occurs below 3,000 feet. In addition, to the Bald Eagles other birds which are threatened, endangered, or otherwise species of concern include:
- a. <u>Least Bittern</u> is a species of high concern and like the Bald Eagle is a migratory bird protected under the Migratory Bird Treaty Act. The Least Bittern is rare in PA but has been confirmed in Marsh Creek wetlands and State Game Lands 313.
- b. <u>Blackpoll Warbler</u> is very rare in PA and protected under the Migratory Bird Treaty Act. It has seen a 2.6 % decrease annually. It nests in hemlock forests with few roads.
- c. <u>Dickcissel</u> is endangered in PA and protected under the PA Fish and Game Code under the Migratory Bird Treaty Act. It is a grassland specialist and nocturnal migrants. No surveys are available for the proposed area.
- d. <u>King Rail's</u> nesting sites are severely restricted in PA where it is considered scarce. It was listed as a state endangered species in 1985 and is protected under the PA Fish and Game Code under the Migratory Bird Treaty Act. It is known to breed in marshy areas of Tioga County.
- e. **Northern Goshawk**'s known breeding pairs consist of only 13 statewide; it too is protected under the PA Fish and Game Code under the Migratory Bird Treaty Act.
- f. <u>Short-Eared Owl</u> maybe present in the southern portion of Potter County and is protected under the PA Fish and Game Code under the Migratory Bird Treaty Act.
- 7. Your document states "The Proposed Action would be implemented under an FAA Exemption, which allows the USAF to conduct low-level operations no lower than 100 ft above obstacles when employing visual low-level procedures." However, after reviewing this exemption it is not clear if that waiver applies. The FAA exemption does not seem to apply to flying below 500 ft AGL. Air Force website says flying at 100 feet only occurs in combat situations. Please clarify. FAA and cite FAA guidance regarding 100 ft waiver stating the 100 ft is permissible.
- 8. FAA (and Air Force) rules state aircraft must maintain a 500 ft distance from any person, vessel, vehicle, or structure. How do you propose that this rule is adhered to, given the many seasonal cabins and vacation homes scattered throughout the area?

Ramón Ortiz, Technical Lead Environmental Planner 3501 Fetchet Avenue Planning Division Joint Base Andrews, MD 20762-5157

、 Dear Sir,

Thank you for extending the public comment period. Attached are our comments.

Sincerely,

Charles Rickard

- 1. Is there a programmatic EA or EIS which discusses the fielding, stationing and/or training of A-10s and/or F-35s across the Northeastern United States?
- 2. It appears that this proposal is segmented from other actions and is not addressing all the cumulative impacts. Why aren't DUKE LOW MOA and Evers MOA addressed together? The following events and proposals appear to be tied together at the national level.
 - a. In 2005 BRAC, recommended the Pennsylvania Air Guard's 111th Fighter Wing be inactivated, and its assigned A-10 aircraft reassigned to the 124th Wing (ANG), Gowen Field Air National Guard Base, Boise, ID, 175th Wing (ANG), Warfield Air National Guard Base, MD; 127th Wing (ANG), Selfridge Air National Guard Base, Mount Clemens, MI; and retire the remaining aircraft.
 - b. In 2005 BRAC recommended 104th Massachusetts (MA) ANG's A-10s be sent to Maryland (MD) ANG and in return104th received the mission of 102d FW at Otis Air Force Base (now JB Cape Cod) which required converting from A-10 to F-15 Eagle. In return 102d converted to a non-flying mission.
 - c. In 2009 the Governor of Maine (John Baldacci) provided comments NGB on the Massachusetts Air National Guard's draft EIS regarding a proposed low altitude MOA (below the floor of the existing Condor MOA to 500 AGL) to train it's F-15s (acquired in 2005 Maryland ANG) at low altitudes. This draft EIS was required when a draft EA found several potential significant (major) in impacts.
 - In 2020, the final EA for the Modification of Evers MOA which included a low altitude (1,000 ft AGL) was completed.
 - e. In 2019, the Air Force proposed eliminating three A-10C Thunderbolt Wings.
 - f. In 2020, the US Air Force F-35A Operational Bed-down Air National Guard EIS (final 2020 and draft 2019). The F-35 was described as "modern replacement for the outdated A-10.
- g. In 2021, public comment period for draft Duke MOA is open.

Comment #1 - Several reasonable alternatives that meet the selection criterial do exist but were not assessed in the draft EA. One reasonable alternative that was not addressed is developing DUKE low MOA as a temporary MOA either as a whole or broken into layers. For example, a temporary low altitude (from a 100 ft AGL floor to 3,600 ft AGL ceiling) would be available forty-five (45) days per year. A new mid-level MOA (from a 3,6001 ft AGL floor to a 7,999 ft AGL ceiling) and the existing (high level) duke MOA. This option would give the NGB, state ANGs and FAA much more flexibility in scheduling and activating airspace. This option would likely reduce negative impacts to land use, socioeconomic (i.e., tourism and seasonal residents) and other resource areas. Several different combinations temporary and layered MOAs should be considered.

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2065

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- 1. In Public Affairs Guidance (PAG) dated August 2019, Question 13 says that livestock habituate over time. This is too broad of a generalization it depends on the animal species, the individual's condition and its experience, and the time of year. Domestic turkeys have been known to run-to one corner of their enclosure, pile-up and smother each other to death. Varied reactions occur in horses as well. One study cited Harlequin ducks becoming agitated and abandoning their nests. Where predators are numerous, the sudden flushing of a nesting songbirds by low flying aircraft may be enough to doom an entire clutch of hatchlings to death. Further investigation is warranted to determine the effects of treetop (100ft AGL) on rare bird and bat species residing in the area. Have any recent bird surveys been conducted to ensure some accounting of any presence of rare species?
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- 6. Research indicates that most bird migration occurs below 3,000 feet. In addition, to the Bald Eagles other birds which are threatened, endangered, or otherwise species of concern include:
- a. <u>Least Bittern</u> is a species of high concern and like the Bald Eagle is a migratory bird protected under the Migratory Bird Treaty Act. The Least Bittern is rare in PA but has been confirmed in Marsh Creek wetlands and State Game Lands 313.
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- e. **Northern Goshawk**'s known breeding pairs consist of only 13 statewide; it too is protected under the PA Fish and Game Code under the Migratory Bird Treaty Act.
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- 7. Your document states "The Proposed Action would be implemented under an FAA Exemption, which allows the USAF to conduct low-level operations no lower than 100 ft above obstacles when employing visual low-level procedures." However, after reviewing this exemption it is not clear if that waiver applies. The FAA exemption does not seem to apply to flying below 500 ft AGL. Air Force website says flying at 100 feet only occurs in combat situations. Please clarify. FAA and cite FAA guidance regarding 100 ft waiver stating the 100 ft is permissible.
- 8. FAA (and Air Force) rules state aircraft must maintain a 500 ft distance from any person, vessel, vehicle, or structure. How do you propose that this rule is adhered to, given the many seasonal cabins and vacation homes scattered throughout the area?



- 1.Will DUKE MOA (if approved) be the only MOA in the Northeast to one-hundred feet AGL? If not where are the others? The draft EA for Michigan ANG proposed LOW MOAs with floors to 500 feet. Will MDANG ever use MIANG's MOA? Would MI ever use DUKE LOW MOA since the MIANG cannot train in their state at extremely LOW floor of 100 feet AGL? If MI may train at DUKE why isn't that part of the cumulative impact analysis in the EA?
- 2. Why wasn't Fort Drum/NY low MOA considered for use as an alternative? Among the alternatives not carried forward was WV EVERS MOA but ruled it out because the terrain is mountainous.
- 3. What is the rationale for selecting 200 miles rather than 250, 350 or 550 miles?
- 4. Will MDANG conduct joint exercises with NYANG aircraft or NY Army National Guard or conduct joint operations with other DOD entities while any of these entities are using DUKE LOW MOA and/or land under this MOA? If so, this should be part of the cumulative impact analysis.
- 5. Will MD A-10s continue to use other MOAs and restricted airspace for training if DUKE LOW MOA is approved?
- 6. Since 2011, in what states have Maryland's A-10 pilots trained at altitudes between 100ft and 499ft; and between 500ft and 999ft, and between 1k ft and 4,999ft? How many flight hours at each altitude per year per state?
- 7. The document says there will be no change in land Use because military usage will be intermittent. Generally, a reasonable person's idea of intermittent is not SIX MONTHS minus 10 days per year. At what AGL does your document consider private property to begin? Courts have ruled that generally, private interests end at 499ft AGL. By restricting use of airspace from 100ft AGL to 499ft AGL FAA is TAKING away private property rights without compensation. There are many court cases to support this (i.e., Hero's Land v USA).
- 8. If the very, very lowest AGL (meaning those between 999ft AGL to 100ft AGL) portion of DUKE MOA will only be used intermittently than why haven't you considered breaking the proposed low MOA into two or three SEPARATE LOW MOAs? Breaking the proposed low MOA out into layers (with the lowest possibly being temporary (up to 45 days per year)) would make use more flexible. Changing the current proposal of one low MOA into TWO (or more) is a reasonable alternative and fits the screening criteria.
- 9. A reasonable alternative not considered is making DUKE low a Temporary MOA. It would be used up to 45 days per year.

5065

From: Pat Rickard

To: NGB A4/A4A NEPA COMMENTS Org [Non-DoD Source] Duke MOA
Thursday, December 30, 2021 9:18:44 AM
DUKE BIRDS (1).docx Subject:

Date:

Attachments:

Good Morning,. Please see attached

- 1. In Public Affairs Guidance (PAG) dated August 2019, Question 13 says that livestock habituate over time. This is too broad of a generalization it depends on the animal species, the individual's condition and its experience, and the time of year. Domestic turkeys have been known to run-to one corner of their enclosure, pile-up and smother each other to death. Varied reactions occur in horses as well. One study cited Harlequin ducks becoming agitated and abandoning their nests. Where predators are numerous, the sudden flushing of a nesting songbirds by low flying aircraft may be enough to doom an entire clutch of hatchlings to death. Further investigation is warranted to determine the effects of treetop (100ft AGL) on rare bird and bat species residing in the area. Have any recent bird surveys been conducted to ensure some accounting of any presence of rare species?
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From: <u>David Roberts</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [Non-DoD Source] No Md National Guard in PA Wilds

Date: Saturday, December 4, 2021 4:23:17 PM

Back in the 80's I was in Western Maryland forest area when low level military jets suddenly zoomed over close to the tree tops.

The experience was very disturbing.

Low level military jet flyovers have no place in Pennsylvania's Wilds.

The PA WILDS is a \$1.8 billion industry that makes up 11 percent of the region's economy. DCNR, alone, has invested over \$180 million in the region since 2003.

The National Guard has not considered a simple, safe and reasonable alternative: Since skill-building is based on repetition, simply set up courses for training at their airports with aircraft race pylons such as are used in Red Bull air races to safely practice maneuvers. That way, training can be continuous.

The Maryland Air National Guard does NOT plan to hold Public Meetings or perform an Environmental Impact Study (EIS). They must hold Public Meetings in the counties which will be affected by the flights. These meetings must be held at times and places which encourage wide participation. Meeting must be well-advertised, including efforts to include the Plain Sect communities residing within this region.

Sincerely
David Thomas Roberts

From: Robinson, Robert

NGB A4/A4A NEPA COMMENTS Org To: Subject: [Non-DoD Source] MOA low proposal Date: Friday, December 3, 2021 6:07:07 PM

Hello,

As a long time resident of Potter county, I am opposed. Even the 8000 ft training has been disruptive over the years. Our county is known for its "dark skies and quiet" beauty, as well as many other attributes.

I certainly appreciate the need to train our troops, but not over our small community.

Thank you

Robert Robinson

Coudersport, PA

Hebron Township

Sent from Mail for Windows

From: PAUL RODEN

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Low Level Training Flights in PA and MD

Date: Saturday, December 4, 2021 8:05:31 AM

Dear National Guard Public Comment Officer:

I am deeply trouble by the proposed decision to allow A-10 "Warthogs" to conduct low level training flights in rural, forested areas of PA and Maryland. This should be done over an existing Military Base, such as Fort Dix in New Jersey or a dessert area where there are fewer wild animals and people. The noise will disrupt not just animals in the wild, but farm animal, pets and humans living in these rural areas.

Why the change in venue? Is it too hard to practice over existing military bases or in the desert areas out west? Don't they also have to practice in air refueling anyway or travel to desert airfields and use aircraft there, to practice their low-level flights or over the ocean?

This seems very invasive and disturbing to ordinary citizens. I understand the need to maintain military readiness, but we are not at war and there are other locations where pilots can practice their ground support drills.

Sincerely yours,

Mr.Paul Roden

From: Robert Ross

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Inappropriate Area for Modified MOA

Date: Saturday, November 20, 2021 7:08:46 AM

I would like to comment on behalf of the many hikers, wildlife observers, hunters, and birders of The Wilds area of northcentral Pennsylvania about proposed changes to the Air National Guard's MOA for this area. I live near Wellsboro, PA. I enjoy the state forest almost daily by hiking, birding, and doing surveys in the Tioga State Forest as well as less often in the Susquehannock and Tiadaghton State Forests. Until 2008, when Pennsylvania's governor initiated contracts with private oil and gas interests, my days of camping and hiking in the state forest were largely peaceful and relaxing events with time spent enjoying our birds and wildlife. Since then the state forest near my home has become an industrial zone for the development of natural gas infrastructure and deep wells drilled by hydrofracturing. Heavy truck traffic that never plied those mountainous forest roads have created noise, dust, and light pollution affecting the forest for miles from their source. This degraded recreational experience is now further threatened by the often loud and disturbing noise from ATVs whose mandated allowed use in new forest areas (Fiscal Code 2020 related to the Keystone Improvement Zone for ATV and related recreational vehicles and their use in state forest and park lands of northcentral PA) further reduces the peaceful recreational use of the forest. I cannot hear much of the bird song I used to hear in the forest, and my presence is sometimes interrupted by ATVs not authorized where I am hiking or birding.

Local Audubon Society members, bird enthusiasts, hikers, and I are concerned about the impact of expanded low-level aircraft training flights here. These forest districts are precisely where we bird and recreate with frequent year-round use. Such proposed de-facto unrestricted use would not only endanger and adversely affect wildlife habitat there, but also degrade the experiences of many hikers, birders, and wildlife watchers that use the forest in this area. We are very much concerned about forest habitat integrity as a result of this proposal and the noise and disturbance it would create.

Public lands are already under greatly increased developmental pressure from the gas industry, and conservation values have been degraded as a result, as well as the peaceful enjoyment by the non-motorized recreationists. What baseline data set is available for impacts to breeding birds in these interior forests where greatly increased air traffic and associated noise would ensue with the modified MOA? Many of these forest-interior birds are sensitive to noise and human activity (Merrall and Evans 2020; Williams et al. 2021) and many are declining for unknown causes. Does the Air National Guard have a baseline for these species as I recently produced on my own near the industrial complex in the Tioga State Forest (Ross, 2021)? Will scientific comparisons be made somehow? Are surveys in place for the next season?

As a result, many Audubon members and I oppose low-level almost daily flights over the Susquehannock, Tioga, Tiadaghton, and Quehanna State Forests. We want quiet and peaceful places in which to recreate and rejuvenate our lives. The cumulative effect of so much motorized forest activity is inconsistent with the values of the State Forest system and its management. The proposed changes to the MOA are in no way without impact to many forest recreationists of The Wilds of Pennsylvania.

Literature Cited

Merrall, E.S. and K.L. Evans. 2020. Anthropogenic noise reduces avian feeding efficiency and increases vigilance along an urban–rural gradient regardless of species' tolerances to urbanisation. J. Avian Biology 2020: e02341.

Ross, R. M. 2021. Single Point Seasonal Avian Survey for Baldwin Run Headwaters at Sawdust Trail, Tioga State Forest. Technical Report (15 pages) for DCNR Bureau of Forestry, Tioga State Forest, Wellsboro, PA. 21 October 2021.

Williams, D. P., J. D. Avery, T. B. Gabrielson, and M. C. Brittingham. 2021. Experimental playback of natural gas compressor noise reduces incubation time and hatching success in two secondary cavity-nesting bird species. Ornithol. Applic. 123:1–11.



From: <u>Travis S</u>

To:NGB A4/A4A NEPA COMMENTS OrgSubject:[Non-DoD Source] Proposed moaDate:Friday, December 3, 2021 9:59:53 AM

Please leave it at 8000 ft.

-----Original Message-----

From: Laurie Schaeffer

Sent: Thursday, December 2, 2021 4:59 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] PA Wilds MOA

I believe in supporting our military, however, having low flying aircraft disturbing our only place for natural peace and quiet will be ruined.

Please reconsider. Laurel Schaeffer, Property Owner From: <u>LAURI SCHAITKIN</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Maryland Air Nation Guard **Date:** Monday, December 13, 2021 12:13:33 PM

I am opposed to the Maryland Air National Guard's plan to bring fighter jets into the area of the PA Wilds as low as 100 feet. It will have a devastating and negative impact on our community. I am requesting for a PUBLIC TOWN HALL MEETING where our questions could be heard and answered.

Lauri Schaitkin

Commenter:	Schenkein, Ronnie
Email Address:	
Date:	December 21, 2021

Comment:

As a resident of Potter County, I am dismayed to hear of the plan for frequent low-altitude flights above our region.

At 70 years old, I am of the generation whose men fought in Vietnam, and whose parents fought in WWII. I have lived with men with PTSD and head injuries. The challenges of their families and partners are enormous, and I have had only a brief experience with frightening ordeals from which many loved ones cannot escape.

Our region has become a center for healing for veterans with PTSD. Projects such as Healing Waters and LEEK Hunting and Fishing Preserve, bring these veterans to a place of safety, peace and tranquility to help them heal. What will be the effect of these roaring aircraft on these projects which have turned so many lives around for the good?

The best feature of our county is the pristine wilderness. We have put a major effort into promoting the "Pennsylvania Wilds" and "Dark Skies." As a result, local businesses enjoy the benefits of tourists who come from around the world to visit Cherry Springs State Park to attend workshops on astrophotography, see the Milky Way and enjoy the peace and tranquility we have to offer. I know several people whose major stream of income is air bnb's. On our Main Street, many storefronts are empty and many businesses have failed. The tourist trade is essential to our economy.

Hiking the Susquehannock Trail, road and mountain biking, cross-country skiing and camping are activities that bring people seeking peace and quiet to our region, and bring badly needed income to local bed and breakfasts, motels, restaurants and shops. We once had excellent skiing available at Denton Hill State Park, but that has not been operative in several years and many attempts to reopen it have failed.

I have lived in this area in all but 3 of the last 41 years, ever since my graduation from Cornell Vet School in 1980. I tried moving away from 1986 to 1989, but was homesick for this community and its environment. I opened a veterinary clinic here in November 1989, retired and sold it in 2015. The current owner just invested in a major expansion. Preservation of its peace and tranquility are of paramount importance.

I grew up in New York City, spending much of my childhood playing in Riverside Park along the Hudson River. I used to look with longing at the green hills across the river in New Jersey, wishing I could live there. As I grew up, I watched the greenery replaced with more and more cement and concrete until there was no longer anything green to admire. I loved to walk in the city parks to observe nature. But I was repeatedly harrassed by men. I found that in order to enjoy nature in peace, I could not stand still, and needed to walk with a look on my face that said, "If you bother me, I will hurt you." I have a bit of PTSD from my misadventures in the city.

So when I chose to open my veterinary practice in Potter County, it was not because it would be lucrative. It was because I could feel safe. It brings me great joy to see deer, bear, fox, coyote, mink,

fisher, and the sadly diminishing number and variety of wild birds. I recently paid \$6700 for the best quality hearing aids, because I thought I might be missing hearing bird songs as I walked in increasingly silent woods. It was a very expensive experiment: I wasn't missing hearing birds. They aren't present in the numbers that once gave me joy. If the Warthogs come, I will not be wearing my hearing aids. They will make me jump out of my skin.

My lifetime goal was to buy something green and keep it that way. I purchased land and planted 6,000 trees in 1999, leaving a clearing in the center. It has been a great joy for myself and my neighbors to see wildlife and their sign coming through that area. I have arranged to leave that land to the cemetery next door, as a place where mourners can come for peaceful contemplation.

Modern warfare is waged on the internet, through hacking, disinformation, divisive conspiracy theories that fuel anger, and by corruption. Our battles must be fought, not only with weapons but with character-building, ethics, education and technology. Please don't let me die feeling I have failed to protect what is green. There are people who live in this sparsely populated area, who came because of a powerful need for the peace that comes from nature.

From: <u>ronnie schenkein</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc:

Subject: [URL Verdict: Unknown][Non-DoD Source] animals and noise

Date: Friday, December 31, 2021 6:59:18 AM

I am a resident of Potter County and have written to you on Dec 21 about concerns for veterans and others with PTSD. But I am also a veterinarian, retired after serving the animals and people of this region for all but 3 of the years from 1980-2015. Since I wrote to you, I have been thinking about the difference in auditory perception between animals and people. I have often had to help people address concerns about dogs who panicked at the sound of fireworks and thunderstorms, which occasionally results in serious injury.

At a recent appointment with an audiologist at Integrated Family Hearing I looked at a chart of what exposure to various decibels can do to human hearing. I already have some damage from frequent exposure to the sounds of jackhammers used in construction, which causes me to be unable to hear the beeping of certain thermometers and timers, So I decided to look up the affects of noise on animals. Here are some links to information, along with quotations from some of the highlights;

https://www.lsu.edu/deafness/HearingRange.html

https://www.dairyglobal.net/health-and-nutrition/health/effects-of-noise-on-cattle-performance/

"Noise and animal behaviour

The following are some behavioural responses observed under high-noise conditions and should thus be taken as indicators of stress promoting adaptive management practices to ensure proper protection and better performance:

- Animals may jump when exposed to sudden very loud noise (139-143 dB), reduce activity and remain huddled together for up to 30 minutes afterward.
- Animals may freeze into a motionless stance, but may afterward become aggressive.
- Animals may increase defecation and reduce both social activities and non-social activities (sniffing, grooming or crawling).
- When the aircraft was 152 m above ground level, the cattle ran for less than 10 meters and resumed normal activity within one minute. Unexpected high-intensity noise, such as low altitude jet aircraft overflights (above 110 dB), at milking parlor, could provoke the adverse behaviour, such as kicking or stomping. The noise threshold expected to cause a behavioural response by cattle is 85 to 90 dB. Noises greater than threshold have provoked retreat, freezing, or strong startle response.
- Heifers exposed to the noise from milking parlour show escape-type behaviours, consistent with a fear response.
- Animals respond to helicopter flights by decreasing their time spent foraging and they were the most sensitive to disturbance during winter (43 % reduction in foraging efficiency).
- Grazing animals are often disoriented and run away in response to helicopter overflights. However, it was found that helicopter flights did not cause mothers to abandon their young, nor adversely affect their immediate or long-term welfare.
- Observations noted that animals galloped in response to jet flyovers. Intensive flight

reactions, random movements, and biting/kicking behaviour were also displayed.

References are available from the author upon request.

This article also mentions diminished fertility in males.

https://extension.purdue.edu/extmedia/va/va-18-w.pdf

"Physiological stress responses to noise levels of 100-110 dB have been documented in rodents (Cappert et al., 2000). In humans, hearing loss has been reported at 85 dB; exposure to sounds greater than 90 dB for longer than 8 hours can result in serious hearing damage. Exposure to sounds above 140 dB can cause immediate damage and physical pain. Sound levels ranging from 85-100 dB are common in dog kennels. Exposure to these high levels of sound throughout the day puts both animals and humans at risk for damage to their hearing and may result in decreased quality and quantity of sleep in dogs. An unpleasantly noisy environment can result in reduced reproductive and cardiovascular function, disturbed sleep-wake cycles, or a limited ability to communicate with other dogs (Wells, 2009)."

https://www.akc.org/expert-advice/lifestyle/sounds-only-dogs-can-hear/

https://www.borrettanimalhospital.com/is-your-dog-sensitive-to-sounds/

"It is important to pay attention to your dog's <u>sensitivity to sound</u>. In some situations, your dog's reaction may be caused by physical pain, rather than anxiety. Paying careful attention can help you to determine whether it is a behavioral response or a reaction to pain. Some dogs have extremely heightened hearing, which can cause them to experience high levels of pain when they hear loud noises. Consulting with an experienced veterinarian can help you to determine whether the behavior is a reaction to pain or anxiety."

https://www.audicus.com/human-hearing-range/

https://www.utoledo.edu/al/psychology/pdfs/comphearaudio/AuditoryPerception 1992.pdf

I wonder if any of these matters have been considered in your impact study. We do have dairy farmers who will hardly be pleased if their herd production is diminished, or if the animals kick or show other types of aggression.

It is more difficult to study impact of sound on wildlife, but since deer and elk are ruminants, one can guess that their responses would not be totally unlike those of cattle.

I hope you will take the time to consider this information.

Sincerely,

Ronnie Schenkein, DVM



From: Gail Scoufield

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Oppose proposition
Date: Wednesday, December 22, 2021 4:24:43 AM

I oppose the proposition for this training site. It negatively impacts the environment and the local populations.

Respectfully Gail scoufield

From: <u>Elizabeth</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] PA Wilds

Date: Saturday, November 20, 2021 6:09:43 AM

To whom it may concern,

My great grandfather was the 1st general in the National Guard at the time it was founded. This arm of the military was formed to protect the American public, not to menace it. Warthog flights over the PA Wild are not the proper & respectful use of this area. In our increasingly loud & over mechanized world there are fewer & fewer places where one can quietly commune with nature. Low flying aircraft are the antithesis of what we need in these areas.

Please do not continue this destructive & harmful behavior for these reasons as well as the ones below;

While using an air tanker on a wildfire, our plane was flying in a generally easterly direction from the Moshannon Air tanker base, approaching the side hill fire header. Airspace was closed to all other traffic, but a Warthog was flying low just above the west branch of Susquehanna River. The air tanker was diverted just in time to avoid a disastrous mid air collision. The Air operations manager for Bureau of Forestry made an official complaint.

Prior to any final decisions on these extremely low-level training flights over PA WILDS, the **Maryland** Air National Guard must hold Public Meetings in the counties which will be affected by the flights. These meetings must be held at times and places which encourage wide participation. Meeting must be well-advertised, including efforts to include the Plain Sect communities residing within this region.

The National Guard is required to prepare a detailed Environmental Impact Statement (EIS). It must be complete, comprehensive and must be published for all those affected may view it.

The EIS must include any adverse effects <u>and alternatives</u> to the proposed action. In short, the National Guard must clearly justify all Federal actions which affect the quality of our environment

The National Guard's very premature statement of FONSI (Finding Of No Significant Impact). Demonstrates bad faith. The National Guard must conduct a full Environmental Impact Study <u>and then</u> host public meetings in each of the impacted counties (Cameron, Clinton, Elk, McKean and Potter).

Please act responsibly & discontinue these flights.

Thank you, Elizabeth Seltzer From: <u>Joseph Serafini</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] DUKE MOA

Date: Thursday, December 2, 2021 9:28:54 AM

I understand that the military needs to train. I served bravely also for 20 years. During my 3 deployment to Iraq I would dream at night of being in the beautiful Pennsylvania wilds. I actually wrote several letters to the editor saying just that.

I hike and fish in the Duttlinger wild area. Please reconsider another area. Many of us veterans escape to this area to our R&R



NO MISSION TOO DIFFICULT NO SACRIFICE TOO GREAT DUTY FIRST From:
To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] PA Wilds Flyover
Date: Tuesday, December 14, 2021 7:50:26 AM

Hello,

Please do not proceed with the flyovers. This will really damage the tourism industry in this area. This area is already hurting enough without 100ft flyovers.

Thank you for your time, Theodore Shaffer From: Jason Shipley

NGB A4/A4A NEPA COMMENTS Org To: [Non-DoD Source] Comments Saturday, November 20, 2021 11:00:57 AM Subject:

Date:

Keep flying, I love seeing the planes at low levels. Very exciting.

From: <u>Sidecar Tourz</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Low Flying Military Training **Date:** Tuesday, December 21, 2021 9:25:50 AM

Just today your intent to lower the air training to just 100' above the ground in the Pennsylvania wilds I find appalling for so many reasons. It most definitely will effect the wildlife beyond belief! Roosevelt must be turning in his grave! All of his efforts to reestablish the elk herd, and finally they are in good numbers and comfirrable with their surroundings. This practice "will" change their existence!! And mine!! My entire life my husbabd snd I worked hard so someday we could have a "quiet" place away from all the noise. Just a year ago we planted our camp exactly where you propose to have these obnoxious low flying exercises. I urge you to reconsider!! There's simply not enough quiet spaces left for the critters the environment and quite frankly for myself!!

From: Linda

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Flyovers

Date: Friday, December 31, 2021 5:00:48 AM

We have put up with these fighter jets for years. now, you are going to make it worse. We enjoyed the flyovers but any lower is crazy. We should not have to put up with this 170 days a year. And, we would never know when to really expect them.

please reconsider this.

Thank you

Linda Slyder

__

The meaning of life is to find your gift. The purpose of life is to give it away.

-Pablo Picasso

We do not build ourselves up by tearing other people down..... but by lifting them up.

From: <u>Vicki Smedley</u>

To: ANDRIEU, JEFFREY M Mai USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4; NGB

A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] MOA in PA Wilds

Date: Tuesday, December 14, 2021 7:12:38 AM

December 14, 2021

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762 Maryland Air National Guard 175th Wing Martin State Air National Air Base

Dear Ms. Kucharek and Major Andrieu:

I am a frequent visitor to the PA Wilds for various recreational activities from canoeing in the river from Renovo to Lock Haven, to bird watching, photography, hiking, swimming, Hyner View picnicking. I also canoe and hike around the river above Renovo. I remember when you did a MOA several years ago. It was unbearable

PLEASE, hold a public meeting on the plan to train fighter jets in a MOA (misad)venture in our most beautiful and pristine (almost) area, the PA Wilds! I have already sent in a request to stop this crazy plan, but I forgot to ask for a hearing. It has been many years since you turned our beloved recreational area into a military training ground. We fought it then, We will fight it now. It is not your right to destroy the beauty and peace of our PA Wilds. LET THE PEOPLE SPEAK. Hold a public hearing. We will listen, and hope you will also.

Vicki Smedley Jersey Shore, PA From: John Snyder

Date: Sunday, Dec 05, 2021, 1:11 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] DUKE Low MOA

Major Andrieu,

My wife & I own a number of businesses in Potter County, Pennsylvania. We are very concerned on how the DUKE Low MOA being proposed is going to affect our businesses and quality of life.

Please hold a public meeting so we can be informed on what impacts/changes we ought to expect and furthermore why we are the place where this needs to be done.

Thank you in advance for considering this request.

John R. Snyder

--

Olga Gallery, Cafe, & Bistro

From: <u>John Snyder</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Duke MOA changes deserve public meeting!

Date: Friday, December 24, 2021 11:50:35 AM

To Whom It May Concern:

Please hold a public meeting to explain & justify the proposed changes to the Duke MOA. Thank you for considering this request. We are extremely concerned about the impact this may have on our livelihoods & quality of life. Sincerely,

John & Olga Snyder

Commenter:	Sourbeer, Ben		
Email Address:			
Date:	December 16, 2021		

Comment:

I am writing this email to communicate my deep concern with this project. My family has been recreating in this area of Pennsylvania for my entire life. The area has an irreplaceable sense of wilderness and peace. This project will destroy that, and will greatly impact the tourist based economies that exist in those rural towns. Please reconsider this project in north central PA.

From: Kate StJohn

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Objecting to Maryland ANG proposal for Low MOA over PA WILDS

Date: Tuesday, November 30, 2021 12:20:11 PM

To the Air Force regarding Maryland ANG's proposed Low MOA in the vicinity of Duke MOA,

The location of the proposed Low MOA is the largest area of public lands and wilderness in Pennsylvania where people spend time in the quiet woods hiking, hunting, watching wildlife and stargazing. The proposed area includes a dozen State Parks, the largest roadless wild area in Pennsylvania (Hammersley Wild Area), the Darkest Sky in Pennsylvania (Cherry Springs State Park) and one of the oldest and most venerable backpacking trails -- the Susquehannock Trail -- which, with adjoining Donut Hole and Bucktail trails, comprise more than 200 miles of wilderness walking. It is a very quiet place, full of wildlife.

These qualities make the area a magnet for outdoor recreation, an \$1.8 billion industry in the PA WILDS.

Maryland's proposal would destroy Pennsylvania's last large wilderness by injecting Maryland's noise.

It is distressing that a comprehensive Environmental Impact Statement (EIS) has not been completed yet. Thus your initial FINDING OF NO SIGNIFICANT IMPACT must be revisited after the complete and comprehensive Environmental Impact Statement (EIS) is made easily available to residents and area visitors alike. The EIS should include the results of:

- * At least six well advertised public meetings to be held in each of the six affected counties.
- * A calculation of the economic loss to the area from reduced visitors and recreational use because of the noise.
- * A list of low-flight alternatives to the proposed Low MOA. For example, low flights over the Atlantic Ocean

All of this will take time, so please extend the comment period beyond 15 Dec 2021.

Respectfully, a hiker and bird watcher,

Katherine St. John

From: Stan S

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Proposed Duke MOA
Date: Wednesday, December 8, 2021 9:27:57 AM

We live in an existing 500' MOA according to the map provided on your website. I've included my full address below.

We see/hear your low flying aircraft on just about a weekly basis - we've been living here for 26 years now. Every time it makes us so proud to be American citizens (born and raised). It gives us such a secure feeling actually seeing your aircraft practicing over our home and property.

We hope your new proposal goes through and are excited to see your aircraft at even lower heights.

Thank you and all involved for your service!

Stanley Stahr

From: To:

NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] PA Wilds for Nature and Peace

Date: Saturday, December 4, 2021 5:06:01 PM

The PA Wilds should be protected for nature and a place for humans to experience wilderness. Training missions would be too loud, disruptive, and unsafe for our Wilds and can be accomplished better elsewhere. While we support our troops, we do not support this use of public and private lands.

We use PA Wilds for hiking, fishing, hunting, skiing, birdwatching, photography, and camping. We also own vacation property adjacent to state forest land that would be adversely affected by flyovers. Sincerely, Michael and Laura Steele

Sent from my iPad

From: Bill Stickles < > Sent: Wednesday, November 24, 2021 2:44 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Low Level Training Flights over McKean and Potter Co., PA

Dear Sir, as an avid outdoorsman and hunter, I have never observed any of the training flights in our area affecting any wildlife. I have sat in my treestand during training missions of the F16's and A10's have never seen any effect on wildlife. I have watched the behavior of deer during severe thunderstorms as well as during fly-byes of F16's and A10's. They don't run, they don't get out of a bed and in no way have they ever seemed alarmed by the noise.

I am looking forward to seeing them train in our area and listen to the "Sound of Freedom"

Carry-on.

Sincerely, William Stickles

From: <u>JULIE STORY</u>

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] MOA in over PA Wilds
Date: Monday, December 13, 2021 8:39:14 AM

As a lifetime Pennsylvanian living in the PA Wilds, I am writing to express my opposition to the Maryland National Guard's potential training in this airspace. Not only would the peaceful mountain environment be negatively affected, but also the air quality and habitat for humans and wildlife living here. Also, we depend on ourselves as well as tourists who hunt, hike, fish, and traverse ATM trails to support our local economies. With intrusions from low-flying jets, our way of life will be significantly ruined. Please do not destroy our living and thriving peacefully, prosperously, and safely in the PA wilds!

Sincerely,

Julie A. Story, Ed.D.

"Of this base metal May a key be made To open up a door."

The Rubaiyat of Omar Khayyam

From: <u>Kevin Stretavski</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Training flight altitude change **Date:** Thursday, December 2, 2021 5:17:32 PM

I frequent this area of Pennsylvania often and have had military combat aircraft fly over the state park where I was vacationing and although the noise did not last very long it was disturbing the peace, quiet and tranquil atmosphere at the park. Could these training flights operate over other areas such as western Maryland, eastern or central West Virginia or even southern Virginia? Please refrain from using this area for training.

Thank you.

Respectfully,

Kevin Stretavski Sent from my iPad From: <u>Jason Swanson</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Duke MOA Low public comment

Date: Tuesday, December 14, 2021 5:42:07 AM

Dear sir,

I am writing to protest plans for the Duke MOA Low plans in Pennsylvania.

The training will disrupt the natural beauty and fragile ecosystem in the area.

As a kayaker and outdoor enthusiast, it will cause myself and my friends to seek other areas to explore in PA, also harming the region's fragile economy.

The area does not need to be used for low-flight training. Rather, it should be invested in, cleaning up feeder streams and making it a world-class destination.

Respectfully,

Jason Swanson

From: Nancy Swanson

To: NGB A4/A4A NEPA COMMENTS Org

Subject:

[Non-DoD Source] Duke MOA

Date: Sunday, December 19, 2021 7:35:01 PM

Nancy Swanson



December 18, 2021

Dear Ms. Kristi Kucharek;

I am writing this letter in regards to the Proposed Duke Low Military Operating Area (MOA).

My husband and I own property in Northern Clinton County, almost into Cross Fork in Potter County. We built a secondary home here and may someday live here permanently. We have chosen this area for many reasons. We have grown up here and have come to love and hold this place close to our hearts. As you know, this area is abundant with wildlife, clear streams, beautiful mountains and valleys. It's peaceful and it is home.

After reading a few articles about the Duke MOA, I don't believe that there has been enough time for public input. It was just brought to my attention in the last 6 weeks in a newspaper article and on social media. This is a busy time of year with the holidays and even more importantly with the impact of COVID in this area. It makes me wonder how many people actually took or have the time to look into this. I have been talking to a few people and I was surprised how many knew nothing of this. Please push for more time and for more concrete information to be shared with the public. There are so many ways to reach the public, not just in person. Please consider different avenues of communication and ask for more information to be presented to the public. We deserve more than what has been presented.

My concerns are many and include the environmental impact, the disturbance of the peace and quiet of the area, the impact this will have on many businesses that depend on tourism, and the possible catastrophic conditions that could happen if a mission would go awry. There have been flight missions in this valley previously which have produced much noise including sonic booms. If I understand this correctly, these previous missions have been at 8000 feet. I cannot imagine or comprehend how loud this will be when aircraft will be flying at 100 feet above ground level. I'm not convinced that enough has been done to study the impact this may have on the area with the environment, wildlife, tourism and businesses, private lives and homes and public safety. What if a mission goes wrong and an accident

happens? Will there be hazardous materials that may harm the environment if there are malfunctions? Will the noise disturb the school sessions? What about the wildlife? Have experts in the field of wildlife protection and management been contacted for input in assessing the possible impact of these missions?

I have tried to read and understand the environmental study that has been completed. It is very difficult to comprehend all of the information that was in this lengthy study. I believe that the public has the right to hear this information in layman's terms and be given an opportunity to ask questions in order to make an informed decision on this important matter.

I understand that our military has to have missions to provide training for our servicemen. I also appreciate and respect what our military does in preparation to protect this beautiful country from outside forces. But I also understand that the public is entitled to receive a comprehensive study of how this proposal will impact the area of concern. We deserve much more than what has been presented. Please step up and help the public understand what has been proposed.

Sincerely, Nancy L Swanson

Sent from my iPad

From: Phillip Tompkins <

Sent: Sunday, November 21, 2021 5:03 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Low Flying Military Operations in Pennsylvania

Dear Major Andrieu,

I'm writing you as a Pennsylvania resident requesting that you do not perform low altitude drills with aircraft in PA. There are plenty of mountains and wooded lands in Maryland that can accommodate your low flight requests.

As a hunter, fisherman, hiker, and outdoor recreation enthusiast I just do not see the need for this type of activity. I realize that our military is trying to be ready for possible future engagements with China or Russia, but lets me real. If that happens it doesn't matter how much low altitude training happens. A war like that will suck for all of us on the globe.

As an American first, I hope you'll reconsider any such flight operations in my great state of Pennsylvania.

Thank you for your time and thank you for your service. Phillip Tompkins
Freeport, PA 16229

From: Phillip Tompkins

To: NGB A4/A4A NEPA COMMENTS Org; Abigail Major

Subject: [Non-DoD Source] Duke MOA Environmental Assessment (EA) - Maryland Low Level Flight Activities in PA

Date: Sunday, November 21, 2021 2:13:55 PM

Dear 175th Wing,

As a resident of the great state of Pennsylvania I request that you NOT allow low flight training exercises in our state. The Maryland Air National Guard has plenty of opportunities in Maryland to conduct such exercises and the noise and environmental impact on us Pennsyvanians is simply not wanted here.

As an American, Pennsylvanians, Hunter, Fisher, Hiker, and outdoor enthusiast I'm humbling asking that you reconsider your low level flight activities here. I realize that you are training for a possible future war against China or Russia, but let's be realistic. If that war happens the entire globe is screwed and that low level flight training won't matter. Plus if the Russians or Chinese come to PA there are 60 million hunters who, in the last 30 days, have zeroed their rifles for hunting season and are ready to engage any foreign enemy that thinks they can take us. Our hunters already spend 8 hours in a tree stand to kill a deer that's 300 yards away.

Please keep the Maryland ANG low level flight activities contained in Maryland. Myself and everyone I've talked to about this does not want those activities over our lands.

Thank you for your time and your service. Phillip Tompkins Freeport, PA 16229

PA Wils Center Response Letter:

https://www.pawildscenter.org/wp-content/uploads/2021/11/PA-Wilds-Center-letter 11.21-ANG Low-MOA.pdf

175th Wing announcement: https://www.175wg.ang.af.mil/Duke-MOA-Low/

CC: Representative Abby Major

From: Lee Trayer

Date: Sunday, Dec 05, 2021, 11:47 AM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] ANG Low-fly Proposal for PA WILDS

Major Jeffrey,

My name is E. Lee Trayer and I am a resident of Potter County PA. I am writing to express my reasons why Potter County would NOT be suitable for the MD ANG Low-fly Military Operations.

1. Cherry Springs State Park, located in Potter County PA, is an international 'dark sky' destination.

This would have a negative effect to the local economy, of which tourism to view the stars at Cherry Springs is a big part.

- 2. Potter County is known as "God's County.' There are signs on PA Rt#6 from the W (from McKean Co.) and E (from Tioga Co.) entrances announcing the entrance to 'God's County.' I feel that the use of Potter Co. as a military training air space would not meet the expectations of residents or visitors that want to enjoy the 'dark sky' region and unique PA Wilds (hunting included.)
- 3. It is well know that Potter County has a near-surface network of natural gas pipelines, multiple fracking gas 'heads,' and a large underground storage system for natural gas. I cannot imagine the explosion that could be ignited if there was spark, crash or some kind of damage to the Natural Gas storage ares and/or pipelines in Potter County. I've seen what happens when a lawn mower accidentally knocked the cap off a part of a pipeline....flames 50-hundred ft high and the Gas Company having to shut off the gas to multiple homes...I think that creating a military training airspace would be a disaster waiting to happen.

What about the ocean off the Maryland shores? Then there would be no need to travel across state lines?

Sincerely,

E.Lee Trayer

From: To:

ANDRIEU, JEFFREY M Mai USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4; NGB

A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Public Comments: Proposed MD ANG low flyover zone in PA Wilds

Date: Friday, December 31, 2021 10:48:02 AM

Attachments: <u>image001.png</u>

December 30, 2021

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Join Base Andrews, MD 20762

Maryland Air National Guard 175th Wing Martin State Air National Air Base

Dear Ms. Kucharek and Major Andrieu,

This letter is in response to the proposed Maryland national Guard's plans to establish a Low Military Operations Airspace to fly low-level training flights repeatedly over vast parts of the Pennsylvanian wilds (PA Wilds).

As a lifetime resident of Pennsylvania, and a registered landscape architect, I'd like to share may concerns relative to the draft Environmental Impact Assessment (EA), and to indicate that *I believe it imperative for the ANG to prepare a more robust Environmental Impact Statement (EIS)*. The following are excerpts from the EA (indented) with my comments and concerns following each indentation.

"The USEPA indicated in their IICEP response (Appendix A) that aircraft operations in the existing Duke MOA above 8,000 ft MSL may have minimal effects on the Pennsylvania Wilds region and that low-flying aircraft in the proposed Duke Low MOA could impact residents in the rural areas and the wilderness (wildland) experience of visitors."

"As indicated in their IICEP response (Appendix A), PA DCNR noted that the Pennsylvania Wilds region is responsible for \$1.8 billion in nature and heritage tourism. As a trustee, of Pennsylvania's natural resources, PA DCNR is mandated to prevent and remedy any degradation, diminution, or depletion of the natural resources. The Proposed Action would not alter, prohibit, or otherwise limit the public's access to the recreational areas beneath the Duke Low MOA. PA DCNR advised that six state forests, thousands of acres of forest land and wilderness, and 12 state parks would be affected by the Proposed Action."

In my opinion, it would drastically degrade the experience that visitors – and residents - seek here, which is solitude and a wilderness experience. This EA constantly references 'existing conditions' relative to impacts of flyovers and compares the proposal to what is now. What they do not recognize are the impacts that the existing flyover activity already has on the highly sought wilderness experience.

Consider that you have just traveled 4 or more hours from a metropolitan area to have a PA Wilds experience, only to find the same disruptive distractions from nature that you traveled to be away

from. In many cases, these low elevation flyovers will be much more disruptive than what people experience at home.

"Individual overflights would be loud enough to momentarily interrupt speech on the ground. These events would annoy some individuals beneath the Duke Low MOA but would not be frequent enough to create areas of incompatible land use. This would include population centers as well as wilderness and recreational areas."

"Based on information provided in Tables 2-2 and 2-3 and Section 3.2, the noise exposure from A-10 and F-16 operations conducted below 7,000 ft MSL would be loud enough to interfere with communication on the ground for approximately 0.7 to 1.2 miles in all directions or an average area of 2.4 SM at any given time while in the proposed Duke Low MOA. Every four days on average an individual on the ground may experience an individual aircraft overflight that would interfere with speech on the ground for approximately 22 seconds."

"There would be no changes in the natural or built environment that could alter, detract, or eliminate use or enjoyment of a place. Land use conditions would remain unchanged when compared to existing conditions."

This last statement speaks only to the built environment – and is very inconsistent with the kind of natural environment experience that people like me – and many others who support Pennsylvania's tourism industry - seek. It is obvious to me that the authors of this report have never spent time in these forests, being intimate with the environment; backpacking and sleeping on the ground for days at a time, fly fishing in the wilderness valleys full of native trout, rattlesnakes and elk, nor have they laid on the earth looking up through the canopy of trees to see only blue sky with no jet trails... while listening to only native insects, songbirds, and babbling brooks.

These are the experiences that brought me – as a young, educated professional - to move back to Northcentral Pennsylvania. After college I moved to the Philadelphia area, only to find that I was driving here twice a month for the easy access to the solitude and peace that only places like this can bring to the soul. These are the types of experiences millennials seek – and if we want to stop the brain drain in our region of the Commonwealth - we have to protect our assets that are attractive and alluring and can help reverse our declining population.

"In 1913 the Pennsylvania Game Commission began reintroducing elk to Pennsylvania. In the past 20 years the Pennsylvania public has embraced the existence of their elk population and elk are valued as a source of recreation by hunters and nonhunters alike. Management goals focus on the long-term sustainability of elk in Pennsylvania, which includes annual hunting to provide recreational opportunities during the rutting period in September and October. "

"3.7.4.3 Outdoor Recreation and Tourism There would be no construction, development, changes in ground-based operations, or any other ground-disturbing activity that would have an effect on tourism within the ROI. The influence of noise may impact the quality of the tourist experience, however; as discussed above, noise from aircraft would not contribute appreciably to the overall background levels throughout the region." "...these events would annoy some individuals beneath the Duke Low MOA but would not be frequent enough to create areas of incompatible land use. This would include population centers as well as wilderness and recreational areas."

"In response to IICEP coordination (Appendix A), <u>a Potter County Commissioner and the Pennsylvania Wilds Center for Entrepreneurship stated that the Proposed Action would be detrimental to business and tourism</u>. Noise from aircraft operations under the Proposed Action would not exceed 65 dBA DNL and would be compatible with all land uses."

Again, it may be compatible with land uses – but only in terms of the built environment. This would jeopardize the atmosphere and communing with nature that makes this area a destination to tourists and residents alike, which is why it cannot be measured as they report in this environmental assessment.

- Aircraft noise intrusions did not appreciably impair surveyed wilderness users overall enjoyment of their visits to wildernesses nor reduce their reported likelihood of repeat visits.
- The majority of wilderness users interviewed were not annoyed by overflights, a minority

(16 percent) was annoyed in some degree, and a smaller minority (4 percent) highly annoyed by overflights. • Overflights were only rarely cited as the least liked feature of visits to wildernesses. • Low-altitude, high-speed aircraft (i.e., military tactical aircraft) were reported as, the most annoying type of aircraft to hear or see. • Although many respondents were not exposed to noise from low-altitude, high-speed flights, those who wen: exposed were often annoyed by them.

• The impact of aircraft overflights in wildernesses differs significantly from impacts in residential or urban communities. In a National Park Service study (NPS 1994), it was found that only 2 to 3 percent of visitors can be expected to report impact from hearing or seeing aircraft. Park visitors reported that their enjoyment and experience is affected by noise from a number of sources including rotary and fixed-wing aircraft, snowmobile and other vehicle noise, loud talking, and other visitor sounds. The NPS study found that a variety of factors (e.g., personal, proximity, setting, activity) determine an individual's reaction to an overflight and impacts on visitors from aircraft are only one of numerous factors that can affect visitor enjoyment. The overall conclusions regarding overflights include the following highlights.

Where was this NPS study conducted? Certainly not in the PA Wilds and certainly not with PA Wilds visitors. Any study to be credible and valid must reach out directly to the many lease holders of Bureau of Foresty Camps to make them aware of this proposal and seek their responses. These may be seasonal residents, but as 99-year lease holders they should be treated as if landowners in this region.

• Aircraft overflights can cause impacts to park resources and values. • For certain visitors, for <u>visitors engaging in certain activities</u>, and for certain areas, there is a very real potential for overflights to impact parks' natural and cultural resources, visitor experiences, and <u>solitude and tranquility</u>. • The NPS perspective is that there are impacts to visitors from aircraft overflights depending upon location, visitor activity, aircraft-produced sound exposure, ambient sound levels, and other factors.

Has a visitor survey been done specific to this area? Is the study referenced even applicable to the PA Wilds in terms of the amazing wilderness resource that it is for Pennsylvania? We have invested so much money into the PA Wilds and our Parks – over \$1.8 billion -why jeopardize wasting this investment?

"There is a lack of published studies on quantifiable impact from aircraft overflights in MOAs to local economies related to outdoor recreation and tourism. While there are possible impacts on recreation and tourism in the parks and natural areas beneath the proposed Duke Low MOA airspace, there are no data to forecast a quantifiable impact on outdoor recreation and tourism from the proposed overflights.

Considering implementation of management actions, special procedures, and altitudinal mitigation for state parks and state forests, the Proposed Action would not significantly impact tourism."

As noted above, this study indicates the "lack of quantifiable impact" – yet goes on to say there will not be significant impacts on tourism. Considering our investment in the wilderness region it would seem quite prudent for there to be a requirement for gathering data to verify specific impacts to tourism in this area.

"3.7.5 No Action Alternative: The No Action Alternative would result in no change to current Duke MOA airspace use and management. Establishment of the proposed Duke Low MOA would not occur. There would be no impacts to socioeconomic resources.

4.0 CLOSE CAUSAL RELATIONSHIPS AND REASONABLY FORESEEABLE ACTIONS Effects on environmental resources can result from individually minor, but collectively substantial, actions taken over time. The CEQ NEPA regulations, issued on July 16, 2020, eliminate use of the term "cumulative impact" as a category of "effects or impacts". In their definition of "effects or impacts," however, the regulations include effects: ...that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives. (40 CFR § 1508.1(g)) The regulations limit

the review of effects and impacts by acknowledging that "Effects should generally not be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain" (40 CFR § 1508.1(g)(2)).

This EA does not consider future actions that are speculative. "

Relative to the above statement...why then are they not being required to collect data relative to cumulative impact so that they are NOT SPECULATIVE?

"4.1.2.7 Socioeconomics The Proposed Action would have less than significant adverse effects on socioeconomic resources. Effects would be due to the intermittent introduction of low-altitude military overflights in the proposed Duke Low MOA. The Proposed Action would not cause direct effects on the local economy and related effects on other socioeconomic resources or result in substantial shifts in community characteristics, including property values, employment, income, and social well-being. "

This rural area depends on the Wilds remaining wild – otherwise there is no draw to tourists! While economies may be small, they are built by small businesses and entrepreneurs who invested in Pennsylvania and the PA Wilds vision sold to them. Don't sell them out!

Once the barn door is open to this proposed new activity it will only be a matter of time before additional users are impacting this airspace and the PA Wilds experience. For decades efforts were proposed that would have developed Central Park in NYC. It is only thanks to people dedicated to preserving the environmental experience that it provided to surrounding citizens that it even exists today.

Please, act now to halt this proposal. At the very least an in-depth Environmental Impact Statement should be required to properly assess the impact of this proposal. There is a lot a stake that cannot be measured in the way that the data has been presented by people who have never had a real PA Wilds experience. If we allow this proposal to move forward, soon none of us will have that option.

Respectfully,



Alice L. Trowbridge, RLA
Registered Landscape Architect



Cc: Sen. Robert Casey
Sen. Patrick Toomey

Rep. Fred Keller

Governor Tom Wolf

Rep. Armanini Rep. Borowicz

Rep. Causer

Rep. Hamm Rep. Owlett From: Gary Truax

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] A10

Date: Tuesday, January 18, 2022 4:54:01 AM

Let' em fly. The roar of those planes in our valley reassures us that a vestige of military might remains; and the damage they do hardly compares to the damage caused by inexperienced semi drivers using our narrow country road as a shortcut and turn-a-round.

Gary Truax Crystal Spring From: <u>Terry W. Tucker</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] comments on environmental assessment of proposed modification to Duke MOA

Date: Friday, December 31, 2021 7:14:24 PM

To whom it may concern:

Thank you for the opportunity to comment on the proposed change to the Duke MOA, a change that would reduce the flight floor for Maryland Air National Guard A-10 training to 100 feet AGL, and also allow for low altitude F-16 training by the New Jersey National Guard.

I find the assessment lacking in the following important ways:

Weak Public Engagement

The most notable weakness, in my view, is the exceedingly limited public engagement reflected in the document. There is a need for public information sessions at times and locations convenient to local citizens. Simply posting announcements of intent in a handful of weekly newspapers with limited readership, along with a URL for submitting comments, cannot elicit a local perspective on the socio-economic, environmental and quality of life impacts of frequent (4 days per week), low altitude training flights. In-person public meetings can help mitigate transparency and public participation issues related to poor internet and cell phone access in the region. Also, requiring the public to wade through the technical language customary in environmental assessment documents and submit written responses discourages meaningful citizen feedback.

No Serious Examination of the Maryland Air National Guard's Statement of Need or Assessment of Options

The ANG is asking stakeholders to accept their brief statement of need as an article of faith. To what extent can recent advances in extreme fidelity VR simulation technology replace some of the actual flight time, reducing risks to pilots and equipment, taxpayer-borne costs of training, and impacts on the lives and livelihoods of people within the MOA?

Sound Impact Assessment Overemphasizes DNL

DNL is a poor measure, at best, of the noise impact of low altitude military flight training. Of course the noise associated with periodic flights, when averaged over a 24 hour period, will do little to raise DNL. It's a relatively meaningless indicator for this type of proposal. The environmental assessment referred again and again to DNL is justifying a finding of insignificant impact. The occasional acknowledgements that intense, high dBL noise from low altitude A-10 and F-16 training could be disruptive ("the influence of noise may impact the tourist experience" section 3.7.4.3) were offered somewhat dismissively and accompanied by statements such as "noise from aircraft would not contribute appreciably to the overall background levels throughout the region".

The summary of finds from a study of the impacts of aircraft overflights on wilderness resources begs questions about sampling, methodology and motive. Finding #5 reads "although many respondents were not exposed to noise from low-altitude, high-speed flights, those who were exposed were often annoyed by them". What then were the other respondents opining on if not low-altitude, high-speed flights?

Need for More Refined Map

The assessment makes reference to potential adverse impacts on state parks, wilderness areas and more densely populated communities in the Duke MOA. In response, significant portions of the MOA will be off limits to the lowest altitude flights. Remaining portions of the MOA will thus be "hosting" all of the lowest, most intrusive training portions of training flights. An updated map differentiating the flight altitude floors within the MOA is needed.

Regional Identity and the Economy

Tourism in the area is based almost exclusively on the unique natural environment. Regional identity has long centered around the characteristics of that environment. Assertions that opening this region to almost daily military training flights at altitudes as low as 100 feet AGL will have no significant socio-economic impact needs to be backed up by far better evidence. A more genuine effort to engage local citizens in impact assessment would be a good start.

Terry Tucker	

From: <u>JT Turek</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Subiect:

[URL Verdict: Unknown][Non-DoD Source] Duke MOA Low - Public Comment

Date: Monday, December 27, 2021 1:15:27 PM

To Whom it May Concern

Thank you for your service to our country. I support you in your mission to maintain well-trained, well equipped units available for prompt mobilization during war and providing assistance during peace time emergencies. This involves extensive training to prepare for current and future conflicts.

I am from Potter County, Pennsylvania - Our community is in the direct path of the Duke MOA.

While I do agree with the proposed changes to your MOA to allow for 100ft AGL. I believe the best path forward would be to have a public town hall, virtually or in person to allow the ANG to provide our community with the information needed to have confidence in your modifications.

There are many concerns over the quality of life of our community, and the impact to tourism if there are frequent fly-overs causing environmental changes. I reviewed the environmental impact study, and the results are inconclusive about the direct tourism and wildlife impact.

Please consider a public town hall virtually or in-person. We have a local consistory auditorium with stage and sound system that could host this town hall and practice social distancing.

http://www.coudersportconsistory.com/facilityrental.html

I am willing to help support your changes, but this community needs more confidence to feel comfortable with allowing this type change to our environment.

Thank you,

John Turek

From: <u>Stephanie Ulmer</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] low level flights

Date: Sunday, December 5, 2021 6:23:21 PM

Our PA parks and wild lands should not be used as a military training ground. They were meant to be refuges for humans and areas where wildlife could flourish. Extremely low-level military training flights should not be taking place over these lands.

Our woodlands and streams are used for hiking, kayaking, bird watching, hunting, and fishing. I myself particularly enjoy foraging for mushrooms and berries. It is impossible to do any of these things in peace with low flying military planes overhead.

In addition to stressing tourists, these flights will stress the animals that draw many of us to the woods in the first place. Our wildlife is under enough stress as it is as their habitat is increasingly encroached upon by development and extractive industires and disruptions to the climate play havoc with their food sources.

The proposal to use twelve state parks as a military flight training ground is an insult to the taxpayers of PA and the many small businesses who rely on PA's natural beauty to make their living. It also shows an astounding ignorance about natural systems and what they need to thrive. If the National Guard can't come up with a better solution then to use our wilderness areas for strafing practice then they should be ashamed of themselves.

A full Environmental Impact study must be done with public hearings held in each of the impacted counties.

Stepahnie Ulmer Pennsylvania From: Craig Vuccola < Sent: Tuesday, November 16, 2021 5:53 PM

To: NGB A4/A4A NEPA COMMENTS Org < NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] Duke MOA Public Comment

11/16/2021

To Whom it May Concern,

Please take a few minutes to read my comments and absorb the gist of my letter as I do not often convey my opinions on these matters.

I am 64 years old and am proud to be an American. I stand behind our military and veterans of all wars and service periods. I am an Independent politically and conservative thinking on most issues. I am a gun owner, a hunter and very much a trout fisherman and enjoy hiking, biking and taking in all that is offered in Pennsylvania, be it the PA Wilds area or Pennsylvania's many state parks and public forest expanses. I've lived my whole life in the state and enjoy everything that Pennsylvania's State Forests have to offer. I'm not what you would call a tree hugger or an environmental warrior. In other words, I am like many that reside here.

Decades ago, late 70's to early 80's, as a young man fishing a small native trout stream on the Young Woman's Creek Watershed of Clinton County, I was enjoying a beautiful late summer day under blue skies and gentle breezes along a stretch of stream I walked miles off blacktop to access then walked even more to get to some great spots. Nothing and I really mean nothing including the ravages of age will ever make me forget that particular day. Not because of the serenity and beauty I was enjoying. It is atypical of what I expect or anyone could possibly ask for when you are in God's green mountains and cold clear trout streams, we are blessed to have. On this day, things changed.

About an hour into fishing, I heard a sound at distance that I had never heard or experience before. At least, not up there! It was a low rumble that overtook the delicate sounds of my stream, the breeze and the forest birds. Within 10 seconds, as someone who attended live rock concert events and wore overly loud headsets in his days as a radio DJ, this low thunder sound quickly escalated into

what I estimated was a 120 to 130+ db sustained roar against the sides of that hollow as a black fighter jet, low enough to pick out rivets and signage on its underbelly, blew by my position followed by a wave of either air or sound or both that put me down on my knees. It was followed immediately by a second flyover at low altitude but over the ridge from where I was. Not as loud but equally terrifying. YES! Terrifying is how I describe it. It didn't belong there and was totally unexpected. (Think out of a clear blue sky)!

All I could do was shake! And that's what I did for what seemed a long time. I actually checked my drawers to make sure the event didn't do the literal "scared" expression to me.

With my ears ringing, unable to catch my breath for quite some time and my whole self being shook to the core, I walked out. I was done for the day. Period. As a mere kid in my twenties, there was nothing slightly cool, inspiring or awesome about the BS that I incurred. You may ask, "maybe you should put your big boy's pants on" or "suck it up, buttercup"!!! "It's for our national defense"!!!!!! NO!!! That noise and disruption to that environment was a complete abomination to all humans and wild animals alike.

Now the military wants more airspace. And with it, more restrictions on private pilots, hang gliding and disruptions to residents, animals, sportsmen and women and tourists alike. I have an alternative to the plans:

If it's just adding more topography for our pilots to train over, fly our military pilots from the west coast or desert Southwest to our MOA you already have and control here. Fly our regional Air Natl Guard and US Air Force pilots out west or the southwest to train on their unique geological/topographical MOA's already under military control.

In other words, don't add air space! Use the airspace you have and move the pilots to train over specific terrain.

Sounds like a win/win for everyone including the taxpayers of this nation and the animals, residents and visitors to our wilderness areas nationwide currently unaffected by air-space grabs.

There is nothing vital to our national security by having the Low-Level MOA extended or expanded over Central and Northcentral Pennsylvania.

One of our nation's greatest symbols is that of the Bald Eagle. This symbol of our country is back and they are establishing nests throughout our local watersheds. They are a very private raptor and can be disrupted in many ways by human interference. The same goes for osprey. Guess where many of these birds currently reside?

Looking deeper, much of the celebrated Dark-Sky Region of Pennsylvania would be included in this expanded MOA. The dark-sky area of Pennsylvania is hailed as the best night-sky viewing locations anywhere east of the Mississippi. I have news! What is wonderful for the eyes is equally wonderful for the ears.

I have been spending time away from my home in a very congested, noisy and populated suburban setting of Cincinnati Ohio. You cannot escape the noise there. It's everywhere and it's something back home that can be taken for granted. I ask everyone in Central and Northcentral Pennsylvania to seek out a quiet place. It can be in the state forests far from an interstate. A mountain top away

from other people and their cars. Maybe it's in your own homes if you are lucky enough to live off the beaten path. No airplanes. No fans or appliance sounds. No music. No TV. No cell phone. No truck or car sounds. Nothing artificial! Just the breeze and the birds and the sound of yourself. If you find such a place, enjoy it and protect it. They are becoming increasingly rare and they are very much worth saving. I ask Governor Wolf, our state senators and legislators, the state DEP, the PA Game Commission and PA Fish and Wildlife, the Dept of Forestry and everyone who feels as I do to write and speak up about this air space grab. It is just wrong on so many levels!



From: Andrew Wadsworth <a

Sent: Saturday, November 20, 2021 10:33 AM

To: NGB A4/A4A NEPA COMMENTS Org < NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] National Guard Low Flying Training Exercises

To Whom It May Concern,

The PA WILDS is a \$1.8 billion industry that makes up 11 percent of the region's economy. Therefore, it is an important part of PA's economy. Low flying flights over these wild areas will disrupt those seeking the solitude of these wilderness areas, which is the purpose of them.

By law, all Federal agencies must protect the environment by carefully weighing environmental considerations and considering potential alternatives to the proposed action before the government launches any major federal action. Prior to any final decisions on these extremely low-level training flights over PA WILDS, the Maryland Air National Guard must hold Public Meetings in the counties which will be affected by the flights. These meetings must be held at times and places which encourage wide participation. The meetings must also be well-advertised.

Several incidents have been reported by the DCNR during previous Warthog flights by the NY National Guard. These raised some safety concerns for those in the area. Considering this, the National Guard's very premature statement of FONSI (Finding Of No Significant Impact) demonstrates bad faith. The National Guard must conduct a full Environmental Impact Study and then host public meetings in each of the impacted counties (Cameron, Clinton, Elk, McKean and Potter). The National Guard has not considered a simple, safe and reasonable alternative: set up courses for training at their airports which resemble the Red Bull aircraft race courses to safely practice maneuvers.

Therefore, I think that the Maryland Air National Guard needs to extend the December 15th deadline to accommodate the Public Meetings and ensure that participants have ample opportunity to respond to what they hear during the presentations.

Thank you for reading and considering my comments.

Respectfully,

Andrew Wadsworth

From: Raymond Wagner

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source]

Date: Thursday, December 23, 2021 7:18:58 AM

Hello, I am totally against the low level altitude flying in the pa wilds. While u still here aircraft sometimes. This type of flying will disrupt the piece and nature in the PA wilds. My self and my family have hunted and explored the pa wilds for decades. It's a little part of Pennsylvania that is untouched and it should stay that way. This area is a huge tourist attraction and a place to get away from the noise of a city. If this goes through this will not be the same after. The largest elk herd in the northeast resides in the Pa wilds. This noise will make game disappear. In addition this continued noise will drastically hurt the small business in that region. Their isn't many corrupt stores in the region I believe it should stay this way. Keep Pennsylvania wild!

Sincerely, Raymond Wagner From: <u>Vaughn Wagner</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Training jets over Clinton County

Date: Sunday, December 19, 2021 6:48:19 PM

I am opposed to the jets flying at 100 feet over Clinton County. The noise will destroy our peace and quiet and ruin property values. Also I am worried about our Amish neighbors. The Amish mode of transportation and working the farms are horses. If the animals are scared by the noise, they run off and possibly cause death to the worker. Thank you Sandra Wagner

Sent from my iPad

From: <u>Jerry Walls</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: <u>Jerry Walls</u>

Subject: [Non-DoD Source] My Comments on DUKE MOA Date: Monday, November 1, 2021 9:58:58 AM

Attachments: COMMENTS ON DUKE MOA.docx

Please accept these comments.

Jerry S. Walls, FAICP

Professional Planner

<u>CPDPA Emer</u>itus / Strategic Advisor

COMMENTS ON DUKE MOA

Prepared as Discussion Draft by Jerry S. Walls, FAICP, Professional Planner

P1	lease	email	your	comments	on	this	Draft to	o:
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BACKGROUND:

This review is intended to help protect the recreational users and wildlife and residents of our PA Wilds region.

As a US Army Viet Nam Veteran I clearly understand the importance of our military and Air National Guard.

As a retired County Planning Director I am aware of the wide range of factors that need to be taken into consideration before this gains approval.

The purpose of these Comments is to help plan and adopt appropriate safeguards.

Our PA Wilds Planning Team has observed large increases in outdoor recreational usage for hiking + bicycling + kayaking + camping + day use of PA State Parks. Those increases have been documented by PA DCNR staff and Traffic Counters on Trails and Park Staff. These visitors do generate important economic impact for our PA Wilds region.

ISSUES:

- 1. PUBLIC SAFETY
- 2. EMERGENCY RESPONSE CAPABILITY
- 3. POTENTIAL ECONOMIC DETRIMENT
- 4. WILDLIFE IMPACT
- 5. BIOLOGICAL IMPACT

FACTORS WHICH NEED TO BE CAREFULLY CONSIDERED:

1. PUBLIC SAFETY

Of utmost concern is that this proposed Duke MOA Region has large DARK HOLES (i.e. GAPS in broadband cell services). Therefore, when an accident does occur it may NOT be possible to immediately call 9-1-1. For example, a few years ago two of my friends were hiking the Black Forest Trail (which is on the eastern edge of this Duke MOA). One fellow fell and broke his leg. When they tried to call 9-1-1 they could not get cell service. After running back down the trail to Slate Run he was able to call. Then he took the EMT's up but his friend had bled to death. Few municipalities in the Duke Region have full-time Police Departments so response time by the PA State Police may take longer due to the LARGE REGION they cover. As a kayaker I can foresee that a sudden loud noise of a tree-top jet flyover might startle kayakers or fishermen and cause them to have an accident. Or a deer hunter in a tree stand might be startled and fall risking serious injury.

2. EMERGENCY RESPONSE CAPABILITY

Most of the First Responders in this MOA are part-time volunteers, which means they may have other jobs and therefore the response time to an accident might take a bit longer. That might compound the severity of the injury or fire damage or rescue.

3. POTENTIAL ECONOMIC DETRIMENT

The scenic and recreational qualities of this region are strong attractors for visitors and a growing number of professionals who can choose where to live because they work on the Internet. To the degree that these intrusions of low altitude jet fighter fly-overs will create noise disturbance and discourage people from coming here that might diminish our economic opportunity.

4. WILDLIFE IMPACT

Sudden noise, especially if tree-top, may cause deer to panic and run across roads risking collisions with cars and trucks that might cause serious injury, as well as vehicle damage.

5. BIOLOGICAL IMPACT

I am NOT qualified to make an assessment on this factor but I do suggest that it may be a factor that needs to be considered.

6. ADVANCE PUBLIC NOTICE

Advance public notice of scheduled flyovers should be issued to local and regional news media which could help reduce the negative impacts.

Respectfully submitted,

Jerry S. Walls, FAICP

Professional Planner

From: <u>Jerry Walls</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: <u>Jerry Walls</u>

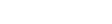
Subject: [Non-DoD Source] Professional Planner Comments on Duke MOA

Date: Sunday, November 21, 2021 1:28:18 PM

COMMENTS ON DUKE MOA

Prepared by Jerry S. Walls, FAICP, Professional Planner

Please email your comments on this Draft to:



BACKGROUND:

This review is intended to help protect the recreational users and wildlife and residents of our PA Wilds region.

As a US Army Viet Nam Veteran I clearly understand the importance of our military and Air National Guard.

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<!--[if !supportLists]-->3. <!--[endif]-->POTENTIAL ECONOMIC DETRIMENT

<!--[if !supportLists]-->4. <!--[endif]-->WILDLIFE IMPACT

<!--[if !supportLists]-->5. <!--[endif]-->BIOLOGICAL IMPACT

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Jerry S. Walls, FAICP

Professional Planner

From: <u>Jerry Walls</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: <u>Jerry Walls</u>

Subject: [Non-DoD Source] My Professional Planner Comments on the Duke MOA

Date: Sunday, November 28, 2021 12:09:38 PM

Attachments: COMMENTS ON DUKE MOA.docx

Please enter this Comment Ltr into the Official Record.

Jerry S. Walls, FAICP

Professional Planner

CPDPA Emeritus / Strategic Advisor

COMMENTS ON DUKE MOA

Prepared as Discussion Draft by Jerry S. Walls, FAICP, Professional Planner

P1	lease	email	your	comments	on	this	Draft to	o:
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Jerry S. Walls, FAICP

Professional Planner

From: <u>Steven Walt</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] A10 training flights over Potter County PA

Date: Monday, December 6, 2021 11:35:02 AM

Good Afternoon:

I am in opposition to your request to conduct A-10 training flights over Potter County PA. It is stated these flights would be conducted one to four hours a day with up to four aircraft at a time for up to 170 days a year.

These training flights would be conducted at 100 to 7,999 feet above sea level and would have less than significant effects on noise, land use and biological resources.

Having served this country as a Federal Firefighter for 25 years I am well versed on the A-10 aircraft. I served with the Navy fire service for four years at the Philadelphia Naval Shipyard and 21 years at NAS JRB Willow Grove retiring with the rank of Supervisory Firefighter GS-9 (Captain). During my years at NAS JRB Willow Grove I served as a member of the Fire and Emergency Services Department responsible for providing fire and rescue service for the Navy, Army and Marines assets as well as the Air Force and PA Air National Guard on the Air Force Facility.

I spent many hours training on the A-10 aircraft rescue procedures and on 28 March 1997 we responded to an A-10 aircraft assigned to the 111th PA ANG 103rd Fighter Squadron reported down North of the approach of runway 15. The aircraft was on approach and failed to maintain sufficient altitude above the woods located just North of the runway. The Wings were ripped off the aircraft as it flew through the trees. The fuselage impacted the ground just short of the perimeter fenceline, bounced across a roadway where it impacted the fenceline and continued in to a marshy area, the pilot was killed.

Based on my knowledge of the aircraft, the noise associated with the aircraft conducting low level passovers and the inherent danger of low-level flights in wooded areas I do not believe there would be a less than significant impact to the noise, land use or biological resources to the area. Potter County is known as God's Country and A-10 flights at low levels for 170 days a year will have significant impact on the noise level to the citizens and vacationers.

I have been in partnership in a cabin in Potter County for over 35 years and enjoy to peace and quiet of the area. First we have had to put up with the ATV traffic and noise on the county roads. At times there are 40 or more ATV's on the road in front of our cabin now the Maryland Air National Guard wants to do low level training flights over the area. Enough is enough I am opposed to the A-10 request for low level flights. Potter County and the Hammersley Wild Area is some of the most remote areas in Pennsylvania and needs to maintain its peace and quiet.

Respectfully

Steven Walt

From: <u>John Wasserman</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] RE: Duke MOA environmental assessment

Date: Saturday, December 4, 2021 11:39:14 AM

To Whom It May Concern:

I am opposed to the proposed expansion of the Duke MOA because it will cause long-term adverse effects on the noise environment in north-central Pennsylvania, AKA "Pennsylvania Wilds". The Duke MOA draft environmental assessment states that the adverse effects on the noise environment will be minor. I disagree. People live here, and tourists come here, because they want to get away from noise. They want the peace and quiet this area provides.

In May of 2006, *National Geographic Adventure* magazine described the wildness of northcentral Pennsylvania as "on par with Brazil's Pantanal and China's Gobi as one of the last untarnished tracts on earth." Considered one of the most sparsely populated locations in the eastern U.S., this area is featured in the book *The Last Empty Places* by world traveler and author Peter Stark.

For the most part, the Pennsylvania Wilds Area where the expanded low level flights may occur is a quiet wilderness where one may only hear birds singing and the rustling of leaves on a breezy day. Low level jet airplanes flying over the area 170 days per year, for two hours each day, will significantly change the noise environment and the quality of life for the people who live here.

Concerning the draft environmental assessment low altitude mitigation map:

I believe that the draft environmental assessment should have included the Tamarack Swamp Natural Area within the 1,000 ft. AGL floor as it does the Hammersly Wild Area.

The Tamarack Swamp Natural Area is delineated on the proposed Duke MOA low altitude mitigation map, but it is not included in the 1,000 ft. AGL floor. I believe that it should be given the same consideration as the Hammersly Wild Area because the Tamarack Swamp is a sensitive area of concern. Actually, it is much more sensitive than the Hammersly Wild Area for reasons that I will specify below.

A Pennsylvania Natural Diversity Inventory (PNDI) database search for Tamarack Swamp results in eleven potential conflicts! These conflicts include three potential conflicts with species under protection by the PA Fish and Boat Commission, including a *critically imperiled* species in the state because of *extreme rarity*. This same species is also defined as *imperiled globally* and very vulnerable to extinction throughout its range. In addition, two other species are considered *imperiled* in the state because of rarity, making them vulnerable to extirpation from the state. Due to the sensitive nature of certain endangered species, species names are not displayed in PNDI database search results for species under the jurisdiction of the PA Fish and Boat Commission and the U.S. Fish & Wildlife Service.

Other conflicts include one potential bird conflict with a *threatened species*, three potential plant conflicts including two *endangered species* and one species classified as *rare*, three potential conflicts with tree communities, and one potential habitat conflict.

The Western Pennsylvania Conservancy (WPC) considers the Tamarack Swamp Natural Area "to be one of the most important for biodiversity in north central Pennsylvania." It is recognized as a conservation site of the highest importance as reported in the **Clinton County**

<u>Natural Heritage Inventory</u> (CCNHI) due to the unique wetland communities and several rare species of plants and insects. The CCNHI refers to the Tamarack Swamp Natural area as "one of the most unique ecological features of Clinton County", and calls for an expansion of the Natural Area boundaries.

The Tamarack Swamp Natural Area has been designated by DCNR as a Special Management Area for reptiles and amphibians. It is one of 28 Reptile & Amphibian Protection Areas on state forest lands in Pennsylvania.

http://www.dcnr.state.pa.us/forestry/sfrmp/fauna.htm#special

The Tamarack Swamp was selected by National Audubon Society and the Pennsylvania Biological Survey as one of the first Important Bird Areas (IBA) in the state. "This selection was made based on the significance of the boreal swamp habitat, and the continuing recovery potential it represents now that portions of the swamp are under protection." During the first breeding bird atlas project in Pennsylvania (1985-89), three species now designated regional rarities were found there: Golden-crowned Kinglet, Northern Waterthrush and Purple Finch.

https://www.audubon.org/important-bird-areas/tamarack-swamp

Sincerely,

John Wasserman

PA State Game Warden, Retired

Tamarack, PA

From: <u>Jack Wear III</u>

To:NGB A4/A4A NEPA COMMENTS OrgSubject:[Non-DoD Source] Duke MOA ProposalDate:Tuesday, December 21, 2021 5:09:55 PM

I have read and understand the available data, regarding the proposal for residents of Tioga County, PA. I fully support the requested proposal.

Go US Military!!

Jack Wear III

From:

Date: Wednesday, Dec 08, 2021, 2:12 PM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Low Fly Aircraft

Dear Sir,

PA residents absolutely do not want the noise pollution, peace disruption, air pollution and infringement on the enjoyment of our lands and decrease is surrounding property values that will be caused by low flying high decibel noise for 170 days a year. There is also no environmental impact study of what this will do our plants, wildlife and people. Very irresponsible. We treasure our dark sky regions as well. Keep it in Maryland or forge better training plans.

Melissa Webber PA Resident From: Samantha Weidner <

Sent: Sunday, November 28, 2021 10:02 AM

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Subject: [Non-DoD Source] Low-fly proposal for PA wilds

As a resident of McKean county situated on the Potter/McKean line, this is VERY disturbing

Our local area has lost so many jobs/companies making it harder for folks to stay in the area. The ONE thing this area has is the natural beauty of the land, vast outdoor space and peace/serenity. Having low flying planes 170 days a year would be unspeakably disruptful to not only the thousands of lives this would effect, but to the natural beauty of the area, local animals/habitats. Certainly there could be an alternate area that is less residential that could be utilized for this procedure.

The people of this area deserve to have the choice in this matter.

I urge you to hold public meetings in the afternoon Ted counties to detail the proposal, and address the public questions/concerns.

This would be absolutely awful for this area and it's residents would lose the best things about living here. This would be a devastating impact. I urge you to find alternate means.

A concerned resident,

Samantha W.

From: Alison Welfling Sent: Wednesday, November 3, 2021 8:37 AM

To: NGB A4/A4A NEPA COMMENTS Org < NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] 11/3/2021 low flying aircraft: DUKE MOA LOW

To Whom it may concern,

This morning at 2:00 I awoke to the noise of some sort of low flying aircraft. It sounded like a jet. Even after I awoke, I could hear the engines for well over a minute. All windows at my house were closed. I did a search for plane crashes for today with no results. I oppose changing from 8000 MSL to 100 AGL. My mother heard it as well. She is 78 and hard of hearing.

I live at ______in West Branch Township, Potter County. I oppose low flying aircraft due to an increase in noise instances.

Veteran, US Army Citizen Nature Lover Peace and Quiet appreciated, Alison M Welfling From: H Eugene Wingert

To: NGB A4/A4A NEPA COMMENTS Org;
Subject: [Non-DoD Source] A 10 flights
Date: Sunday, November 21, 2021 2:21:31 PM

Greetings,

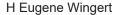
The high noise lever generated by these over-flights vibrates the ground and causes compaction of loose soils into burrows of

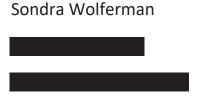
many invertebrates and also interferes with absorbance of water and air exchange. These vibrations are also amplified in aquatic environments.

Even more destructive is the exhaust that settles over the environment. I have been under an area where these planes have passed over.

About 20 minutes of so after the flight, the smell of exhaust and unburned fuel was very strong. Any unburned fuel will coat the water's surface interfering with gas exchange in aquatic environments.

I could only speculate on the effects of the chemicals in the exhaust, however, I would suspect they accumulate in the environment.





RE: Proposed military training flights over Pennsylvania Wilds

As Pennsylvania continues to recover from centuries of deforestation, acid mine drainage, and industrial and chemical pollution, the Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Game Commission, Fish and Boat Commission, and the U.S. Fish and Wildlife Service have been working tirelessly over the past several decades to improve habitat on our public lands for rare, threatened, and endangered plants and animal species of concern. The thirteen-county region in northcentral Pennsylvania known as the Pennsylvania Wilds is a crucial part of this recovery.

A significant portion of Pennsylvania's declining species are bird and bat species that are acutely sensitive to noise, artificial light, chemical pollution, and fragmentation of the aerial habitat, all of which could result from the proposed low-altitude military training flights over Pennsylvania Wilds.

Twenty-one of Pennsylvania's 96 Important Bird Areas are located within the thirteen-county area of the Pennsylvania Wilds. In addition to the direct threat of collision with aerial vehicles, birds react to flying objects in the following ways, as described in an article published by the Institute for Ornithological Research: "When an airplane appears, all possible levels of excitation are described in birds, from outwardly non-visible physiological reactions to protection, ducking, increased calling activity, restless pacing back and forth, running away, flying off and returning to the same place or a place close by, flying off and leaving the area, right through to panic-like flight reactions. Using modern electronic instruments, it is possible to measure the heart rate of brooding birds.

Measurements show that these birds often react to the appearance of airplanes with a marked increase in heart rate, in other words they become nervous, even

if no outward reaction is visible. It thus becomes clear that the loss of time immediately associated with taking flight is not the only effect of an airplane on birds which must be taken into account". L&N 3-1 Aircraft Effects on Birds.PDF (fai.org).

This research suggests that the adverse effects of the proposed action on bird life expectancy, reproductive success, and population size would be significant. There are currently 16 bird species classified as endangered in Pennsylvania, any of which could potentially depend on undisturbed habitats in the region of the Pennsylvania Wilds. A species is considered endangered if there is a threat to its habitat. The northern goshawk (Accipiter gentilis) was recently added to the state list of endangered species in Pennsylvania, and a concerted effort is under way by the Pennsylvania Game Commission to recover and protect this species. According to the Pennsylvania Biological Survey, goshawks are "found in remote, higher-elevation forests across northern Pennsylvania and in mountainous areas southward, primarily in mature mixed and conifer forests with open understory." Historically, nesting pairs of goshawks have been documented in at least one of the counties to be impacted by the ANG proposal. Therefore, the proposed low altitude military training flights over the region could result in a major setback to the recovery efforts for the northern goshawk and other species of concern in the six-county area to be impacted by the proposed action.

The potential impact of the proposed action on Pennsylvania's bats is equally disturbing. Nine species of bats regularly occur in Pennsylvania, of which several are listed as endangered by state and federal authorities. According to the Pennsylvania Game Commission, Pennsylvania's bats routinely make their feeding flights in late afternoon, early evening and early morning, and thereby could easily come into conflict with low-flying military aircraft during training flights. Recent evidence suggests that bats may be affected by radar installations emitting electromagnetic fields, such as civil and military air traffic control. It is recommended that aerial habitats for bats be included in national and international conservation policies, and as such, the impact on bats of the proposed military training flights over Pennsylvania Wilds must be carefully considered before moving forward with this proposal. Conservation Strategies for Bats Flying at High Altitudes | BioScience | Oxford Academic (oup.com)

The Air National Guard has released a Draft Environmental Assessment finding of "no significant impact on the welfare of the region." This finding of No Significant Impact (FONSI) is premature. The National Guard must prepare a detailed Environmental Impact Statement that includes any adverse effects and alternatives to the proposed action. The EIS must be published where all who are affected can view it, and the EIS should be followed up with public meetings in each of the affected counties. (Cameron, Clinton, McKean, Elk, and Potter.)

Thank you for the opportunity to comment.

Sondra Wolferman

Albrightsville, Pennsylvania

From:
To:
NGB A4/A4A NEPA COMMENTS Org
Subject:
[Non-DoD Source] Duke MOA Low
Date:
Saturday, November 27, 2021 7:52:52 PM

To whom it may concern at 175 wing planners,

I as a general aviation pilot enjoy aircraft and low level flying as long as it's conducted safely. I see 2 major safety concerns with the existing proposal.

- 1) The current cutout for N38 does not take the RNAV (GPS) Rwy 10 approach to n38. The approach starts as high as 6000' msl close to Lyman lake and the associated hold pattern. The approach is used regularly in actual and simulated conditions.
- 2)We have equipped our aircraft with ADSB in/out in order to operate safely with other aircraft. It seems it would be appropriate to have the military using the same ADSB equipment. This would make sense before they come cruising through on these operations at much higher speeds than we usually operate.

Thank you, Ralph Wolstenholme From: <u>julie yearick</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Low altitude flight proposal **Date:** Friday, December 3, 2021 6:57:52 AM

David & Julene Yearick



Living in northern Centre County, we are strongly against planes flying overhead at such low altitudes over our property. We have ducks, geese and abundant wildlife that would be affected. Our sense of peace and tranquility in and outside of our home would be upsetting. Thank you

From: <u>Elizabeth Korb</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] DRAFT FONSI for DUKE MOA LOW

Date: Wednesday, November 3, 2021 2:57:09 PM

My name is Elizabeth Zang and I grew up in DuBois, PA. While in college I interned for the DCNR Bureau of Forestry out of the Emporium Office. During this time I had the opportunity to walk and drive a lot of the "PA Wilds" and enjoy the remoteness of this area. I saw baby bears in trees, rattlesnakes, and enjoyed a remote culture unto itself.

I disagree with the Draft FONSI and believe this project will have a significant impact on the natural and socioeconomic resources in the area.

- 1. It appears that DCNR's 2019 letter and concerns were ignored.
- 2. This project will absolutely change the serenity and likely the natural environment of the region.
- 3. Although it appears from the EA that this project would be exempt from Section 4(f). This disruptive noise would most definitely be considered a constructive use under Section 4(f) and was not studied in the EA. All guests enjoying the publicly owned recreational facilities in this area will be impacted and there most likely will be a use to the aesthetics of these parks due to noise.
- 4. Was the noise analysis performed using a spot analysis or an average of noise over the day? I find it hard to believe that a hovering aircraft will only increase the noise 1.6 decibels. It short spurts I imagine these aircraft will Terrify, hikers, elk, deer, mice, fish, and disrupt the circle of life. I believe this action will have a significant noise impact. 65 dBA is enough to ruin the nature environment. Imagine an elk in the middle of giving birth being started by a burst of 65 dBA.
- 5. Birds and bats will be impacted by these planes directly (by being hit) and indirectly from the noise bursts and I believe the impact to be significant. This could impact migration patterns of birds and monarchs was this studied?
- 6. Recreational visitors will be less likely to frequent this area if they know wildlife will just be scared off by low flying planes. Most of the trees in the area are 100ft. tall. Planes at 100ft. seems ridiculous.

Please consider another alternative. These are my personal views and do not represent the views of my employer.

Elizabeth Zang
Environmental Scientist



Appendix H

Comments Received on the Draft EA

Section 2 Agency & Stakeholder Comments Received

Agency/Stakeholder/Special Interest Group Comments Received

Last Name	First Name	Agency/Stakeholder/Special Interest Group	Date Received
Adams Dunn	Cindy	PA Department of Conservation and Natural Resources	December 23, 2021
Beck	Alicia	Sugar Valley Watershed Association	December 22, 2021
Board of Directors		Responsible Drilling Association	December 31, 2021
Brennan	Julie	Clinton County Economic Partnership & Visitors Bureau	December 31, 2021
Calvert	Jeffrey	Eastern States Trails Endurance Alliance	December 30, 2021
Corcoran	Sarah	Sierra Club Pennsylvania Chapter	December 30, 2021
Cramer	Alicia	US Endowment for Forestry and Communities	November 29, 2021
Denk	David	NY State Department of Environmental Conservation	November 19, 2021
Enos	Tataboline	PA Wilds Center for Entrepreneurship	November 5, 2021
Enos	Tataboline	PA Wilds Center for Entrepreneurship	November 12, 2021
Faraguna	Nicole	PA Department of Conservation and Natural Resources	November 23, 2021
Faraguna	Nicole	PA Department of Conservation and Natural Resources	January 21, 2022
Furlong	Sharon	Bucks Environmental Action	November 22, 2021
Gallagher	Brian	Western Pennsylvania Conservancy	December 7, 2021
Goldner	Harold	Delaware Valley Amateur Astronomers	December 27, 2021
Grace	Sean	Hawk Mountain Sanctuary Association	December 7, 2021
Hicks	Craig	PA Chapter of The Wildlife Society	December 22, 2021
Houser	Donald	Berkshire Hathaway Energy Company GT&S	November 29, 2021
Jodun	Wade	Clinton County Conservation District	December 7, 2021
Lenker	Brook	Keystone Trails Association	December 23, 2021
Master	Terry	PA Ornithological Technical Committee	December 27, 2021
Molesevich	Michael	Noise Free America	December 30, 2021
Mowery	Marci	Pennsylvania Parks & Forests Foundation	December 8, 2021
Nagle	Cheryl	PA State Historic Preservation Office	November 23, 2021
Nagle	Cheryl	PA State Historic Preservation Office	January 14, 2022
Nagle	Cheryl	PA State Historic Preservation Office	December 22, 2022
Nicholas	Sara	Hawk Mountain Sanctuary Association	December 13, 2021
PA Forester		PA Department of Conservation and Natural Resources Bureau of Forestry	November 10, 2021
Salinas	Martin	Pennsylvania State Camp Association	December 28, 2021
Scafini	Michael	Pennsylvania Mammal Technical Committee	December 28, 2021
Schultz	David	Clearfield-Lawrence Township Joint Airport Authority	November 18, 2021
Shenk	Kyle	The Conservation Fund	December 31, 2021
Shields	Amy	Allegheny Hardwood Utilization Group	December 31, 2021
Shirk	Wanda	Susquehannock Trail Club	December 18, 2021
Tarver	Carrie	U.S. Environmental Protection Agency, Region 3	December 30, 2021
Umstead-Singer	Geralyn	Conservation & Natural Resources Advisory Council	November 11, 2021
Umstead-Singer	Geralyn	Conservation & Natural Resources Advisory Council	December 27, 2021
Vant-Hull	Brian	Hyner Hang Gliding Club	December 7, 2021
Williams	Lisa	Pennsylvania Game Commission	December 8, 2021
Woodwell	Davitt	Pennsylvania Environmental Council	December 28, 2021

From: <u>Handshew, Terry</u> on behalf of <u>Dunn, Cindy Adams</u>

To: HUGHES, BENJAMIN C Capt USAF ANG 175 WG/PA; NGB A4/A4A NEPA COMMENTS Org; ROBINSON, DEVIN T Lt

Col USAF ANG ANG/CC/PA; ; ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD;

KUCHAREK, KRISTI L GS-13 USAF ANGRU NGB/A4

Cc: <u>Faraguna, Nicole</u>

Subject: [URL Verdict: Neutral][Non-DoD Source] Duke Low MOA Comments

 Date:
 Thursday, December 23, 2021 9:02:49 AM

 Attachments:
 DCNRcomments DukeLowMOA.pdf

Please find attached the Pennsylvania Department of Conservation and Natural Resources response to the Draft Environmental Assessment (DEA) for Modification of Duke Military Operations Area ("MOA") as issued by the Air national Guard (ANG) at Joint Base Andrews for the proposed modification of the Duke Military Operations Airspace (MOA) to accommodate training for the 75th Wing, Maryland ANG.

Thank you

Cindy Adams Dunn

Secretary
Department of Conservation and Natural Resources
400 Market Street | Hbg, PA 17105

Phone: 717.772.9084 | Fax: 717.772.9106

www.dcnr.state.pa.us



December 23, 2021

Maryland National Guard's Public Affair Office

Capt Ben Hughes

ngb.a4.a4a.nepa.comments.org@us.af.mil

Pennsylvania National Guard's Public Affair Office

CPT Travis Mueller

Air National Guard's Public Affairs Office Lt Col Devin Robinson

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762



In accordance with the National Environmental Policy Act (NEPA), the Department of Natural Resources and Conservation ("DCNR", "Department") is responding to the Draft Environmental Assessment (DEA) for Modification of Duke Military Operations Area ("MOA") as issued by the Air National Guard (ANG) at Joint Base Andrews for the proposed modification of the Duke Military Operations Airspace (MOA) to accommodate training for the 175th Wing, Maryland ANG.

Upon review of the Draft Environmental Assessment, the DCNR finds the analysis significantly lacking and inadequate. The DEA does not include the comprehensive analysis necessary to examine the full, cumulative impacts of the proposed activity on this region, nor does it fully consider the social and economic vitality that comes with the natural, historic, cultural, and rural character of the region, known as the Pennsylvania Wilds. In fact, it seems to disregard the significant investments made through federal, state, local and private investments to reinforce the region's tourism, agricultural, forest products, and outdoor recreation economies. Furthermore, it fails to assess the impacts of the noise to the region, particularly in terms of frequency, suddenness, and intensity.

Please ensure the Department's comments below are included in any decisions that are made regarding moving forward with the proposed action.

Sincerely,

Ludy Adams Dunn

Cindy Adams Dunn

Secretary



PENNSYLVANIA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES OFFICIAL COMMENTS REGARDING THE DRAFT ENVIRONMENTAL ASSESSMENT FOR MODIFICATION OF DUKE MILITARY OPERATIONS AREA

RELEASED OCTOBER 2021

COMMENTS SUBMITTED 12/23/2021

OVERVIEW

The PA Wilds is a 12½ -county area that offers tremendous outdoor experiences, some of the best in the nation, with 29 state parks, 50 state game lands, 8 state forests, abundant wildlife and hundreds of miles of land and water trails. The amount of public land in the region — more than one million acres — is comparable to Yellowstone. The region is home to the largest elk herd in the northeast and is an internationally renowned dark sky area, among the darkest in the country. While the abundant nature draws many to the region, visitors also come to experience the area's rich oil and lumber heritage and authentic small towns.

The PA Wilds is surrounded by major tourism markets. More than 50 million people live within a day's drive of the region, making it an attractive place to for many people to hunt, bike, hike, camp, fish, canoe and more.

DCNR launched the PA Wilds Conservation Landscape (<u>learn more about DCNR</u>'s conservation <u>landscape initiative here</u>) in 2003 in collaboration with the Pennsylvania Department of Community and Economic Development ("DCED") and the county governments of the region. Partners aimed to revitalize communities, create lasting economic opportunities, and improve quality of life – all while inspiring a stewardship ethic in residents and visitors. What began as a vision shared by state agencies and elected officials on both sides of the aisle has transformed into a grassroots effort involving dozens of partners and champions at the local, state, and federal level.

DCNR, alone, has invested over \$180 million in the region since 2003. This investment, along with investments from federal and state agencies, private foundations, and the dollars leveraged regionally, make evident that the PA Wilds is one of the most heavily invested regions in the state, per capita.

Today, thanks to the work of many organizations, businesses and individuals, the tourism and outdoor recreation industries are driving economic forces in the PA Wilds region -- a \$1.8 billion industry that makes up 11 percent of the region's economy.

The proposed actions by the MD ANG will impact a significant portion of the PA Wilds and the region's economic prosperity, particularly as it is a prime tourism destination. The region has already been hit hard recently, due to the COVID-19 pandemic; even as interest in outdoor recreation soared, much of the hospitality industry that caters to that interest group (restaurants, gift shops, B&Bs, hotels, bars, and pubs) struggled to manage COVID restrictions and anxious consumers. One factor that has been reinforced through the pandemic is the public's interest in outdoor recreation and finding solace, peace of mind, and participating in healthful activities in nature. The PA Wilds outdoor recreation economy has experienced its challenges but is poised to only grow as a result of the increased interest in the outdoors. However, the proposed Duke Low MOA could significantly hinder the region's ability to grow this economy, and it could have adverse impacts on the region's tourism and destination brand.



According to the state's tourism bureau, "between 2009 and 2017, visitor spending in the Pennsylvania Wilds grew an average of 42.6% and tourism employment increased by 20%." As of 2015, the region boasted 7.6 million visits a year for day trips and 4.4 million overnight visits.

Unfortunately, the proposed Duke Low MOA would drastically change the character of this region and the numerous state parks and forests that shape its unique conservation landscape and wilderness and, subsequently, alter the region's tourism economy.

Under Article 1 Section 27 of Pennsylvania's constitution, the state is a trustee of the commonwealth's public natural resources. Article 1, Section 27 states:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

State parks and forests are held in the public natural resource trust. As a trustee, the commonwealth must conserve and maintain the corpus of the trust for future generations. As a trustee, the DCNR must prevent and remedy any degradation, diminution, or depletion of the natural resources. So, the public natural resource trust must be compensated for any impacts to it. The Department recognizes the need for realistic pilot training within the ANG but has serious concerns regarding the cumulative impacts of the proposed Duke Low MOA to the quality of life and economy of the PA Wilds region. The Department believes that these proposed low-level training activities are not compatible with the nature of this wilderness area and could adversely impact the natural resources and wildlife we protect; impede Pennsylvanians' constitutional right to the preservation of the natural, scenic, historic, and esthetic values of the environment in our parks and forests; and harm the people and businesses that rely on these lands for their livelihood.

REQUEST FOR A FULL EIS

The Department requests the ANG complete a full Environmental Impact Statement ("EIS"), and finds the issuance of the draft Finding of No Significant Impact ("FONSI") inadequate and premature for the following reasons:

- a) The ANG disregards § 989.16 Environmental Impact Statement, which provides that,
 - (a) Certain classes of environmental impacts normally require preparation of an EIS (40 CFR 1501.4). These include, but are not limited to:
 - (1) Potential for significant degradation of the environment.
 - (2) Potential for significant threat or hazard to public health or safety.
 - (3) Substantial environmental controversy concerning the significance or nature of the environmental impact of a proposed action.

The proposal for Duke Low MOA clearly meets all three of these conditions and yet was not addressed by the ANG.



- b) The DEA is entitled, "Draft EA for Airspace <u>Modification</u> of Duke MOA" yet in several sections of the document, it clearly states that the intent of the DEA is to create a new, separate MOA, rather than just modify an existing MOA. As indicated by the following:
 - a. Section 1.1, page 1-2: "[t]he Duke Low MOA would underly the existing Duke airspace...."
 - b. Section 3.0, page 3-1: "[t]he affected environment and assessment of environmental consequences focuses on the modification of the Duke MOA to create a Duke Low MOA".
 - c. Section 2.2, page 2-1: 1) "[t]he vertical limits would be defined as 100 feet AGL to 7,999 feet MSL."
 - d. Section 2.2, page 2-1: 2):"[t]he Duke Low MOA may be activated separately from the Duke MOA or concurrently as needed...."

Clearly, the intention of the proposed DEA goes well beyond a "minor" modification to the existing airspace; and the proposal suggests the airspace would be more likely used separate from, rather than in conjunction with, the higher-altitude airspace. Because the ANG is proposing this as its own airspace, this will result in concentrated usage within the proposed Duke Low MOA with much more profound impacts than suggested. This action requires the much more indepth analysis of an EIS.

- c) An EIS must be prepared where the proposed action will affect "unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. (40 C.F.R. § 1508.27(b)(3))." The DEA does point out some of the unique qualities of the region that support its agricultural, outdoor recreation, and tourism industries. This portion of the PA Wilds region includes 10 state parks (including an internationally renowned dark sky preserve) and five additional state parks just beyond the boundary of the proposed Duke Low MOA, 395,647 acres of state forests, 35,690 acres of state game lands, the Hammersley Wild Area (which is the most remote natural area in the Commonwealth), the largest wild elk population in the northeastern part of the country, the Austin Dam, the Pine Creek Gorge and more. However, the DEA fails to adequately assess the broad impacts of the proposed Duke Low MOA on these unique elements such that the conclusion can be drawn that there is no significant impact. The noise assessment and subsequent information is presented in the DEA without modeling and accompanying documentation, rendering it difficult to evaluate the proposed impacts. The DCNR requested additional information on November 24th (see Appendix B) from the ANG regarding the NoiseMAP modeling and subsequent data and notations to understand the conclusions outlined in the DEA. A request for an extended comment period was also included in this request to allow the Department to adequately review and analyze this new information. On December 16th, DCNR received the Draft Noise Study for Modification of Duke Military Operations Area (June 2021). This document was neither finalized nor provided to the public along with the other DEA documents. DCNR also did not receive the NoiseMAP (and related) native files from the analysis, as requested. DCNR once again is requesting the noise modeling data and native files (e.g., ARE, BPS, GRD, CRO, MCM, BASEOPS files, etc.) that resulted from the noise study conducted specific to the Duke Low MOA.
- d) The Draft Noise Study indicates that the Duke Low MOA would be "four hours a day, twice per day, two hours at a time, with no more than six aircraft, approximately 170 days per year." The



DEA states "[e]xpected usage would be two hours per day, twice per day, one hour at a time, with no more than six total aircraft on the days of activation, approximately 170 days per year." The FAQ posted on the Duke Low MOA website states training will occur "one to two hours a day, two to three times a week." These discrepancies make it extremely difficult for the public and stakeholders to review these documents and fully understand the proposed actions and the potential impacts. A full EIS would require a much more thorough process and ensure that such discrepancies are corrected and the public is reviewing consistent, accurate information.

- e) US Environmental Protection Agency ("USEPA") stated in its comments to the ANG that "the impacts from low altitude flying could be substantial, and both impacts and alternatives should be carefully evaluated." The USEPA recommends "that alternative locations, alterations of the MOA, operational alternatives, or other alternatives be thoroughly evaluated in the EA for the Low MOA, and the details of each alternative, including the "no action" alternative be clearly presented in the comparative form for easy interpretation." DCNR asserts that the DEA as drafted by the MD ANG does not provide the necessary level of detailed analysis of the potential and cumulative impacts nor does it offer a full study of viable alternatives.
- f) The DEA process does not adequately recognize nor analyze the significant impacts of the new proposed low MOA, which would have a floor of 100 feet AGL. The DCNR has several questions related to this lack of analysis. What is the probability that low-level training could present dangerous scenarios on the ground? For example, how often do aircrafts participating in this type of military training crash, cause injury on the ground, damage property, trigger forest fires, etc.? What specific preventative measures on the part of the ANG are made to reduce these risks? What actions are taken by the ANG to prepare residents and emergency response crews to respond to these types of related incidents?
- g) The Maryland ANG fails to demonstrate the need for this proposal, the creation of Duke Low MOA. It simply states, "[u]nder the No Action Alternative, the 175 WG would continue to experience training shortfalls that negatively impact combat readiness and pilot safety." However, the DEA does not demonstrate a significant shortage in trained pilots to warrant dismissal of the No Action Alternative or the continuation of the training protocols that are currently in use. The DEA notes that 79 percent of pilots have achieved the training necessary to fly 500 feet AGL or below. The MD ANG does not demonstrate why 100% of its pilots must meet this requirement or why the training must be as low as 100 feet AGL.
- h) Although the ANG did include some very brief (paragraph-long) rationales for dismissing alternate sites, the DEA lacked any detail in terms of how these sites were analyzed and vetted, in accordance with Sec. 102 [42 USC § 4332] et eq. of the National Environmental Policy Act. DCNR responds to specific shortcomings of the ANG's limited analysis throughout these comments.
- i) In light of the recent Executive Order ("Tackling the Climate Crisis at Home and Abroad") signed by President Biden on January 27, 2021 directing "federal agencies to develop programs, policies, and activities to address the disproportionate health, environmental, economic, and climate impacts on disadvantaged communities," the DCNR requests the ANG perform a more in-depth analysis regarding the impacts of this proposal on the 22 environmental justice and otherwise distressed communities within the proposed footprint of the new low MOA. (See Appendix A)
- j) One of the most important reasons for completion of the EIS process is that the public outreach and engagement strategies administered by the ANG in conjunction with this process were wholly lacking in educating key stakeholders and adequately informing the rural population of



the proposed action. ANG posted the information on their website and provided hard copies in four libraries within the impacted area. There were numerous stakeholders who were not adequately informed of the proposal, including elected officials. ANG' failed to comply with NEPA (42 United States Code [U.S.C.] 4321–4347), Council on Environmental Quality (CEQ) Regulations (40 Code of Federal Regulations [CFR] §§ 1500–1508), and the Environmental Impact Analysis Process ("EIAP") (32 CFR Part 989), all of which mandate the public's participation and input. DCNR recognizes that the ANG may believe that the Environmental Assessment ("EA") process does not require a full public outreach strategy that includes scoping meetings and other public meetings and forums; however, this lack of direct outreach is a disservice to this rural community, which spans six counties, and reinforces why a full EIS process is necessary. This large, rural region lacks basic broadband infrastructure impeding residents' ability to obtain information through the internet. In-person meetings are the best method of disseminating information throughout this region, and while initially challenging because of the COVID-19 pandemic, they can be arranged to be held safely to accommodate the public. DCNR recommends a full EIS process that includes at least one meeting in every county that is impacted. Additionally, the ANG failed to distribute the DEA documents to key stakeholders, even those listed in their outreach section, including DCNR's executive staff, who explicitly requested the information. DCNR has received copies of numerous requests for public meetings in regard to the MD ANG's proposal, including from the following:

- a. Governor Tom Wolf
- b. U.S. Senator Bob Casey
- c. Congressmen Fred Keller, Dan Meuser, and Glen Thompson
- d. Pennsylvania State Senator Chris Dush
- e. Pennsylvania State Representative Greg Vitali (Democratic Chair, Environmental Resources and Energy Committee)
- f. Pennsylvania State Representatives Mike Armanini and Stephanie Borowicz
- g. Pennsylvania State Representative Martin Causer
- h. Potter County Commissioners
- i. Conservation and Natural Resources Advisory Council
- j. PA Wilds Center for Entrepreneurship also circulated a sign-on letter that included dozens of individuals, businesses, elected officials, and nonprofits, including:
 - i. Green Township Board of Supervisors
 - ii. Borough of Ridgeway
 - iii. Bradford Area Alliance
 - iv. Johnsonburg Borough
 - v. Clinton County Visitor's Bureau
 - vi. Clinton County Commissioners
 - vii. Pennsylvania Association of Sustainable Agriculture
 - viii. PA Route 6 Alliance
 - ix. US Endowment for Forestry and Communities
- k) Finally, there are significant discrepancies between the FAQ as developed by the ANG and the proposed actions identified in the DEA, suggesting the need for better communication and information sharing. For example, the published FAQ on the 175th Wing's website notes under the public statement that "typically, no more than two to four aircraft will be in the airspace at any one time." However, on page 2-1 of the DEA, the Proposed Action section states "with no more than six total aircraft on the days of activation." It is extremely difficult for the public to



reach a clear conclusion and understanding of the proposal, based on simply reading the documents provided by the ANG.

The Department has experienced significant challenges in communicating with the ANG. In fact, during the time period in which the ANG first notified DCNR about the proposal and released the DEA, ANG point of contacts changed at least three times. DCNR's questions and requests often went unanswered or there were significant delays (weeks or even months) in response on the part of the ANG. In addition, contact information for the primary contacts listed on the ANG's website and FAQs are incorrect (and remain incorrect as of December 21, 2021).

REQUEST FOR IMPROVED PUBLIC OUTREACH AND ENGAGEMENT

DCNR is aware of several organizations and entities that have requested public meetings and an extended comment deadline. DCNR echoes these requests as full transparency is imperative considering the nature of this proposal could have lasting impacts on the quality of life and livelihoods of those living in this region.

- a) Specifically, DCNR requests that the MD ANG hold in-person public meetings in each of the counties that fall within the Duke Low MOA footprint. These meetings should be held to inform the public and provide another opportunity for public participation; therefore, comments and information received at these meetings should be incorporated into the EA/EIS documents.
- b) The MD ANG should consider virtual engagement in these meetings as well considering that many individuals have vested interests in this region but live outside it.
- c) The MD ANG should exercise due diligence in informing as many members of this rural area as possible, as well as those who live outside the region who may have vested interests or could be impacted by the proposed actions.
- d) DCNR is aware of a large plain sect community within the PA Wilds. DCNR requests that the MD ANG ensures the Amish and Mennonite communities are contacted and engaged in regard to this proposal.
- e) Although the Department appreciates the limited extension of the public comment period by 16 days, granted by the ANG and National Guard Bureau, the current timeline is problematic for many, considering end-of-the-year reporting requirements, holiday travel and vacations, etc. The ANG should consider an extension of the December 31, 2021 comment deadline.

GENERAL QUESTIONS RELATED TO THE DEA

- a) What is the anticipated usage over the next five, ten or fifteen years? If the usage increases beyond 170 days, will another full EA be conducted?
- b) Does the MD ANG anticipate allowing this airspace to be used by other wings or military branches? Will any ANG wing or US military unit that requests the use of this airspace be permitted to fly in the Duke Low MOA? What criteria will the MD ANG use to make these decisions?
- c) The references that are included in this report are grossly outdated. For example, the average date for the list of noise-released resources is 1999. Nearly half of the noise-related citations are dated before the year 2000. What recent research has the ANG conducted or collected that reflects more accurate comparisons in regard to technology, health, economic indicators, pollution, environmental protection, wildlife impacts (particularly migrating birds and elk), etc.?
- d) The DEA contains several references to the importance of tourism to this region's economy, yet the DEA still summarily dismisses how very low-level pilot training could impact the number of



visitors and the amount of money spent by visitors if this proposal were to be approved. Has the ANG done this analysis? Please provide the methodology for the relied-upon economic predictions and analysis.

- e) Has the ANG conducted a full inventory of the number of farms that maintain livestock? Will it specifically avoid low-altitude flyovers of these areas?
- f) How will pilots avoid congested areas of cities, towns, settlements, or open-air assemblies of people (including state parks, festivals, etc.)?
- g) Why should state parks be held to a 500 feet altitude floor when the FAA Advisory Circular AC NO: 91-36D recommends that National Parks be permitted a 2,000 feet minimum safe altitude floor? Please explain the difference in treatment.
- h) If the Duke Low MOA were to be established and the region were to experience significant impacts due to the activity and increased noise levels, what actions or remedies would the ANG take to alleviate these impacts?
- i) Would the low-flying aircraft conducting training maneuvers in the proposed Duke Low MOA utilize Electronic Countermeasures (ECMs) that would impact radar, GPS or other communications systems used within the region, particularly by law enforcement agencies or emergency respondents?
- j) Where can people send their complaints of low-flying aircraft improperly using the airspace? What remedies will be made by ANG once a complaint is made?

QUESTIONS/COMMENTS RELATED TO DEA

In further review of the DEA, DCNR submits the following comments specific to sections of the DEA:

1.5 Resources Not Carried Forward

- Farmlands: The scope of the DEA focuses on the land use impacts and does not recognize the impacts on current agricultural activities, production, and businesses. What analysis has been done to fully assess the economic impacts on dairy and other livestock operations where the proposed low-altitude training could impact fertility and reproduction, lactation, or cause harm or injury to farm animals?
- Environmental Justice and Children's Environmental Health and Safety Risks: There are 22 communities within 11 census tracts that are categorized as environmental justice areas within the footprint of the proposed Low MOA. These communities experience high levels of poverty; typically, low-income communities bear a disproportionate share of adverse environmental impacts. Two of the communities - Westport and Renovo in Clinton County - are designated as health equity zones by a consortium of health experts comprising a Regional Accountable Health Council ("RACH"). The communities of Westport and Renovo have higher than average, compared to the state average, adult and child emergency department visits, obesity rates, percentage of smokers, percentage reporting poor mental health, percentage with asthma. One's environment greatly impacts Medicaid outcomes, such as those aforementioned. In October 2021, Governor Wolf issued an Environmental Justice Executive Order siting Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania, the Environmental Rights Amendment, to support the fact that "all Pennsylvanians are entitled to fair and equitable treatment and meaningful involvement in decision-making that affects their environment, communities, homes, livelihoods, and health." What outreach has ANG done specifically with these communities in regards to this proposal? What was the methodology used to evaluate the impacts from the



Proposed Actions to low-income and/or minority populations? What will be done to limit the impacts of noise on these communities considering equity not equality?

• Visual Effects: Cherry Springs State Park is nearly as remote and wild today as it was two centuries ago. Named for its large stands of black cherry trees, the park offers one of the most impressive dark sky experiences in the state. Night sky enthusiasts from all over the world flock to the park to experience amazing great views of the Milky Way, planets, and hard-to-see astronomical objects and phenomena. Cherry Spring State Park, the second area in the entire world to be designated an International Dark Sky area, also offers a wide variety of environmental education programs year-round. Visitors gain appreciation and awareness toward the natural, cultural, and historical resources through guided walks and hands-on activities. The park's viewing area and observational field sit atop a 2,300-foot-high mountain with state forest all around, effectively shielding the park from nearby light. The park is one of Pennsylvania's most visited and experienced a 316% increase in June visitors from 2020 to 2021. What considerations have been made by the ANG to ensure the integrity of these dark skies even with higher altitude flights (e.g., 1000 feet AGL) that may occur at night within the low MOA? What guarantees can the ANG offer to ensure flights below altitudes of 1000 feet AGL do not occur or have no impacts on this designated dark sky preserve?

2.1 Selection criteria

- The criteria suggest the proposed sites must be within 200 miles of Martin State Airport, Baltimore, Maryland. However, the MD ANG notes that the current and previous trainings have occurred in and around Tuscon, Arizona. Why has this selection criteria changed so drastically?
- Why must the floor be as low as 100 feet AGL? Nowhere in the DEA does the ANG explicitly explain the need for such low-level flying.

2.2 Proposed Action

- There is a discrepancy in the DEA and the FAQs regarding the maximum number of aircraft that will be in the airspace at one time. What is the maximum number of aircraft that will actually be in the airspace at one time?
- What is the weekend usage of this airspace? In the FAQ it suggests minimal usage, but in the DEA, it indicates regular usage on Saturdays.
- The vertical limits of the proposed low MOA are set between 100 feet AGL and 7,999 feet MSL
 which suggests this airspace will be segregated from the higher altitude airspace and is an entirely
 new MOA. Please confirm.
- The proposed minimum altitudes over the state parks are not consistent nor do they provide ample protection for wildlife or visitors. FAA Advisory Circular AC NO: 91-36D recommends 2000 feet altitude floors over national parks, monuments, preserves, wildlife refuges, critical habitat areas, and sanctuaries. If the Duke Low MOA were to be established, DCNR would request the same level of protections (i.e., 2000 feet AGL minimum) provided to national parks be provided to our state parks and natural areas.
- The DEA states "[n]ightime operations (defined as sunset until 10:00 p.m.) at low altitude (below 500 feet AGL) would be limited to above 1,000 feet AGL." However, the FAQ issued with the DEA states "[w]eekend and nighttime operations at low-altitude would be limited." DCNR has concerns regarding low-level flying within the Cherry Springs Dark Sky Preserve. Could the MD



ANG please clarify its expectations related to nighttime operations? If these operations do extend below 1000 feet AGL, would another EA be issues to evaluate the impacts of these actions?

2.3 Alternatives dismissed

This section of the DEA provides short summary paragraphs of why specific areas or facilities are insufficient for the 175th Wing to train. However, some of the information is either lacking or misleading.

Modification of the Evers MOA

- DCNR would like the MD ANG to provide a better analysis and justification as to why this airspace, due to mountainous terrain and sparse radio coverage, is less suitable than the proposed Duke Low MOA, which has similar terrain and radio limitations.
- Specifically, please provide the data and mapping tools used to determine that the vast area of the Evers MOA cannot be expanded below 1,000 feet AGL.

Creation of a new stand-alone MOA

- The MD ANG has been training at Davis Monthan AFB in Tuscon, Arizona for the past several years, which is far beyond the 200 nautical miles (NM) distance from Martin State Airport, as required in the DEA as specific criteria. The DEA does not provide sufficient explanation as to why this airspace is no longer available or viable. Please explain why this airspace is no longer viable. Please explain why the ANG is only focused on the area within 200 NM of Martin State Airport, rather than considering existing low MOAs already established elsewhere in neighboring states.
- Which other areas in the southwestern United States and near the Davis-Monthan AFB, have been considered by the MD ANG for this low-altitude training?
- Were there other established MOAs in other parts of the country that were evaluated for this purpose? Please share the process in which you reviewed and assessed these airspaces. If no other established MOAs were evaluated, please explain why not.

Farmville and Pickett MOAs

- Please provide further explanation as to why Farmville and Pickett MOAs may not be suitable for these training purposes.
- The DEA suggests the Farmville MOA in Virginia is primarily used by army helicopters; however, through some general research, DCNR discovered that this airspace is used to train pilots flying various fighter jets, including F-15s, F-16s, and F-22s, and that this MOA has a floor of 300 feet AGL.
- Explain in detail why the Farmville MOA that is currently used for low-level training has been determined not viable by the MD ANG for the training of A10 pilots.

MTRs

In a Spotlight PA article entitled "<u>The Pennsylvania Wilds is known for quiet. Residents worry fighter jet training will disturb the silence</u>," published on December 2, 2021, the following quote by Jamie Flanders, airspace manager for the Air National Guard, was included in the article:

"Military routes already go down to 100 feet, so there should be no change," Flanders said. "If you're not affected now, you won't be affected later."



The article noted that Flanders explained that the change would "allow for multi-directional training flights, as opposed to flights in one direction."

- The quote by Mr. Flanders suggests that the proposed MOA would be nothing more than what is already occurring other than directional patterns. He is suggesting that the proposed Duke Low Mow would be no different in terms of frequency and training operations compared to what is currently taking place in the MTRs. Is this an accurate statement?
- The diagram of MTRs on page 3-5 of the DEA shows VR-704/707 traversing the very southwestern edge of the proposed Duke Low MOA. Is this the MTR to which Mr. Flanders is referring? If so, wouldn't that suggest that the MTR activity is only impacting a very small portion of the proposed area under consideration for the Duke Low MOA?
- Could the ANG confirm the number of training operations that take place in a given year within the MTRs that traverse the proposed Duke LOW MOA, including altitude data?
- If MTRs allow for training to go down to 100ft AGL, as Mr. Flanders notes in this article, and there would be no change, then why is the Duke Low MOA needed at all, let alone such a large area encompassing 1717 square nautical miles?

2.4 No Action Alternative

DCNR recognizes the importance for the military to provide suitable training opportunities for pilots. However, the MD ANG does not provide a clear rationale for why specific training locations are no longer available or what the MD ANG has done to resolve scheduling conflicts.

3.1.2.4 Existing Aircraft

- It would be helpful for the assessment to clarify in Table 3-2 the number of annual aircraft at various altitudes within the proposed Duke Low MOA. Since the proposed low MOA extends to 7,999 feet MSL, much of this activity could be occurring at much higher altitudes, with limited impacts. The DEA does note that much of the training activity that may already be occurring within the proposed low MOA (below 8,000 feet MSL) occurs above 1,000 feet MSL. This indicates that the residents are not accustomed to the types of training maneuvers that will become frequent if the Duke Low MOA is approved.
- Also, has the MD ANG coordinated with local airports or regional airport authorities to determine anticipated increases in air traffic or strategic efforts to expand usage of these airports and regional hubs?
- Please address Duke Low MOA impacts to emergency rescue operations that occur within the PA Wilds. Would the MOA be deactivated to allow for emergency aircraft to traverse the airspace?
- Climate change has resulted in more frequent wildfires in Pennsylvania. DCNR coordinates with various partners when combating wildfires, often relying on aircraft to provide additional support to ground crews. Air tankers supply large quantities of water; helicopters provide air reconnaissance, and other aircraft, as needed transport supplies. How would the ANG coordinate with DCNR and other agencies and responders during these events?

3.2 Noise

• Despite the DEA noting that areas "beneath the proposed MOA would intermittently experience aircraft overflights that would range from loud to very loud, exceeding 75 dBA L_{max} at any given point on the ground, the MD ANG concludes that the proposed action would "have long-term



minor adverse effects on the noise environment..." due to low-altitude military overflights in areas beneath the proposed Duke Low MOA." The factual statements in the DEA do not support the ANG's conclusion. The DEA fails to provide the modeling methodology and subsequent data (e.g., inputs and results) used to determine the "environmental consequences" of its noise assessment.

- Please define and categorize "long-term minor adverse effects" and indicate if there are areas within the region that are more vulnerable than others due to topography or landscape.
- The DEA measures average increase over long periods of time. There is no sufficient analysis of
 increased dBAs in relation to ambient noise levels in those moments when aircraft are flying low
 altitude. There is also no explanation as to how baseline data has been acquired and studied.
 DCNR submitted a specific request to collect this methodology and data on November 24, 2021
 (see Appendix B).
- According to the study <u>Impulse noise and risk criteria</u> (Starck 2003), "[i]mpulse noise causes evidently more severe hearing loss than steady state noise." Noise levels associated with lowaltitude flights can have impulsive characteristics, including rapid onset. Impulse noise is a category of noise which includes unwanted, instantaneous sharp sounds, and can be a result of low-altitude aircraft. These variables were not evaluated in the DEA, which instead focused primarily on averaged data. We request modelling that reflects the impacts of noise harshness on both humans and wildlife, specifically threatened and endangered species.
- The DEA fails to assess the full impacts of low-altitude training maneuvers of fighter jets that tend to operate at much higher decibels. In addition, will the airspace be made available to aircraft beyond the four listed in the DEA? If, for example, F-22s or F-35s are permitted to fly within the Duke Low MOA, what would be the anticipated floor (100 feet AGL) and how often might these aircraft use this low-altitude airspace? What environmental assessments, including noise studies, would be required if additional aircraft beyond those listed in the DEA are permitted to fly in this low airspace?
- In section 3.3.4.1, the DEA asserts that "[t]he Proposed Action could affect utilization of the landscape; however, land use effects associated with aircraft noise would be short-term." This short-sighted assessment does not recognize the full impacts of long-term low altitude flying in a region that has essentially branded itself as a destination for immersion in nature. Please explain how the short-term yet persistent aircraft noise would not detrimentally impact immersion in nature. As stated above, impulse noise can be more disturbing and harmful than sustained noises; in addition, "short-term" suggests a short period of time. The proposal clearly states that the activity will occur nearly every other day. The Department does not consider this to constitute short term. If other wings or branches request use of this space, will that expand the usage beyond 170 days?
- Section 3.3.4.1 also states that "[t]he Proposed Action would not alter, prohibit, or otherwise limit the public's access to the recreational areas beneath the Duke Low MOA." Although there may not be military restrictions that will prevent the public from accessing this area, people may voluntarily opt out of visiting natural areas within the region because of concerns of sudden, intense, and increased noise levels. Please explain how the ANG took this fact into consideration.

3.3 Affected Environment

• On page 3-27, the DEA states that "[t]here are no national or state designated wild and scenic rivers under the proposed airspace." However, DCNR wants to note that Pine Creek is a PA



designated scenic rivers and just outside the boundary of the proposed MOA. Aso, while not wild and scenic rivers, Driftwood Branch is located within the proposed low MOA as are the upper reaches of the Clarion and Bennet Branch. See <u>PA Scenic River Program</u>.

3.4 Biological Resources

- An environmental review was not conducted by the DCNR, or any other state resource agency (PA Game Commission or PA Fish and Boat Commission), using the Pennsylvania Natural Diversity Inventory ("PNDI") maintained by the Pennsylvania Natural Heritage Program ("PNHP"). Through PNDI, resource agencies communicate with organizations/companies wishing to undertake projects in the commonwealth, especially projects requiring permitting or NEPA coordination. Cursory review of data reveals significant reason to conduct PNDI reviews with agencies. This information is not to imply that all of these features would potentially be impacted, but the point is that the agencies should have been given that opportunity to comment on a potential impact.
 - Over 300 environmental review species habitat polygons are present or extend within the Duke Low MOA proposed area.
 - o Of those, almost 200 unique occurrences of species habitats are present or extend within the project area.
 - o Over 50 different species are represented, including federal T&E and state-listed species of concern.
 - More about PNDI and habitat polygons: PNDI, which is maintained by the PNHP, is a unique and important conservation tool because it is based on verified species data found at locations across the Commonwealth. The species habitat polygons are based on known occurrences of species data. For each species, PNHP and agency scientists map species populations and natural communities by delineating a spatial representation of their habitat. Habitat polygons for each species are created digitally using aerial photography and a geographic information system ("GIS"). For animals, habitat polygons are determined based on species habitat requirements, including breeding, feeding, nesting, and dispersing. In contrast to animals, plants are relatively immobile, and therefore the community supporting the species is determined to be the habitat polygon. The parameters for the creation of the species habitat polygons were developed by PNHP staff and the four agencies with jurisdictional authority for the species in PNDI: DCNR, PA Fish and Boat Commission ("FBC"), PA Game Commission ("PGC"), and U.S. Fish and Wildlife Service.
 - o Recent communication with other state resource agencies (PGC & FBC) confirm the absence of PNDI consultation with them.
 - o DCNR requests that the ANG access the PNDI <u>Pennsylvania Conservation Explorer</u> and utilize the online platform to conduct a PNDI environmental review.
- DCNR and PGC have developed a <u>State Lands Habitat Conservation Plan</u> ("Bat HCP") for Indiana and Northern Long-Eared Bats and obtained an Incidental Take Permit from the U.S. Fish and Wildlife Service on December 23, 2020. While the Duke Low MOA flights are not a covered activity under the Bat HCP, PGC and DCNR are required to educate state land users of the importance of habitat of bats and to minimize known impacts where possible. The following comments relate to federally listed bat species:



- o The DEA states that the proposed activity will not affect northern long-eared bat hibernaculum: "[the USFWS] indicated that possible impacts to bats could occur from ground vibrations associated with airspace use at 100 feet AGL and above. The southern portion of Clinton County is not within the proposed airspace; therefore, the Proposed Action would not affect to the northern long-eared bat hibernaculum." However, DCNR still has concerns that the Duke Low MOA flight activity will negatively impact roosting bats on state lands during summer. This includes areas that are not within or near hibernacula. The DEA's conclusion pertains to hibernacula only and not roosting areas.
- The DEA states the proposed activity should have negligible effects resulting from ground disturbance. The DEA states: "In their study of low-altitude aircraft activity near the runway of an international airport, Le Roux and Waas (2012) found no statistically significant difference in mean bat activity during and after overflights compared with preaircraft activity. They concluded that both correlative and experimental data suggests that aircraft activity and noise may not have major impacts on bat activity. Therefore, potential impacts to bats associated with ground vibrations from airborne noise produced under the Proposed Action would be negligible." However, this broad conclusion is supported by only one study, based on commercial airport noise and the New Zealand Long-Tailed Bat. Since the facts in the one study are easily distinguishable, the DCNR does not believe that this study fully supports the claim that the proposed action will have a negligible impact on bats. DCNR recommends that a study be done on Pennsylvania bat species noting impact to roosting bats. Bats give birth and rear pups in summer and are closely tied to summer roosting habitat, which includes areas of foraging and maternity colonies. While the majority of proposed flights are not anticipated to take place during the night, when bats are most active foraging, the DEA concludes that no significant impact is expected to bats as a result. The DEA does not address to the arousal of roosting bats as a result of noise and vibrational impact during the day. DCNR understands that United States Fish and Wildlife Services (USFWS) has requested a ground vibrational study be performed to determine impacts on bats. DCNR also supports this request, to determine effects of vibration on roosting bats during flight time.
 - High quality summer habitat (roosting, foraging) for federally endangered Indiana bats has been identified within the Duke Low MOA project area. High quality summer habitat was modeled for Indiana bat using Maxent software.
 - There are five known northern long-eared bat designated roosting activity areas. The designated roosting activity areas are known clusters of trees known to be used by northern long-eared bats as maternity colonies during the summer. In addition, there are many roosting areas known nearby but outside of the Duke Low MOA project area.
- The DEA states "[t]he USFWS noted that the southern portion of Clinton County is within 0.25 miles of a known northern long-eared bat hibernaculum." The MD ANG further asserts that "[t] he southern portion of Clinton County is not within the proposed airspace; therefore, the Proposed Action would not affect to the northern long-eared bat hibernaculum." According to Pennsylvania's State Lands Bat Habitat Conservation Plan (HCP), Indiana bat colonies are "usually formed within 100 miles of the hibernaculum, but distances in the core range can exceed 300 miles (Gardner and Cook 2002; Winhold and Kurta 2006). The



plan also notes that the northern long-eared bat can cover an area between 40-50 miles. The MD ANG should consider the state's HCP in regards to potential impacts to bat species. What levels of coordination have occurred with the PA Game Commission in regards to the proposed actions and potential impacts on bat species?

- The DEA states that they would coordinate with PA and NY USFWS offices for consistency with bald eagle management guidelines and conservation measures. It is unclear what steps have been taken to alleviate concerns regarding nesting bald eagles, as well as peregrine falcons, northern goshawks, heron rookeries, and other and migratory birds. What specific actions will the MD ANG take to mitigate impacts to these species?
- The Pennsylvania elk herd is described, and the DEA claims "the effects of the Proposed Action on Pennsylvania's elk herd would be less than significant because the frequency of overflights below 1,000 feet AGL would be extremely limited (e.g., seconds to minutes per year)." However, very little reasoning behind this claim is provided. There are publications that indicate potential disturbance to similar species (Maier et al. 1998, Grift, Molenaar 2008) such as caribou. Given the significance of elk in the PA Wilds, the ANG must show research indicating potential impacts from the proposed low-level flight training is really less than significant.
- The PA Wilds Region, including a large swath of the footprint identified within the Duke Low MOA, has been identified through a recent corridor and connectivity analysis, conducted by DCNR and the Western Pennsylvania Conservancy, as a very high priority in regards to climate change connectivity. This analysis enables conservation partners to improve and increase connectivity and protect core habitats in the face of climate change, especially for wildlife, including threatened and endangered species. The proposed activity could have significant impacts on these habitat cores and migratory corridors. (See Appendix C)
- Through the Department's <u>State Forest Resource Management Plan</u>, one of the primary ways the bureau maintains wild character is through its Wild and Natural Area program. Wild Areas were specifically designated to protect the most undeveloped landscapes in the state forest system and to provide primitive recreation experiences and the pursuit of peace and solitude. There are currently 18 designated Wild and Natural Areas in the state forest system totaling more than 150,000 acres. The DEA does not include state natural areas in its inventory of biological resources. DCNR's natural areas represent the highest ecological quality and protection designation for any state land and represent important wildlife habitats.

3.5 Cultural Resources

Phase I inventory and Phase II evaluation of cultural and historic resources should be completed in order to assess the potential for the proposed undertaking to impact significant resources eligible for or listed in the National Register of Historic Places ("NRHP"). The tables referenced in the DEA include only previously recorded and listed historic properties and are not a complete inventory of historic properties within the project's Area of Potential Effect ("APE"). Additionally, many of the previously recorded historic properties have not been evaluated for their eligibility for listing in the NRHP. Section 106 of the NHPA requires that the lead agency consider the proposed undertaking's impact on historic properties that are listed, or eligible for listing in the NRHP. This requires a reasonable and good faith effort to identify historic properties and determine their eligibility to the NRHP.

While a number of historic structures in our parks and forests pre-date the Conservation-era in Pennsylvania, a large proportion of our parks and forests in this region were built during the conservation-era as part of the efforts of DCNR, its predecessors, and New Deal-era work programs like the Works



Progress Administration and the Civilian Conservation Corps. Many of these parks and forests, and the structures still standing on them, could be potentially eligible for listing in the NRHP under Criteria A, B, C, or D for areas of significance such as *conservation*, *ethnic heritage*, and *landscape architecture* (National Register Bulletin 15).

- The following list of state parks are located within or adjacent to the APE:
 - o Bendigo
 - Cherry Springs
 - Denton Hill
 - o Elk
 - o Hyner Run
 - Hyner View
 - o Kettle Creek
 - Lyman Run
 - o Ole Bull
 - Patterson
 - o Prouty Place
 - Sinnemahoning
 - Sizerville
- The following list of state forests are located within the APE:
 - o Elk
 - Sproul
 - o Susquehannock
 - o Tioga

3.6 Safety

Wildfires

- Pennsylvania has experienced an increase in wildfire activity as a result of climate change. DCNR is responsible for protecting the commonwealth's 17 million acres of private and public forested lands from wildfires. The Department must coordinate with multiple agencies, landowners, and emergency responders in preventing, suppressing, and managing wildfires. What role would the MD ANG play in regards to wildfire response due to aircraft mishaps?
- The greatest danger of wildfires in Pennsylvania occurs during the spring and fall when
 precipitation is particularly low and conditions are dry. What risk assessments and preventative
 measures are conducted through the ANG in regards to emergency landings, or other emergency
 situations that would prevent loss of life on the ground or wildfire damage to the millions of acres
 of forest below the MOA.
- Every year, hundreds of wildfires burn thousands of acres of public and private lands. The economic cost to suppress these fires ranges in the millions of dollars annually. Not only do wildfires pose a financial burden to the citizens of the Commonwealth, but they also endanger the life and property of residents and first responders. What specific risk management actions will the MD ANG take to ensure training operations do not contribute to the start of wildfires or interfere with the ability of DCNR and its partners to respond to wildfires or other emergency situations?
- There is also the potential that the ANG's training operations could interfere with detection and suppression flights within the MOA during fire season. Detection flights occur at reasonable



altitudes but air tankers and helicopters performing drops are very close to tree level and by definition working in a smoke-obscured environment. We would request that the MD ANG not schedule flights when red-flag conditions are instituted over the MOA.

3.6.4.3 Bird-Aircraft Strike Hazard

- The DEA notes that there is a low to moderate risk of bird-aircraft strikes in the current Duke MOA during peak spring and fall migration months (USAF 2015). Mitigation measures are suggested including weather, bird conditions, and significant operational factors affecting the schedule. However, no information is provided as to whether these measures are effective in avoiding bird strikes. Studies have indicated that staging areas, where migrating birds stop over for a shorter or longer period, are very vulnerable to low altitude flights. Overflights at <600 m AGL causes disturbance (flight reaction) in >80% of the incidences (Van der Grift, E.A. & H. de Molenaar, 2008. Effects of low-flying aircraft on wildlife. Literature review. Alterra, Wageningen, The Netherlands.).
- Please indicate which wildlife resource agencies and stakeholders the MD ANG coordinated and consulted with to reach the average number of air strikes per year figure.
- Please indicate how the MD ANG will mitigate strikes particularly during migration periods.
- <u>BirdCast</u> provides real-time predictions of bird migrations: when they migrate, where they migrate, and how far they will be flying. Beginning in 2018, after many years of research and developments in machine learning, cloud-based computing, and big data analytics, the BirdCast site began to feature migration forecasts that predicted how many birds would be aloft over the continental US and live migration maps that reported how many birds actually took flight. How does the ANG propose to utilize these types of resources and technology to reduce bird strikes?

DCNR Ranger Capacity

Pennsylvania's state parks and forests welcome over 40 million visitors each year and this number continues to grow, particularly since the onset of the COVID-19 pandemic. Public safety is a priority. DCNR rangers are on the front lines when it comes to addressing the health and safety of the public and must respond quickly to a wide array of issues. Increased visitation, novice recreators, and the very nature of DCNR's lands being mostly secluded wilderness all create challenges and requires an active staff to monitor and assist visitors. DCNR has 170 rangers covering all of 2.5 million acres of DCNR lands or one ranger for about every 15,000 acres. In 2020, rangers responded to over 16,500 incidents. The number of ranger positions has significantly been reduced over the years. The number of ranger positions has not kept pace with the needs on the ground to ensure safety for our increasing number of visitors and protecting the resource against additional threats and impacts. Having to respond to incidents related to the proposed Duke Low MOA might stretch the DCNR's resources.

Rescue and Emergency Services

• As noted elsewhere in these comments, it is not clear to DCNR based on the lack of analysis in the DEA as to whether the proposed Duke Low MOA would result in increased emergency incidents on the ground or if it will place an additional burden on our already limited capacity. We request that the MD ANG provide a more transparent and comprehensive assessment of potential threats on the ground, mitigation actions, and resources that will be provided by the ANG to respond to training-related incidents. In the case of an emergency situation (e.g.,



emergency landing, fuel spill, natural disaster, downed plane) what type of emergency response assistance would the ANG provide?

Medical Transports

- What are the protocols for medical air transports entering an active MOA for transporting a patient to a medical facility as well as for medical transport return flights?
- As described in Section 2.2.1 of the EIS, emergency flights or flights in distress are always given priority in the airspace, but non-emergency ambulance flights (for example, on the return trip without a patient on board) would have to transit the MOA via Visual Flight Rules (VFR) or route around like other general aviation. This region has limited emergency aircraft. In the case of a catastrophic event, what precautions would be taken by the MD ANG to ensure safe transport to and from the emergency scene and medical facility?

3.7 Socioeconomics

• One of the counties (McKean) located within the proposed Duke Low MOA footprint scores between moderate to high on the Centers for Disease Control Social Vulnerability Index. The remaining counties (with the exception of Elk) fall within low to moderate risk. These are communities where a number of factors, including poverty, lack of access to transportation, and crowded housing may weaken a community's ability to prevent human suffering and financial loss in a disaster. To what extent has the MD ANG considered the impacts of the proposed activity on these vulnerable communities and particularly the limited resources that exist to respond to an emergency or disaster?

3.7.2 Tourism

The MD ANG in its DEA acknowledges the following:

- "Increasing tourism, agriculture, and natural resources are among the primary goals to strengthen the economic base in the region."
- "Tourism is a driving economic force in the region, accounting for a \$1.8 billion industry that makes up 11 percent of the economy in the Pennsylvania Wilds region."
- "The region is economically distressed and has seen decades of population loss. State, local, and federal partners have been working together for more than 15 years to establish the Pennsylvania Wilds as an outdoor recreation destination to help diversify rural economies, create jobs, inspire stewardship and improve quality of life."

However, the DEA concludes that the proposed actions would have no significant impacts on the outdoor recreation and tourism economies of the region but fails to demonstrate how it came to this conclusion.

3.7.4.3 Outdoor Recreation & Tourism

The MD ANG asserts that "[t]here would be no short- or long-term changes in land use due to the Proposed Action" because the Duke Low MOA "would not involve any ground disturbing activities." This assumption fails to take into consideration the current land use and the potential impacts that low-flying aircraft would have on the rural, agricultural, and wild areas of this region. The land use, per se, may not change but how the land is inevitably used may change.



- What studies has the MD ANG conducted or even reviewed in regards to the noise levels associated with the proposed actions in the DEA and potential impacts related to human behavior? For example, will the region see a decline in tourism because those who visit this region have certain expectations in regards to noise levels and disruptions? Will long-time members of hunting cabins and associations find other places to fish and hunt? Will the small businesses that rely on tourism and visitors be impacted?
- How will the establishment of the Duke Low MOA affect real estate values in the region? Could this activity, in turn, impact tax revenues? What studies have been conducted by the ANG to evaluate real estate values before and after the establishment of low MOAs?
- The Pennsylvania Wilds offers exceptional fishing opportunities, including the following:
 - O The Wilderness Trout Stream Program, administered by the Pennsylvania Fish and Boat Commission (PFBC) is managed in a manner "where steam remoteness and populations of naturally reproducing trout combine to offer sport fishing opportunity for the recreation of anglers in a wilderness setting away from roads or vehicular access. It is the Commission's intent to advocate proper watershed management to maintain the wilderness setting" (58 Pa Code §57.4). Numerous Wilderness Trout Streams are identified within the impacted area.
 - Class A streams are considered the "best of the best" wild trout fishing opportunities in Pennsylvania among anglers. To qualify as a Class A Trout Stream, wild trout populations must meet very specific biomass thresholds defined in 58 Pa Code §57.8a. Based on the image below, there are hundreds of miles of Class A streams in the proposed area.
 - Keystone select streams are highly regarded stocked trout fisheries managed by FPBC. The First Fork Sinnemahoning Creek is the lone Keystone Select stream segment within the impacted area while Pine Creek is located just outside the footprint of the proposed Duke Low MOA.
 - Streams where natural trout reproduction has been documented are popular among "blue liners," fly fishing enthusiasts who enjoy exploring remote unnamed tributaries that are only identified by a blue line on a map. Approximately thousands of miles of naturally reproducing trout streams are in the proposed area if you added them all up.
- What coordination will the MD ANG facilitate with PFBC to eliminate and reduce impacts on anglers? What analysis has been done to understand the potential economic impacts to the region if anglers are displaced (due to noise) by the proposed Duke Low MOA?

What specific outreach has the MD ANG conducted with the following stakeholders that recreate in the impacted region? What assessments have been done to determine the potential impact on the below users?

- Hunters and Anglers
- Equestrians
- Hikers
- o Campers
- Stargazers
- o Hang Gliders (Hyner View State Park)
- Rock Climbers
- Wounded Warriors and other groups that organize nature-based wellness activities in this region for veterans suffering from Post-Traumatic Stress Disorder (PTSD)



4.0 Close Causal Relationships

Comments submitted by DCNR and its sister agency, Department of Environmental Protection, (dated March 10, 2020) to the Council on Environmental Quality regarding the Trump Administration's proposed changes to NEPA (Docket No. CEQ-2019-0003-0001), stated:

NEPA provides an essential process for citizens and policymakers to fully analyze and review the environmental, cultural, and other cumulative impacts of a proposed project on our natural resources and local communities. NEPA is often times the only means for which state, county, and local stakeholders can provide substantive input on federally-funded projects.

When comparing the CEQ's stated rationale for the proposed changes – reducing paperwork and delays and promoting better decisions consistent with section 101 of NEPA – with the proposed changes themselves, the changes demonstrate minimal concern for environmental impact, public health and safety, and transparency, and do not promote better decisions or even decisions consistent with NEPA's stated purpose. Instead, they expediate the regulatory process and fast track development projects at the expense of a comprehensive environmental analysis.

President Biden has since issued orders to review the Trump-era NEPA regulations and ensure they are consistent with the current administration's environmental policy. In addition, several lawsuits have been filed in response to the 2020 changes and are still being litigated.

Per the National Law Review, "Biden Administration Proposes to Walk Back Key Trump Era NEPA Regulation Changes" (Tuesday, October 12, 2021):

On October 7, 2021, the Council on Environmental Quality ("CEQ") published a notice of proposed rulemaking ("Proposed Rule") to reverse several key changes made under the Trump administration to CEQ's National Environmental Policy Act ("NEPA") implementing regulations. The proposed rulemaking—the first phase of a two-phase process to reconsider and revise the July 2020 "Update to the Regulations Implementing the Procedural Provisions of NEPA" ("2020 Rule")—announces a narrow, but important, set of proposed changes, which the CEQ states "would better align the NEPA regulations with CEQ and agency expertise, as well as NEPA's statutory goals and purpose to promote sound decisions informed by science."

The CEQ proposes to revert three aspects of the 2020 Rule back to the prior regulations with minor modifications: (1) the "purpose and need" of a proposed action; (2) the definition of "effects," restoring the prior definitions of direct, indirect, and cumulative effects; and (3) agency flexibility to develop NEPA implementation procedures that go beyond the governmentwide NEPA regulations. CEQ intends to undertake a broader revisitation of the 2020 Rule, and to propose further revisions in the second phase to ensure efficient and effective environmental reviews, provide regulatory certainty, promote better decision-making, and address climate change and environmental justice objectives.

On his first day in office, President Biden issued Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (Jan. 20, 2021), which directed the review of regulations issued by the Trump



administration for consistency with the new administration's environmental priorities. An accompanying White House fact sheet specifically identified the 2020 Rule for CEQ review. On June 29, 2021, CEQ issued an Interim Final Rule extending the deadline for federal agencies to develop or update their NEPA implementing procedures to conform to the CEQ regulations until September 14, 2023; the Proposed Rule does not propose to revise this deadline.

The Proposed Rule proposes a narrow set of changes intended to reverse several of the most controversial elements of the 2020 Rule, including (1) eliminating the focus on the applicant and limited scope of the agency's authority in defining the "purpose and need" of a proposed action; (2) restoring the 1978 definition of "effects," including direct, indirect and cumulative impacts; and (3) reversing the limitations on the ability of agencies to develop their own NEPA implementing procedures that go beyond the CEQ regulations.

The National Law Review also notes:

The Proposed Rule would eliminate language added by the 2020 Rule that requires an agency to base the "purpose and need" of a proposed action "on the goals of the applicant and the agency's authority" in the context of environmental reviews of applications for authorization, as well as make a conforming change to the definition of "reasonable alternatives." The purpose and need section of an environmental impact statement ("EIS") explains why a proposed action is being pursued and provides the boundaries for the range of reasonable alternatives to be considered.

In the Proposed Rule, CEQ reasons that the language added by the 2020 Rule "could be construed to require agencies to prioritize the applicant's goals over other relevant factors, including the public interest." While CEQ acknowledges that the goals of the applicant are a relevant factor for defining the purpose and need of a proposed action, it explains that the consideration of these goals should not be to the exclusion of other relevant factors, such as regulatory requirements, desired environmental outcomes, and local economic needs. The proposed change is intended to clarify that agencies have the discretion to base the purpose and need on a variety of factors, as well as to confirm that agencies "should consider a range of alternatives that are technically and economically feasible and meet the purpose and need for the proposed action but that are not unreasonably constrained by an applicant's stated goals."

As the 2020 rule is litigated and CEQ seeks regulatory changes, DCNR respectfully requests that MD ANG consider cumulative impacts, environmental justice, climate change, public interest, and full consideration of alternatives.

Per Executive Order 13990:

The heads of all agencies shall immediately review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (agency actions) promulgated, issued, or adopted between



January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or present obstacles to, the policy set forth in section 1 of this order.

5.0 Management Actions

FAA Order 1050.1 Environmental Impacts: Policies and Procedures states in Section 4-3.2:

Context and Intensity. The CEQ Regulations state that the determination of a significant impact, as used in NEPA, requires consideration of both context and intensity (see 40 CFR § 1508.27). The significance of an impact may vary with the context and setting of a proposed action. Depending on the proposed action, the context may be society as a whole, nationwide, an affected region, affected interests, or a locality. For a site-specific action, significance would usually depend upon local impacts. Both short and long-term impacts are relevant. According to the CEQ Regulations, intensity refers to the severity of the impacts and includes, but is not limited to, consideration of the following:

- Unique characteristics of the geographic area (e.g., proximity to historic or cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, ecologically critical areas);
- Adverse impacts on properties listed or eligible for listing in the National Register of Historic Places;
- Loss or destruction of significant scientific, cultural, or historical resources;
- Adverse impacts on endangered or threatened species or critical habitat;
- Whether an action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment;
- Impacts that may be both beneficial and adverse. A significant impact may exist even if the Federal agency believes that on balance the impact will be beneficial;
- The degree to which the effects on the quality of the human environment are likely to be highly controversial; and
- Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into component parts

This order also states:

Special consideration needs to be given to the evaluation of the significance of noise impacts on noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the DNL 65 dB threshold does not adequately address the impacts of noise on visitors to areas within a national park or



national wildlife and waterfowl refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute.

DCNR requests that the MD ANG carefully consider:

- The impacts of the proposed activity on the unique characteristics of this geographical area and outdoor recreation destination.
- The Commonwealth's Environmental Rights Amendment and the Constitutional responsibilities that state agencies uphold in ensuring our public natural resources are conserved and maintained for todays and future generations.
- The impacts on the state-designated natural and wild areas, particularly the Image result for Hammersley Wild Area, a 30,253-acre wild area in the Susquehannock State Forest in Potter and Clinton counties in north-central Pennsylvania. It is the largest area without a road in Pennsylvania and the state's second largest wild area (the first being Quehanna Wild Area).
- Pennsylvania's PNDI process and evaluation of impacts on endangered and threatened species.



APPENDIX A



The above image is the area of the proposed Duke Low MOA superimposed over <u>Pennsylvania's Department of Environmental Protection's Environmental Justice Areas Viewer.</u>
The pink and purple shaded areas are all environmental justice areas. The image displays all the environmental justice areas within the proposed Duke Low MOA.



APPENDIX B



POLICY OFFICE

November 23, 2021

NGB-PA, Branch Chief, Civic Engagement: Lt Col Devin Robinson

Dear LT Col Robinson:

As the Department of Conservation and Natural Resources (DCNR) reviews the Draft Environmental Assessment (DEA) for Airspace Modification of Duke MOA, we find the section focused on Noise (3.2) and the subsequent information provided to be deficient and, subsequently, difficult to evaluate.

In an effort to better understand the full impacts of the proposed low-altitude airspace, DCNR is requesting the following:

- · all noise modeling, including NoiseMAP, in its native format and any accompanying notations;
- any additional modeling or documentation that was used to come to the conclusions outlined in the DEA;
- the methodology used to collect baseline data and the raw baseline data collected; and
- an extension of the comment period to allow additional time for DCNR and other stakeholders to review this critical information.

We thank you for your consideration of this request.

Sincerely

Nicole Faraguna, Director of Policy & Planning

CC:

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Nil Lyn

DCNR | Rachel Carson State Office Building | 400 Market Street, Harrisburg PA 17101 | 717.303.6977



APPENDIX C

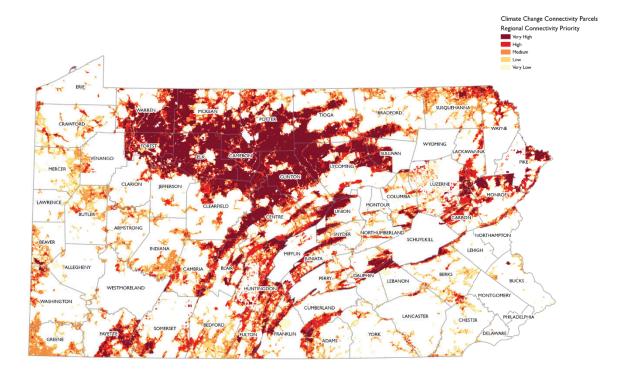


Figure 1. Map of statewide parcels prioritized for regional connectivity priorities (version 2); darker red areas are higher priorities for conservation actions. (Western Pennsylvania Conservancy)

From: <u>alicia beck</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: ; ROBINSON, DEVIN T Lt Col USAF ANG ANG/CC/PA; KUCHAREK, KRISTI L GS-13

USAF ANGRC NGB/A4; Nicole; Jon; Lucy Heggenstaller

Subject: [Non-DoD Source] Comments related to Duke Low MOA

Date: Wednesday, December 22, 2021 11:01:12 AM

Attachments: COMMENTS SVWA MOADUKE.docx

On behalf of the Sugar Valley Watershed Association please find attached our comments with respect to the need for a full EIS prior to implementing the Duke Low MOA.

Thank you.

COMMENTS ON DUKE Low MOA

BACKGROUND:

Thank you for the opportunity to respond to such an important issue. On behalf of the Sugar Valley Watershed Association, which works to educate our communities and help people understand how our actions may impact the quality of Fishing Creek in north central Pennsylvania, please find below concerns related to the proposed Low flying MOA.

The purpose of these Comments is to help plan and adopt appropriate safeguards for the residents, recreational users, workforce, and wildlife in the PA Wilds region and formally request a full Environmental Impact Statement (EIS) be completed prior to moving forward with the Duke Low MOA.

The PA Wilds is one of 11 official tourism regions in the Commonwealth of Pennsylvania. The region is also one of eight state-designated Conservation Landscapes because of its unique natural and heritage assets. The 13-county region is home to the greatest concentration of public lands in Pennsylvania. Many have called our trout streams in this region the finest in Pennsylvania and they hold an excellent population of wild brown and brook trout and Fishing Creek (the focus of our watershed association) is designated as a high-quality coldwater fishery. There are 29 state parks, 8 state forests, 50 state game lands and PA's only National Forest, the Allegheny. The largest wild elk herd in the Northeast exist in this area along with two designated National Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest night skies in the country.

This region is also economically distressed and has seen decades of population loss. In the 6 counties targeted for the Duke Low MOA the median income levels and home value of the 211,000+ residents are significantly below U.S. averages. There is a large Amish population and who by definition are considered an underserved population. Sections of the intended impacted area (highlighted in your map) are identified on the Federal Reserve Website as 2020 List of Distressed or Underserved Nonmetropolitan Middle-Income Geographies.

Local, state and federal partners, private philanthropy, and the private sectors began working together more than 15 years ago to establish the PA Wilds. The intentional economic development focused on the creation of an outdoor recreation destination to help diversify rural economies, create jobs, inspire stewardship and improve quality of life. This ground-breaking effort, held up as a model in five national studies and has involved side-by-side investments in small business development, marketing and branding, recreation infrastructure, community character stewardship, regional planning, and conservation. Today, thanks to the work of many organizations, businesses and individuals, tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy. Without careful planning and adoption of safeguards the Duke Low MOA may undermine the economic and ecological progress made by the many partners and community members; therefore, a full EIS is required. The EIS must address the full scope of environmental impacts, including the following 8 specific topics."

COMMENTS/ISSUES:

- 1. SAFETY
- 2. ECONOMIC IMPACT
- 3. WILDLIFE IMPACT
- 4. RECREATIONAL IMPACT
- 5. BIOLOGICAL & AG IMPACT CONSIDERATIONS including water quality
- 6. EQUITY CONSIDERATIONS
- 7. POLLUTION & HUMAN HEALTH
- 8. NEPA COMPLIANCE

FACTORS WHICH NEED TO BE CAREFULLY CONSIDERED:

1. SAFETY

The proposed DUKE Low MOA will create new hazards that exceed the capacity of local emergency response services and disproportionately impact specific communities. The proposed DUKE Low MOA could share airspace with VFR aircraft (not denied). The introduction of low-altitude military tactical aircraft training on an every other day basis as opposed to the current limited use (higher floors) may create collision hazards that do not exist today. The proposed Duke MOA Region has large DARK HOLES (i.e., GAPS in broadband cell services). In the event of an accident or violation, calling 9-1-1may not be feasible and few municipalities in the Duke LOW MOA Region have full-time Police Departments. Most likely our State Police will be first on scene and response time may extend longer than needed due to the vast region they currently cover.

Most of the First Responders in this MOA are part-time volunteers. Covid has impacted the number of volunteers in several communities and response times have been affected. Due consideration must be given to a community(ies) action plan and how to build capacity of response teams should be explored.

At the proposed altitudes noise is not only a concern but a risk to livestock. For example, horses have been known to be startled by low flying aircraft causing https://www.forces.net/news/us-confirms-jets-were-flying-over-cornwall-after-reports-horse-deaths and while tragic for the animals the local Amish community depends on horses for transportation and farm work. Clinton County alone has ~1,000 Amish families and horse-drawn carriages are a common mode of transportation. The potential risks associated with low flying aircraft need more scrutiny and someone much consider direct outreach to the Amish community to advise and warn of the potential dangers to horses and other livestock.

2. ECONOMIC IMPACT

The proposed DUKE Low MOU will create economic impact, including the risk of negatively impacting the vital local tourism industry. The scenic and recreational qualities of this region are strong attractors for visitors and a growing number of professionals who can choose where to live because they work on the Internet. More than 1MM visitors and residents chose the PA Wilds as a destination last year alone. Tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy.

A comprehensive EIS must evaluate the economic impact of intrusions of low altitude flyovers (noise and insensitivity) on discouraging people from visiting and investing in an area where the economy is heavily dependent on outdoor recreation, impact investing and tourism.

3. WILDLIFE IMPACT

The proposed DUKE Low MOU will impact wildlife habitats, including critical breeding areas and migration routes for a wide range of species, and will increase diverse risks to the public due to changes in human and wildlife interactions.

In general, animals do respond to low-altitude aircraft overflights. The manner in which they do so depends on life-history characteristics of the species, characteristics of the aircraft and flight activities, and a variety of other factors such as habitat type and previous exposure to aircraft. For example, sudden noise, especially if tree-top, may cause deer to panic and run across roads risking collisions with cars and trucks that might cause serious injury, as well as vehicle damage. The potential for overflights to disturb wildlife and the resulting consequences have drawn considerable attention from state and Federal wildlife managers, conservation organizations, and the scientific community. This issue is of special concern to wildlife managers responsible for protecting populations, and to private citizens who feel it is

unwise and/or inappropriate to disturb wildlife. Two types of overflight activities have drawn the most attention with regard to their impacts on wildlife: 1) low-altitude overflights by military aircraft in the airspace over national and state wildlife refuges and other wild lands, and 2) light, fixed-wing aircraft and helicopter activities related to tourism and resource extraction in remote areas.

The primary concern expressed is that low-level flights over wild animals may cause physiological and/or behavioral responses that reduce the animals' fitness or ability to survive. It is believed that low-altitude overflights can cause excessive arousal and alertness, or stress (see Fletcher 1980, 1990, Manci et al. 1988 for review). If chronic, stress can compromise the general health of animals. Also, the way in which animals behave in response to overflights could interfere with raising young, habitat use, and physiological energy budgets. https://www.nonoise.org/library/npreport/chapter5.htm

4. RECREATIONAL IMPACT

The Pennsylvania Wilds is a game hunter's paradise and an angler's perfect retreat. The region has nearly 2,100 designated trout streams, 16,000 miles of sparkling waterways, and 2 million acres of public land open for hunting at various times of the year. With dense forestland and a multitude of waterways, the ecosystem is home to a variety of wildlife. Almost 8% of PA residents have paid hunting licenses:

- Total paid hunting license holders in 2020: 930,815
- Total hunting license, tags, permits and stamps issued in PA in 2020: 2,646,720
- Gross cost of all hunting licenses: \$36,873,199. The 2019–2020 season was a booming one for Pennsylvania's hunters. A comprehensive EIS must evaluate the impact of the MD National Guard fly during any of PA's hunting seasons and the associated impact to the recreation community (including fishing) and the revenue that supports almost ½ of the Game Commission's budget.

5. BIOLOGICAL & AG IMPACT

The proposed DUKE Low MOU will impact existing land uses, traditional practices, and established biological and economic activities, including forest management and farming.

More information needs to be shared related to emissions and impact to the forests and the residents.

Clear-cutting and controlled burning can help old forests regenerate the type of plant life that deer, turkey, and other wildlife feed on, and recently, the practice of prescribed burning has been ramped up. A comprehensive EIS must evaluate how these practices will be allowed to continue at the current and planned levels and any proposed requirements for burn permits for loggers and residents.

With over 7.8 million acres of farmland, 58,000 farms, and \$1.9 billion in agriculture exports annually, Pennsylvania has a thriving and vibrant 'ag' industry and is considered an AG state. A study by the Royal Association of British Dairy identified the following:

"The impact of low flying aircraft can be devastating, causing injuries and loss of stock, while undue stress can have a knock-on effect on herd milk production" (lactation rates negatively impacted). The impact can be even more damaging for egg producers.

"Hens have an innate fear of overhead predators – a survival mechanism from thousands of years of evolution, which causes them to seek cover from larger birds circling in the sky," "Low-flying military aircraft can elicit a similar reaction. If hens are subjected to prolonged periods where overhead objects are nearby, it can cause considerable stress that can impact the health of the bird."

This can lead to increased mortality, loss of egg production, a drop in the size and value of eggs, and poor shell quality.

6. EQUITY CONSIDERATIONS

The proposed DUKE Low MOU will disproportionately impact underserved communities.

President Biden's executive order in January 2021 clearly emphasizes the federal government's commitment to making the American Dream real for families across the nation by taking bold and ambitious steps to root out inequity from our economy and expand opportunities for communities of color and other underserved Americans.

 $(\underline{https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/advancing-racial-equity-advancing-raci$

The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, which have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of "equity."

The 6-county region identified in the MOA comprises a large Amish population, distressed communities and low-income households. A comprehensive EIS must evaluate alternatives, including other areas to be considered and the socioeconomic impacts and the area currently being used to by the Maryland National Guard to conduct desired training. The EIS must address how the area will be compensated for the impacts and how the Maryland National Guard will help fund the Emergency response teams as well as investigators to respond to noise and livestock issues,

7. POLLUTION

The proposed DUKE Low MOU will impact noise pollution levels and information is needed to advise the public with respect to the potential risks of noise pollution so people can prepare and or move depending on findings. There are known health consequences of elevated sound levels. Elevated workplace or other noise can cause hearing impairment, hypertension, ischemic heart disease, annoyance, sleep disturbance, and decreased school performance. Elevated noise levels can create stress, increase workplace accident rates, and stimulate aggression and other anti-social behaviors. Airport noise has been linked to high blood pressure and an increased risk of heart attacks.

A large-scale statistical analysis of the health effects of aircraft noise was undertaken in the late 2000s by Bernhard Greiser for the Umweltbundesamt, Germany's central environmental office. The health data of over one million residents around the Cologne airport were analyzed for health effects correlating with aircraft noise. The results were then corrected for other noise influences in the residential areas, and for socioeconomic factors, to reduce possible skewing of the data. The study concluded that aircraft noise clearly and significantly impairs health. For example, a day-time average sound pressure level of 60 decibels increased coronary heart disease by 61% in men and 80% in women. As another indicator, a night-time average sound pressure level of 55 decibels increased the risk of heart attacks by 66% in men and 139% in women. Statistically significant health effects started as early as from an average sound pressure level of 40 decibels.

8. NEPA COMPIANCE

The proposed DUKE Low MOU will have diverse and complex environmental and human community impacts that exceed the NEPA thresholds for requirement of a comprehensive Environmental Impact Statement (EIS) and evaluation of alternatives.

Congress enacted NEPA to "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C. § 4321. NEPA is intended "to protect the environment by requiring federal agencies to carefully weigh environmental considerations and consider potential alternatives to the proposed action before the government launches any major federal action." 40 C.F.R. § 1500.1(a); Lands Council v. Powell, 395 F.3d 1019, 1026 (9th Cir. 2005). NEPA requires "coherent and comprehensive up-front environmental analysis to ensure informed decision making to the end that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." Churchhill Cty v. Norton, 276 F.3d 1060, 1072–73 (9th Cir. 2001) (quoting Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1211 (9th Cir. 1998)). It "guarantees that the relevant information will be made available to the larger [public] audience that may also play a role in both the decision-making process and the implementation of that decision." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989). To comply with NEPA, federal agencies must prepare an EIS for all "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C).

The Council on Environmental Quality (CEQ) has promulgated regulations implementing NEPA, which are binding on all federal agencies, including the Air Force. 40 C.F.R. §§ 1500 et Comments on Airspace Optimization DEIS -- 8 seq. The CEQ regulations direct that an EIS "shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. The EA failed to consider a reasonable range of Alternatives. NEPA requires consideration of reasonable alternatives to further its goals of objective and thorough analysis. 40 C.F.R. § 1502.14(a). This guarantees that agency decision-makers assess "all possible approaches to a particular project . . . which would alter the environmental impact and the cost-benefit balance." Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228 (9th Cir. 1988). NEPA regulations require that it must analyze "reasonable alternatives to the proposed action and the 'no action' alternative in all EAs and EISs, as fully as the proposed action alternative." See 32 C.F.R. § 989.8(a). Reasonable alternatives are defined as those that "meet the underlying purpose and need for the proposed action and that would cause a reasonable person to inquire further before choosing a particular course of action." Id. at § 989.8(b).

The MD National Guard must meet its obligation to analyze a reasonable range of alternatives in the proposed MOA. Specifically, evaluated alternatives must include those designed to avoid or mitigate impacts on sensitive wildlife, such as Elk, and migratory bird or other airspace that could be considered that may already have a low altitude MOA in place. It is requested that a comprehensive EIS be completed that will consider reasonable alternatives to avoid impacts.

In conclusion, the public's best interest will be served by a thoughtful and detailed due diligence period including the completion of a full Environmental Impact Statement (EIS) that addresses a full suite of impacts to the human environment, including the 8 issues summarized above. A comprehensive EIS will help separate facts from perceptions and allow the residents and visitors to feel safe, secure, and excited about the modifications being proposed in the MOA.

Respectfully submitted,

Lucy Heggenstaller

Secretary



PO Box 502 // Williamsport PA 17703-0502 // www.rdaPA.org

December 31, 2021

Maryland National Guard's Public Affair Office

Capt. Ben Hughes

Air National Guard's Public Affair Office Lt. Col. Devin Robinson

Ngb.a4.a4a.nepa.comments.org@us.af.mil

Pennsylvania National Guard's Public Affair Office

Capt. Travis Mueller

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletcher Avenue Joint Base Andrews, MD 20762

VIA ELECTRONIC FILING

Re: Draft Environmental Assessment for Modification of Duke MOA

Dear National Guard NEPA Review Team:

As an education and advocacy coalition based in north central Pennsylvania, representing approximately 900 followers, the Responsible Drilling Alliance (RDA), established in 2009, is deeply concerned with the proposed change to the Duke MOA to allow dives to 100' above-ground over the rugged terrain in nearby counties of Clinton, Tioga, Potter, Cameron, and McKean, the heart of the region designated by the Commonwealth as the Pennsylvania Wilds.

We cannot emphasize enough the importance of the Wilds to the quality of life of all Pennsylvanians, millions of others in the Northeast region, and to our local economy, of which at least \$1.8 billion per year is generated by nearly 7.2 million day visitors alone.

RDA believes wilderness and the availability of a wilderness experience is invaluable to human development, invaluable to the ecology of the planet, and in this crucial time our Commander-in-Chief has termed "an existential crisis", of vital importance to our ability as a species to navigate our way forward from our nation's current unsustainable energy system.

Even for short durations, the sound and sight of a jet aircraft diving down to 100 feet and racing back up a mile may be an unspeakable intrusion into a wilderness experience for anyone in the vicinity. Surely that must be understood by all those responsible for this proposal?

RDA sees the problem as solvable at a higher level than the review team: rescinding of the U.S. Navy decision to decrease the amount of time an outside military agency is allowed to schedule use of the Patuxent River RA. We understand this was a decision which limits the ability of the 175th Wing to conduct real-world training. We understand the importance of real-world training to both Navy and Air National Guard units.

We ask the guard to understand the importance of the Wilds to those who live in, hunt, fish, hike, float, paddle, bike, photograph, paint, bird watch, ski, snowshoe, and otherwise commune with nature in the beautiful forests, streams and lakes of north central Pennsylvania as well as to the other animal life therein.

At minimum the residents and property owners in the proposed area need to understand why the Navy is restricting access to its site and if that restriction is avoidable. We believe MD ANG used more than a dozen other training sites in just the last year. If the Navy can no longer accommodate the guard, we ask you, why can't a rotational use of the other sites continue?

RDA opposes the Duke Low MOA as presented and requests public meetings in each of the impacted counties to allow area residents, property owners, hunters and other PA Wilds visitors the opportunity to ask questions and respond to answers. If at all possible, one-time permits should be obtained at each site for a demonstration flight for those in attendance, nearby residents and passers-by.

Millions of public dollars have been invested in the PA Wilds. This has proved to be a very successful investment. The proposed Duke Low MOA region already sacrifices for the national interest by hosting extensive areas of underground fossil, or "natural" gas storage, including near surface pipelines, compressor stations, etc. What appears on a flat map or a screen as empty, unproductive country is very much the opposite.

Though the area is not a large producer of gas, there are many shallow abandoned and orphan gas wells in the region, some leaking significant amounts of methane. The terrain in the area is often rugged, with steep forested hillsides and tight valleys. Though training flight accidents are

rare, they do happen. Just one in the wrong place in a dry season and a much bigger catastrophe than anticipated may occur. At the very minimum an extremely rigorous Environmental Impact Statement should be required if the proposal continues to move forward.

Thank you for considering these comments.

RDA Board of Directors

Robert Cross, President Barbara Jarmoska Jon Bogle Mark Szybist Dianne Peeling Harvey Katz From: <u>Julie Brennan</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [URL Verdict: Suspect] [Non-DoD Source] Duke MOA - proposed expansion of low level flight

Date: Friday, December 31, 2021 7:38:53 AM

On behalf of the Clinton County Economic Partnership and Visitors Bureau, the designated tourist promotion agency in Clinton County, Pennsylvania, I am writing regarding the Maryland Air National Guard's proposed expansion/lowering of the flight levels for the Duke Military Operating Area. The sole intent of this letter is to make you aware of several large events and activities that occur within the planned flight area that are important to our local economy. Should the MOA be lowered, we respectfully request that these events be considered when planning your exercise schedule.

- **Hyner View Trail Challenge** typically held the 4th Saturday in April. This annual trail race draws 1,400 runners (plus their families and friends) to the Hyner area of Sproul State Forest, which is situated right around to the MOA. This is the largest of the trail races held in Clinton County. People camp/stay in the area from Friday night through Sunday. The event is organized by the PA Trail Dogs running club. www.patraildogs.com.
- **Renovo ATV Cruise for a Cure** held the second Saturday in June. This annual 50-mile ATV ride (a benefit for the American Cancer Society) draws several hundred people and the course falls within a portion of the MOA (the Whiskey Springs ATV trail and surrounds in Sproul State Forest). Participants camp/stay in the Renovo area from Friday night through Sunday. The event is organized by the Bucktail Medical Center Relay for Life team and the Central Mountains ATV Association.
- **Smoked Country Jam Bluegrass Festival** held in mid-June. This three-day (Thursday Saturday) outdoor music festival is held at Quiet Oaks Campground in Cross Fork and draws 4,000 to 6,000 people annually. Facebook: Smoked Country
- **Sproul 10K** also held in mid-June in North Bend/Hyner area another Saturday race in Sproul State Forest organized annually by the PA Trail Dogs that typically attracts 300 runners.
- **Little Loggers Trail Fest** held the day after the Sproul 10K (Sunday) is a free trail race for children 12 and under. The 3-mile course is in the Hyner area of Sproul State Forest and the race is followed by an outdoor festival for the kids. This event is also organized by the PA Trail Dogs and attracts 200+ children as well as their families.
- **Cross Fork Snake Hunt** typically held the last weekend in June is an outdoor festival held annually at the Kettle Creek Fire Hall in Cross Fork. This two-day event attracts hundreds of people. It is a benefit for the all-volunteer Kettle Creek Fire Company. www.kettlecreekhoseco.com
 - Rattlesnake National Enduro a motorcycle event held at the end of July annually out of

Quiet Oaks Campground in Cross Fork. This weekend event draws about 500 participants and their families. www.nationalenduro.com

- **Kettle Creek Music Festival** typically held the second weekend in August, this three-day outdoor festival (Thursday Saturday) is held at Quiet Oaks Campground in Cross Fork and draws 2,00 to 4,000 people annually. www.kcmusicfest.com
- **Hyner Half Trail Race** held on a Saturday in late August another PA Trail Dog organized race in the Hyner area of Sproul State Forest, this event attracts 300-400 participants, as well as their families and friends.
- **Pennsylvania State Flaming Foliage Festival** a three-day (Friday-Sunday) fall foliage event always held the second full weekend in October in the Renovo area of Clinton County, this outdoor event attracts upwards of 30,000 people. www.pastateflamingfoliagefestival.org
- **The View 25K trail race** held the first weekend in November is another PA Trail Dog organized race in the Hyner area of Sproul State Forest in Clinton County. This Sunday event attracts 400+ participants, as well as their families and friends.

Other considerations:

- Clinton County has more than 1,500 privately-owned camps and more than 500 camps that the state leases to people. Most of these camps are situated in the northwestern area of Clinton County in the flight area and are used for recreational purposes including hunting, fishing, weekend get-aways, etc.
- Clinton County is home to Whiskey Springs ATV trail, among the largest state-owned ATV trails in Pennsylvania. The entire 50-mile trail is situated in the northwestern section of Clinton County...in the MOA.
- There is abundant wildlife in the area. In addition to deer, bear, turkey and small game, the western sections of Clinton County are home to a growing elk herd. We currently are working to establish elk viewing opportunities for people interested in getting a closer look at elk in their natural habitat.
- We also encourage you to work with one of the county's leading industries, Berkshire Hathaway Energy Eastern Gas Transmission & Storage, which operates one of the largest underground natural gas storage facilities in the country, to minimize impacts to their operations, which are situated within the MOA.

To put it simply, while remote, this territory is heavily and regularly used by many and, again, is key to our local economy. We ask that you take this information into consideration. We are willing to work with you and provide

more specifics.

Sincerely, Julie

Julie Brennan, Chamber/Tourism Director Clinton County Economic Partnership & Visitors Bureau 212 North Jay Street, PO Box 506, Lock Haven, PA 17745

Email: tourismdirector@clintoncountyinfo.com

Phone: 570-748-5782 Web: www.clintonCountyInfo.com

<u>Facebook</u> | <u>Twitter</u> | <u>LinkedIn</u> | <u>Instagram</u>





From: <u>Jeff Calvert</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Comments on proposed modifications to Duke MOA

Date:Thursday, December 30, 2021 8:52:13 PMAttachments:Duke Low MOA comments - ESTEA 2022-12-29.pdf

Our organization is concerned about the proposed changes to the Duke Military Operations Area. We offer the attached comments for your consideration.

Respectfully, Jeffrey A. Calvert President Eastern States Trail-Endurance Alliance

Eastern States Trail-Endurance Alliance 499 Stevenson Road Port Matilda, PA 16870 es100rd@amail.com



December 29, 2021

Maryland Air National Guard
175th Wing
2701 Eastern Blvd.
Middle River, MD 21220
ngb.a4.a4a.nepa.comments.org@us.af.mil

Re: Proposed Modifications to the Duke Military Operating Area ("Duke MOA")

- Public Comments from the Eastern States Trail-Endurance Alliance ("ESTEA")

The ESTEA submits the following comments on the proposal by the United States Air Force, the National Guard Bureau and the Maryland Air National Guard to modify the Duke MOA by reducing the floor of the MOA to 100ft above ground level ("AGL"), thereby establishing the Duke Low MOA. Please consider these comments in making final decisions concerning the proposed modifications.

ESTEA

The ESTEA is a non-profit 501(C)(3) organization that promotes trail running and the responsible use of public land in Pennsylvania. The organization's flagship event is the Eastern States 100, which is a 103-mile single-loop trail foot race held in mid-August. This event takes place in the heart of the Pennsylvania Wilds ("PA Wilds"), winding through communities and densely forested land in Lycoming, Clinton, Potter and Tioga Counties. Participants from not only the United States, but from countries around the world, including Japan, Canada, Peru, Great Britain, Spain and Mexico have traveled to this beautiful part of Pennsylvania to participate in this event, which has a reputation as being one of the most challenging ultramarathons in the world.

The Eastern States 100, along with other similar trail events that take place throughout the PA Wilds, depends on the serenity, rural character and natural beauty of this region. ESTEA and

other trail organizations that sponsor these events work hard to preserve this area and give back to host communities by supporting local businesses, donating to emergency services, building and maintaining trails for public use, and supporting partner trail organizations. It is a symbiotic relationship that critically depends on the unique environment of this special part of Pennsylvania.

The Pennsylvania Wilds

The PA Wilds region consists of just over two million acres of public land and includes approximately 29 state parks, 8 state forests, 50 state game lands, close to 2,000 miles of hiking trails, and abundant wildlife, including the largest elk herd in the Northeast. This region is not only a treasure for Pennsylvania residents, but for all those who visit.

Its preservation is partially dependent upon the unique protection afforded under Article 1, Section 27 the Pennsylvania Constitution, which provides:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come.

This constitutional provision is intended to protect and preserve the natural, scenic and esthetic values of the environment in Pennsylvania and establishes that Pennsylvania's public natural resources, including the PA Wilds, are the common property of all the people, including future generations. The significance of this language cannot be discounted or understated in assessing the proposed modifications to the Duke MOA and its potential impacts on this unique area.

Duke Low MOA

The Maryland Air National Guard states that the United States Air Force and the National Guard Bureau are proposing to lower the floor of the existing military operating area from 8,000ft Mean Sea Level (MSL) to 100ft Above Ground Level (AGL) in support of the 175th Wing of the Maryland Air National Guard. The primary purpose of lowering the floor of the operating area is to provide year round realistic training opportunities in low altitude airspace. Specifically, the Duke Low MOA is being proposed to provide pilots from the Maryland Air National Guard with training space for the protection of ground troops and search and rescue missions. The ESTEA notes that while the Duke Low MOA focuses primarily on the 175th Wing, other Air National Guard wings are mentioned as having a need to use the modified airspace for training exercises.

Duke MOA website at: https://www.175wg.ang.af.mil/Duke-MOA-Low/ and Duke Low MOA FAQs, Public Statement.

² Id..

³ Duke Low MOA FAQs, A7 and A11; Volume 1 Draft Environmental Assessment (EA), p. 2-8.

ESTEA's Comments

The ESTEA makes the following comments based on information provided through the Duke Low MOA website at https://www.175wg.ang.af.mil/Duke-MOA-Low/, including the Duke Low MOA FAQs, the draft Finding of No Significant Impact ("FONSI") and the draft Environmental Assessment ("EA").

Air Quality

The EA indicates that modeling was performed to estimate the total direct and indirect emissions from air operations on the emission of criteria pollutants, as identified in the federal Clean Air Act, 42 U.S.C. § 7401 et seq. Those emissions are predicted to be below the insignificance indicator of 250 tons per year, according to the draft EA; however, there are still projected emissions from flight operations. The draft EA estimated emissions from all air operations in the proposed Duke Low MOA from 100 ft AGL to 8,000 ft above mean sea level ("MSL") and predicted actual emissions below 6.0 tons per year ("tpy") of CO, 4.2 tpy of NO₂, 1.1 tpy of VOCs, 0.5 tpy of SO₂, 1.7 tpy of PM₁₀ and 0.7 tpy of PM_{2.5}. While predicted to be relatively small, flight operations in the Duke Low MOA are expected to result in emission of these pollutants in this area. This area has also likely experienced emissions impacts attributable to natural gas exploration, drilling and transportation and the predicted emissions from the Duke Low MOA will add to those emissions. Consideration should be given to limiting flight operations to the extent possible in order to limit or reduce actual emissions in the area.

Fuel Venting/Dumping

The EA makes it clear that fuel dumping is "not a component of any routine flight training..." and that fuel venting "is highly unlikely to occur." ⁵ Although the risk of this activity appears to be minimal, it is identified as a consideration in the EA. Such events could negatively impact residential areas or pristine forests and waters in the region if they were to occur, which should be considered in identifying the boundaries and fly over areas in the Duke Low MOA.

Visual Effects

The visual effects analysis indicates that there would be limited or no impacts from construction, infrastructure developments, condensation trails from aircraft or light emissions that would detract from visual resources. The presence of military aircraft flying at low altitudes in this rural and natural part of Pennsylvania should not be discounted and will certainly have a visual impact. To the extent those impacts can be minimized through the identification of flight paths, and a reduction in the frequency and number of flights, the ESTEA recommends that the Air

⁴ Volume 1 Draft Environmental Assessment (EA). p. 1-10.

⁵ Id. p. 1-11 - 1-12.

⁶ Id. p. 1-12

National Guard continually evaluate and implement such mitigation measures and perform a more detailed analysis in a final EA.

Reasonable Limitations on Operations

The EA under "Proposed Action" describes the general parameters of operations. ⁷ The ESTEA has the following questions and comments regarding these proposed actions:

- The ESTEA suggests clarification in any final EA concerning concurrent activation of the Duke MOA and the Duke Low MOA. Would this result in a cumulative increase in air traffic above what is being proposed solely in the Duke Low MOA, which states that expected usage is no more than six total aircraft on the days of activation?
- Limiting the number of days of activation below what is identified in the EA as approximately 170 days per year should be considered in order to minimize impacts from the Duke Low MOA.
- Consideration should be given to making Saturday operations non-typical, similar to Sundays.
- Consideration should be given to raising the AGL floor to 1,000 feet over state parks, the Sinnemahoning Creek and the historical Austin Dam ruins, similar to the AGL floor being implemented over Hammersley Wild Area, the Forrest H. Dutlinger Natural Area and Kettle Creek State Park.

Other Expected Users and Annual Usage

Documents related to the Duke Low MOA focus on use by the 175th Wing of the Maryland Air National Guard (A-10Cs) and discuss use by other expected users, including the 177th Fighter Wing of the New Jersey Air National Guard (F-16Cs), the 193rd Special Operations Wing of the Pennsylvania National Guard (C-130Js), and the 113th Wing of the District of Columbia Air National Guard (F-16Cs).⁸ Based on information provided in the EA, while usage of the Duke Low MOA by those other expected users in terms of time in airspace does not appear to increase substantially from usage in the existing Duke MOA, usage by the 175th Wing of A-10C aircraft appears to jump from 65 airspace hours to 300 airspace hours in the combined existing Duke MOA and proposed Duke Low MOA.⁹ This is a significant increase in the amount of time in airspace. Consideration should be given to limiting this amount of time in airspace to the extent possible to mitigate the effects from aircraft operations.

⁷ *Id.* p. 2-1 - 2-2

⁸ Volume 1 Draft Environmental Assessment. p. 2-8 - 2-9

⁹ *Id.* p. 2-8

Noise

In addition to the other concerns outlined in these comments, one of the ESTA's primary concerns is the potential for noise impacts on communities, recreational activities and wildlife from low level flight operations. The EA contains information concerning the Day Night Average Sound Level in decibels over a 24-hour period, which helps identify the total cumulative exposure to sound. Much of the area below the proposed Duke Low MOA is rural, and according to the EA has background noise levels below 50 dBA DNL. ¹⁰ While information in the EA suggests that the Duke Low MOA will not significantly increase background noise levels above 50 dBA DNL in both population centers and wildlife/recreation areas, the sound level associated with individual flights appears to increase substantially.

The EA states, in part, "[a]reas beneath the proposed MOA would intermittently experience aircraft overflights that would range from loud to very loud, exceeding 75 dBA Lmax at any given point on the ground." In fact, Lmax estimated sound levels from A-10C aircraft at altitudes of 100 and 500ft AGL are estimated to be between 114 and 102 dBA respectively, and at 1,000ft AGL are estimated to be 95 dBA. For F-16 aircraft, Lmax sound levels at 500 and 1,000ft are estimated to be 108 and 100 dBA, respectively. Lmax, according to the EA, is the maximum sound level of an acoustic event (e.g., when an aircraft is directly overhead). It is not clear from this information whether this estimated sound level information is attributable to a single aircraft or multiple aircraft flying over at one time.

Predicted noise impacts associated with individual flights in the Duke Low MOA are undeniable. This area has not experienced any similar activity on such a regular basis and ESTEA believes it is important to consider these impacts on individuals who live and work in this area, individuals who visit this area to enjoy the serenity of the PA Wilds, and the wildlife that lives in this area, including but not limited to Pennsylvania's unique elk herd. People visit and live in this area because of its rural character. Similarly, wildlife thrives in this area because it is remote and natural. Those qualities should not be compromised as a result of the Duke Low MOA and mitigations measures related to reducing noise impacts should be thoroughly evaluated and implemented.

Cumulative Effects

The National Environmental Policy Act, 42 U.S.C. § 4321 et seq., ("NEPA") requires the government to consider the impacts of a proposed project that will impact the environment. The draft EA states, in part, "[e]ffects on environmental resources can result from individually minor, but collectively substantial, actions taken over time." While the draft EA points out that the

¹⁰ *Id.* p. 3-18

[&]quot;Volume 1 Draft Environmental Assessment., p. 3-23

¹² *Id.* p. 3-21

¹³ Id. p. 3-19 and 3-23 fn. a

¹⁴ *Id.* p. 4-1.

definition of "cumulative impact" as a category of "effects or impacts" has been repealed from the National Environmental Policy Act Implementing Regulations, ¹⁵ the regulations do define the term "effects," in 40 C.F.R. § 1508.1(g), and provide that an analysis of a proposed action, such as the Duke Low MOA, should consider and be consistent with the definition of "effects." ¹⁶

The definition of "effects" also provides, in part:

Effects should generally not to be considered if they are remote in time, geographically remote, or the product of a lengthy causal chain. Effects do not include those effects that the agency has no ability to prevent due to its limited statutory authority or would occur regardless of the proposed action.¹⁷

Based on the parameters established by the definition, the draft EA states, in part:

Consequently, as no other projects have been identified as either in close proximity to the Duke Low MOA or as having a cumulative impact on shared resources, implementation of the Proposed Action would not contribute to any significant adverse cumulative impacts.¹⁸

Recognizing the limitations associated with the cumulative effects analysis, the ESTEA notes that this area has seen impacts from natural gas drilling and related development since approximately 2008. There are a wide range of positions on the positive and negative effects from this activity; however, from ESTEA's perspective, we note that forested areas have experienced impacts from the installation of natural gas infrastructure, including visual impacts and noise. The Duke Low MOA will likely add to impacts from this activity and detract from the character of the PA Wilds. This area should not be subject to use and development that compromises what makes it special and unique. Accordingly, ESTEA suggests consideration be given to adding or expanding mitigation areas and measures to address this concern.

Environmental Justice

It appears that portions of the Duke Low MOA touch on an environmental justice area in Clinton County. Communities that are classified as environmental justice areas should not disproportionately bear environmental risks or harms from a proposed project. Consideration should be given to providing enhanced engagement and public participation in this area and increasing collaboration with community members and leaders to keep them informed about possible impacts from the proposed Duke Low MOA.

¹⁵ See 40 C.F.R. § 1508.1(g)(3) ("Cumulative impact, defined in 40 CFR 1508.7 (1978), is repealed.")

^{16 40} C.F.R. § 1508(g)(3)

¹⁷ 40 C.F.R. § 1508.1(g)(2)

¹⁸ Volume 1 Draft Environmental Assessment, p. 4-2

Alternatives Dismissed

The EA identifies several alternatives that were dismissed from further analysis and includes reasons for their dismissal. The ESTEA suggests that the use of these areas be revisited in the future to determine whether they provide a reasonable and better fit for the proposed training operations.

Conclusion

The EA points out the following information concerning the area below the proposed Duke Low MOA:

There are approximately 55,000 individuals and 35,000 households beneath the existing Duke MOA, approximately two-thirds of which reside beneath the proposed Duke Low MOA. In addition to individuals, there are 29,053 acres of state parks and 406,250 acres of state forests beneath the proposed Duke Low MOA.¹⁹

This suggests that low level flight operations within the Duke Low MOA have the potential to impact a significant number of people and a significant amount of acreage and wildlife in the heart of the PA Wilds. The ESTEA greatly values the PA Wilds and its communities. Simply put, this organization would not exist if it were not for this area. With this in mind, we feel a responsibility to offer the foregoing comments and respectfully request that mitigation measures focused on reducing the effects of proposed operations be evaluated and implemented to the greatest extent possible in order to preserve this unique and unmatched area of Pennsylvania.

Thank you for your time and attention.

Respectfully, on behalf of the ESTEA,

My a. Chet

Jeffrey A. Calvert

President

Eastern States Trail-Endurance Alliance

¹⁹ *Id.* p. 3-16

From: <u>Sarah Corcoran</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: ; HUGHES, BENJAMIN C Capt USAF ANG 175 WG/PA; ROBINSON, DEVIN T Lt Col

USAF ANG ANG/CC/PA; ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF

ANGRC NGB/A4

Subject: [Non-DoD Source] Sierra Club Comment Submission: Duke Low MOA EA

Date: Thursday, December 30, 2021 1:27:57 PM
Attachments: 20211230 Sierra Club Duke MOA EA Comment .pdf

Capt Ben Hughes, CPT Travis Mueller, Lt Col Devin Robinson, Major Jeffrey Andrieu, Kristi Kucharek and any other individuals who may be involved in this project,

Thank you for the opportunity to comment on the draft environmental assessment released in regards to the proposed Duke Low Fly MOA. Attached you will find the official comment submitted on behalf of the Sierra Club Pennsylvania Chapter.

If you have any questions please feel free to contact me, we look forward to hearing from you regarding our concerns.

--

Sarah Corcoran (she/her/hers) Conservation Program Manager Sierra Club Pennsylvania Chapter



December 30, 2021

Maryland National Guard's Public Affair Office

Capt Ben Hughes

ngb.a4.a4a.nepa.comments.org@us.af.mil

Pennsylvania National Guard's Public Affair Office

CPT Travis Mueller

Air National Guard's Public Affairs Office Lt Col Devin Robinson

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

VIA ELECTRONIC FILING

Re: Draft Environmental Assessment for Modification of Duke MOA

Dear National Guard NEPA Review Team:

The Sierra Club Pennsylvania Chapter respectfully submits these comments on the Draft Environmental Assessment for Modification of the Duke Military Operations Area (Duke Low MOA) by the Maryland Air National Guard (MD ANG), 175th Wing.^{1*}

After reviewing the Draft Environmental Assessment (Draft EA) and supporting documents, we respectfully ask that a full Environmental Impact Statement (EIS) be completed

^{1*} Prepared with assistance of Certified Legal Interns Alex Patterson and Jesse Lamp, University of Pittsburgh School of Law Environmental Law Clinic.

on this project to acknowledge insufficient data and to take appropriate steps to acquire or produce relevant data before moving forward with any decision on this action. As detailed below, the Draft EA does not address the concerns of our organization nor the concerns of citizens across the Commonwealth of Pennsylvania.

Specifically, Sierra Club asks that the following deficiencies be addressed in a full EIS:

- The Draft EA outlined insufficient notice procedures to citizens residing or recreating under the modification zone. The MD ANG must provide sufficient notice to citizens in all counties underlying the proposed modification to promote robust public involvement as required by NEPA. The MD ANG must also address lack of notice provided to local communities if the Duke Low MOA is activated. We request that these notice deficiencies be addressed or remedied in a full EIS.
- The purpose and need cited for the Duke Low MOA are inadequately explained and future or likely effects are unclear. The MD ANG must address these needs with more transparency and evaluation in an EIS to enable the general public to engage with the proposal and understand how the Duke Low airspace will be used. The MD ANG must also justify why its use of the airspace will have "no significant impact" on the surrounding environment beyond citing short numerical timeframes. Further, the MD ANG does not discuss if the use of the Duke Low MOA would expand to include other airframes or units if approved, we request this be addressed in an EIS.
- The MD ANG must reconsider alternatives to the proposed action. The MD ANG's
 analysis of reasonable alternatives was less than adequate and did not fully evaluate the

merits of various alternatives, we request the MD ANG reassess the reasonable alternatives and additional alternatives in a full EIS.

- The Draft EA leaves open questions about civilian aircraft safety and notice, availability of emergency services, and possible harm/damage done by spooked wildlife and livestock. We request the MD ANG fully address safety concerns in drafting a full EIS to ensure a maximum safety level for the communities and residents in the areas impacted by the proposed action.
- The Draft EA contains erroneous/misguided analysis of noise effects and fails to fully consider other effects such as visual disturbances. Since the MD ANG is tasked with thoroughly assessing the impacts of noise and other disturbances created by the proposed Duke Low MOA, we request the MD ANG to complete an EIS to more thoroughly consider all impacts created by their proposed airspace.
- Mitigation measures do not provide adequate safety buffers and reassurances, nor are they responsive to numerous concerns presented to the agency during interagency coordination. We request the MD ANG to further evaluate realistic, enforceable, and effective mitigation measures in a full EIS before approving the proposed Duke Low MOA. In particular, we request the MD ANG to fully consider the impact of the proposal on wildlife, the wild character of the area, and historic sites in the area.
- The impact of the proposed Duke Low MOA on the local economies of the area is not fully addressed and does not account for tourism or recreation. We request the MD ANG adequately address how noise and visual disturbances could impact the economies of the surrounding areas that rely on tourism for significant income.

• The Draft EA inadequately addresses potential impacts to National Register-Listed Properties beneath the proposed Duke Low MOA. We respectfully request the MD ANG address impacts to fragile historic sites by vibration and noise in a full EIS.

The MD ANG did not consider Pennsylvania's Constitutional Environmental Rights Amendment as required by NEPA. We request the MD ANG address the Pennsylvania Environmental Rights Amendment (ERA) in a full EIS as required by NEPA under 40 C.F.R. §§ 1502.16(a)(5), 1506.2(d), and 1508.27(b)(10).

Statutory Authority and Procedural Requirements

An agency must have a valid Congressional delegation of authority to act, and the agency must act within the scope of that delegation.² While the (MD ANG) did not expressly state under what authority the Duke Low MOA is being proposed, we assume you are operating under the Federal Aviation Act, 49 U.S.C. § 40103(b)(3)³ which allows for the creation of "airspace the Administrator decides are necessary in the interest of national defense" and to restrict or prohibit flights accordingly.⁵ We ask first that, upon completion of a full Environmental Impact Statement (EIS), that the MD ANG state expressly what authority they are acting under and what procedural requirements accompany that authority to better aid interested parties in understanding and engaging with the MD ANG's proposal.

Operating under the Federal Aviation Act requires that the MD ANG follow various procedural rules in the promulgation of rules and creating of designated airspace. First, as

² See 1 Administrative Law § 3.03 (2021).

³ See Sierra Club v. Lehman, 648 F. Supp. 252, *254, 1986 U.S. Dist. LEXIS 19313, **6-7 (D. Nev. 1986) (explaining statutory authority of the Department of Transportation, Federal Aviation Administration, and the Department of the Navy regarding allocation of airspace for military use).

⁴ 49 U.S.C. § 40103(b)(3)(A).

⁵ *Id.* § 40103(b)(3)(B).

discussed in the Draft EA,⁶ the MD ANG must comply with the requirements of the National Environmental Policy Act (NEPA).⁷

The goals of NEPA are to "encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality." The procedural requirements of NEPA are set forth in Title 40 of the Code of Federal Regulations, Part 1500. "The purpose and function of NEPA is satisfied if Federal agencies have considered relevant environmental information, and the public has been informed regarding the decision-making process."

To fulfill its requirements under NEPA, the MD ANG's Environmental Assessment must "provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact." In collecting evidence to make such a finding, it is not enough to conduct the analysis "in generic fashion by looking to environmental impacts across the board," but must instead "conduct[] a site-by-site analysis" specific to the location of the proposed action. Moreover, courts have rejected agency claims that "its examination of past [environmental impacts] properly demonstrated that the potential for

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⁶ See Draft EA, at 1-1, 1-5–1-6.

⁷ 42 U.S.C. §§ 4331-4347.

⁸ *Id.* § 4321.

⁹ 40 C.F.R. § 1500.1(a) (2020).

¹⁰ *Id.* § 1501.5(c)(1).

¹¹ See New York v. NRC, 681 F.3d 471, 479 (D.C. Cir. 2012) (finding that the Nuclear Regulatory Commission's "EA and resulting FONSI are not supported by substantial evidence on the record because the Commission failed to properly examine the risk of leaks in a forward-looking fashion and failed to examine the potential consequences of pool fires.").

[future] environmental harm...is negligible.."¹² The MD ANG must, therefore, tailor the current EA and our requested EIS specifically to the unique circumstances of and impacts to the areas under and around the proposed Duke Low MOA. The MD ANG must also "discuss the purpose and need for the proposed action, alternatives..., and the environmental impacts of the proposed action and alternatives."¹³

The Air Force has codified its NEPA process, the Environmental Impact Analysis Process (EIAP), in the Federal Register.¹⁴ The EIAP generally follows the requirements of the Council on Environmental Quality's regulations and incorporates various military directives to facilitation the NEPA/EIAP process.¹⁵

Public participation in rulemaking and decision making are key elements of both NEPA¹⁶ and EIAP¹⁷ and is also encouraged by the Policies and Procedures of the Federal Aviation Administration.¹⁸ We respectfully request that the MD ANG extend the available comment period to provide a more robust opportunity for the public to engage in this process. Pursuant to FAA Order 1050.1F, we further request that, during the extended period, public hearings be held in the numerous communities connected to the areas around the proposed Duke Low MOA and the PA Wilds to ensure the MD ANG has properly received and heard the concerns of

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¹² Id. at 480-81 ("Despite giving our 'most deferential' treatment to the Commission's application of its technical and scientific expertise, we cannot reconcile a finding that past leaks have been harmless with a conclusion that future leaks at all sites will be harmless as well.").

¹³ 40 C.F.R. § 1501.5(c)(2). *See also* Federal Aviation Administration, Environmental Impacts: Policies and Procedures, FAA Order 1050.1F § 6-2.1(c) ("The purpose and need for the proposed action must be clearly explained and stated in terms that are understandable to individuals who are not familiar with aviation or commercial aerospace activities.").

¹⁴ 32 C.F.R. Part 989.

¹⁵ See Id. § 989.1(b).

¹⁶ See 40 C.F.R. § 1506.6.

¹⁷ See 32 C.F.R. § 989.24.

¹⁸ Fed. Aviation Admin., *Environmental Impacts: Policies and Procedures*, FAA Order 1050.1F § 2-5.3(a) (July 16, 2015).

those most likely to be affected by this proposal¹⁹ and to allow the MD ANG to make a reasoned decision concerning the proposal.

In addition to NEPA/EIAP, actions under the Federal Aviation Act are usually subject to the Administrative Procedure Act.²⁰ Because this action involves the creation of military operations area, the military exemption of Section 553(a)(1) likely applies; however the creation or modification of an MOA has previously been published in the Federal Register,²¹ so it is reasonable to assume that the MD ANG should have and will published notice of the Duke Low MOA proposal in the Federal Register. If not, we urge publication in the Federal Register and adequate time for comment before any proposals become final.

At this stage of rulemaking, the MD ANG has presented a Draft Environmental Assessment and Finding of No Significant Impact for public comment. As the remainder of this comment will make clear, we are requesting that the MD ANG conduct a full Environmental Impact Statement to adequately address the numerous concerns expressed by us and other commenters throughout this proposal process. Under the EIAP, "[c]ertain classes of environmental impacts normally require preparation of an EIS," among them is when there is "[s]ubstantial environmental controversy concerning the significance or nature of the environmental impact of a proposed action." The volume and tone of the comments collected,

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¹⁹ *Id.* ("The FAA should hold public meetings, workshops, or hearings, when appropriate. Such events can provide timely opportunities to discover potential controversial issues.").

²⁰ 49 U.S.C. § 40103(B)(4) ("Notwithstanding the military exception in section 553(a)(1) of title 5, subchapter II of chapter 5 of title 5 applies to a regulation prescribed under this subsection.").

²¹ See e.g., Establishment of Restricted Areas 5802C, D, and E; Fort Indiantown Gap, PA, 69 Fed. Reg. 47358 (Aug. 5, 2004) [hereinafter Kiowa MOA].

²² 32 C.F.R. § 989.16(a).

²³ *Id.* § 989.16(a)(3).

including our own, clearly establishes the "controversy concerning the significance" of this proposal.

Additionally, in preparing the full EIS on the proposed Duke Low MOA, we remind the

MD ANG of their duty under NEPA that they must acknowledge where information is

incomplete or lacking and take appropriate actions to acquire or produce the relevant data

before making decisions on this action.²⁵

The MD ANG Failed to Provide Adequate Public Notice of the Proposed Duke Low MOA

The National Environmental Policy Act of 1969 (NEPA) and the Council on Environmental

Quality (CEQ) regulations implementing NEPA call for robust public involvement in the

assessment process implemented through adequate notice and active participation. Yet MD

ANG failed to notify at least five counties within the impact area of the proposed Duke Low

MOA. Additionally, the draft EA fails to address that at least three of the listed newspapers are

published only once per week, providing notice in two printings as opposed to a longer time

period. Finally, the EA does not address the population that occupies the region seasonally

which received no notice.

The MD ANG failed to provide notice to at least five counties potentially impacted by the

proposed modification. The newspapers listed by the MD ANG only included Potter, Cameron,

and McKean Counties. Populations in Tioga, Clinton, Elk, Cattaraugus, and Allegany Counties

were left wholly unnotified though each county has at least one, if not two, print newspapers in

circulation. Examples of the newspapers in circulation are: The Wellsboro Gazette (Tioga), The

²⁵ 40 C.F.R. § 1502.21.

Express (Clinton), The Daily Press (Elk), The Ridgway Record (Elk), Olean Times Herald (Cattaraugus), Salamanca Press (Cattaraugus), and the Wellsville Daily Reporter (Allegany).

Even where the MD ANG attempted to notify the public, it fell short. The Potter-Leader Enterprise, Endeavor News, and Cameron County Echo, covering only Potter and Cameron Counties, are each published once per week, so the running of the notice in October and November only occurred twice. Though this may be considered to cover a week of notice, it does not address the fact that members of the public may not read the weekly newspaper thoroughly and would easily miss a notice proposing to modify the Duke MOA that they only saw twice. There were no other methods of notice provided to the residents of Potter and Cameron Counties, though 32 C.F.R. § 989.24 and 40 C.F.R. § 1506.6 suggest other methods agencies may utilize for notification such as publication in newsletters, direct mailing to affected property owners, or notice through other local media, though the agency is not limited to only those listed. Though the Bradford Era, covering McKean County, is a daily newspaper, the EA makes it appear as though the notice was only published in two editions: on October 19, 2021, and November 12, 2021. Wholly different from the weekly newspapers, the notice in the Bradford Era, if correctly listed in the draft EA, would have occurred only twice out of nearly 25 printings.

A factor the MD ANG ignored in the notice section of its draft EA is that many of the residents in the impact area are seasonal, only occupying the region in the spring and summer months or traveling to the region for various hunting seasons. These members of the potentially impacted population received no notice of the proposed modification. In fact, review of one member group on Facebook – "Potter County, PA" – reveals that many seasonal residents (and

current residents) of the region had no notice until links were posted on the page, some well

after the comment period was already nearing expiration. An overwhelming number of

comments on only a few posts indicates that the proposed modification was a complete

surprise for many who regard the region as a place to abandon "city fatigue" and seek "peaceful

calm."²⁶ Reactions on the posts make clear that many of these individuals received no notice

outside a Facebook post, something not envisioned by NEPA's requirements.

MD ANG's attempt at notifying the public regarding the proposed Duke Low MOA was

wholly inadequate, arbitrary, and capricious. The notices about the draft EA leave entire

counties within the impact area unnotified, fail to address weekly newspaper circulation as

opposed to daily circulation, and fail to address or attempt to notify the seasonal population of

the PA Wilds region.

The MD ANG Proposes to Give No Notice to the General Public When the Duke Low MOA is

Activated

According to the MD ANG, activation times of the Duke Low MOA would be intermittent

and separate from the existing Duke MOA, accomplished by Notice to Airmen (NOTAM).²⁷ The

NOTAM would give local and regional airports at least a 4-hour advance notice of the activation

of the Duke Low MOA, but the general public would receive no notice of its use. Many

commissioners and representatives in the region expressed concern over the lack of notice

afforded the public when the Duke Low MOA is activated, also citing concerns with notification

²⁶ Potter County, PA, FACEBOOK.com, https://www.facebook.com/groups/223710080136; For examples of posts regarding the proposed Duke Low MOA see Appendix A.

²⁷ Draft EA, at 2-1.

to emergency management personnel throughout the counties underlying the MOA.²⁸ The MD ANG should delineate a system for notifying the public about proposed activation of the Duke Low MOA or further clarify the days/times it would be activated.

Purpose and Need for this Proposal are Inadequately Explained / Future Use and Likely Effects are Unclear and Require More Transparency and Evaluation

Multiple comments filed during the interagency coordination phase questioned the purpose and need for the proposed Duke Low MOA and asked why this particular site was chosen.²⁹ The proposal states many times that the site is needed, essentially, to ensure pilots are trained and maintain qualifications for various types of missions³⁰; however, the proposal does not adequately explain what those training requirements are. It is not our responsibility to seek out this information ourselves, and the MD ANG should have provided this information in the EA to allow the general public to intelligently engage with the EA.

However, using the A/OA-10 Aircrew Training Instruction³¹ and Air Operations Rules and Procedures³² as our guide, we understand the MD ANG's needs to be as follows:

²⁸ See e.g., Letter from Jeremy S. Morey, Director, McKean County Planning Commission, to Ramon Ortiz, dated Sept. 5, 2019; Email from Shaw Siglin, Grand Canyon Airport Authority, to Ramon Ortiz, dated Sept. 11, 2019, at 10:50 AM; Email from Nancy Grupp, Chair, Potter County Commission, to Lt. Col. Christopher J. Mayor, dated April 29, 2021, at 13:11; Email from Nancy Grupp, Chair, Potter County Commission, to Maj. Jeffrey Andrieu, dated May 7, 2021, at 1:03 PM; Email from Kay Aumick, Tioga County Planning Specialist, to Lt. Col. Christopher Mayor, dated April 23, 2021, at 1:26:45 PM.

²⁹ See e.g., Email from Cliff Clark, Cameron County Office of Community and Economic Development, to Ramon Ortiz, dated Sept. 6, 2019, 9:10AM ("there is no explanation in the letter as to why this particular [area] was chosen."); Email from Barbara Rudnick, NEPA Program Coordinator, Office of Communities, Tribes and Environmental Assessment, US EPA Region III, Philadelphia, PA, to Ramon Ortiz, dated Sept. 26, 2019 ("it is important that the purpose and need be clearly identified in the EA.").

³⁰ See e.g., Draft EA, at 1-1 ("The Eastern Air Defense Sector requires low-altitude airspace to provide ANG units an environment to accurately train and prepare for current and future conflicts."). See also id. at 1-4 ("The purpose of the proposed action is to establish low-level airspace beneath the existing Duke MOA to train and prepare military pilots and aircrews for current and future conflicts.").

³¹ U.S. Air Force, *A/OA-10 Aircrew Training*, AFI 11-2A/OA-10 (Aug. 31, 2006).

³² U.S. Air Force, *Air Operations Rules and Procedures*, AFI 11-214 (June 15, 2021).

- Low Altitude Step-Down Training (LASDT). Category I requires pilot proficiency at low altitudes down to 500 ft AGL.³³
 - This is required of all "Combat Mission Ready" and "Basic Mission Capable" pilots.³⁴
- LASDT, Categories II/III. This qualification involves progressively lower flights in accordance with altitudes listed in Table 6.1, including the lowest block of "300-100" ft AGL.³⁵
- Forward Air Controller (Airborne) (FAC(A)) Upgrade Training requires completion of tasks
 within various mission parameters, none of which include a 100 ft AGL requirement.³⁶
 - Mission parameters include activities at a height that is not defined more specifically than at "low altitude."³⁷
 - "Low altitude" is, however, defined in Appendix A as "Performing realistic, mission-oriented low altitude operations while in a certified LOWAT altitude block," which includes ranges down to "300-100" AGL.
- Combat Search and Rescue (CSAR). This training does not include altitudinal requirements.⁴⁰

Additionally, pilots must qualify in weapons delivery and employment qualifications that include various strafing runs, the lowest of which has a minimum recovery altitude of 75 ft AGL.

³³ U.S. Air Force, *A/OA-10 Aircrew Training*, AFI 11-2A/OA-10 § 3.4.5 (Aug. 31, 2006).

 $^{^{34}}$ Id

³⁵ *Id.*, Table 6.1.

³⁶ See id. at § 6.3.5.2.

³⁷ See id. § 6.3.5.2.4.

³⁸ *Id.* at § A2.4.17.

³⁹ *Id.* at Table 6.1.

⁴⁰ See id. at § 6.9.

⁴¹ However, all these weapon qualifications involve actual gun runs with hit percentages required for qualifications. ⁴² Because these involve live fire and the proposed Duke Low MOA is not an ordinance range, this is not a valid justification for a 100 ft AGL.

If, however, the MD ANG plans to use the proposed Low MOA for simulated weapons delivery runs, they must state so expressly in the full EIS to allow a full understanding by the general public of what kinds of maneuvers are planned in the airspace. For example, because the GAU-8/A Avenger Autocannon is optimized for a slant range of 4,000 ft with the A-10 in a 30-degree dive,⁴³ the public must be informed of the MD ANG's intentions to practice these kinds of runs because it likely affects the public's perceptions of the foreseeable impacts the proposed use of airspace will have.

The A/OA-10 Aircrew Training Instructions also mention, on numerous occasions, the requirements of the Ready Aircrew Program (RAP); however, the RAP memo is not readily available to the public. Therefore, any additional requirements used to justify the proposal must be more explicitly stated by the MD ANG to allow for accomplishment of the public involvement purposes of NEPA analysis.

With this background and understanding in place, we understand the MD ANG's need for a low altitude training area; however, we question the integrity of the entire Environmental Assessment. We also challenge the MD ANG's justification and reasoning for proposing the Duke Low MOA.

The MD ANG's EA justifies almost every dismissal of significant environmental impact by stating:

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⁴¹ See id. at § 5.5.

⁴² See id.

⁴³ See Dennis R. Jenkins, Fairchild-Republic A/OA-10 Warthog 64-73 (1998).

Under the Proposed Action, aircraft would spend approximately 10 minutes or less below 1,000 ft AGL in a given hour of usage during a 2-hour activation window, aircraft operations below 500 ft AGL would occur for 2-3 minutes per activation. Notably, the LASDT training down to 100 ft AGL would be only several seconds and less than 0.5 miles overland in the 2-3 minutes of flight in low altitude ranges. Approximately 95 percent of aircraft operations would be conducted above 1,000 ft AGL. In addition, a 1,000 ft AGL floor or a 500 ft AGL floor would be implemented over sensitive areas of concern in the southern portions of the Duke Low MOA....⁴⁴

This explanation discusses the approximate time of LASDT training during each mission, but fails to address low altitude FAC(A) operations which are also performed with ranges down to "300-100" AGL.⁴⁵ We are also left guessing whether simulated gun runs will occur in the airspace which allows for recovery below the 100 ft AGL floor.⁴⁶ To intelligently engage with the MD ANG, this information is essential to understanding the activities that will occur in the proposed airspace and adequately respond to the MD ANG and allow for reasoned analysis by the agency during final decision-making. The full EIS must include express statements of the activities planned in the area.

Additionally, the MD ANG limited consideration of training areas to those within 200 miles of Martin State Airport, citing maintenance and transit times.⁴⁷ But there is no evidentiary justification for such a limitation. While "[t]he Air Force may expressly eliminate alternatives

⁴⁴ See e.g., Draft EA, at 3-57 (This is from p. 3-57, § 3.5.4, but closely, if not exactly, resembles the response in nearly every other section.).

⁴⁵ U.S. Air Force, *A/OA-10 Aircrew Training*, AFI 11-2A/OA-10, Table 6.1 (Aug. 31, 2006).

⁴⁶ See id. at § 5.5.

⁴⁷ p. c.

⁴⁷ Draft EA, at 2-1.

from detailed analysis, based on reasonable selection standards... they must not so narrowly define these standards that they unnecessarily limit consideration to the proposal initially favored by proponents."⁴⁸ We disagree, given the absence of substantial evidence to justify the distance restriction, that a 200-mile limitation is a reasonable selection standard, especially in light of the MD ANG's regular use of training sites far outside the proposed 200-mile range.⁴⁹ The MD ANG must more thoroughly explain this limitation on MOA selection.⁵⁰

In addition to the nature of activities planned in the airspace we, and many other comments, ⁵¹ question the amount of use stated in the proposal: 170 days per year, twice per day, two hours at a time, and up to six aircraft. ⁵² Is the 170 days a maximum or an expected amount with no actual cap? Is the six aircraft maximum at one time or per day? What does the "limited" language regarding nighttime operations ⁵³ and the mixed signals the MD ANG sends in various documents regarding the amount of nighttime usage that will occur ⁵⁴ actually mean? Finally, it is unclear whether the creation of the low MOA will increase the total number of aircraft using the whole Duke MOA airspace or whether the same number of operations will occur but be divided between the existing MOA and proposed low MOA.

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⁴⁸ 32 C.F.R. § 989.8(c).

⁴⁹ See infra "Request for Consideration of Additional Alternatives".

⁵⁰ Others have asked similar questions. *See e.g.*, Email from Cliff Clark, Cameron County Office of Community and Economic Development, to Ramon Ortiz, dated Sept. 6, 2019, 9:10AM.

⁵¹ See e.g., Letter from Jeremy S. Morey, Director, McKean County Planning Commission, to Ramon Ortiz, dated Sept. 5, 2019; Email from Cliff Clark, Cameron County Office of Community and Economic Development, to Ramon Ortiz, dated Sept. 6, 2019, 9:10AM; Letter from Lori J. Reed, Chair, Cameron County Board of Commissioners, to Ramon Ortiz, dated Sept. 25, 2019; Letter from Douglas McLearen, Chief Division of Environmental Review, Pennsylvania State Historic Preservation Office, Pennsylvania Historical and Museum Commission, to Lt. Col. Christopher Mayor, dated April 27, 2021.

⁵² Draft EA, at 2-1.

⁵³ *Id.* at 2-3.

⁵⁴ See e.g., Letter to Andrea MacDonald, PA Historical & Museum Commission, from Jennifer L. Harty, Resources Program Manager, National Guard Bureau, Joint Base Andrews, dated Aug. 26, 2019 ("The 175 WG flies one weekend per month with one week per month consisting of routine night training.").

The language in the proposal also makes it unclear whether the Proposed Duke Low MOA will be used by only A-10s from the MD ANG or whether the F-16s and C-130s mentioned will also use the lowered ceiling.⁵⁵ Data is included in a few areas stating that F-16s and C-130s may use the area⁵⁶; however, data on those airframes is almost, if not entirely, absent from the MD ANG's EA evaluation.

It seems clear, however, that even if the lowered ceiling is not *designed for* use by F-16s and C-130s, there is reasonably foreseeable⁵⁷ *actual use* by those airframes.⁵⁸ Therefore, because use of the proposed airspace by these airframes is likely to occur, the MD ANG *must* include those airframes in the EA while making their decision⁵⁹ or expressly omit them/prohibit them from use in the proposed Duke Low MOA if it is approved.

We are further concerned about the real goals of the MD ANG in establishing the Duke Low MOA given the turbulent history⁶⁰ and questionable future of the A-10 airframe.⁶¹ While

⁵⁵ See e.g., Draft EA, Appx. C, Aeronautical Proposal.

⁵⁶ See e.g., Draft EA, at 2-8, 2-9, and 3-15.

⁵⁷ Sierra Club v. FERC, 827 F.3d 36, 46 (D.C. Cir. 2016) (citations omitted) ("NEPA obligated the [agency] to factor into its environmental analysis not just the direct, but also the indirect, environmental effects of the [proposal]—that is, those effects that are later in time or farther removed in distance, yet reasonably foreseeable.")

⁵⁸ See Draft EA, Tables 2-2 & 2-3; Draft EA, Appx C § (e)(1)(A) (listing proposed sorties of all three airframes in the area that includes both F-16s and C-130s flying in the Low MOA airspace).

⁵⁹ 40 C.F.R. § 1508.1(aa) ("Reasonably foreseeable means sufficiently likely to occur such that a person of ordinary prudence would take it into account in reaching a decision.").

⁶⁰ See Stephen Losey, A-10 re-winging completed, will keep Warthog in the air until late 2030s, AIR FORCE TIMES (Aug. 13, 2019),

https://www.airforcetimes.com/news/your-air-force/2019/08/13/a-10-re-winging-completed-will-keep-warthog-in-the-air-until-late-2030s/ ("The A-10 has had a bumpy ride in recent years, and at one point its future appeared in doubt. The Air Force sought to retire the A-10 around 2015 as it dealt with tight budgets and prepared to bring on the F-35, which needed crucial maintenance personnel and other resources. Some A-10 supporters also said the Air Force was no longer interested in its close-air support mission, but former Chief of Staff Gen. Mark Welsh strongly denied that claim.").

⁶¹ See Dan Grazier, New Document Shows How the Air Force is Starving the A-10 Fleet, PROJECT ON GOVERNMENT OVERSIGHT (Sept. 13, 2021),

https://www.pogo.org/analysis/2021/09/new-document-shows-how-the-air-force-is-starving-the-a-10-fleet/ (explaining that a large percentage of current A-10 aircraft within the Air Force's arsenal are currently undeployable, how that number is expected to rise, and that this is a result of Air Force officials undermining funding efforts that would restore and preserve the force).

Congress has stepped in on numerous occasions to keep the A-10 fleet alive against the wishes and goals of Air Force officials, ⁶² the continued longevity of the aging airframe continues to be a point of contention. If the A-10 is retired in the near future, it will most likely be replaced, either by another existing airframe or by a new aircraft designed to replicate the A-10's capabilities. If the Duke Low MOA is approved under the analysis provided by the MD ANG in this proposal, we question whether and to what extent the impacts of that future replacement aircraft will be considered when employing it in the airspace. The MD ANG must – in addition to the other foreseeable airframes that will likely use the proposed airspace – consider all those airframes currently being considered to replace the A-10 in the EIS for the Duke Low MOA. Given the A-10's questionable future, all those airframes being considered as replacements are reasonably foreseeable airframes utilizing the proposed Duke Low MOA.

Finally, we are concerned about, and the MD ANG does not discuss, whether the Duke Low MOA's use can expand to include other airframes or units if the area is approved. We could find no rules in the Federal Aviation Administration's regulations nor in any Air Force policies that would prohibit the controlling unit from opening the airspace to users other than the MD ANG. Because of the regular sharing of training areas between various military aviation units, we ask that the MD ANG address this concern in their full EIS. Will the airspace be limited only to MD ANG A-10s, or will it be used by other units and airframes? If sharing and use by other units is likely or planned, we ask that the MD ANG openly discuss any planned uses by other units. We also ask that the EIS include analysis of all airframes stationed within 200 miles (or a

⁶² See e.g., Brian Everstine, More lawmakers press to keep the A-10, AIR FORCE TIMES (Mar. 30, 2015), https://www.airforcetimes.com/news/your-air-force/2015/03/30/more-lawmakers-press-to-keep-the-a-10/.

legally justifiable distance based on substantial evidence and reasoned analysis) of the proposed

airspace, as those aircraft are reasonably foreseeable users of the MOA.

The MD ANG Must (Re)Consider Alternatives to the Proposed Action

The purpose and the need for a new training location, as stated by the MD ANG, are

fulfilled if another location or considered alternative meets the MD ANG's needs and

requirements. As discussed above, we disagree with the MD ANG's analysis of its needs and the

arbitrary and capricious⁶³ 200-mile limitation it has imposed on its site selection criteria,

especially given that the MD ANG has used locations thousands of miles from their home base.

We therefore urge the MD ANG to reconsider sites it has previously dismissed and consider

additional sites discussed below.

The MD ANG "must analyze reasonable alternatives to the proposed action and the 'no

action' alternative in all EAs and EISs, as fully as the proposed action alternative."64 Because we

believe the MD ANG's analysis of reasonable alternatives was less than adequate and did not

fully evaluate the merits of various alternatives, we request that the MD ANG reassess the

reasonable alternatives and additional alternatives in the full EIS.

MD ANG Must Reevaluate Evers MOA as an Alternative

The MD ANG dismisses use of Evers MOA because of the existing 1,000 ft AGL floor,

sparse radio coverage, mountainous terrain, and the presence of the national quiet zone. 65 This

dismissal too quickly dismisses use of the Evers MOA and must be reconsidered.

⁶³ 5 U.S.C. § 706(2)(a).

64 32 C.F.R. § 989.8(a).

⁶⁵ See Draft EA, at 2-9.

The existing 1,000 ft AGL floor could be modified through a modification process similar to that presented here to modify the Duke MOA. Therefore, MD ANG's first claim is erroneous and must be reconsidered.

Regarding sparse radio coverage, the MD ANG provides no data or sources to substantiate this claim. The MD ANG must present substantive evidence demonstrating a reasoned analysis to dismiss Evers MOA as an alternative option. They have not done so.

Further, the presence of the national quiet zone does not eliminate Evers MOA as an option. In their comment to the recent modification of Evers MOA, Michael J. Holstine with the Green Bank Observatory, asked simply that "a 'no-fly' zone be created around the [Green Bank Observatory (GBO)] facility at a distance of 3 miles in radius from the center of the [Green Bank Telescope]" to "protect the operation of the GBO from spurious radio noise that would affect astronomical observations and...protect our employees from potential physical harm during routine operation and maintenance of the telescopes."66 Therefore, the radio quiet zone does not prevent expansion of the Evers MOA.

Additionally, because the 104 FS is specifically listed as an expected user of the Evers MOA in the Final Noise Study for the airspace, ⁶⁷ we request that the MD ANG reevaluate the use of the Evers MOA in lieu of expanding the Duke MOA.

The MD ANG Must Demonstrate Due Diligence in Dismissing the Option of Creating a Stand-Alone MOA

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⁶⁶ Letter from Michael J. Holstein, Business Manager, Green Bank Observatory, to Ramon E. Ortiz, Nat'l Guard Bureau, dated July 2, 2019, Final EA for Airspace Modification and Addition of Evers MOA, District of Columbia Air Nat'l Guard, Appendix A (Dec. 2020),

https://www.113wg.ang.af.mil/Portals/12/Evers%20FINAL%20EA%20Volume%20II%20Appendices.pdf?ver=V2ezST q7qF0yHPwkFT8FMA%3d%3d.

⁶⁷ Final Noise Study for Modification and Addition of Evers Military Operations Airspace, District of Columbia Air National Guard (Apr. 2, 2020).

While we appreciate the congested nature of the airways, especially over the

northeastern United States, we disagree with the MD ANG's cursory dismissal of a stand-alone

MOA as an alternative option. The MD ANG simply states that "[n]o area was identified that

would impose minimum impact on nonparticipating aircraft and ATC operations because of the

congested airspace in the northeast region." ⁶⁸ The MD ANG provides no information about what

process they used, what areas might have been considered, or what parameters were employed

to dismiss this option. We also recognize that there is a significant difference between "no area

was identified" and "there were no possible areas found." The former can be accomplished by

simply not looking. The latter requires the MD ANG to actually engage with the available

options or positively affirm the lack of options. We ask that the MD ANG reevaluate the

availability of airspace, and, if it is determined that none exists, to explicitly describe how that

determination was reached.

The Patuxent River Restricted Area Should be Reevaluated for Viability as an Alternative Option

The Patuxent River RA "has been the primary airspace used by the 175 WG for CAS,

CSAR, SAT, AI, and other training missions."69 However, the MD ANG explains, the Navy has

recently begun limiting use of the area by non-Navy aircraft. The MD ANG also explains that

use of the airspace for the proposed action was denied by Washington Center and Cleveland

Center (ATCCs).71

We first ask that MD ANG, in their full EIS, elaborate further on what actions the Navy

has taken to limit non-Naval aircraft in the Patuxent River RA. An extensive search was

⁶⁸ See Draft EA, at 2-9.

⁶⁹ Id.

⁷⁰ Ic

⁷¹ *Id*.

conducted in preparing this comment, but no information was found discussing this action by the Navy. We ask that the MD ANG more fully explain the Navy's actions and expressly discuss the qualitative and quantitative impacts these actions have had on the MD ANG's ability to accomplish its training missions. We also ask that, as an alternative to creating the Duke Low MOA, that the MD ANG consider its options regarding the Navy's actions and the refusal by the ATCCs. We read into the information provided in the Draft EA that MD ANG may better meet its needs by working with the Navy and the ATCCs either in an adversarial nature (taking legal action against the Navy and/or ATCC) or by working cooperatively to provide airspace for all

We ask that the MD ANG more fully explain the factual and legal situation regarding the use of the Patuxent River RA so that we and other interested parties can more fully appreciate and respond to the MD ANG's contention that Patuxent River RA is not a viable alternative.

users to accomplish their training needs with the airspace resources currently available.

The Kiowa MOA – Bollen Range – is a Viable Alternative to the Duke Low MOA

The Kiowa MOA, Bollen Range, in Fort Indiantown Gap, Pennsylvania, is a viable alternative that the MD ANG should have – and must now – more thoroughly consider in lieu of expanding the Duke MOA. The 175 WG has previously used the Kiowa MOA,⁷² but dismisses it as an option, stating only that it is "currently used by all four military services for various air and ground training exercises," and that it is "approximately 70 NM north of Martin State Airport."⁷³ Neither of these statements demonstrates a reason to reject the site. In fact, both support the

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⁷² William Johnson (Airman 1st Class), *Team Dover participates in joint training exercise, 436th Airlift Wing Public Affairs* (Feb. 18, 2014),

https://www.dover.af.mil/News/Article/762114/team-dover-participates-in-joint-training-exercise/; Angela King-Sweigart, *A-10s train at PNG's Bollen Range at Fort Indiantown Gap*, Dvibs (Feb. 10, 2016), https://www.dvidshub.net/image/2397732/10s-train-pngs-bollen-range-fort-indiantown-gap.

⁷³ See Draft EA, at 2-11.

use of the site: It is used for various purposes, and it is well within the stated distance from the MD ANG's home base. While the Kiowa MOA may need to be modified to meet the full spectrum of the MD ANG's stated needs, the changes needed would be far less drastic than those proposed for the Duke Low MOA.

Currently, the Kiowa MOA "extend[s] from 500 feet AGL to but not including 17,000 feet MSL,"⁷⁴ with additional designated airspace above the Kiowa MOA "extending from 17,000 feet MSL to but not including FL 220, and [another] extend[ing] from FL 220 to FL 250."⁷⁵ The Kiowa MOA currently has time restrictions in place that, when the last modification was proposed, were to be removed, but were excluded from the final modification because of a lack of need and opposition during the comment period.⁷⁶ However, because this range is already in use and meets many of the needs the MD ANG states they need, the Kiowa MOA should be considered as a reasonable alternative to the creation of the Duke Low MOA.

Moreover, the Range has previously been used by MD ANG's A-10 fleet to perform close air support,⁷⁷ one of the stated needs for which the Duke Low MOA is proposed to facilitate.⁷⁸ Additionally, Kiowa MOA "is [a] realistic [experience] to what you can expect to encounter down range in Afghanistan,"⁷⁹ thereby providing real-world training opportunities for the MD ANG's pilots. Because the temporal and special modifications needed to fully accommodate the stated

⁷⁴ Kiowa MOA, *supra* note 20.

⁷⁵ Id

⁷⁶ See id. at 47358.

⁷⁷ William Johnson (Airman 1st Class), *Team Dover participates in joint training exercise, 436th Airlift Wing Public Affairs* (Feb. 18, 2014),

https://www.dover.af.mil/News/Article/762114/team-dover-participates-in-joint-training-exercise/.

⁷⁸ See Draft EA. Section 2.2.

⁷⁹ William Johnson (Airman 1st Class), *Team Dover participates in joint training exercise, 436th Airlift Wing Public Affairs* (Feb. 18, 2014),

https://www.dover.af.mil/News/Article/762114/team-dover-participates-in-joint-training-exercise/.

needs are significantly less impactful than those proposed in the Duke Low MOA, MD ANG must evaluate use of the Kiowa MOA as an alternative to the Duke Low MOA.

We also believe that a change to the Kiowa MOA would likely be "a routine matter that will only affect air traffic procedures and air navigation, [and therefore be] certified that [a rule change], when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act." Therefore, in addition to ensuring no harm is done to the areas under the existing Duke MOA, altering the lower portion of the Kiowa airspace from 500 ft AGL to the stated desired 100 ft AGL is a more efficient, expedient, and appropriate means of accomplishing the MD ANG's stated goals.

Request for Consideration of Additional Alternatives

We respectfully request that the MD ANG provide a legally sufficient explanation for the implementation of a 200-mile radius limitation, that the MD ANG reconsider the various alternatives stated above, and that the MD ANG evaluate the option of opposing the Navy's actions that lead to the need for new airspace.

We further ask that the MD ANG evaluate the option of dividing training requirements over multiple training areas. For example, many training requirements can be achieved in existing MTRs. ⁸¹ While MTRs do not allow certain types of random combat maneuvering, using existing MTRs to conduct training would reduce the amount of activity in the Duke MOA. Using other pre-existing training sites – like those presented here – to train tasks supported by those areas will further reduce or eliminate the need for the creation of the Duke Low MOA. We ask that, in preparing a full EIS, the MD ANG consider this option as well.

⁸⁰ See Kiowa MOA, supra note 20.

⁸¹ See Draft EA, at 2-11.

We also ask that, in addition to reevaluating the previously dismissed alternatives, the MD ANG address the following alternatives that they have used for similar or other purposes during the past year:

- Warfield Air National Guard Base, Middle River, Maryland⁸²
- Warren Grove Gunnery Range, Warren Grove, New Jersey⁸³
- Bollen Range, Indiantown Gap, Pennsylvania⁸⁴
- Moody Air Force Base, Georgia⁸⁵
- Hill Air Force Base, Utah⁸⁶
- Hardwood Range, Volk Field Air National Guard Base, Camp Douglas, Wisconsin⁸⁷
- Nellis Air Force Base, Nevada⁸⁸

Pursuant to the Air Force Environmental Impact Analysis Process, "[t]he Air Force must also consider reasonable alternatives...suggested by others, as well as combinations of

⁸² Benjamin Hughes (Capt.), *Maryland Air National Guard Conducts Mission Generation Exercise*, 175th Wing (Nov. 3, 2021),

https://www.175wg.ang.af.mil/News/Article-Display/Article/2831796/maryland-air-national-guard-conducts-mission-generation-exercise/fbclid/lwAR3pNWhQjvtn PVlgHT buLHpfGObPFOMIVCbvct 4b6wZRQT8CDEmeuybc/.

⁸³ Christopher Schepers (Master Sgt.), *Maryland National Guard A-10 crews train with Estonian JTACs*, Maryland National Guard (Dec. 15, 2020),

https://www.nationalguard.mil/News/Article/2447029/maryland-national-guard-a-10-crews-train-with-estonian-jt acs/. See also 175th Wing, Fresh wings with a side of #BRRT, Facebook (May 5, 2021),

https://www.facebook.com/permalink.php?story_fbid=10159326333504214&id=92466934213.

⁸⁴ Angela King-Sweigart, A-10s train at PNG's Bollen Range at Fort Indiantown Gap, Dvids (Feb. 10, 2016),

https://www.dvidshub.net/image/2397732/10s-train-pngs-bollen-range-fort-indiantown-gap.

⁸⁵ Idaho Nat'l Guard, *Idaho is 2021 Hawgsmoke Champions*, Facebook (Apr. 19, 2021),

https://www.facebook.com/idahonationalguard/posts/4218195891525951. *See also* 175th Wing, *Facebook Post re: Hawgsmoke 2021*, Facebook (May 20, 2021),

https://www.facebook.com/permalink.php?story_fbid=10159364005109214&id=92466934213.

⁸⁶ 175th Wing, *A-10C Thunderbolt II aircraft from the 104th Fighter Squadron, 175th Wing, participated in a weapons system evaluation program known as Combat Hammer, Facebook (Mar. 19, 2021),* https://www.facebook.com/permalink.php?story_fbid=10159218230104214&id=92466934213.

⁸⁷ 175th Wing, We want all the [smoke] this #WarthogWednesday, Facebook (Sept. 22, 2021),

https://www.facebook.com/permalink.php?story_fbid=10159614661524214&id=92466934213.

⁸⁸ 175th Wing, *Facebook Post re: Nellis Air Force Base and Green Flag 22-02*, Facebook (Nov. 17, 2021), https://www.facebook.com/175wing/posts/197920662514355.

alternatives."89 We therefore encourage the MD ANG to consider all of our proposed

alternatives, reevaluate those previously dismissed in light of the additional information and

arguments we have raised, and look at all of the options individually and in combination to

determine whether an alternative to the proposed action meets the needs of the MD ANG.

Safety is Inadequately Evaluated and Leaves Open Questions about Civilian Aircraft Safety and

Notice, Availability of Emergency Services, and Possible Harm/Damage Done by Spooked

Wildlife and Livestock

Safety discussion is inadequately discussed in the proposal and must be addressed as

the MD ANG prepares a full EIS.

While the proposal states that in-flight mishaps are rare, 90 there is no qualitative

discussion of what mishaps have occurred, what has caused them, whether altitude-related

factors affect the rate of occurrence, and what the extent of damage is when incidents do occur.

The MD ANG must address this concern fully.

Community members have raised valid concerns that the EA fails to address. For

example, because accidents do occur, we and the communities surrounding the proposed Duke

Low MOA need to know what resources are available to respond to an incident and whether

there is or will be a services agreement in place. 91

⁸⁹ 32 C.F.R. § 989.8(b).

⁹⁰ Draft EA, at § 3.6.

⁹¹ See e.g., Letter from Jeremy S. Morey, Director, McKean County Planning Commission, to Ramon Ortiz, dated Sept. 5, 2019; Email from Kaye Aumick, Tioga County Planning Specialist, to Lt. Col. Christopher Mayor, dated April 23, 2021, at 1:26:45 PM.

The EA is also silent on various safety precautions of interest to community members. These concerns include questions regarding ordinance, chaff, and flares⁹²; dissemination of NOTAMs to local emergency management services,⁹³ local pilots sharing the airspace,⁹⁴ and residents⁹⁵; and procedures and contact information should an incident occur.⁹⁶ Exacerbating the potential impacts of any mishaps is the unpreparedness of local, small emergency response units that are unprepared to respond to incidents on the scale needed if an accident occurs.⁹⁷

The presence of other, local aviation operators in the region presents a significant hazard. Many have expressed concerns that NOTAM is insufficient notice of MOA activation because of numerous pilots in the area and that an authoritative contact person "that can provide timely and accurate range status" be available.⁹⁸ Further, medical helicopter usage in the area is unplanned, creating an additional aerial hazard that is insufficiently addressed in the EA.⁹⁹ Likewise, local pilots do not file flight paths when they go out to check on crops or livestock or go out for a joy ride, creating a dangerous situation.¹⁰⁰

⁹² See e.g., Letter from Jeremy S. Morey, Director, McKean County Planning Commission, to Ramon Ortiz, dated Sept. 5, 2019 (asking whether aircraft will have inert ordinance mounted during operations in the area and whether chaff and flares will be removed to prevent accidental discharge).

⁹³ See e.g., Letter from Jeremy S. Morey, Director, McKean County Planning Commission, to Ramon Ortiz, dated Sept. 5, 2019.

⁹⁴ See Email from Shaw Siglin, Grand Canyon Airport Authority, to Ramon Ortiz, dated Sept. 11, 2019, 10:50AM.

⁹⁵ Email from Kaye Aumick, Tioga County Planning Specialist, to Lt. Col. Christopher Mayor, dated April 23, 2021, at 1:26:45 PM.

⁹⁶ Letter from Jeremy S. Morey, Director, McKean County Planning Commission, to Ramon Ortiz, dated Sept. 5, 2019

⁹⁷ See Email from Nancy Grupp, Chair, Potter County Commissioner, to Maj. Jeffrey M. Andrieu, dated May 7, 2021, at 1:03 PM.

⁹⁸ See e.g., Email from Shaw Siglin, Grand Canyon Airport Authority, to Ramon Ortiz, dated Sept. 11, 2019, 10:50AM.

⁹⁹ See Email from Nancy Grupp, Chair, Potter County Commissioner, to Lt Col Christopher J Mayor, dated April 29, 2021, at 13:11.

¹⁰⁰ Email from Nancy Grupp, Chair, Potter County Commissioner, to Lt Col Christopher J Mayor, dated April 29, 2021, at 13:11.

Finally, and as will be discussed in more detail below, numerous other safety concerns exist, including possible hazards to people, wildlife, and livestock using the area under the MOA.

The U.S. EPA Region III Program Coordinator also requested information regarding the likelihood of wildlife and livestock being startled by low-flying aircraft that could cause injuries or damage if the animals flee. These concerns were never addressed.

There is no discussion of these concerns by the MD ANG in the Draft EA. These concerns deserve and require a more substantial review. We therefore request that, in drafting the full EIS, the MD ANG include substantive discussions addressing all of these concerns to ensure a maximum safety level for the communities and residents in the areas surrounding the proposed airspace.

Erroneous/Misguided Analysis of Noise Effects and Failure to Fully Consider other Effects Such as Dark Sky and Visual Disturbances

"Aircraft overflights...have the potential to produce sound levels that may cause annoyance, speech interference, sleep disturbance, or damage to structures (i.e., broken windows)." As such, the MD ANG is tasked with thoroughly assessing the impacts of noise created by the proposed Duke Low MOA. Because we believe the EA's noise analysis was deficient, we encourage the MD ANG to complete a full EIS to more thoroughly consider the impacts of noise created by their proposed airspace. We also encourage the MD ANG to more thoroughly consider the effects of visual disturbances and vibrations caused by the proposed action.

¹⁰² U.S. Air Force, *Air Force Noise Program*, AFI 32-7070 § 1.3 (Apr. 21, 2016).

 $^{^{101}}$ See e.g., Email from Barbara Rudnick, NEPA Program Coordinator, Office of Communities, Tribes and Environmental Assessment, US EPA Region III, Philadelphia, PA, to Ramon Ortiz, dated Sept. 26, 2019.

The MD ANG makes quick work of discounting the potential impacts of noise, relying on what is effectively an Air Force/FAA template for noise analysis. 103 While we appreciate that the methods used by the MD ANG are generally accepted practices for the Air Force and FAA, 104 the MD ANG does have flexibility within the FAA's rules to more appropriately and accurately assess the unique circumstances involved in the area around the proposed airspace.

While "DNL is the best available metric to relate aircraft noise to long term annoyance..., [i]t should be noted that the dose-response relationship between DNL and annoyance varies over a wide range and is extremely location dependent." 105 It is therefore advised to consider other, locally-oriented factors in determining the threshold for annoyance in a given instance. 106 The MD ANG acknowledges the unique character of the area surrounding the proposed airspace, stating that "special consideration needs to be given to the impacts of noise in areas where other noise is very low, and a quiet setting is a generally recognized purpose and attribute." ¹⁰⁷ However, following that statement, the MD ANG does not pursue discussing the subject. That must be addressed in the full EIS. Moreover, noise exposure levels and annoyance parameters were established with airports in mind. 108 That is not the case here, even though the Air Force has used these arguments in similar remote noise analyses.

The use of DNL levels is also called into question by the FAA's recent regulatory undertakings seeking to reevaluate aircraft noise analysis. 109 The FAA has undertaken to

¹⁰³ See generally Draft EA, Section 3.2.

¹⁰⁴ See Fed. Aviation Admin., Environmental Impacts: Policies and Procedures, FAA Order 1050.1F, Appx. B-1.4 (July

¹⁰⁵ Technical Bulletin: Using Supplemental Noise Metrics and Analysis Tools, Department of Defense Noise Working Group 16 (Dec. 2009).

¹⁰⁷ Draft EA, at 3-32.

¹⁰⁸ Fed. Aviation Admin., Aviation Noise Abatement Policy (1976).

¹⁰⁹ See generally Overview of FAA Aircraft Noise Policy and Research Efforts: Request for Input on Research Activities to Inform Aircraft Noise Policy, 86 Feb. Reg. 2722 (Jan. 13, 2021).

redesign the noise analysis program, acknowledging that the DNL and Dose-Response Curve are not the only – or even the best – options for evaluating aviation noise impacts. While DNL "was developed and validated to identify significant aviation noise exposure for land use and mitigation planning as well as for determining significant change in noise exposure under NEPA," "it can be useful to supplement DNL with the use of other noise metrics." These other metrics "often can provide opportunities to communicate the specific characteristics of noise changes due to the unique aspects of a proposed action." The PA Wilds and areas under the proposed Duke Low MOA are unique wild areas worthy of more thorough environmental analysis. While we understand that "[t]he latest FAA-approved model must be used for both air quality and noise analysis," we implore the MD ANG to use additional noise metrics to fully understand the impacts their proposal will have on the area.

More importantly, when the data discovered by the MD ANG clearly indicates a negative impact that requires evaluation by the MD ANG, they must undertake to address it. According to the MD ANG's own analysis, the proposed action will actually permit the most annoying kinds of overflights to occur.¹¹⁴ Yet the EA completely ignores this finding, clearly indicating an arbitrary and capricious¹¹⁵ choice on the part of the MD ANG to move forward without

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¹¹⁰ *Id.* at 2726 ("Earlier work to understand community response to noise, including Schultz's dose-response analysis, was based on the premise that the annoyance from any source of noise would be the same for a given DNL noise level. However, more recent work has shown that aircraft noise often results in higher levels of annoyance compared to the same level of noise from ground transportation sources.").

¹¹¹ *Id.* at 2727.

^{10.} at 2/2

¹¹² *Id*.

¹¹³ Fed. Aviation Admin., *Environmental Impacts: Policies and Procedures*, FAA Order 1050.1F, ¶ 4-2(b) (July 16, 2015).

¹¹⁴ See Draft EA, at 3-70 ("Low-altitude, high-speed aircraft (i.e., military tactical aircraft) were reported as[] the most annoying type of aircraft to see or hear.").

¹¹⁵ 5 U.S.C. § 706(2)(a).

addressing this concern. Likewise, even given the stated sound levels,¹¹⁶ it cannot be said that sounds that affect normal speech from over a mile away¹¹⁷ can be considered insignificant.

Additionally, the EA provides data only for sound levels emitted at set engine loads. ¹¹⁸ If, as discussed above, the actual use of the airspace involves random, combat maneuvering or simulated gun runs, the tables are wholly inaccurate at representing reasonably foreseeable sound levels. For example, an A-10 conducting an optimal gun run will descend in a 30-degree dive. ¹¹⁹ At the bottom of the descent, the pilot will need to recover from the dive, driving up the power required by the engine and causing an increase in sound level. This is not discussed and will occur at the lowest altitudes allowed within the proposed airspace. Anything less than a full spectrum analysis of the actual and proposed activities within the proposed airspace and the sound levels caused by those activities is inadequate. This discussion must also include thorough discussions of sound levels emitted by all planned aircraft (C-130s and F-16s) and reasonably foreseeable users of the airspace.

Finally, the MD ANG skirts its duty to rely on the best scientific data available, ¹²⁰ citing the "lack of published studies on quantifiable impact from aircraft overflights in MOAs to local economies related to outdoor recreation and tourism." ¹²¹ Instead, the MD ANG relies on a series of studies with questionable applicability to the area under and around the proposed Duke Low MOA. ¹²² It is this absence of scientific data that is to be remedied by the NEPA process, and we

¹¹⁶ See Draft EA, Tables 3-8, 3-10.

¹¹⁷ See id. at Table 3-11.

¹¹⁸ See e.g., id. at Tables 3-8, 3-10.

¹¹⁹ See Dennis R. Jenkins. Fairchild-Republic A/OA-10 Warthoa 64-73 (1998).

¹²⁰ See 40 C.F.R. § 1502.21.

¹²¹ Draft EA, at 3-71.

¹²² See e.g., id. at 3-69–3-70.

therefore reinforce our request that the MD ANG conduct a full EIS before moving forward with this proposal.

In addition to noise effects, we urge the MD ANG to consider both visual disturbances

and the effects of vibrations the proposal will create. "[V]isual effects are broken into two

categories: 1) Light Emission Effects; and 2) Visual Resources and Visual Character. These two

categories are defined in more detail [in Section 13 of the FAA 1050.1F Desk Reference Manual]

and should be discussed separately in a National Environmental Policy Act (NEPA) document." 123

"Visual character refers to the overall visual makeup of the existing environment where the

proposed action and alternative(s) would be located." "When the potential for annoyance

exists, information should be included in the analysis such as the location of lights or light

systems, pertinent characteristics of the lighting (e.g., intensity, flashing sequence for strobe

lighting, and color) and its intended use (e.g., security lighting, runway lighting), and mitigation

measures that could be implemented to lessen any annoyance, such as shielding or angular

adjustments."125

While "[v]isual resources and visual character impacts are typically related to a decrease

in the aesthetic quality of an area resulting from development, construction, or demolition,"126

in the case of the PA Wilds and area under the proposed Duke Low MOA, the presence of

aircraft creates "the potential to obstruct a visual resource," that resource being the dark

skies which draw tourists to the area, and the general wild character of the area.

¹²³ Fed. Aviation Admin., 1050.1F Desk Reference 13-1 (Feb. 2020).

¹²⁴ *Id.* at 13-2

¹²⁵ *Id.* at 13-4.

¹²⁶ *Id.* at 13-5.

¹²⁷ Id.

Unfortunately, none of these concerns were addressed in the EA. We request that, in completing a full EIS, the MD ANG fully investigate and evaluate the negative impacts low-flying aircraft will have on the wild character of the areas in and around the proposed airspace.

Mitigation Measures Do Not provide Adequate Safety Buffers and Reassurances, Nor Are They

Responsive to Numerous Concerns Presented to the MD ANG During Interagency

Coordination

To every concern during Section 106 coordination, the MD ANG's response was that noise was not significant and did not last long, and they instituted an altitude mitigation map to address sensitive area concerns. This one-size-fits-all mitigation plan does not sufficiently address many of the concerns presented to the agency during interagency coordination. We are especially disappointed in the MD ANG's cursory dismissal of the effects the proposal will have on wildlife and the wild character of the area around the proposed Low MOA.

Moreover, where the MD ANG acknowledged standard mitigation practices, they created a loophole to avoid complying with those practices. For example, the MD ANG acknowledged their awareness of FAA Advisory Circular 91-36 which encourages – though does not comply – "Pilots operating noise producing aircraft...over noise-sensitive areas [to] make every effort to fly not less than 2,000 feet above ground level (AGL), weather permitting." However, the EA states that "Aircrew are aware of FAA Advisory Circular 91-36, Visual Flight Rules Flight Near Noise-Sensitive Areas, and would not overfly wilderness areas at less than 2,000 ft AGL unless doing so would be expedient to accomplishing their mission." It begs the

¹²⁸ See e.g., Draft EA, § 3.5.4.

¹²⁹ Fed. Aviation Admin., *Visual Flight Rules (VFR) Flight Near Noise-Sensitive Areas*, FAA Advisory Circular 91-36D, ¶ 8(b) (Sept. 17, 2004).

¹³⁰ Draft EA, at 3-25.

question: what is the point of having mitigating measures if you concurrently create a loophole that allows your aviators to avoid compliance with the mitigation measure?

We encourage the MD ANG to further evaluate realistic, enforceable, and effective

mitigation measures to include in the full EIS before approving the proposed Duke Low MOA.

We especially encourage the MD ANG to fully consider the impacts the proposal will have on

wildlife, the wild character of the areas around the proposed airspace, and historic sites in the

area.

The Proposed Duke Low MOA Will Have Negative Effects on Wildlife and the Area's Wild

Character

The MD ANG must complete a full EIS to evaluate the effects the proposal will have on

wildlife and the wild character of the areas around the proposed airspace. Especially in light of

the previous discussion addressing the inadequacies of the Draft EA's evaluation of noise

effects, the MD ANG must reconsider all aspects of the proposal's effects on the area.

Moreover, because the Draft EA's discussion about the effects of the proposal on wildlife

was wholly inadequate and unresponsive to numerous commenters' concerns, 131 we implore

the MD ANG to commit itself to a more thorough analysis and evaluation of these effects. This

analysis must include evaluations of visual disturbances and effects of vibrations in addition to

analysis of noise.

The MD ANG's one-size-fits-all response to nearly every concern speaks volumes about

the overall inadequacy of the proposed remedy. 132 Likewise, as discussed above, mitigation

¹³¹ See e.g., Email from Cliff Clark, Cameron County Office of Community and Economic Development, to Ramon Ortiz, dated Sept. 6, 2019, 9:10AM.

¹³² See e.g., Draft EA, at § 3.5.4.

measures designed to avoid harm to the environment¹³³ become wholly ineffective if they are accompanied by a loophole that allows aviators to avoid compliance with the mitigation strategy.¹³⁴ The proposed MOA demands a thorough analysis accompanied by a comprehensive, tailored plan to address and minimize environmental impacts caused by the creation of the airspace.

The MD ANG's reliance on the U.S. Forest Service's 1992 Report to Congress¹³⁵ to show that forest visitors were not appreciably annoyed by aircraft overflights¹³⁶ is exceptionally erroneous as the study indicates on numerous occasions that data collection methods and the study's reliability were both questionable.¹³⁷ The MD ANG must substantiate its decisions with valid sources of authority. A study that states its own significant shortcomings is inadequate to establish substantial evidence needed to support reasoned analysis for rulemaking.

We appreciate the incorporation of the Bird/Wildlife Aircraft Strike Hazard (BASH) Management Program¹³⁸ into the Draft EA; however, we also are aware that even under the BASH program thousands of bird strikes happen annually.¹³⁹ Likewise, the incorporation of the Avian Hazard Advisory System is promising, yet "[b]ecause birds are dynamic creatures whose migratory behavior is initiated by weather events in any given year, the model cannot be said to predict the exact movement of bird species through space and time beyond the biweekly

¹³³ Fed. Aviation Admin., *Visual Flight Rules (VFR) Flight Near Noise-Sensitive Areas*, FAA Advisory Circular 91-36D, ¶ 8(b) (Sept. 17, 2004).

¹³⁴ See Draft EA, at 3-25.

¹³⁵ U.S. Forest Serv., Report to Congress: Potential Impacts of Aircraft Overflights of National Forest Service System Wildernesses (1992).

¹³⁶ Draft EA, at 3-69–3-70.

¹³⁷ See generally U.S. Forest Serv., Report to Congress: Potential Impacts of Aircraft Overflights of National Forest Service System Wildernesses (1992).

¹³⁸ U.S. Air Force, *Air Force Guidance Memorandum to AFI 91-212, Bird/wildlife Aircraft Strike Hazard (BASH) Management Program*, AFI 91-212 (June 1, 2021).

¹³⁹ See generally T. Adam Kelly, Managing Birdstrike Risk with the Avian Hazard Advisory System, Flying Safety (Sept. 2002).

timeframe."¹⁴⁰ We request that the MD ANG consider further measures to prevent bird strikes in furtherance of the Nation's goals of protecting migratory birds.¹⁴¹

Preventing bird strikes is an even more pressing concern in the areas surrounding the proposed airspace because of the presence of Bald Eagles and two species of bat, one of which is endangered, the other threatened. While Bald Eagles are no longer listed as endangered under the Endangered Species Act (ESA),¹⁴² they are still granted protection by the Bald and Golden Eagle Protection Act (BGEPA). The Indiana Bat is listed as Endangered under the ESA,¹⁴³ while the Northern Long-Eared Bat is listed as Endangered by Pennsylvania and Threatened under the Endangered Species Act.¹⁴⁴ Additionally, the areas around the proposed Duke Low MOA are home to many other threatened and endangered species that the MD ANG must fully consider before approving this proposal.¹⁴⁵ Therefore, the MD ANG must take extra precautions in ensuring the proposal does not create risks to these species.

Both the ESA and the BGEPA provide protections against takings,¹⁴⁶ though protection of habitat under the BGEPA is less certain than it is under the ESA.¹⁴⁷ The protection of the Indiana Bat's habitat requires a consideration, as urged by the U.S. Fish and Wildlife Service (USFWS),¹⁴⁸

¹⁴⁰ AHAS Frequently Asked Questions: How to Use AHAS, U.S. Avian Hazard Advisory System, (last accessed Dec. 27, 2021), https://www.usahas.com/faq.html.

¹⁴¹ See Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds.

¹⁴² Draft EA, at 3-42.

¹⁴³ See id. at Table 3-12.

¹⁴⁴ See id.

¹⁴⁵ Other species of concern in the Duke Low MOA area may be identified using the Pennsylvania Natural Heritage Program's Environmental Review List, available at https://www.naturalheritage.state.pa.us/Species.aspx. The tool allows the user to select individual counties of concern and lists species that are federally endangered/threatened as well as species Pennsylvania has designated as special concern species. Additionally, the tool lists species that are proposed by Pennsylvania DCNR as special concern species. We encourage the MD ANG to use this tool to evaluate all species of concern underlying the impact area of the Duke Low MOA when completing the full EIS.

¹⁴⁶ See 16 U.S.C. § 1538(a)(1)(B); 16 U.S.C. § 668(a)

¹⁴⁷ See What Happens to the Bald Eagle Now that it is Not Protected Under the Endangered Species Act?, CRS Report for Congress, Cong. Rsrch. Serv. CRS-5 (Sept. 17, 2007).

¹⁴⁸ Letter from Sonja Jahrsdoerfer, Project Leader, US Dept of the Interior, US Fish and Wildlife Service, State College, PA, to Ramon Ortiz, dated Sept. 16, 2019.

of the effects of vibrations from low-flying aircraft on the bat's habitat. The USFWS specifically requested such analysis during the scoping phase of this proposal, ¹⁴⁹ yet vibrational effects were wholly ignored. After hibernation in caves, Indiana bats migrate to their summer habitats under loose bark on dead and dying trees. ¹⁵⁰ In this habitat, the female bats give birth to one pup each year and nurse the young. ¹⁵¹ Not only sound, but vibrations can disturb this ritual, compromising the ability of the Indiana Bat to survive. It is reckless and irresponsible for the MD ANG to not consider the effects of both sound and vibration on the Indiana Bat's habitat. This must be thoroughly discussed in the MD ANG's full EIS before approval of the proposed airspace

Likewise, the Northern Long-Eared Bat, recognized as Endangered by Pennsylvania and Threatened under the Endangered Species Act, deserves the MD ANG's attention. Like the Indiana Bat, the Northern Long-Eared Bat roosts under the bark of trees¹⁵² and is therefore susceptible to both noise and vibrational disturbances.

The National Bald Eagle Management Guidelines¹⁵³ set forth recommendations for providing adequate protections and buffer zones to ensure bald eagles' habitats are not compromised. Failure to follow the guidelines could cause harm to bald eagles and their habitats which can also cause eagles to "inadequately construct or repair their nest, ... expend energy defending the nest rather than tending to their young, or... abandon the nest

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occurs.

¹⁴⁹ Letter from Sonja Jahrsdoerfer, Project Leader, US Dept of the Interior, U.S. Fish and Wildlife Service, State College, PA, to Ramon Ortiz, dated Sept. 16, 2019 ("You state that there will be no ground-disturbing activities throughout the project area. However, more information concerning your project will be necessary in order to assess possible impacts to bats associated with ground vibrations. During preparation of the [EA], please include an analysis of the ground vibrations associated with airspace use at 100 ft [AGL] to 7,999 ft above [MSL].").

¹⁵⁰ U.S. Fish & Wildlife Serv., *Indiana Bat (Myotis Sodalis)* (Dec. 2006).

¹⁵¹ *Id*.

¹⁵² U.S. Fish & Wildlife Serv., *Northern Long-Eared Bat: Myotis Septentrionalis* (Apr. 2015).

¹⁵³ U.S. Fish & Wildlife Serv., *National Bald Eagle Management Guidelines* (May 2007).

altogether."¹⁵⁴ Any of these responses will likely result in direct or indirect harm to nestlings¹⁵⁵ which in turn compromises the continued health of the bald eagle population.

The Guidelines recognize that individual eagles will respond to human activities in different ways, depending on an array of factors, "including visibility, duration, noise levels, extent of the area affected by the activity, prior experiences with humans, and tolerance of the individual nesting pair," though sensitivity is increased during breeding periods. Because of sensitivity fluctuations throughout the year, the Guidelines suggest both spatial and seasonal restrictions to protect eagles and their nesting sites. We encourage the MD ANG, in completing a full EIS, to more thoroughly evaluate their proposal in regards to activities around bald eagle habitat and nesting areas. We also encourage the MD ANG to consider additional seasonal limitations and buffer zones before approving the proposed airspace.

Additionally, the MD ANG must consider the effects of visual disturbances on eagles and other wildlife. Eagles, for example, "are more prone to disturbance when an activity occurs in full view." Given the low altitude proposal, the likelihood of visual disturbances is significantly increased, leading to a foreseeable increase in disturbances to eagles. Likewise, as discussed above, given the random, combat maneuvering — and possibility of simulated gun runs — the likelihood of visual disturbances that affect eagles is almost certain to occur. It is reasonable to extrapolate, too, that these disturbances will lead to fright responses which will likely also increase the risks of bird strikes. This chain of likely events must be considered by the MD ANG when completing a full EIS.

¹⁵⁴ *Id.* at 8.

¹⁵⁵ *Id*.

¹⁵⁶ *Id.* at 7.

¹⁵⁷ See id. at 9-10.

¹⁵⁸ *Id.* at 10.

Further, while we appreciate the MD ANG's decision to incorporate various elevation and lateral buffer zones around nesting areas and sensitive areas, we do not believe the zones go far enough, especially during times of the year when wildlife are most sensitive to anthropogenic disturbances. "In general, wild animals do respond to low-altitude aircraft overflights." Because "[m]any animal biologists maintain that excessive stimulation of the nervous system can amount to chronic stress, and that continuous exposure to aircraft overflights can be harmful for the health, growth and reproductive fitness of animals," we request that the MD ANG reconsider the stated buffer zones and fly-over distances around eagle and bat habitat throughout the year to ensure wildlife, especially eagles and bats, are not harmed by continued exposure to aircraft noise, vibrations, and visual disturbances.

We are not just concerned with these effects as they affect eagles and bats, however. Numerous studies have shown issues with collision with aircraft, flushing of birds from nests or feeding areas, alteration in movement and activity patterns of mountain sheep, decreased foraging efficiency of desert big horn sheep, panic running by barren ground caribou, decreased calf survival of woodland caribou, increased heartrate in elk, antelope, and rocky mountain big horn sheep, and adrenal hypertrophy in feral house mice. While the MD ANG sites studies showing "[e]scape behavior would represent a strong startle response, but it is rarely observed in response to overflights above 500 ft AGL, Table 16 MD ANG is proposing to fly at altitudes below 500 ft AGL, and, presumably, in random, combat-evasive patterns likely to draw additional attention by wildlife. Such activity at such low levels cannot be cursorily dismissed by

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¹⁵⁹ Nat'l Park Serv., *Report to Congress: Report on Effects of Aircraft Overflights on the National Park System* 103 (1994), https://www.nonoise.org/library/npreport/intro.htm.

¹⁶⁰ *Id.* at 105.

¹⁶¹ See id. at 104.

¹⁶² See Draft EA, at 3-47.

acknowledgement that a study showed minimal startle response under much less startling conditions.

Additionally, Section 7¹⁶³ consultation between the MD ANG and the USFWS is required under the ESA and must be conducted in accordance with 50 C.F.R. Part 402.¹⁶⁴ The MD ANG explains that "Bald Eagles are no longer protected under the ESA and Section 7 consultation with the USFWS is no longer necessary."¹⁶⁵ However, the MD ANG fails to address the Consultation requirement for any of the numerous other endangered and threatened species likely to be affected by the proposed action.¹⁶⁶ Section 7 requires that "[w]hen an agency plans to undertake action that might 'adversely affect' a protected species, the agency must consult with the U. S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS)...before proceeding."¹⁶⁷ This process allows the USFWS to assess the project's impacts on the species and habitats protected under the ESA and make a determination ("biological opinion") regarding those impact's potential to "jeopardize the continued existence of threatened or endangered species."¹⁶⁸ The MD ANG has failed to comply with the ESA Section 7 consultation mandate and must immediately begin consultation with the USFWS, especially in

¹⁶³ See 16 U.S.C. § 1536.

¹⁶⁴ 50 C.F.R. § 402.01(a) ("Section 7(a)(1) of the Act directs Federal agencies, in consultation with and with the assistance of the Secretary of the Interior or of Commerce, as appropriate, to utilize their authorities to further the purposes of the Act by carrying out conservation programs for listed species. * * * Section 7(a)(2) of the Act requires every Federal agency, in consultation with and with the assistance of the Secretary, to insure that any action it authorizes, funds, or carries out, in the United States or upon the high seas, is not likely to jeopardize the continued existence of any listed species or results in the destruction or adverse modification of critical habitat."). See also U.S. Fish & Wildlife Serv., S7 Consultation Technical Assistance (Dec. 3, 2019), https://www.fws.gov/midwest/endangered/section7/s7process/7a2process.html.

¹⁶⁵ Draft EA. at 3-42.

¹⁶⁶ See supra note 144 and accompanying text.

¹⁶⁷ U.S. Fish & Wildlife Serv. v. Sierra Club, Inc., 141 S. Ct. 777, 783-84 (2021).

¹⁶⁸ *Id*.

light of the vast number of species likely to be affected by the proposal¹⁶⁹ and the USFWS's stated concerns¹⁷⁰ regarding these species.

The full EIS must also consider effects to the elk herds of Pennsylvania. "PA's elk management area is beneath almost all of the Duke Low MOA." For over a century, the elk herd in Pennsylvania has been reestablished at great expense to the Commonwealth, and has recently developed into a valuable resource, promoting outdoors involvement and hunting activities in the area. The MD ANG must consider the effects their activities will have on the elk herd. The Draft EA dismisses concerns regarding the herd; however, as this comment has made clear, the likely effects of this proposal reach much farther than the Draft EA would lead one to believe, and the studies used to dismiss these concerns are inapplicable or insufficient to truly analyze the unique characteristics of the areas around the proposed Low MOA. The MD ANG must consider the noise, vibration, and visual disturbance effects that will follow approval of the proposed airspace.

The MD ANG must also critically evaluate and engage with the recommendation of the Pennsylvania Department of Conservation and Natural Resources (PA DCNR).¹⁷³ Specifically, the PA DCNR proposed that the MD ANG prohibit activities on weekends and federal holidays and that activities avoid interference with enumerated recreational days associated with hunting seasons, elk tourism, and elk calving season.¹⁷⁴ These are reasonable requests from the PA

¹⁶⁹ See supra note 144.

¹⁷⁰ See Letter from Sonja Jahrsdoerfer, Project Leader, US Dept of the Interior, US Fish and Wildlife Service, State College, PA, to Ramon Ortiz, dated Sept. 16, 2019.

¹⁷¹ Draft EA. at 3-41.

¹⁷² Soo id

¹⁷³ See Letter from Cindy Adams Dunn, Secretary, PA DCNR, to Ramon Ortiz, dated Oct. 1, 2019.

¹⁷⁴ See id.

DCNR, and we encourage the MD ANG to critically engage with these recommendations and implement them to protect the natural resources and wild character of the PA Wilds.

Because effects of overflight noise are species specific,¹⁷⁵ they cannot be written off in broad strokes as the MD ANG proposes to do with the Draft EA of the proposed Duke Low MOA. In fact, the 1994 study cited by the MD ANG is ripe with examples of how wildlife are negatively affected by aircraft noise and visual disturbances.¹⁷⁶ What is most egregious is that the MD ANG clearly had access to this report – given that it was cited in the Draft EA – yet they failed to fully appreciate the potential and likely harms presented in the study. Such dismissal is clearly an arbitrary and capricious decision on the part of the MD ANG, and it must be remedied.¹⁷⁷ Therefore, the MD ANG must complete a full EIS to evaluate the real, foreseeable effects wildlife will experience with the expanded use of the Duke Low MOA.

The MD ANG, in further evaluating the effects caused by noise, vibrations, and visual disturbances must also fully evaluate the ways in which these effects will impact the wild character of the area around the proposed airspace.

The policy of the United States is to make a "special effort... to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites" To that end, the use of public lands is prohibited unless there is no prudent

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¹⁷⁵ See Nat'l Park Serv., Report to Congress: Report on Effects of Aircraft Overflights on the National Park System § 5.3 (1994).

¹⁷⁶ The study explains that "low-altitude overflights can cause excessive arousal and alertness, or stress," and that continued exposure can negatively affect the overall health of wildlife. *Id.* at 103. Overflights can also affect the relationship of parents with their young, use of habitats, and regulation of "physiological energy budgets." *Id.* Increased stress levels have been proven across multiple species exposed to low-altitude overflights which in turn increases the likelihood of disease development, toxemia, and abnormal births. *Id.* at 105.

¹⁷⁷ See id. at 119 ("One relationship between aircraft and animals is clear: the closer the aircraft, the greater the probability that an animal will respond, and the greater the response.").

¹⁷⁸ 23 U.S.C. § 138(a). See also Policy on Lands, Wildlife, and Waterfowl Refuges, and Historic Sites, 49 U.S.C. § 303.

alternative or "such program includes all possible planning to minimize harm." This includes a finding that any impact is *de minimus*. 180 Clearly, as discussed throughout this comment, the MD ANG cannot claim that their proposal creates a *de minimus* impact. Therefore, it is incumbent upon the MD ANG to conduct a more comprehensive analysis and account for the wild nature of the area – a more qualitative, individualized analysis – as opposed to the one-size-fits-all analysis completed for the Draft EA.

Moreover, as an investment-backed tourism and recreation project,¹⁸¹ the PA Wilds has been invested in to grow its wild character. The MD ANG fails to consider how its actions will disrupt that character. These likely impacts have, however, been clearly proclaimed to the MD ANG,¹⁸² and the MD ANG must therefore evaluate the likely negative effects approval of the proposed airspace will have on Pennsylvania's investment-backed project.

The Proposed Duke Low MOA Will Negatively Impact the Economy of the Pennsylvania Wilds Region

The Pennsylvania Wilds (PA Wilds) region covers nearly 2.1 million acres of the Commonwealth. Though the region covers roughly a quarter of the Commonwealth, it is home to only 4% of Pennsylvania's population. The PA Wilds is a recreation destination that

¹⁸⁰ See 23 C.F.R. § 774.3(b).

¹⁷⁹ 23 U.S.C. § 138(a).

¹⁸¹ See Draft EA, at 3-66.

¹⁸² See Email from Barbara Rudnick, NEPA Program Coordinator, Office of Communities, Tribes and Environmental Assessment, US EPA Region III, Philadelphia, PA, to Ramon Ortiz, dated Sept. 26, 2019 ("The Pennsylvania Wilds is an outdoor recreation destination that attracts tourists, residents, and part-time residents who come to experience the undeveloped nature of the region and enjoy nature-based activities.... * * * [T]he impacts from low altitude flying could be substantial, and both impacts and alternatives should be carefully evaluated."); Letter from Cindy Adams Dunn, Secretary, PA DCNR, to Ramon Ortiz, dated Oct. 1, 2019 ("The proposed activity would drastically change the character of this region and the numerous state parks and forests that shape its unique conservation landscape and wilderness."); Letter from Clinton County Commissioners to Lt. Col. Mayor, dated April 15, 2021 (citing negative impacts to tourism, wild and scenic waterways, and quality of life).

¹⁸³ Community and Business, PaWilds.com, https://pawilds.com/community-business/ (last visited Dec. 19, 2021).

attracts tourists, residents, and seasonal residents who visit the region to experience its wild

character and undeveloped natural attractions. The region sees robust activity in hiking, biking,

hunting, fishing, birdwatching, camping, skiing, watersports, astronomy, and stargazing. The

region contains over 29 Pennsylvania State Parks, eight Pennsylvania State Forests, 50 state

game lands, and one of the few certified Gold Tier International Dark Sky Parks in the United

States at Cherry Springs State Park. 184

In the PA Wilds, an estimated \$1.8 billion is generated per year by nearly 7.2 million

day-visitors alone. Across the region, tourism accounts for 11% of the local economy. 185 The PA

Wilds region is economically depressed and has seen steady population decline after the end of

the lumber boom that built the area. The PA Wilds designation was created through a

partnership of local, state, and federal entities to establish the outdoor recreation destination to

boost rural economies, create jobs, and improve quality of life in the region. The impact of the

proposed Duke Low MOA would be detrimental to the delicate balance of nature and tourism

created in the region by disturbing the region's foremost quality: peace and quiet.

The MD ANG Failed to Consider That the Local Economy is Not Driven Solely by Public Lands in

the Region, But Also by Those Areas Outside Public Lands

The MD ANG claims a buffer zone around public lands and sensitive areas of concern in

its proposal for the Duke Low MOA but fails to recognize that the income from tourism and

recreation in the region is also driven by places outside public lands, if not primarily from

outside public lands. The economic foundation of the region is primarily farming and lumber,

¹⁸⁵ *Id*.

but tourism and recreation have carved out an important place in the region's workforce and income. ¹⁸⁶ If tourists and recreators are driven out by unnecessary and intrusive noise generated by the MD ANG, it would render a significant, devastating impact on a region that only recently started efforts to economically recover.

The MD ANG reports that "noise effects would be intermittent over any given area, and no areas would be exposed to noise effects for an extended period," but fails to recognize that the people flocking to the region do so for tranquility and peace. 187 Loud military flights overhead for nearly half a year for multiple hours a day does not preserve the tranquility of the region. Immediately after making the claim that the noise would have little impact, the MD ANG details their plan to mitigate noise over recreational public lands and areas of special concern. This is not enough. Even the MD ANG acknowledges, by citing a 1992 U.S. Forest Service Study, that "Low-altitude, high-speed aircraft (i.e. military tactical aircraft) were reported as, the most annoying type of aircraft to hear or see" and "Although many respondents were not exposed to noise from low-altitude, high-speed flights, those who were exposed were often annoyed by them."188 If MD ANG willingly includes data that indicates noise disrupts user experience, it cannot rationally claim there is less than a significant impact of noise in the region. Additionally, much of the data relied upon in the studies is nearly 30 years old and did not specifically address noise generated by tactical military aircraft training in rural, recreational areas. If the MD ANG does not have current data on which to rely, it should conduct its own studies in an

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¹⁸⁶ History, РоттекСоинтуРА.нет, https://pottercountypa.net/post.php?pid=7 (last visited Dec. 19, 2021).

¹⁸⁷ Draft EA, at 3-67.

¹⁸⁸ *Id.* at 3-71.

Environmental Impact Statement (EIS) on the noise generated by its aircraft and potential impact on the PA Wilds region considering its economy, geography, and character.

The MD ANG admits that A-10 and F-16 operations below 7,000 ft MSL "would be loud enough to interfere with communication on the ground for approximately 0.7 to 1.2 miles in all directions." The MD ANG does not acknowledge the potential for echo of the noise disturbance outside the zone they prescribe. At every instance when the Duke Low MOA is activated, 170 days a year for multiple hours a day, there would be substantial noise disturbance in the region. This disturbance, while slightly mitigated around public lands, would be rendered almost exclusively on those areas outside public lands that have an immense influence on the region's economy.

Though many visit the PA Wilds region to recreate in the Commonwealth's public lands, the tourism economy is grounded in lodging and dining. These enterprises are driven by peaceful recreation and various hunting and fishing seasons throughout the year. Disturbing the getaways of persons visiting the PA Wilds will cause decreasing visitation and loss of income to the local economy through declines in dining, lodging, and retail spending.

Lodging alone contributes a substantial sum to the local economy. In the area covering the impact zone of the Duke Low MOA, Airbnb generates results of over 300 short-term rental properties. The short-term rental site VRBO generates a list of nearly 100 properties. On both sites, many titles of the listings contain the words "quiet," "peaceful," and "silence." The impact of loud, military training would disrupt how the locals market their properties, and

103 Id

¹⁸⁹ Id

¹⁹⁰ https://www.airbnb.com (using map tool around Duke Low MOA).

¹⁹¹ https://www.vrbo.com (using map tool around Duke Low MOA).

seemingly deter visitors from coming to the region if their goal was relaxation. Small, family-owned motels dot the region, and some of the larger towns have commercial hotels. Nearly all these properties lie outside the mitigation zones created by the MD ANG surrounding public lands. The MD ANG recognized that there is substantial number of rental units, for seasonal recreation, in the region in section "3.7.2.3 Housing" of its Draft EA, but arbitrarily failed to account for the income generated by these units in section "3.7.2.5 Tourism" or "3.7.4.3 Outdoor Recreation and Tourism." Visitors to the region come to experience the wildness of the area. If they wanted to hear those sounds usually reserved for cities or desert training grounds, they would not flock to the PA Wilds.

Lodging and retail spending are also driven by hunting and fishing seasons throughout the year. Hunting visitors to the region often stay in either rented homes for weeks at a time or their own seasonal cabins. This is the same for trout fisherman, who come to the region in early April for the start of trout season. Regardless of their respective choices in lodging, these sportsmen spend a substantial amount of money in the region through dining and other retail spending. It is not uncommon to see "Welcome Hunters" or "Welcome Fisherman" signs posted outside bars and restaurants in the region during the busiest seasons of the year, including deer, bear, and turkey seasons.

The MD ANG acknowledged that the PA DNCR made recommendations to the MD ANG to mitigate use during prime hunting seasons to further lessen the impact on the region's economy. The MD ANG declined to make any adjustments to its flight schedule, citing that the noise would have less than significant impacts on game, and therefore no impact on hunting

2 Letter from Cindy Adams Dunn, Secretary PA DCNR to

¹⁹² Letter from Cindy Adams Dunn, Secretary, PA DCNR, to Ramon Ortiz, dated Oct. 1, 2019.

if the Duke Low MOA was activated during any given season. MD ANG's contention that the

proposed time of use coincides with the time of day where animals are least active and would

therefore not interfere with hunting is unpersuasive. Considering that hunters are usually active

from dawn to dusk, or until they bag an animal, the Duke Low MOA would have an extreme

impact on hunting. Hunters whose game is startled by loud flights in the Duke Low MOA may

choose to spend their seasons in other regions, resulting in loss to the local economies of the PA

Wilds.

The local economy of the region would be negatively impacted by night activation of the Duke

Low MOA

The local economy would also be negatively impacted by night training in the Duke Low

MOA. The PA Wilds region is home to Cherry Springs State Park which is "nearly as remote and

wild today as it was two centuries ago." 193 Cherry Springs has exceptionally dark skies and is

recognized as a Gold Tier International Dark Sky Park (IDSP) by the International Dark-Sky

Association (IDA). IDA recognizes three tiers of Dark Sky Parks: Bronze, Silver, and Gold. Gold

Tier Dark Sky Parks have "pristine or near-pristine night skies that average close to natural

conditions."194

The Cherry Springs IDSP is situated 700 meters above sea level within the

Susquehannock State Forest. It is ideally positioned beneath the nucleus of the Milky Way,

making it a destination for viewing nebulae and star clusters. On perfect nights, the Milky Way is

¹⁹³ Cherry Springs State Park, DCNR.PA.GOV,

2021).

¹⁹⁴ Erin L. Gavlock, *Pennsylvania's Dark Secret*, Pennsylvania Center for the Book (Summer 2009),

https://pabook.libraries.psu.edu/literary-cultural-heritage-map-pa/feature-articles/pennsylvanias-dark-secret.

so bright it casts shadows. 195 Cherry Spring's "Astronomy Field" offers an unobstructed

360-degree view that extends for miles in all directions and is available by reservation, in

addition, a public viewing field is also available. Twice a year, the park hosts two major star

parties that draw hundreds of astronomers from across the world for several nights. 196

Reservations for star parties at Cherry Springs often must be made a year in advance due to

popularity. Many visitors to the region come just for star viewing at Cherry Springs, whether it

be in the Astronomy Field or the public viewing area. Many vacation homes and inns within 20

miles of Cherry Springs State Park advertise "dark skies" or reference proximity to Cherry

Springs. 197

Cherry Springs takes special precautions in mitigating even temporary light pollution in

its Astronomy Field, always requiring shielding or red lighting. No cars are permitted access after

dusk and are not permitted to exit until dawn. Campfires are prohibited and flashlights must be

always pointed down in the viewing field. Any interruption to the darkness of Cherry Springs

would put the Gold Tier IDSP at risk.

If the Duke Low MOA is activated at night there is potential for light interference from

the aircraft, even with the proposed buffer zone around the park. Even the smallest light or

sight interference would impact user experience at Cherry Springs. If activated often enough,

assumingly on clear nights also perfect for stargazing, it may deter astronomers and amateur

stargazers from visiting the region, impacting income from visitor spending. The MD ANG does

¹⁹⁶Cherry Springs State Park (U.S.), DARKSKY.ORG,

https://www.darksky.org/our-work/conservation/idsp/parks/cherrysprings/ (last visited Dec. 18, 2021).

¹⁹⁷ See infra Appendix B.

not adequately address potential impact from light pollution on user experience in Cherry

Springs or the surrounding areas and must address the potential for this issue.

The MD ANG Inadequately Addressed Potential Impacts to National Register-Listed Properties

Beneath the Proposed Duke Low MOA

The Austin Dam, also known as the Bayless Paper Mill Dam, is a ruin resulting from the

1911 breaking of the dam that unleashed nearly 400 million gallons of water and wiped out

everything in its path for 8 miles. The ruins of the structure were placed on the National

Register of Historic Places in 1987 and stand to this day. The site is surrounded by a 76-acre

memorial park. 198

The impact of the Duke Low MOA, even with a buffer zone surrounding the site, violates

the National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. § 300101 et seq). NHPA

requires the agency to identify and assess the effects its actions may have on historic sites or

buildings. Section 106 of NHPA (54 U.S.C. 306108) details the steps each agency must undertake

to assess the effects of its proposed action. Determining potential adverse effects on historic

resources is guided by "Criteria of Adverse Effects" (36 CFR § 800) in the Advisory Council on

Historic Preservation's (ACHP) regulations. One of the criteria is triggered by use of the Duke

Low MOA: "Introduction of visual, atmospheric, or auditory elements that diminish the integrity

of a property's historic features." ¹⁹⁹ The introduction of loud, unnecessary noise would diminish

the integrity and significance of the Austin Dam ruins.

¹⁹⁸ Austin Dam Memorial Park, VISITPA.COM,

https://www.visitpa.com/region/pennsylvania-wilds/austin-dam-memorial-park (last visited Dec. 20, 2021).

¹⁹⁹ Draft EA, at 3-56.

Though the MD ANG proposes to lessen the impact on the Austin Dam in section "3.5.4

Environmental Consequences of the Proposed Action," it nevertheless acknowledges that flights

in the vicinity could impact the ruins.²⁰⁰ The MD ANG states that the flights would be

"intermittent and not for any extended period of time" and it would implement a 500 ft AGL

floor around the dam to lessen any impact.²⁰¹ This effort to mitigate is simply not enough. The

concrete structure of the Austin Dam is over 110 years old and continually exposed to the

elements in north central Pennsylvania. The MD ANG must mitigate by creating a no-fly zone

containing the entire Austin Memorial Dam Park that accounts for any impact the flight activity

may have on the historic site.

The noise created by activation of the Duke Low MOA would also hinder the solemnity

and significance of the Austin Dam Memorial Park. The dam failure resulted in at least 78 deaths

and thousands of dollars in property damage. After the break and resulting flood, the

population of the once booming lumber town dwindled to a few hundred.²⁰² The park

surrounding the Austin Dam site is a memorial to the lives lost on the day of the failure. The

atmosphere is quiet and respectful. The introduction of military aircraft noise would ruin the

solemnity of the memorial.

MD ANG Failed to Consider Pennsylvania's Constitutional Environmental Rights Amendment

as Required by NEPA

²⁰⁰ *Id.* at 3-58.

²⁰¹ *Id*.

²⁰² History – Austin Dam Memorial Park, Austin Dam. Mailchimpress.com, https://austindam.mailchimpsites.com/history (last visited Dec. 20, 2021).

NEPA requires agencies to consider state laws and policies when evaluating the impact of a proposed action on the environment.²⁰³ In 1971, Pennsylvania passed its Environmental Rights Amendment (ERA), set out in Article I, Section 27 of the Commonwealth's Constitution. The environmental rights of Pennsylvania's citizens are set out as follows:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

PA. Const. art. I, § 27. The Pennsylvania Supreme court has held that the right put forth by the ERA is "neither meaningless nor merely aspirational." The Pennsylvania Constitution's preservation of broad environmental values "protects the people from governmental action that unreasonably causes actual or likely deterioration of these features."

Since NEPA requires agencies to consider state laws, it logically must encompass state constitutions, which trump state laws. In the context of MD ANG's Duke Low MOA, the Commonwealth's citizens' rights to the preservation of natural, scenic, historic, and

²⁰³ 40 C.F.R. § 1502.16(a)(5) "The discussion shall include: (5) Possible conflicts between the proposed action and the objectives of Federal, regional, State, Tribal, and local land use plans, policies, and controls for the area concerned."; *Id.* at § 1506.2(d) ". . . environmental impact statements shall discuss any inconsistency of a proposed action with any approved State, Tribal, or local plan or law (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law."; *Id.* at § 1508.27(b)(10) "Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment" [reserved].

²⁰⁴ Yaw v. Del. River Basin Comm'n, 2021 WL 2400765 (E.D. Pa. 2021) (quoting Robinson Twp. v. Commonwealth, 83 A.3d 901 (Pa. 2013)).

²⁰⁵ Robinson Twp. v. Commonwealth, 83 A.3d 901, 953 (Pa. 2013).

esthetic values are at risk. The intrusive noise potentially created by the activation of the

Duke Low MOA will disrupt the quiet quality of the PA Wilds and violate the rights of

Pennsylvania's citizens.

During the scoping phase, the Pennsylvania Department of Conservation and

Natural Resources (DCNR), filed comments concerned with the interplay between the

proposed action and the Commonwealth's position as trustee of the state's natural

resources.²⁰⁶ The Commonwealth is "obligated to conserve and maintain the corpus of

the trust for future generations."207 The MD ANG failed to consider the ERA when

evaluating the impact of low military training flights on the citizens and natural qualities

of the PA Wilds region, even after DCNR raised the issue. MD ANG must consider

Pennsylvania's ERA and the impact of the MD ANG's action on the natural, scenic, and

esthetic values protected by the Commonwealth's constitution.

Conclusion

For all the foregoing reasons, we respectfully request the MD ANG prepare a full

Environmental Impact Statement for the proposed modification of the Duke MOA to adequately

address the key issues outlined above and fully investigate the impacts the proposed action may

have on the Pennsylvania Wilds region.

Thank you for your consideration.

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²⁰⁶ Letter from Cindy Adams Dunn, Secretary, PA DCNR, to Ramon Ortiz, dated Oct. 1, 2019.

²⁰⁷ *Id*.

Respectfully submitted,

Sarah Corcoran

Conservation Program Manager Sierra Club, Pennsylvania Chapter

Appendix A

Examples Facebook posts regarding the proposed Duke Low MOA: https://www.facebook.com/groups/223710080136/posts/10165451158035137/; https://www.facebook.com/groups/223710080136/posts/10165548039150137/: https://www.facebook.com/groups/223710080136/posts/10165919176685137/; https://www.facebook.com/groups/223710080136/posts/10165923926420137/; https://www.facebook.com/groups/223710080136/posts/10165930741805137/; https://www.facebook.com/groups/223710080136/posts/10165962449785137/: https://www.facebook.com/groups/223710080136/posts/10165996212130137/.

Appendix B

For examples of vacation homes that advertise dark skies or proximity to Cherry Springs:

https://www.airbnb.com/rooms/45709143?guests=1&adults=1&s=67&unique_share_id=59c32f26-b701-4198-b97a-b6a7105e8b7a;

 $\frac{\text{https://www.airbnb.com/rooms/43792937?guests=1\&adults=1\&s=67\&unique_share_id=f2b80}{\text{d80-1a0b-434c-83ba-0f9185e07493}.}$

From: Alicia Cramer

To: NGB A4/A4A NEPA COMMENTS Org

Cc: HUGHES, BENJAMIN C Capt USAF ANG 175 WG/PA; ROBINSON, DEVIN T Lt Col

USAF ANG ANG/CC/PA; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4; Faraguna, Nicole; Zagame, Monica;

Anzur, Jon

Subject: [Non-DoD Source] Comment letter Duke Low MOA PA Wilds

Date: Monday, November 29, 2021 9:03:58 AM

Attachments: <u>image001.jpg</u>

COMMENTS ON DUKE MOAsubmitted.docx

Please find attached comments related to the proposed Duke Low MOA. A full EIS would be most appreciated and help separate facts from perceptions. I would like to believe the resident of the state of PA are entitled to that (NEPA process).

Regards, Alicia Cramer



Alicia Cramer Sr. Vice President (205) 792-8650

COMMENTS ON DUKE Low MOA

BACKGROUND:

Thank you for the opportunity to respond to such an important issue. As a resident and member of the planning commission for Greene Township, Clinton County PA, please find below my concerns related to the proposed Low flying MOA.

The purpose of these Comments is to help plan and adopt appropriate safeguards for the residents, recreational users, workforce, and wildlife in the PA Wilds region and formally request a full Environmental Impact Statement (EIS) be completed prior to moving forward with the Duke Low MOA.

The PA Wilds is one of 11 official tourism regions in the Commonwealth of Pennsylvania. The region is also one of eight state-designated Conservation Landscapes because of its unique natural and heritage assets. The 13-county region is home to the greatest concentration of public lands in Pennsylvania. We have 29 state parks, 8 state forests, 50 state game lands and PA's only National Forest, the Allegheny. We have the largest wild elk herd in the Northeast, two designated National Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest night skies in the country.

This region is also economically distressed and has seen decades of population loss. In the 6 counties targeted for the Duke Low MOA the median income levels and home value of the 211,000+ residents are significantly below U.S. averages. There is a large Amish population and who by definition are considered an underserved population. Sections of the intended impacted area (highlighted in your map) are identified on the Federal Reserve Website as 2020 List of Distressed or Underserved Nonmetropolitan Middle-Income Geographies.

Local, state and federal partners, private philanthropy, and the private sectors began working together more than 15 years ago to establish the PA Wilds. The intentional economic development focused on the creation of an outdoor recreation destination to help diversify rural economies, create jobs, inspire stewardship and improve quality of life. This ground-breaking effort, held up as a model in five national studies and has involved side-by-side investments in small business development, marketing and branding, recreation infrastructure, community character stewardship, regional planning, and conservation. Today, thanks to the work of many organizations, businesses and individuals, tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy. Without careful planning and adoption of safeguards the Duke Low MOA may undermine the economic and ecological progress made by the many partners and community members; therefore, a full EIS is required. The EIS must address the full scope of environmental impacts, including the following 8 specific topics."

COMMENTS/ISSUES:

- 1. SAFETY
- 2. ECONOMIC IMPACT
- 3. WILDLIFE IMPACT
- 4. RECREATIONAL IMPACT
- 5. BIOLOGICAL & AG IMPACT CONSIDERATIONS
- 6. EQUITY CONSIDERATIONS
- 7. POLLUTION & HUMAN HEALTH
- 8. NEPA COMPLIANCE

FACTORS WHICH NEED TO BE CAREFULLY CONSIDERED:

1. SAFETY

The proposed DUKE Low MOA will create new hazards that exceed the capacity of local emergency response services and disproportionately impact specific communities. The proposed DUKE Low MOA could share airspace with VFR aircraft (not denied). The introduction of low-altitude military tactical aircraft training on an every other day basis as opposed to the current limited use (higher floors) may create collision hazards that do not exist today. The proposed Duke MOA Region has large DARK HOLES (i.e., GAPS in broadband cell services). In the event of an accident or violation, calling 9-1-1may not be feasible and few municipalities in the Duke LOW MOA Region have full-time Police Departments. Most likely our State Police will be first on scene and response time may extend longer than needed due to the vast region they currently cover.

Most of the First Responders in this MOA are part-time volunteers. Covid has impacted the number of volunteers in several communities and response times have been affected. Due consideration must be given to a community(ies) action plan and how to build capacity of response teams should be explored.

At the proposed altitudes noise is not only a concern but a risk to livestock. For example, horses have been known to be startled by low flying aircraft causing https://www.forces.net/news/us-confirms-jets-were-flying-over-cornwall-after-reports-horse-deaths and while tragic for the animals the local Amish community depends on horses for transportation and farm work. Clinton County alone has ~1,000 Amish families and horse-drawn carriages are a common mode of transportation. The potential risks associated with low flying aircraft need more scrutiny and someone much consider direct outreach to the Amish community to advise and warn of the potential dangers to horses and other livestock.

2. ECONOMIC IMPACT

The proposed DUKE Low MOU will create economic impact, including the risk of negatively impacting the vital local tourism industry. The scenic and recreational qualities of this region are strong attractors for visitors and a growing number of professionals who can choose where to live because they work on the Internet. More than 1MM visitors and residents chose the PA Wilds as a destination last year alone. Tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy.

A comprehensive EIS must evaluate the economic impact of intrusions of low altitude flyovers (noise and insensitivity) on discouraging people from visiting and investing in an area where the economy is heavily dependent on outdoor recreation, impact investing and tourism.

3. WILDLIFE IMPACT

The proposed DUKE Low MOU will impact wildlife habitats, including critical breeding areas and migration routes for a wide range of species, and will increase diverse risks to the public due to changes in human and wildlife interactions.

In general, animals do respond to low-altitude aircraft overflights. The manner in which they do so depends on life-history characteristics of the species, characteristics of the aircraft and flight activities, and a variety of other factors such as habitat type and previous exposure to aircraft. For example, sudden noise, especially if tree-top, may cause deer to panic and run across roads risking collisions with cars and trucks that might cause serious injury, as well as vehicle damage. The potential for overflights to disturb wildlife and the resulting consequences have drawn considerable attention from state and Federal wildlife managers, conservation organizations, and the scientific community. This issue is of special concern to wildlife managers responsible for protecting populations, and to private citizens who feel it is unwise and/or inappropriate to disturb wildlife. Two types of overflight activities have drawn the most attention with regard to their impacts on wildlife: 1) low-altitude overflights by military aircraft in the

airspace over national and state wildlife refuges and other wild lands, and 2) light, fixed-wing aircraft and helicopter activities related to tourism and resource extraction in remote areas.

The primary concern expressed is that low-level flights over wild animals may cause physiological and/or behavioral responses that reduce the animals' fitness or ability to survive. It is believed that low-altitude overflights can cause excessive arousal and alertness, or stress (see Fletcher 1980, 1990, Manci et al. 1988 for review). If chronic, stress can compromise the general health of animals. Also, the way in which animals behave in response to overflights could interfere with raising young, habitat use, and physiological energy budgets. https://www.nonoise.org/library/npreport/chapter5.htm

4. RECREATIONAL IMPACT

The Pennsylvania Wilds is a game hunter's paradise and an angler's perfect retreat. The region has nearly 2,100 designated trout streams, 16,000 miles of sparkling waterways, and 2 million acres of public land open for hunting at various times of the year. With dense forestland and a multitude of waterways, the ecosystem is home to a variety of wildlife. Almost 8% of PA residents have paid hunting licenses:

- Total paid hunting license holders in 2020: 930,815
- Total hunting license, tags, permits and stamps issued in PA in 2020: 2,646,720
- Gross cost of all hunting licenses: \$36,873,199. The 2019–2020 season was a booming one for Pennsylvania's hunters. A comprehensive EIS must evaluate the impact of the MD National Guard fly during any of PA's hunting seasons and the associated impact to the recreation community and the revenue that supports almost ½ of the Game Commission's budget.

5. BIOLOGICAL & AG IMPACT

The proposed DUKE Low MOU will impact existing land uses, traditional practices, and established biological and economic activities, including forest management and farming.

More information needs to be shared related to emissions and impact to the forests and the residents.

Clear-cutting and controlled burning can help old forests regenerate the type of plant life that deer, turkey, and other wildlife feed on, and recently, the practice of prescribed burning has been ramped up. A comprehensive EIS must evaluate how these practices will be allowed to continue at the current and planned levels and any proposed requirements for burn permits for loggers and residents.

With over 7.8 million acres of farmland, 58,000 farms, and \$1.9 billion in agriculture exports annually, Pennsylvania has a thriving and vibrant 'ag' industry and is considered an AG state. A study by the Royal Association of British Dairy identified the following:

"The impact of low flying aircraft can be devastating, causing injuries and loss of stock, while undue stress can have a knock-on effect on herd milk production" (lactation rates negatively impacted). The impact can be even more damaging for egg producers.

"Hens have an innate fear of overhead predators – a survival mechanism from thousands of years of evolution, which causes them to seek cover from larger birds circling in the sky," "Low-flying military aircraft can elicit a similar reaction. If hens are subjected to prolonged periods where overhead objects are nearby, it can cause considerable stress that can impact the health of the bird."

This can lead to increased mortality, loss of egg production, a drop in the size and value of eggs, and poor shell quality.

6. EQUITY CONSIDERATIONS

The proposed DUKE Low MOU will disproportionately impact underserved communities.

President Biden's executive order in January 2021 clearly emphasizes the federal government's commitment to making the American Dream real for families across the nation by taking bold and ambitious steps to root out inequity from our economy and expand opportunities for communities of color and other underserved Americans.

(https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/

The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, which have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of "equity."

The 6-county region identified in the MOA comprises a large Amish population, distressed communities and low-income households. A comprehensive EIS must evaluate alternatives, including other areas to be considered and the socioeconomic impacts and the area currently being used to by the Maryland National Guard to conduct desired training. The EIS must address how the area will be compensated for the impacts and how the Maryland National Guard will help fund the Emergency response teams as well as investigators to respond to noise and livestock issues,

7. POLLUTION

The proposed DUKE Low MOU will impact noise pollution levels and information is needed to advise the public with respect to the potential risks of noise pollution so people can prepare and or move depending on findings. There are known health consequences of elevated sound levels. Elevated workplace or other noise can cause hearing impairment, hypertension, ischemic heart disease, annoyance, sleep disturbance, and decreased school performance. Elevated noise levels can create stress, increase workplace accident rates, and stimulate aggression and other anti-social behaviors. Airport noise has been linked to high blood pressure and an increased risk of heart attacks.

A large-scale statistical analysis of the health effects of aircraft noise was undertaken in the late 2000s by Bernhard Greiser for the Umweltbundesamt, Germany's central environmental office. The health data of over one million residents around the Cologne airport were analyzed for health effects correlating with aircraft noise. The results were then corrected for other noise influences in the residential areas, and for socioeconomic factors, to reduce possible skewing of the data. The study concluded that aircraft noise clearly and significantly impairs health. For example, a day-time average sound pressure level of 60 decibels increased coronary heart disease by 61% in men and 80% in women. As another indicator, a night-time average sound pressure level of 55 decibels increased the risk of heart attacks by 66% in men and 139% in women. Statistically significant health effects started as early as from an average sound pressure level of 40 decibels.

8. NEPA COMPIANCE

The proposed DUKE Low MOU will have diverse and complex environmental and human community impacts that exceed the NEPA thresholds for requirement of a comprehensive Environmental Impact Statement (EIS) and evaluation of alternatives.

Congress enacted NEPA to "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C. § 4321. NEPA is intended "to protect the environment by requiring federal agencies to carefully weigh environmental considerations and consider potential alternatives to the proposed action before the government launches any major federal action." 40 C.F.R. § 1500.1(a); Lands Council v. Powell, 395 F.3d 1019, 1026 (9th Cir. 2005). NEPA requires "coherent and comprehensive up-front environmental analysis to ensure informed decision making to the end that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." Churchhill Cty v. Norton, 276 F.3d 1060, 1072–73 (9th Cir. 2001) (quoting Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1211 (9th Cir. 1998)). It "guarantees that the relevant information will be made available to the larger [public] audience that may also play a role in both the decision-making process and the implementation of that decision." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989). To comply with NEPA, federal agencies must prepare an EIS for all "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C).

The Council on Environmental Quality (CEQ) has promulgated regulations implementing NEPA, which are binding on all federal agencies, including the Air Force. 40 C.F.R. §§ 1500 et Comments on Airspace Optimization DEIS -- 8 seq. The CEQ regulations direct that an EIS "shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. The EA failed to consider a reasonable range of Alternatives. NEPA requires consideration of reasonable alternatives to further its goals of objective and thorough analysis. 40 C.F.R. § 1502.14(a). This guarantees that agency decision-makers assess "all possible approaches to a particular project . . . which would alter the environmental impact and the cost-benefit balance." Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228 (9th Cir. 1988). NEPA regulations require that it must analyze "reasonable alternatives to the proposed action and the 'no action' alternative in all EAs and EISs, as fully as the proposed action alternative." See 32 C.F.R. § 989.8(a). Reasonable alternatives are defined as those that "meet the underlying purpose and need for the proposed action and that would cause a reasonable person to inquire further before choosing a particular course of action." Id. at § 989.8(b).

The MD National Guard must meet its obligation to analyze a reasonable range of alternatives in the proposed MOA. Specifically, evaluated alternatives must include those designed to avoid or mitigate impacts on sensitive wildlife, such as Elk, and migratory bird or other airspace that could be considered that may already have a low altitude MOA in place. It is requested that a comprehensive EIS be completed that will consider reasonable alternatives to avoid impacts.

In conclusion, the public's best interest will be served by a thoughtful and detailed due diligence period including the completion of a full Environmental Impact Statement (EIS) that addresses a full suite of impacts to the human environment, including the 8 issues summarized above. A comprehensive EIS will help separate facts from perceptions and allow the residents and visitors to feel safe, secure, and excited about the modifications being proposed in the MOA.

Respectfully submitted,

Alicia Cramer

From: To: Subject: Date: Attachments:	Denk, David (DEC) NGB A4/A4A NEPA COMMENTS Org [Non-DoD Source] RE: Draft Environmental Assessment and Draft Finding of No Significant Impact for modification of the Duke Military Operations Area Friday, November 19, 2021 8:36:17 AM image001.jpg image002.jpg image003.png
Cood marning N	le Kucharak
Good morning N	is. Rucildier
Please keep me i are preferred.	nformed as your review/decision-making progresses electronic copies of documents
Thank you, Dave	
270 Michigan Ave	Administrator Department of Environmental Conservation enue, Buffalo, NY 14203-2915 david.denk@dec.ny.gov

?



November 5, 2021

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Maryland Air National Guard 175th Wing Martin State Air National Air Base ngb.a4.a4a.nepa.comments.org@us.af.mil

SUBJ: REQUEST FOR PUBLIC MEETINGS ON DUKE LOW MOA

Dear Ms. Kucharek and Major Andrieu:

Upon review of the Draft Environmental Assessment (DEA) to establish the Duke Low MOA and authorize low-altitude flying over a portion of the Pennsylvania Wilds, the undersigned respectfully request that the Maryland Air National Guard host in-person public meetings in each of the counties to be impacted by the proposal.

As you have noted in the DEA, "the Pennsylvania Wilds region contains the greatest concentration of public lands in the state, the largest wild elk herd in the northeast region, two designated Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest skies in the country." This spectacular outdoor recreation and tourism destination is the result of the collective efforts of countless individuals and organizations to protect, conserve, and promote the uniqueness and grandeur of the region through public-private partnerships, conservation and cultural investments, and economic and community development.

The nature of the proposal could have significant impacts on the region and jeopardize the work collectively accomplished over the course of the past decades in protecting and bolstering this unique place and destination.

We support the military, our soldiers, and the goals of the Air National Guard to provide adequate training for its pilots. The military protects us from harm here and across the world and for that we're eternally grateful. Similarly, the military should also bear responsibility in protecting the people and resources of the Pennsylvania Wilds region, and ensuring that the residents and stakeholders understand the full and cumulative economic, health, environmental, and cultural impacts of the proposed Duke Low MOA.

We believe full transparency is imperative as the nature of this proposal could have lasting impacts on the quality of life and the very livelihoods that rely on the rural and wild character of the region.

Pennsylvania Wilds' expansive and rural nature can contribute to the difficulty to adequately share information with the public. We believe the burden is regulatorily placed on the Air National Guard to ensure adequate





public outreach. We suspect a large percentage of the people in this region are either unaware of the proposed Duke Low MOA or have limited understanding of how it will be implemented.

Also, as we have closely reviewed the DEA, we find that the DEA is lacking in specificity, fails to address issues that are unique to the region, relies extensively on outdated source materials, and dismisses a number of critical concerns that residents and visitors have shared.

For these reasons, we are officially requesting the following:

- The Maryland Air National Guard host a public meeting in each of the counties that fall within the Duke Low MOA footprint. These meetings should be held in-person due to the lack of broadband connectivity in the region. We request at least 2-hour meetings that offer a presentation overview by the Guard and ample opportunity for public input and questions.
- The Maryland Air National Guard, when feasible, should offer hybrid meetings in which a virtual option is included to optimize attendance and allow nonresidents who hold interests in the region to attend.
- The Maryland Air National Guard deploy at least one presenter who is knowledgeable of the proposal and can answer detailed questions related to the Draft EA, scoping process, training maneuvers, and methodologies used in the assessment.
- The Maryland Air National Guard coordinate with county commissioner offices to find appropriate locations that would be best suited for a public meeting and accessible to the residents of the region. Attempts should be made to ensure meetings are held at times that are convenient for those living in the region.
- The Maryland Air National Guard should make the effort to effectively inform the public about the meetings in this region through newspapers, social media, and other means including sharing the information with public elected officials including local, county and members of the General Assembly and Congressional Delegation.
- The Maryland Air National Guard should take initiative to invite the Plain Sect community residing within this region.
- The Maryland Air National Guard should consider an extension of the December 15th deadline to fully accommodate the scheduling of these meetings and to ensure participants have ample opportunity to respond to what they have heard during the presentation(s).

Please connect directly with the offices of county commissioners for each impacted county to coordinate the scheduling of these meetings.

We thank you for your consideration of this request.

Sincerely,

Tataboline Enos, CEO

Textaboline Enox

PA Wilds Center for Entrepreneurship

Please see attached for other organizations signing on to this letter.









CC:

Sen. Robert Casey

Sen. Patrick Toomey

Rep. Fred Keller

Rep. Dan Meuser

Rep. Glenn Thompson

Governor Tom Wolf

Secretary Cindy Adams Dunn

Secretary Dennis Davin

Secretary Patrick McDonnell

Secretary Russell Redding

Sen. Dush

Rep. Armanini

Rep. Borowicz

Rep. Causer

Rep. Owlett

Cameron County Commissioners

Clinton County Commissioners

Elk County Commissioners

McKean County Commissioners

Potter County Commissioners







November 12, 2021

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Maryland Air National Guard 175th Wing Martin State Air National Air Base ngb.a4.a4a.nepa.comments.org@us.af.mil

Dear Ms. Kucharek and Major Andrieu:

On behalf of the PA Wilds Center for Entrepreneurship (PA Wilds Center), I am writing to express our deep concerns about the Maryland National Guard's plans to establish a Low Military Operations Airspace to fly low-level training flights repeatedly over vast parts of the Pennsylvania Wilds (PA Wilds). We request that the ANG complete a full Environmental Impact Statement (EIS), extend the public comment period, and consider other possible locations for their ongoing military training operations due to the prospective risks and negative impacts these drills are likely to cause in our region.

We understand that the Maryland Air National Guard (ANG) recently released its draft Environmental Assessment (EA) on the proposed Low Military Operations Airspace over the Pennsylvania Wilds region and has opened a 45-day public comment period on the drafted document. We also understand that the National Environmental Policy Act (NEPA) specifies that an EA be prepared to provide sufficient analysis and evidence for determining whether to prepare a more robust Environmental Impact Statement (EIS) or a finding of no significant impact (FONSI). Based on the drafted EA, we ask the ANG to complete a full EIS in order to thoroughly review the potential impacts on our region's unique wildlife habitat, quality of life, and local economy.

We believe that the proposal by the Maryland ANG will lead to a variety of detrimental impacts on our region that could be exacerbated by other ANGs also utilizing the same Low MOA airspace. This proposal would allow training units to fly as low as 100 feet above ground level (AGL) for up to 170 days per year. Training is now limited to 8,000 feet above mean sea level (MSL) -- or 6,000-7,000 AGL. Once the new MOA is approved, other ANGs from across the United States would have the ability to also utilize the airspace. This means we could hear and see A-10Cs, F-16s and other military aircraft flying over our homes, cabins, and serene outdoor destinations multiple times per day every other day of the year, if not more frequently. This would impact the quality of life for residents, visitors, livestock and wildlife.

We have major concerns about this proposal and how it could impact decades of work to position this region as a premier outdoor recreation destination and wildlife corridor. The PA Wilds is one of 11 official tourism regions in the Commonwealth. The region is also one of eight state-designated Conservation Landscapes because of its unique natural and heritage assets. Our 13-county region is home to the greatest









concentration of public lands in Pennsylvania. We have 29 state parks, 8 state forests, 50 state game lands and PA's only National Forest, the Allegheny. We have the largest wild elk herd in the Northeast, two designated National Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest night skies in the country.

Thanks to the work of many organizations, businesses and individuals over the past two decades, tourism is a driving economic force in the region -- a \$1.85B industry that makes up 11 percent of the region's economy. This sustainable industry is also helping to make our region's communities – and major employers in them – more competitive by helping to create and sustain the types of amenities that improve rural quality of life and help attract and retain a strong workforce. The Maryland ANG's proposal could have a devastating impact on nature tourism development efforts in the PA Wilds and on the many rural residents who depend on this industry for their livelihoods.

We also have concerns about the safety of not only residents, visitors, and wildlife -- but the operators. Our region is incredibly rural with rolling, mountainous terrain. Many of our communities rely on limited volunteer emergency medical services and small health clinics.

Conservation partners in our network feel that the ANG has not sufficiently explored the likely adverse impacts on birds, wildlife, historic sites and nearby public lands – such as the range of the wild elk herd or nesting eagle sites – which are popular and safeguarded attractions. We share these concerns. In addition, many veterans call our region home. We worry about the impact that loud, low-level military flights flown overhead repeatedly will have on veterans suffering from PTSD.

Lastly, we feel that the ANG has not provided adequate notice to the public to review the highly-technical draft Environmental Assessment -- the 45-day period extends over the Thanksgiving holiday period, a busy time for many families. We are coordinating a sign-on letter requesting the ANG hold public meetings in each of the counties where the flyovers are proposed so residents can have a chance to ask questions and hear from the ANG directly about its plans. We appreciate the ANG considering this request.

As the coordinating nonprofit for the PA Wilds effort, we invest upwards of \$1M a year working with partners to build the PA Wilds as an outdoor recreation destination and lifestyle brand to help revitalize our region's rural communities. Visitors come here to bike, hike, camp, paddle, hunt, fish and see our wildlife. Peace and quiet and access to wild places and public lands are our biggest draws. About half a million people live in the PA Wilds, but we see almost 15 times that – 7.2M - in day trip visitors annually. More than 375 rural businesses and organizations participate in our entrepreneurial ecosystem, The Wilds Cooperative of PA, and tourism is critical for sustaining these small businesses in our rural communities. Major investors in the PA Wilds strategy include the region's county governments, the PA Department of Conservation and Natural Resources, the PA Department of Community and Economic Development, the Appalachian Regional Commission, the U.S. Economic Development Administration, USDA and local and national foundations.

Please know our organization has great respect for our military. The PA Wilds is a patriotic region – so much so that 'patriotism' is called out as a theme in the PA Wilds Design Guide for Community Character Stewardship, an award-winning planning document in use in our region. I come from a family of veterans myself, and worked as a military reporter during my first career as a journalist. I covered National Guard deployments to Iraq and Afghanistan; Coast Guard rescue missions in Alaska; was embedded with an airborne battalion as it prepared to go to Iraq and with C-130 crews delivering relief in Indonesia during the Asian tsunami. I fully appreciate the job our military does, the dangers involved in flying aircraft like the A-10C, and the need for training missions like those being proposed.

The PA Wilds Center respectfully asks the Maryland National Guard to complete a full Environmental Impact Statement to demonstrate its due diligence in researching and identifying potential risks for this low MOA proposal in the PA Wilds region. We also hope that the ANG will consider extending the public comment period into the New Year to provide sufficient time for review and feedback by local stakeholders.









Respectfully,

Tataboline Enos, CEO PA Wilds Center for Entrepreneurship, Inc. tenos@pawildscenter.org 814-757-9190

Cc:

Sen. Robert Casey

Sen. Patrick Toomey

Rep. Fred Keller

Rep. Glenn Thompson

Governor Tom Wolf

Secretary Cindy Adams Dunn

Secretary Dennis Davin

Secretary Patrick McDonnell

Secretary Russell Redding

Sen. Dush

Rep. Armanini

Rep. Borowicz

Rep. Causer

Rep. Owlett

Cameron County Commissioners

Clinton County Commissioners

Elk County Commissioners

McKean County Commissioners

Potter County Commissioners

PA Wilds Planning Team





From: <u>Faraguna, Nicole</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4

Subject: [Non-DoD Source] Request for additional information re: DEA for Airspace Modification of Duke MOA

Date: Wednesday, November 24, 2021 6:06:38 AM

Attachments: DCNRrequesttoANG 211124.pdf

Please find the attached request for additional information.

Nicole Faraguna
Director, Office of Planning & Policy
Pennsylvania Department of
Conservation & Natural Resources
400 Market Street
P.O. Box 4767 | Harrisburg, PA 17101
DIRECT: 717.346.7636 MOBILE: 717.303.6977

she/her/hers



POLICY OFFICE

November 23, 2021

NGB-PA, Branch Chief, Civic Engagement: Lt Col Devin Robinson

ngb.a4.a4a.nepa.comments.org@us.af.mil

Dear LT Col Robinson:

As the Department of Conservation and Natural Resources (DCNR) reviews the Draft Environmental Assessment (DEA) for Airspace Modification of Duke MOA, we find the section focused on Noise (3.2) and the subsequent information provided to be deficient and, subsequently, difficult to evaluate.

In an effort to better understand the full impacts of the proposed low-altitude airspace, DCNR is requesting the following:

- all noise modeling, including NoiseMAP, in its native format and any accompanying notations;
- any additional modeling or documentation that was used to come to the conclusions outlined in the DEA;
- the methodology used to collect baseline data and the raw baseline data collected; and
- an extension of the comment period to allow additional time for DCNR and other stakeholders to review this critical information.

We thank you for your consideration of this request.

Sincerely,

Nicole Faraguna, Director of Policy & Planning

CC:

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Mil Lym

From: Faraguna, Nicole <nfaraguna@pa.gov> Sent: Friday, January 21, 2022 10:59 AM

To: KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4

HUGHES, BENJAMIN C Capt USAF ANG

175 WG/PA

Subject: [Non-DoD Source] FW: [External] Tioga Co Commissioners and Warthogs

Could you please confirm if the comment deadline has been extended. Your website indicates that 12/31 is still the deadline.

Nicole Faraguna
Director, Office of Planning & Policy
Pennsylvania Department of
Conservation & Natural Resources
400 Market Street
P.O. Box 4767 | Harrisburg, PA 17101
DIRECT: 717.346.7636 MOBILE: 717.303.6977

she/her/hers

From: stephenagreen1952

Sent: Friday, January 21, 2022 10:40 AM To: Faraguna, Nicole <nfaraguna@pa.gov>

Subject: [External] Tioga Co Commissioners and Warthogs

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA SPAM@pa.gov.

Here is the article

If you build it

Steve Green

President & CEO

Southwoods Farm Nature Preserve
Eliot Ness Museum
Email:

Sent from my Verizon, Samsung Galaxy smartphone

WELLSBORO — The Tioga County commissioners are against the low-level training flights over the area as proposed by the Maryland Air National Guard.

"As it stands today, our board is apposed to the proposal," said Commissioner Roger Bunn. The board said their are multiple reasons behind the position they adopted at the Jan. 11 meeting.

The Maryland Air National Guard proposes expanding its low-level flight training area over northcentral Pennsylvania, including large portions of Potter, McKean, Cameron and Elk counties and smaller areas of Clinton and Tioga counties (see map). The proposal lowers the flight floor from 8,000 feet above sea level to 100 feet above ground level.

Since the initial proposal, commissioners have learned that the type of aircraft being used in the flights has expanded and the number of flight days totals 272 days per year, or more than five per week.

Commissioner Mark Hamilton said he opposes the proposal as the airspace around the Wellsboro-Johnston airport has not been addressed with low-level flights into and across the air space, along with the additional aircraft and flight days.

The greater impact will be felt by other counties, said Commissioner Erick Coolidge. In light of their concerns, the Tioga County board is supporting their concerns.

"I think as a board, we hesitate to embrace the proposal and look at it with apprehension," Coolidge said. Noise is another issue, which would disrupt people, livestock and wildlife, said Bunn.

"Jets at low level and at slow speed make a lot of noise," Bunn said. The public comment period for the proposed low-level training flights has been extended to Jan. 31

From: Sharon Furlong

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Comment regarding low level military training exercises

Date: Monday, November 22, 2021 5:27:40 AM

Good morning.

It has come to our group's attention that the military is planning in using wild land areas of Pennsylvania for low level training flights, which involve strafing. As Spokesperson for Bucks Environmental Action, an environmental watchdog group in Bucks County and who has been involved in Statewide issues in our past, allow me to make the following comment for the record:

Our State has a long history of the use of our wild lands for the purposes of passive recreation, hunting and fishing. They were never meant to become battlegrounds for military people in training. In our populous state, there are not that many places to retreat to to avoid noise, bustle and human-related events. The quiet is something that is palpable and cherished on our wild lands. All of that would be destroyed by having military personnel starve the area in low flying training missions.

The PA WILDS support a \$1.8 billion dollar industry. This is not something to be lightly put aside in favor of granting the military community dominance of the skies, especially when there are alternative sites that could easily be fitted to satisfy the requirement of training. Why is Pennsylvania and it's citizens being put up for sacrifice when such alternatives already exist, or will with fairly low cost retrofitting?

We are afraid that the requirements for such actions prior to permission being granted will not happen. Public meetings that are open to all and are transparent, easy to attend and respectful of the commenters needs to happen. A complete EIS must occur, not a shoddy job that states "no impact" when nothing really has been examined. It must include alternatives, along with specific details on each and every factors that will be impacted.

It is also a factor in our writing this comment letter, that incidents in other places, along with Pennsylvania, by pilots in training who commit errors that cause damage or, in at least once incident, contributed to a near miss between their craft and a firefighting airplane en route to a wildfire (to deliver water), cause significant alarm. Dangerous incidents are not a thing of the past....the more this military activity is allowed to take place in areas put aside for the public, the more these types of dangerous events will occur.

Therefore our group is strongly recommending this plan not for forward. And if the military is pushing for it do to just that, then the military is not exempt from the laws in the nation and must prepare a full, unbiased and expert-driven EIS, with a specific impacts on all factored involved, and replete with alternatives. Hearings must be held in all the places that will be affected. But also please note this: people in our state and surrounding states, drive by vehicle to these PA WILDS areas, so therefore the stakeholders who will be affected transcend the actual land areas in question. Pennsylvania has for years been a major seller of hunting and fishing licenses in the Lower 48 and this itself had been a major revenue creator the the State. All of these people are also going to be affected. They need to be heard from as well.

Our lands are open to all of Us. We do not want to see more of these lands, already scared

from becoming oil and gas drilling repositories, to be further sacrificed by becoming a target for the military. Thank you for your attention to this email Comment.

Sharon Furlong, Spokesperson Bucks Environmental Action Feasterville, Pa., 19053

Sent from my iPad

From: Brian Gallagher

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Comments on the Duke Low MOA draft environmental assessment

Date: Tuesday, December 7, 2021 11:41:33 AM

Attachments: WPC Duke Low MOA Comment Letter 2021 (FAS).pdf

To Whom It May Concern:

Please find attached the Western Pennsylvania Conservancy's comments on the draft environmental assessment of the proposed Duke Low MOA.

Thank you, Brian Gallagher

--

Brian Gallagher

Director, Public Policy and Government Relations Western Pennsylvania Conservancy 800 Waterfront Dr., Pittsburgh, PA 15222 office: (412) 586-2380 mobile: (412) 523-8776 Western Pennsylvania Conservancy



December 7, 2021

Major Jeffrey Andrieu Maryland Air National Guard, 175th Wing Warfield Air National Guard Base at Martin State Airport 2701 Eastern Blvd Middle River, MD 21220

ngb.a4.a4a.nepa.comments.org@us.af.mil

RE: Draft Environmental Assessment and Draft Finding of No Significant Impact of the Proposed Duke Low MOA

Dear Major Andrieu:

This letter is in response to the request for public comment regarding the draft environmental assessment (EA) and draft finding of no significant impact (FONSI) for the Duke Low Military Operating Area (MOA). We appreciate the opportunity to provide input.

The Western Pennsylvania Conservancy (WPC) protects and restores exceptional places to provide our region with clean waters and healthy forests, wildlife and natural areas for the benefit of present and future generations. A private, nonprofit, conservation organization founded in 1932, WPC has helped to establish 11 state parks, conserved more than a quarter million acres of natural and agricultural lands, and protected and restored more than 3,000 miles of rivers and streams. The Conservancy also houses the commonwealth's Pennsylvania Natural Heritage Program, which is a partnership focused on the collection of scientific data concerning natural resources, including species, ecological communities, and habitats. The work of the Western Pennsylvania Conservancy is accomplished through the support of more than 9,500 members. We also describe in greater detail our involvement in the region affected by the proposed action later in this letter.

RECOMMENDATIONS

Our concerns with the proposed Duke Low MOA fall into three categories: negative impacts to the natural and biological resources of the area, negative impacts to the recreational experience and quality of life for residents and/or visitors, and the need for additional public outreach to stakeholders.

For the reasons detailed below, the Western Pennsylvania Conservancy respectfully disagrees with the finding of no significant impact and believes that a <u>full environmental impact statement (EIS) should be</u> prepared, as required by the National Environmental Policy Act.

PUBLIC INVOLVEMENT

As part of the EIS, a robust level of public engagement should occur, including notification of and outreach to stakeholders from beyond the immediately affected area. To account for the wide variety of interests in the region, the Air National Guard (ANG) should expand the public outreach to include all of

Pennsylvania and neighboring states, as well as local, regional and national associations that represent the wide variety of recreational activities mentioned in this letter.

Furthermore, we request that the public comment period be further extended and that a full array of public meetings occurs. These meetings should be in multiple formats including in-person, online and hybrid where appropriate. They should be scheduled at a variety of times and days of the week, in order to facilitate the greatest level of participation possible.

Better quality information related to mapping, such as large format, high-resolution maps and detailed GIS files should be made available to the public. The low-resolution of the maps included in the draft EA limits their usefulness.

The Environmental Protection Agency letter enclosure of September 26, 2019 encouraged the ANG to "develop a robust public outreach plan to engage the potentially impacted residents, businesses and recreational users." It is not clear whether the Air National Guard made efforts to solicit public input from beyond the immediate geographic area. While residents are the primary affected group, since they will be living with the flights occurring on a frequent basis, visitors to the area are also important stakeholders that should be fully engaged as we detail in this letter.

IMPACTS TO BIOLOGICAL RESOURCES

In the opinion of WPC's science staff, the "Biological Resources" section of the EA is insufficient for the purposes of determining the full extent and severity of impacts. Conclusions are drawn regarding some issues without adequate, scientific proof. The use of citations to scientific literature is limited and lacking in the first part of this section. The document focuses on noise as the primary issue of disturbance, without recognizing the implications of visual and other impacts on wildlife. Another mistaken assumption is that low-level flights, if temporarily disturbing to wildlife, are brief, and afterwards conditions return to normal. The document conclusions also include the misconception that if wildlife is not significantly harmed, the impact of the activities is negligible, ignoring the notion of wildlife harassment. The intention of the proposed Duke Low MOA management is to avoid sensitive areas; however, these are numerous, including some that shift over time. We feel that a full EIS could benefit from the involvement of a wider array of expertise and result in a more thorough examination of these impacts.

We disagree with the frequent claims in the draft EA that "...there will be no ground-disturbing activities..." and that the effects on wildlife "...will be negligible." Wildlife on the ground, in trees and flying nearby will be disturbed by tremendous levels of jet noise, visual sensations of fast flying maneuvering jets, and jet induced vibrations, including the resulting air turbulence.

It is clear that establishing the Duke Low MOA in this region has the unavoidable likelihood to be in conflict with and have a significant impact on wildlife.

High-Value Ecological Areas

The PA Wilds, and in particular the region proposed for the Duke Low MOA, is some of the wildest, least disturbed, extensive and high-quality wildlife habitats in Pennsylvania and the northeastern states. There are two National Audubon Society Important Bird Areas (IBA)² in the proposed Duke Low MOA: Susquehanna Headwaters Forest Block (continental significance) and Tamarack Swamp (state significance). These IBAs are recognized for the important expansive forest habitats, unusual bird species and the density and abundance of forest interior neotropical migrant species. The Pennsylvania Game Commission (PGC) has undertaken the Important Mammal Areas (IMA) project³, which has identified

the Northern Allegheny Plateau IMA that overlaps with a significant portion of the Duke Low MOA. The wilderness condition and high-quality ecological character of this region is also demonstrated by the number and overlapping acreage of Pennsylvania natural areas (five, 8,960 ac), wild areas (two, 35,445 ac), state forests (four, 406,250 ac), state parks (ten, 29,053 ac) and game lands (seven, 35,962 ac). Part of the mission of all of these areas is to provide wildlife with exceptional protected habitats.

Habitat Connectivity

Due to the extensive unbroken and undisturbed forest and other habitats, the PA Wilds, including the proposed Duke Low MOA, is a key area that allows wildlife movements from north to south and east to west. Migration, immigration and dispersal are important factors maintaining wildlife population health. In terms of the system of landscape connectivity, 64% of the MOA has been assessed as high- or very high-quality core habitats and connecting corridors. These areas are important for wildlife and even more so as the climate changes and wildlife movements are forced to become more extensive. An increase of disturbance in this area will lower the connectivity value of the region for wildlife.

Sensitive Areas

The draft EA does not include state forest natural areas in its inventory of biological resources. Pennsylvania Department of Conservation and Natural Resources' Bureau of Forestry natural areas represent the highest ecological quality and protection designation for any state land and represent important wildlife habitats.

Altitudinal Mitigation

We note that two state forest natural areas, Tamarack Swamp Natural Area and Pine Tree Trail Natural Area, are not provided mitigation altitudes to reduce disturbance of these sensitive areas. Since natural areas are some of the most ecologically significant management units in the state, it is inconsistent to mitigate flyovers for the other natural areas but not for these two. In particular, Tamarack Swamp is a rather open wetland, and wildlife occurring there during low flyovers will experience greater exposure and receive more shock. Similarly, Ole Bull State Park is not provided a flyover mitigation altitude, while the other state parks in the area of the proposed Low MOA are.

The draft EA indicates that the proposed mitigation altitude designations are primarily related to recreational use of the selected areas; however, wildlife should also be taken into consideration. In particular, waterfowl, bald eagles and other water related birds, e.g. great blue herons, utilize bodies of water and the larger streams in the area. Because these habitats are open, wildlife are vulnerable to low, loud, jet overflights that alarm the birds and cause them to flush. This situation can occur at the impoundments in Kettle Creek, Sinnemahoning and Lyman Run state parks and along the larger streams in the area, which in some reaches have received no mitigation altitude designations, including Kettle Creek, First Fork Sinnemahoning Creek, Driftwood Branch Sinnemahoning Creek, Pine Creek and potentially the Allegheny River.

The Pennsylvania Natural Heritage Program⁵ database has compiled data regarding six separate great blue heron rookeries, or nesting colonies, located within the proposed Low MOA boundary from 1983-2008 (year documented). This large bird nests high in tree tops and in colonies of a few to over 100 nests, and the rookeries can be found at various elevations, including higher ridge lines. When nesting, this species is very susceptible to human disturbance from late winter into early summer. Rookery locations are often used for several years and then the colony moves to a new site. Great blue heron nesting rookeries should receive the same mitigation protection as bald eagle nests.

In their study of five heron species responding to military overflights, Black et al (1984) noted that the birds nesting higher in trees (i.e. similar to the great blue heron) responded more to fly-overs, and that "No evidence of habituation to overflights was noted." We postulate that habituation is more likely with

frequent disturbance, while infrequent disturbance events are more likely to elicit a response each time, as the disturbance is regarded as a new event.

Visual Effects

The Air National Guard determined that Visual Effects would not be carried forward for analysis. Lowey et al (1994) identifies "visual cues" as a factor in the disturbance of wildlife by overflights. We disagree with the finding that visual effects are inconsequential and that low flying jets will not create a threat alarm response from wildlife. In addition to the experience of observing a loud, fast, low flying jet overhead, the vibrations and air vortexes created by these jets add unfamiliar stimuli that will likely be perceived as threats by some wildlife. Therefore, Visual Effects should be incorporated in a full analysis performed as part of an EIS.

Noise

The impact of noise pollution on wildlife is well-documented. The stress of sudden, loud, anthropogenic noises affects terrestrial and avian species and results in significant changes to animal behavior including but not limited to: foraging behavior, anti-predator behavior, reproductive success, roosting, density and community structure, migration patterns, mating activity, pollination, and migration or predation patterns.⁸

The draft EA failed to adequately describe or account for these effects. In the draft EA, the Air National Guard primarily based their assessment of minor effects on biological resources on the fact that chaff, flares, ammunition, etc. would not be deployed. The authors also concluded, without sufficient basis, that long-term noise effects would be effectively not much different than short term noise effects.

"Short-term effects would be due aircraft overflight noise during training exercises. These effects would cease and return to existing conditions when aircraft are not periodically flying overhead. Long-term effects would be similar in nature and overall level as the short-term effects." -- page 3-45

The negative effects of noise on wildlife do not merely dissipate once the noise has ceased. Also, cumulative effects of noise on wildlife require much further analysis.

In summary, as stated by Barber J.R., Crooks K.R. and Fristrup K.M. (2010) "Effective management of protected areas must include noise assessment, and research is needed to further quantify the ecological consequences of chronic noise exposure in terrestrial environments." This statement is relevant to the proposed Duke Low MOA given that one-third of the area is protected public lands, yet a thorough noise study has not been undertaken to date.

Elk

Regarding the protection of elk from disturbance in the proposed Duke Low MOA, one of the questions is knowing the location of portions of the elk herd related to where training includes low altitude passes, which are particularly alarming to elk. Manci et al (1988) summarized the findings of studies evaluating the effects of noise on ungulates and other animals. For another ungulate, the caribou (*Rangifer tarandus*), three studies found that low-altitude fixed-wing and helicopter aircraft at less than 200 feet caused "running and panic behavior", while those same aircraft at less than 500 feet produced "escape or strong panic reactions" and what was classified as "general noise" resulted in "increased incidence of miscarriages; lower birth rates". A study in Yellowstone pertaining to snowmobile disturbance also found elk to be responsive 52% of the time, with reactions varying from moving away from the disturbance to "...flight or defense", indicating that elk are responsive to different types of perceived threats. In the disturbance to "...flight or defense", indicating that elk are responsive to different types of perceived threats. In the disturbance to "...flight or defense", indicating that elk are responsive to different types of perceived threats.

Through his intensive study, Leib (1981) showed disturbance would cause elk to shift habitat usage, e.g. logging and road construction caused an average displacement of 0.9 miles. He states that "...elk preferred area with low noise levels." Such displacements can be problematic when elk escape disturbance and disperse to habitats of lesser quality, which can ultimately affect their health. Elk and other ungulates that are pressured by disturbance to disperse from their chosen habitats is especially detrimental in the winter when they are less fit, under more stress, experiencing more metabolic costs, more vulnerable to predation and when winter conditions might challenge them to disperse effectively. The EA does not mention that there will be any seasonal variation in training during times of the year when elk are especially vulnerable.

Waterfowl

Another group of wildlife that are vulnerable to low-flying jets is waterfowl. The draft EA states that there are 1,367 acres of open water within the proposed Duke Low MOA, and this represents habitat for many species of migrating waterfowl as well as for species breeding in the region. Waterfowl will be disrupted from resting and/or feeding and flush from water bodies. Additionally, they will also avoid flying aircraft by changing flight direction. One example study by Belanger and Bedard (1989) examined the disturbance of greater snow geese at a bird sanctuary. Of the 652 disturbances observed, where all or part of a flock was flushed from the water, at least 45% of these disturbances resulted from low-flying aircraft, and the entire flock was disturbed in 20% of all events. Furthermore, when the disturbance was relatively frequent (more than two events per hour), the number of snow geese was reduced by half in the sanctuary the following day. Furthermore, Ward et al (1986) discovered that black brant geese sensitized to aircraft disturbances would still flush from their position on water when a helicopter was three kilometers away from them. 15

Bats

The EA does not effectively address the conservation of bat species. There are 11 records of the federally threatened/PA endangered northern long-eared bat and one occurrence of the PA endangered little brown bat (*Myotis lucifugus*) in the proposed Low MOA. The EA concludes that the hibernaculum in Clinton County is not within the Low MOA, and that elsewhere there will be no ground disturbance. However, the loud sounds, vibrations and vortexes generated by low jet flights could nevertheless affect summer roosts and maternity colonies. Airborne collisions with bats are also a threat. Peurach, Dove and Stepko (2009) analyzed 821 bat collisions with military aircraft from 1997-2007. Of those where the dead bat could be located and identified, 16 individuals were tricolored bats (*Perimyotis subflavus*) and two were little brown bats, both PA endangered species, not counting bats that could not be fully identified. ¹⁶

Newly-Listed Threatened and Endangered Species

The Northern goshawk (*Accipiter gentilis*) was added to Pennsylvania's list of state endangered species on October 23, 2021, and it should be added to Table 3-12 Federal and State Listed Threatened and Endangered Species.¹⁷ Impacts to the northern goshawk are absent from the draft EA. Ten goshawk nests have been documented within the MOA from 1990 to 2017.⁵ This raptor is sensitive to human disruptions. Roby et al (2002) did note that for the peregrine falcon (*Falco peregrinus*), a similarly sensitive raptor, "[t]hus higher intensity of response to jet overflights was associated with lower nesting success ..."

We anticipate a comparable response from the lower flight altitudes of military jets over goshawk nests at the MOA. Jones (1979) recommended a 400-500 m "...disturbance-free buffer zone radius", and Richter (2005) proposed no management activities within 400 m of nests. While these recommendations are based on human ground activities, they may be used to inform consideration of loud, fast, low flying jets. Locations of goshawk nests should be identified and provided altitudinal mitigation buffers similar to those provided to the bald eagle.

Non-Representative Indicator Species

Using "reptiles, amphibians, fish, and invertebrates" (page 3-36) to define ground-dwelling wildlife, while not mentioning wildlife more likely to be affected (e.g. black bear, bobcat, white-tailed deer, wild turkey, great blue heron and pileated woodpecker) is an inadequate representation of the impacts on biological resources. Furthermore, some reptiles are very sensitive to vibrations, as well as visual stimuli, e.g. timber rattlesnake, and could be affect by low jet passes.

Also, the least shrew and spotted skunk do not occur in the boundary of the proposed Duke Low MOA and as such are not representative wildlife species.

Miscellaneous Errors and Omissions

- The Duke Low MOA is not located in the Appalachian Mountains. It is located in the Deep Valleys Section of the Appalachian Plateaus Province.
- The common name of the least shrew on page 3-40 is misspelled.
- The first sentence of the second paragraph is incorrect, as there are many more than 17 migratory bird species that are known or expected in the Duke Low MOA; likely more than 100 species.
- In the last paragraph on page 3-36, the Pennsylvania Game Commission and Department of Conservation and Natural Resources must be included as state agencies with jurisdiction over birds, mammals and plant species, respectively. Likewise, on page 3-45 in the first paragraph under Significance Criteria.

IMPACTS TO RECREATIONAL EXPERIENCE

Pennsylvania's public lands are the cornerstone of our \$19.8 billion outdoor recreation and tourism industry¹. Thirty-six million people visit Pennsylvania each year. In 2019, the travel and tourism industry was the 11th largest employer in the commonwealth. Pennsylvania's outdoor recreational assets include: state game lands, state parks, state forests, wilderness areas, streams and rivers, hiking trails, water trails, multi-use trails, canoe access points, campgrounds, bicycle routes, lakes, impoundments, scenic byways, natural areas, and greenways, just to name a few.

The draft EA states that low level overflights will be briefly loud enough to interrupt conversation between individuals on the ground, and that an aircraft operating in the MOA will be disruptive to conversations over an area of 2.4 square miles on average. This is obviously also loud enough to disrupt or adversely affect the outdoor recreational experience for anglers, backpackers, cyclists, campers, hunters, day hikers, wildlife watchers, horseback riders, photographers, astronomers, canoeists and other groups.

Most of the people engaged in the above activities count the solitude and peace found in nature to be an essential part, if not the centerpiece, of their pursuits. Furthermore, activities that involve animals, such as hunting, horseback riding, and wildlife watching, have the potential to be further disrupted by extremely low altitude overflights. A very real concern is that tourists will simply choose other destinations, thereby resulting in a loss of income and quantifiable economic harm to the local businesses that depend on these outdoor recreation visitors.

The risk of distraction is another consideration for those activities that possess an element of danger. A hiker traversing a slippery ridge, an angler wading through fast currents over a streambed of moss-covered rocks, and a hunter who is aiming at his or her quarry during a busy hunting season are all examples of situations where human safety is dependent on the individual's concentration. The sudden appearance of a A-10C jet flying 100 feet overhead can and would almost certainly break that

concentration. Horseback riders may experience an increased risk of startled, hard-to-control animals that are caused by the sudden appearance by large, low-flying aircraft.

THE 'PA WILDS'

The proposed Duke Low MOA boundary is wholly within the recreational landscape known as the PA Wilds, a thirteen-county region in north-central Pennsylvania. The PA Wilds is a designated Conservation Landscape of the Pennsylvania Department of Conservation and Natural Resources (DCNR).

The region is well-established as a popular destination for outdoor recreation, on the strength of its remote beauty and bountiful natural assets. It comprises 2.1 million acres of public land, two national wild & scenic river corridors, 50 state game lands, 29 state parks, eight state forests, and hundreds of miles of scenic roads and recreational trails. DCNR has invested \$130 million in infrastructure improvements to state parks and forests

The PA Wilds is a regional engine for the outdoor recreation economy. Every year 7.2 million people visit the PA Wilds to spend time and money in the great outdoors. The PA Wilds is home to unique attractions such as a dark skies state park that carries an International Dark Skies Association gold-level designation and Pennsylvania's only wild elk herd. Thousands of miles of Class A and Wilderness trout streams draw anglers from throughout Pennsylvania as well as neighboring states. Spectacular fall foliage provides another reliable, seasonal draw.

Overall, the outdoor recreation economy represents \$89.8 billion in consumer spending, 708,000 jobs, \$7.0 billion in federal tax revenues and \$6.7 billion in state and local tax revenues in just the Middle Atlantic region (New York, New Jersey and Pennsylvania) alone.²¹

The PA Wilds generates a \$1.8 billion in nature and heritage tourism of the region, accounting for a full 11% of the region's total economy. Over 375 local rural businesses are affiliated with the Wilds Cooperative of PA. This is not by accident or happenstance but through a strategic and coordinated marketing and promotion effort designed to showcase the region as a top destination.

WESTERN PENNSYLVANIA CONSERVANCY INVESTMENT

The Western Pennsylvania Conservancy has a long and successful history of working in the PA Wilds. WPC holds 14,167 acres of conservation easements in the PA Wilds. We have conveyed 33,472 surface and subsurface acres to the State Forest System including: Tioga State Forest, Susquehannock State Forest, Elk State Forest, Sproul State Forest, and Moshannon State Forests. We helped establish or expand two state parks in the PA Wilds: Cook Forest State Park and Clear Creek State Park. And our land conservation projects have resulted in 19,470 additional acres of state game lands. These investments go back five decades to our first conveyances in the early 1970s.

In addition to land conservation activity, other program areas at WPC have made considerable investment in the PA Wilds region, in particular the Natural Heritage Program and Watershed Conservation Program. WPC's Natural Heritage Program has completed county natural heritage inventories for all 13 counties, identifying the key ecological resources for planning purposes. We have undertaken several extensive studies of natural communities including peatlands, floodplains of the Susquehanna, Allegheny and Genesee Rivers, and avian communities associated with a number of the forest types within the High Plateau Section that makes up a significant portion of the PA Wilds. Additionally, we have produced

targeted surveys to document timber rattlesnakes, wood turtles, Allegheny woodrat, bats and rare plants for DCNR, PGC and PFBC.

Since 2004, we have had a regional office based in Ridgway, Elk County, which serves as our local platform for land conservation, stewardship, watershed conservation and other activities. We coordinate this work with the local input of an advisory committee made up of community leaders from the business, political, and conservation sectors, which reflects our commitment to a collaborative approach to working in the region. In addition, we have been involved with early planning efforts around the PA Wilds going back to approximately 2003.

It is with this long history of investment in mind that the Western Pennsylvania Conservancy is compelled to comment on the proposed action. We do not wish to see the character or the conservation values of the public lands that we have taken great care, time and expense to protect and steward negatively affected by the regular presence of low-flying military jets.

The Western Pennsylvania Conservancy looks forward to participating in additional public meetings and input opportunities as part of a full environmental impact statement process, in order to contribute to a more thorough evaluation of the impacts of the proposed action.

Charles W. Bier

Sincerely,

Charles W. Bier

Senior Director, Conservation Science

cc: The Honorable Cindy Adams Dunn, Secretary, DCNR

CITATIONS

¹ Pennsylvania Downtown Center "Pennsylvania's Outdoor Recreation Economy: Exploring the Economic Development Potential of Nature-Based Placemaking" 2021 https://padowntown.org/resource_category/nature-based-placemaking/

² Important Bird Areas, National Audubon Society; https://www.audubon.org/important-bird-areas

³ Important Mammal Areas, Pennsylvania Game Commission: https://www.pamammalatlas.com/mammals/important-mammal-areas

⁴ Yeany, D. 2020. Priorities for Climate Change Connectivity in Pennsylvania. Pennsylvania Natural Heritage Program. Report to PA DCNR. 48 pp. plus GIS project files.

⁵ Pennsylvania Natural Heritage Program, element occurrence database. PA DCNR & WPC, Harrisburg and Pittsburgh

⁶ Black et al. 1984. Effects of low level military training flights on wading bird colonies in Florida. University of FL, Technical Report No. 7. 195 pp.

⁷Lowey et al. 1994. Report on Effects of Aircraft Overflights on the National Park System. Chapter 5. Effects of Overflights on Wildlife. National Park Service. 27 pp.

⁸ Barber J.R., Crooks K.R. and Fristrup K.M. 2010. The costs of chronic noise exposure for terrestrial organisms. Trends in Ecological Evolution. 10 pp.

- ¹⁰ Manci, K.L. et al. 1988. Effects of aircraft noise and sonic booms on domestic animals and wildlife: a literature synthesis. U.S. Fish and Wildlife Service. National Ecology Research Center, Ft. Collins, CO. NERC-88/29. 88 pp.
- ¹¹ Borkowski, J.J. et al. 2006. Behavioral responses of bison and elk in Yellowstone to snowmobiles and snow coaches. Ecological Applications. 15 pp.
- ¹² Leib, J.W. 1981. Activity, heart rate, and associated energy expenditure of elk in western Montana. Ph.D. dissertation, University of Montana, Missoula, MT.
- ¹³ Church, R.P.Bio. and Holland, B. 2003. Wildlife and aircraft operation: assessment of impacts, mitigation and recommendations for best management practices in the Peace Region. Chillborne Environmental, Fort St. John. 77 pp.
- ¹⁴ Belanger, L. and Bedard, J. 1989. Responses of staging greater snow geese to human disturbance. Journal of Wildlife Management, Vo.53, No.3, pp. 713-719.
- ¹⁵ Ward, D.H. et al. 1986. Behavior of the Pacific black brant and other geese in response to aircraft overflights and other disturbances at Izembek Lagoon, Alaska. U.S. Fish and Wildlife Service, Alaska Fish and Wildlife Research Center. Annual Report.
- ¹⁶ Peurach, S.C., Dove, C.J. and Stepko, L. 2009. A decade of U.S. Air Force bat strikes. Human-Wildlife Interactions. 17 3(2), pp. 199-207.
- ¹⁷ Pennsylvania Bulletin, Vol.51 Number 43 Page 6609, October 23, 2021.
- ¹⁸ Roby et al. 2002. Effects of noise on birds of prey: a study of peregrine falcons (Falco peregrinus) in Alaska. U.S. Air Force Research Lab. 264 pp.
- ¹⁹ Jones, S. 1979. The accipiters, goshawk, Cooper's hawk, sharp-shinned hawk. U.S. Bureau of Land Management Technical Note 335. 51 pp.
- ²⁰ Richter, D.J. 2005. Territory occupancy, reproductive success and nest site characteristics of goshawks on managed timberlands in central and northern California 1993-2000. California Fish and Game, 91. pp. 100-118.
- ²¹ Outdoor Industry Association, "The Outdoor Recreation Economy" Report, 2017

From: <u>Harold Goldner</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [URL Verdict: Neutral][Non-DoD Source] Comments on Duke MOA Proposed Change

Date: Monday, December 27, 2021 8:29:06 AM

Attachments: SKMBT C36021122316280.pdf

Please see attached.

Thank you for your consideration.

Harold

President, Delaware Valley Amateur Astronomers

Harold M. Goldner, Esquire Kraut Harris, P.C. 5 Valley Square, Suite 120 Blue Bell, PA 19422 215-542-4900 fax 215-542-0199

Mobile: 215-696-6460

Email: hgoldner@krautharris.com http://www.krautharris.com Twitter: @HumanRacehorses



5 Valley Square, Suite 120 Blue Bell, PA 19422

December 23, 2021

(Via email only to ramon.e.ortiz2@eiv.mail.mil)

Ramon E. Ortiz National Guard Bureau 3501 Fetchet Avenue Joint Base Andrews 20762-5157

RE: Proposed Change in Duke MOA

Dear Mr. Ortiz:

I write to you on behalf of Delaware Valley Amateur Astronomers, a group of hundreds of amateur astronomers based in Suburban Philadelphia.

The light-dome of Southeastern Pennsylvania makes local viewing of most of what is in the sky except for the Sun, the Moon, most of the planets, and a handful of stars all but impossible. Most people have never even seen the Milky Way, our home galaxy, due to extreme light pollution.

Less than a day's drive away from us is Cherry Springs State Park, one of the only International Dark Sky Parks as certified by the International Dark-Sky Association east of the Mississippi River. If the map on the announcement of the change in the MOA were a target, Cherry Springs would practically be a bull's-eye.

Surrounding Cherry Springs is the Pennsylvania Wilds, an area hundreds of square miles of wilderness, state parks, and state and national forests. The thought of fighter jets flying 100 feet over the ground at a dark sky viewing site is terrifying. The sound and vibration produced by such flights will adversely affect viewing equipment and especially astrophotography equipment, and some of the finest astrophotography images come from Cherry Springs State Park.

So many of today's children know little or nothing about the night sky, something our ancient forebearers took for granted, something our founding father's could see clearly.

It is unthinkable that mere military "exercises" 100 feet off the ground could deprive us of one of the last safe, reliable places to continue to familiarize ourselves with the sky from

Ramon E. Ortiz National Guard Bureau Page Two December 23, 2021

which light pollution has alienated us. At the very least, you owe it to the citizens of the Commonwealth of Pennsylvania the opportunity to be heard publically in response to your proposal, and to consider alternatives.

I thank you in advance for your consideration.

Very truly yours,

HAROLD M. GOLDNER

President, DVAA

HMG/hg

From: Sean Grace

To: <u>Laurie Goodrich</u>; <u>NGB A4/A4A NEPA COMMENTS Org</u>;

Cc: <u>Sara Nicholas</u>; <u>Mary Linkevich</u>

Subject: [Non-DoD Source] RE: Letter on Duke Low MOA Date: Tuesday, December 7, 2021 6:31:35 AM

Attachments: <u>image002.png</u>

image003.png image004.png image005.png image006.jpg

Letter from Hawk Mountain Duke december 2021 SG edits (002).pdf

Please us this version.

Thanks-

Sean Grace

President

<u>Pronouns</u>: He/Him/His Hawk Mountain Sanctuary

610-756-6000 x211

1700 Hawk Mountain Road

Kempton, PA 19529





Leaders in global raptor conservation science and education.

From: Laurie Goodrich < Goodrich @ Hawk Mountain.org >

Sent: Tuesday, December 7, 2021 9:30 AM

To: ngb.a4.a4a.nepa.comments.org@us.af.mil;

Cc: Sara Nicholas <nicholass@HawkMountain.org>; Mary Linkevich

<Linkevich@HawkMountain.org>; Sean Grace <Grace@HawkMountain.org>; Laurie Goodrich

<Goodrich@HawkMountain.org>
Subject: Letter on Duke Low MOA

Attached is a letter from Hawk Mountain's President on the DEA for the Duke Low MOA.

Thank you.

Laurie J. Goodrich, Ph.D.

Sarkis Acopian Director of Conservation Science

Acopian Center for Conservation Learning

Hawk Mountain Sanctuary Association 410 Summer Valley Road Orwigsburg, Pennsylvania 17961 570-943-3411 x106



Conserving raptors worldwide

www.hawkmountain.org



3 December 2021

Dear Ms. Kucharek and Major Andrieu:

I am writing on behalf of Hawk Mountain Sanctuary Association in Kempton, Pennsylvania to address concerns related to the Draft Environmental Assessment (DEA) to establish the Duke Low MOA and authorize low-altitude flying over a portion of north-central and northwestern Pennsylvania.

Hawk Mountain is a nationally and internationally recognized raptor research, education and outreach organization located in eastern Pennsylvania. The Sanctuary is the oldest and largest member-based raptor conservation organization in the world. Its scientific staff are uniquely qualified to advise projects that may affect raptor and other avian populations.

While the Draft Environmental Assessment (DEA) to establish the Duke Low MOA and authorize low-altitude flying over a portion of north-central and northwestern Pennsylvania would not impact the Sanctuary lands directly, it would most certainly impact the many wildlife and avian species that Hawk Mountain studies, protects, and serves. It is with this direct interest that we respectfully request that the Maryland Air National Guard host in-person public meetings in each of the counties to be impacted by the proposal, as well as complete a thorough Environmental Impact Study to examine probable impacts to wildlife species that are not covered in the recently issued DEA.

As you have noted in the DEA, "the Pennsylvania Wilds region contains the greatest concentration of public lands in the state, the largest wild elk herd in the northeast region, two designated Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest skies in the country." This region is also host to many resident and migratory birds, including protected raptor species. Many of these species are known to use this region as their summer nesting grounds, and many, including the northern goshawk, are in decline in others area of the northeast including Maryland. The northern goshawk was recently listed as endangered. The Pennsylvania Wilds region harbors many of the remaining known pairs of northern goshawks and is of particular importance for other wildlife that rely upon large forests. It shows the highest densities of forest-interior neotropical songbirds within the state as documented in the nesting bird atlas.

Reclusive species such as the goshawk and other raptors are easily spooked by humans and human activity, and would no doubt be impacted by regular low-level flights over nest sites.

Many research studies on disturbance and raptors suggest such disturbance could potentially lead them to abandon nesting territories in one of the few areas of eastern United States where they remain in any significant numbers.

For many years the state has worked to identify and protect special biodiversity areas such as the DCNR Wild Areas. Complimenting this work the local economy has increased efforts to attract eco-tourists to visit the wild parks and forests, through the Pennsylvania Wilds designation. The nature of the proposal could have significant impacts on the entire northern tier of Pennsylvania and jeopardize the work collectively accomplished over the past decades in protecting and bolstering this unique place and destination. Hawk Mountain Sanctuary has worked for decades to bring back raptors like the bald eagle, golden eagle, and many others that were victims of mass extermination efforts. Eagles are only now recovering their populations to historic levels. Golden eagles appear to winter within this region in increasing numbers.

We support the military, our soldiers, and the goals of the Air National Guard to provide adequate training for its pilots. The military protects us from harm here and across the world and for that we're eternally grateful. Similarly, the military should also bear responsibility in protecting the people and resources of this northern Pennsylvania region and ensuring that the residents and stakeholders understand the full and cumulative economic, health, environmental, wildlife and cultural impacts of the proposed Duke Low MOA.

We believe full transparency is imperative as the nature of this proposal could have lasting impacts on the quality of life and the very livelihoods that rely on the rural and wild character of the region.

Pennsylvania Wilds' expansive and rural nature can contribute to the difficulty to adequately share information with the public. We believe the burden is regulatorily placed on the Air National Guard to ensure adequate public outreach. We suspect a large percentage of the people in this region are either unaware of the proposed Duke Low MOA or have limited understanding of how it will be implemented.

Also, as we have closely reviewed the DEA, we find that the DEA is lacking in specificity, fails to address issues that are unique to the region, relies extensively on outdated source materials, and dismisses a number of critical concerns that residents and visitors have shared.

For these reasons, we are officially requesting the following:

- The Maryland Air National Guard undertake a more thorough Environmental Impact Statement process to assess additional impacts of the proposed project, such as those on vulnerable migratory bird and raptor populations in the footprint region and assessing impacts in nesting and non-nesting periods.
- The Maryland Air National Guard host a public meeting in each of the counties that fall within the Duke Low MOA footprint. These meetings should be held in-person due to the

lack of broadband connectivity in the region. We request at least 2-hour meetings that offer a presentation overview by the Guard and ample opportunity for public input and questions.

- The Maryland Air National Guard host a meeting in a central location, such as State College or Harrisburg, for citizens who are not within the Duke Low MOA footprint but who have clear interests that will be impacted by the proposed MOA project.
- The Maryland Air National Guard should make the effort to effectively inform the public about the meetings in this region through newspapers, social media, and other means including sharing the information with public elected officials including local, county and members of the General Assembly and Congressional Delegation.
- The Maryland Air National Guard should consider an extension of the December 15th deadline to fully accommodate the scheduling of these meetings and to ensure participants have ample opportunity to respond to what they have heard during the presentation(s).

We thank you for your consideration of this request.

Sincerely,

Sean Grace President

Hawk Mountain Sanctuary Association

Kempton and Orwigsburg, PA

grace@hawkmountain.org; 610-756-6961

From: PA Chapter The Wildlife Society
To: NGB A4/A4A NEPA COMMENTS Org

Subject: [URL Verdict: Neutral][Non-DoD Source] PA TWS Chapter Duke Low MOA Position

 Date:
 Wednesday, December 22, 2021 11:12:10 AM

 Attachments:
 PATWS Position on ANG Duke Low MOA Final.pdf

To whom it may concern, I have tried sending this to Ramon Ortiz and Jeffrey Andrieu, but both emails were kicked back. Please find the attached PA Chapter of TWS position statement on the proposed Duke Low MOA.

Sincerely, TWS Board



Contact: PAChapterTWS@gmail.com

Website: http://wildlife.org/pennsylvania-chapter/
Facebook: PA Chapter - The Wildlife Society

Twitter: @PA TWS



PAChapterTWS@gmail.com

December 20, 2021

Ramon E. Ortiz National Guard Bureau 3501 Fetchet Ave Joint Base Andrews 20762-5157

Email: ramon.e.ortiz2@eiv.mail.mil

Attention: Duke Low MOA Environmental Assessment

Dear Mr. Ortiz:

The Pennsylvania Chapter of The Wildlife Society (PA TWS) Executive Board wishes to express its concern over the proposed Duke Low Military Operations Area (MOA) in Northcentral Pennsylvania. The proposed Duke Low MOA comprises 1,727 square nautical miles (over 1.4 million acres) of area in the counties of Cameron, Clinton, Elk, McKean, Potter, and Tioga. This area holds some of the State's richest and most diverse forest and natural resources, and is home to numerous species of wildlife, with some being Federal and State Threatened and Endangered. Approving the proposed Duke Low MOA without properly evaluating and assessing the potential impacts could cause irreversible damage to sensitive wildlife populations, the local ecosystem, and the local economy.

Two species unique to the proposed Duke Low MOA area include the Pennsylvania population of northern goshawks and Pennsylvania elk. Northern goshawks have undergone precipitous declines and were recently listed as PA Endangered. Unprecedented low flight activities occurring in occupied territories is likely to adversely affect this species through repeated aerial disturbance. Loud, short-duration bursts of sound during courtship, incubation, and brood rearing could lead to nest abandonment or reduced chick survival. The Pennsylvania Game Commission has already mandated avoidance measures from February 15 through August 15 for all planned projects within 1,000 meters of known northern goshawk territories. This is directly relevant to the Duke Low MOA proposal, including avoiding repeated, low-elevation aerial flyovers and activities that produce extremely loud noises. In addition, the impacts of loud and low flying aircraft may also impact the resting and ruminating behavior, habitat use & distribution, and calf survival of the local elk population. Pennsylvania elk are limited in range to only northcentral counties, directly overlapping the area proposed for the Duke Low MOA.

Research has shown that unmanned aircraft systems can and do disrupt behavior and health of some wildlife species. Therefore, more research is needed to understand how larger, louder, faster, and lower-flying military aircraft will impact wildlife in the proposed Low MOA. In addition to potential disruptions to terrestrial wildlife feeding, breeding, and migratory behavior, proposed flight patterns would greatly increase the likelihood of aircraft strikes with birds and bats. According to the Federal Aviation Administration's Wildlife Strikes to Civil Aircraft in the United States, 1990-2020, "...about 42 percent of bird strikes with transport aircraft occurred when the aircraft was at 0 feet AGL, 71 percent occurred at 500 feet or less AGL, and 92 percent occurred at or below 3,500 feet AGL." Considering most of this reporting is directly associated with airport environments where commercial aircraft are moving slower, it can be assumed that military aircraft moving at much greater speeds, and at altitudes of 100 feet above ground level (AGL) would pose an increased potential for bird/aircraft collisions.

It is the PA TWS Board's position that there simply is not enough research to adequately assess impacts to wildlife in the proposed Low MOA. Existing peer-reviewed research relating to wildlife impacts from military jet overflights is not only sparse, but what exists was conducted in other ecosystems very dissimilar to Northcentral Pennsylvania and not relevant to our faunal assemblages. Furthermore, flights at 100 feet above ground level (AGL) are a significant departure from the existing Duke MOA where flights are restricted to no lower than 8,000 feet above mean sea level (MSL). Significant research has not been conducted in areas with flight zones as low as 100 ft AGL and the impacts could be magnitudes greater than we currently comprehend. The proposed Low MOA encompasses a large area important not only breeding northern goshawks (Pennsylvania Endangered) and elk, but also breeding bats such as the Indiana bat and Northern long-eared bat (both listed under the Endangered Species Act), and a myriad of both migratory birds (including large birds of prey) and bat species highly susceptible to strikes at this height and higher.

In summary, while we respect and support the need for military readiness, including the need for low-level flight training for our Air National Guard, we would be remiss to support these activities without adequate research. We encourage more applied research related to the impacts of low altitude flights on Pennsylvania's wildlife resources prior to final approval of this MOA. Therefore, PA TWS supports that the "No Action" alternative detailed in the Environmental Assessment be instituted, or that a full EIS be conducted by the National Guard Bureau to address the lack of foundational knowledge needed to conclude that impacts to the wildlife resource will be less than significant. We thank you for time in considering this important matter.

Sincerelv

Craig Hicks, President

From: Houser, Donald (BHE GT&S)

To: aharding@clintoncountypa.com; mkessinger@clintoncountypa.com; Jeff Snyder; NGB A4/A4A NEPA COMMENTS

Org; nfaraguna@pa.gov

Cc: Stephanie Borowicz (sborowicz@pahousegop.com); jfoust@pasen.gov; zankeny@pasen.gov; Klein, Teresa (BHE

GT&S); Hughes, Aaron (BHE GT&S); kharris@bridgeconsultingcorp.com; ecoolidge@tiogacountypa.us;

ngrupp@pottercountypa.net; bhayman@pottercountypa.net; pheimel@pottercountypa.net;

rbunn@tiogacountypa.us; mhamilton@tiogacountypa.us

Subject: [Non-DoD Source] BHE GT&S Comments on Duke Low MOA by the Maryland Air National Guard

Date: Monday, November 29, 2021 1:06:13 PM

Attachments: <u>image002.jpg</u>

image004.jpg image005.jpg

BHE GTS Comments on Duke Issue 11222021.pdf

November 23, 2021

Clinton County Commissioners 2 Piper Way, Suite 300 Lock Haven, Pennsylvania 17745

Dear Commissioners:

On behalf of BHE GT&S, and our operating company, Eastern Gas Transmission & Storage (EGTS), I write to offer our comments on the recently released draft Environmental Assessment and Finding of No Significant Impact on the potential impacts associated with the modification of the Duke Military Operations Area (MOA) in Pennsylvania and New York to establish low altitude airspace for the 175th Wing (175 WG), Maryland ANG A-10C Squadron.

EGTS provides natural gas transportation and storage services with one of the largest underground natural gas storage systems in the United States. We safely operate nearly 4,000 miles of pipeline and more than 985,000 horsepower of compression in six states: Ohio, West Virginia, Pennsylvania, New York, Maryland, and Virginia. We reliably supply natural gas for large customers, such as major utilities and power plants, and to local distribution companies to heat homes and run small businesses. EGTS operates 17 underground storage fields with 756 Bcf of total operated design storage capacity and 420 Bcf of working gas capacity. The company has numerous links to other major pipelines and can access markets in the Midwest, Mid-Atlantic and Northeast regions of the United States.

We find that the study failed to include adverse impacts to the safe and reliable transmission of natural gas. These negative impacts will result in the disruption of reliable interstate natural gas transportation from natural gas storage facilities located in Clinton, Potter, and Tioga Counties operated by EGTS, which serve customers of EGTS and other interstate natural gas pipeline operators who store natural gas in these facilities.

Among the many safety protocols in place to ensure safe and reliable operations at our storage facilities, EGTS uses sound detection devices at remote locations, such as those impacted by this proposal, that alert us of pressure relief valve malfunctions. Low level flights would most certainly and consistently cause these safety sound detection devices to activate, which then may cause Emergency Shut Down protocols (which include calls to the County 911 Center) to be activated. This negatively impacts reliable natural gas service to end users in the Mid-Atlantic, Midwest, New England regions and international markets.

We encourage the National Guard Bureau to include these negative impacts to the safe and reliable transmission of natural gas from natural gas storage operations in further studies of this ill-conceived plan. Our nation's critical energy infrastructure must not be put at risk.

Sincerely,

Don Houser Director, External Affairs – Northeast

COPY: Nicole Faraguna, DCNR Policy Director State Senator Cris Dush State Representative Stephanie Borowicz National Guard Bureau

Don Houser

Director, External Affairs - Northeast 6814 Energy Way, Greensburg, PA 15601 717-580-3915 (mobile)







November 23, 2021

Clinton County Commissioners 2 Piper Way, Suite 300 Lock Haven, Pennsylvania 17745

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Sincerely,

Don Houser

Director, External Affairs - Northeast

COPY: Nicole Faraguna, DCNR Policy Director

State Senator Cris Dush

State Representative Stephanie Borowicz

National Guard Bureau

From: Wade Jodun

To: <u>KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4</u>

Subject: [Non-DoD Source] Re: Draft Environmental Assessment and Draft Finding of No Significant Impact for

modification of the Duke Military Operations Area

Date: Tuesday, December 7, 2021 5:52:38 AM

Ms. Kucharek

Thank you for forwarding the Draft EA and FONSI. Prior to my current position, I retired (GS-14) from US Fish and Wildlife Service. Two years in HQ (DC) made retirement an easy call. When I worked for a living, I spent some time in your neck of the woods (Havre de Grace, Maryland) working on horseshoe crab and Atlantic sturgeon populations in the Chesapeake Bay and working on the passage of American shad at the fish lift on the Conowingo Dam. It's fairly standard, when there's an environmental nexus or potential environmental impact, for other Federal agencies like US Fish and Wildlife Service, U.S. Forest Service, EPA to comment on another agency's NEPA assessment. Have other Federal agencies submitted comments on ANG's Draft EA concerning the modification of the Duke Military Operations Area (MOA) in Pennsylvania and New York to establish low altitude airspace for the Maryland ANG A-10C Squadron as the primary users to train and prepare for current and future conflicts? Are those documents available upon request or does a FOIA request need to be made to secure them?

Thank you for you consideration.

Wade

VISTRICT MANAGER CLINTON COUNTY CONSERVATION DISTRICT 45 COOPERATION LANE MILL HALL PA 17751-9543

EMAIL: WJODUN@CLINTONCOUNTYPA.COM

<u> PHONE: 570-726-3798 x 3801</u>

WEBSITE: https://www.clintoncountypa.com/departments/conservation-district

>>> On 12/2/2021 at 11:37 AM, in message <SN5P111MB1200A195593BA8B4DB4A4332AB699@SN5P111MB1200.NAMP111.PROD.OUTLOOK.COM>, NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil> wrote: Good morning,

As you are aware, the Draft Environmental Assessment (EA) has been published for public review. The Draft EA and Draft FONSI are available at https://www.175wg.ang.af.mil for your review and comment. The Air National Guard (ANG) has received a number of comments to date, including requests to hold public meetings for the proposed project. The ANG will review any and all comments received as part of the NEPA process. The public comment period on the Draft EA is currently scheduled to end on 15 December 2021. However, please be advised that, given the interest in the proposed project, ANG has decided to extend the end of the public comment period from 15 December 2021 to 31 December 2021 to allow the public and agencies additional document review time. Thank you for your consideration.

Respectfully,

Kristi Kucharek

NGB/A4AM Airspace Plans and Requirements Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue, Joint Base Andrews, MD 20762

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From: Keystone Trails Association

To: NGB A4/A4A NEPA COMMENTS Org; HUGHES, BENJAMIN C Capt USAF ANG 175 WG/PA; ROBINSON, DEVIN T Lt

Col USAF ANG ANG/CC/PA; ; ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD;

KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4

Cc: Faraguna, Nicole; Brook Lenker

Subject: [URL Verdict: Neutral][Non-DoD Source] Comments on the Duke Low MOA from Keystone Trails Association

Date: Thursday, December 23, 2021 12:27:17 PM

Attachments: KTA Duke MOA Low Letter - Official Comment Letter.pdf

Please find attached the Keystone Trails Association's comments in regards to the Draft Environmental Assessment (DEA) for Modification of Duke Military Operations Area ("MOA") as issued by the Air national Guard (ANG) at Joint Base Andrews for the proposed modification of the Duke Military Operations Airspace (MOA) to accommodate training for the 75th Wing, Maryland ANG.

Please note the additional signatures of trail clubs, members of Keystone Trails Association, and other interest groups who concur with our submitted comments.

Sincerely,

Brook Lenker

--

Brook Lenker Executive Director

Keystone Trails Association 46 E. Main Street Mechanicsburg, PA 17055 717.766.9690 www.kta-hike.org





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KEYSTONE TRAILS ASSOCIATION

46 E. MAIN ST MECHANICSBURG, PA 17055 (717) 766.9690 www.kta-hike.org

To Whom It May Concern:

Established in 1956 and representing approximately 1,000 members and 41 local trail and hiking clubs, Keystone Trails Association (KTA) is the statewide voice of Pennsylvania's hikers. The organization's mission is to provide, protect, preserve, and promote recreational hiking trails and hiking opportunities. In 1999, the Pennsylvania Department of Conservation and Natural Resources (DCNR) named the KTA "Conservation Volunteer Group of the Year" in recognition of many years of work on hiking trails. Our trailwork contributes 4,000 volunteer hours annually and member clubs contribute an additional 35,000 volunteer hours each year.

The proposed Duke MOA Low would cover all or parts of the following Pennsylvania counties: Elk, Cameron, Clinton, McKean, Potter, and Tioga. Four important backcountry trails intersect the MOA Low. The Susquehannock Trail System is a remote, long-distance loop trail, passing few signs of civilization and reaching into very isolated state forest areas. The Bucktail Path is a challenging 34-mile linear trail with a northern trailhead located in Sizerville State Park. Known for outstanding vistas of the Pine Creek gorge, the West Rim trail lies on the eastern edge of the proposed MOA Low. The Donut Hole Trail is an 89-mile long-distance backpacking trail paralleling the West Branch of the Susquehanna River in the Sproul State Forest. It is one the most rugged of the state's backpacking trails. All of these routes, proffering an abundance of wildlife and solitude, are located in an area appropriately deemed the Pennsylvania Wilds.

With 2.1 million acres of public land, the Pennsylvania Wilds is one of the largest blocks of forest between New York City and Chicago, and home to two National Wild & Scenic Rivers, the largest wild elk herd in the Northeast and some of the darkest skies in the country. Nearly a quarter of Pennsylvania's state parks and more than half of state forestland are in the 12-county PA Wilds region. The Duke MOA Low overlays its very core, where wilderness qualities are highly manifest.

According to the draft FONSI, "during each sortie, aircraft would be down in the low altitude ranges between 500 ft to 100 ft for 2-3 minutes per activation." Due to the intensity of noise, KTA believes that is 2-3 minutes too long.

While we greatly value the services and sacrifices of our military, the sublime natural attributes of the MOA Low area make it unique, affording hikers immersive experiences largely unavailable elsewhere in the state. Tranquility may be undervalued in the modern world, but it is an endangered quality. . . a rare and priceless experience.

In examining visitor experiences of wilderness soundscapes, Penn State University researchers found "... mechanized aircraft sounds were consistently some of the most annoying and unacceptable sounds evaluated by visitors." Prior studies, cited by the authors, suggest anthropogenic noise pollution masks natural sounds and has the potential to detract from quality visitor experiences in wilderness settings. Other research on the effects of aircraft on outdoor recreationalists discovered, "Those who made an effort to get to a natural setting (e.g. a multi-day walk) were more likely to have strongly held negative views about aircraft."

If the hiking experience deteriorates because of low flyovers, some hikers won't return and others won't bother coming at all. The stakes are high for a region promoting quality, nature-based recreation. According to the PA Wilds website, even Howard Zahniser drew inspiration from this very region to pen the Wilderness Act of 1964, protecting lands around the country to leave them "untrammeled by man." Zahniser certainly would have viewed low-altitude sorties as trammeling the pristine attributes of the PA Wilds.



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Wilmington Trail Club Woodbourne Forest & Wildlife

Preserve York Hiking Club

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Silence means money for local communities. "Hiking and backpacking have considerable economic impact. According to the US Bureau of Economic Analysis, climbing, hiking, and tent camping accounted for more than \$6 billion in economic impact in 2017, an 8.4 percent increase over 2012. Extrapolating findings from a 2011 Appalachian Trail pilot survey . . . researchers concluded that two million annual visits generated between \$125 and \$168 in spending." The aforementioned Penn State research affirmed the importance of natural sounds. Natural soundscapes contribute to animal abundance, ecological functions, and a variety of psychological human benefits. They're also important to a variety of visitor experiences (e.g. birding) in protected areas.

While the draft FONSI describes avoidance and mitigation measures by limiting flight times, duration, and altitude, a substantial span of the year would be affected by training flights and the FONSI acknowledges that flights would increase overall sound levels at wilderness areas, state parks, and state forests. The assertion that "The Proposed Action would have less than significant adverse effects" seems, based on limited data, to be highly suspect.

Millions of public dollars have been invested in the PA Wilds region to foster a sustainable, nature-rich destination for visitors and a peaceful, prosperous locale for those who call the Wilds home. This progress may be compromised by the current proposal.

For all these reasons, the Keystone Trails Association opposes the Duke Low MOA as presented and requests public meetings in each of the impacted counties to allow area residents and stakeholders an opportunity to have all their questions answered. Open and transparent discourse is a must. We also believe more analysis, in the form of a rigorous environmental impact statement, should be conducted to fully ascertain the implications of the Duke MOA Low proposal.

On behalf of the individuals and organizations listed below and all our membership, thank you for the opportunity to comment. We hope our concerns and recommendations are given the utmost consideration.

Sincerely,

Brook Lenker Executive Director

Miller et al. Visitor Experiences of Wilderness Soundscapes in Denali National Park and Preserve. International Journal of Wilderness, August 2018, Volume 24, Number 2.

Booth et al. *Measuring the effects of aircraft overflights on recreationists in natural settings*. Wellington, N.Z.: Dept. of Conservation, 1999. P. 25.

https://thetrek.co/heres-trails-become-important-boosters-local-economies/

Miller et al. Visitor Experiences of Wilderness Soundscapes in Denali National Park and Preserve. International Journal of Wilderness, August 2018, Volume 24, Number 2.



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46 E. MAIN ST MECHANICSBURG, PA 17055 (717) 766.9690 www.kta-hike.org

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Kirk Johnson Friends of Allegheny Wilderness Malvern info@pawild.org

Larry Holtzapple Susquehanna Trail Club Wellsnoro

Chas Wagner Sand Run Hunting Club Loganton, PA

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Nancy Kurtz New Cumberland

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Henry Frank Philadelphia

Jon Kapecki Rochester

Ingrid Cantarella-Fox Chesterbrook

Richard Ostheimer Youngstown, OH

Gary Bortner dallastown

Jeanne Houston State College

Gerald Miller Williamsport

Lori Szymanik Ulysses

Wendy Olsson Baltimore

Wendy Ormond Erie

Diane Resides Mill Hall

Kim Marchi Hollidaysburg

Joshua Rubinstein Waynesboro, VA

Glen Yasharian Wyalusing

Diane Aiken Coraopolis

Mike Latsch Oxford

David Everett Elizabeth

Tabassam Shah Clarion

Walter Krater *McClellandtown*

Alejandra Lewandowski **Townville**

Virginia Quinn-Matthews Willow Grove

Ashlee Beyer Phoenixville

Christine Brubaker Lancaster

Brad Gehman Lititz

Erin Heller Manheim

Connie Scheunemann Millville

Cathi Morris Downingtown

Jeremy Schauer Kunkletown

Patrice Evano Williamsport

Todd Kling Clearfield

Erica Anderson Mill Hall

Nancy LuBera Galeton

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David Walker Danville

Thomas Imke Ambler

Margo Germino Galeton

Marc Peters Narvon Hunteat

Sarah Roth Edwardsville

Krista Cessna Hummelstown

Benjamin W. Cramer State College From: <u>Terry Master</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] PA Ornithological Technical Committee comment letter of Duke Low-Level MOA

Date: Monday, December 27, 2021 1:00:32 PM
Attachments: Duke MOA PA OTC Comment Letter.docx

To Whom It May Concern:

Attached please find a comment letter from the PA Ornithological Technical Committee, part of the Pennsylvania Biological Survey, regarding the proposed Duke Low-Level MOA. Thank you for your time and consideration.

Sincerely,

Terry L. Master, Ph.D.

Chair

Ornithological Technical Committee

Ramon E. Ortiz
National Guard Bureau
3501 Federal Avenue
Joint Base Andrews 20762-5157
Email: ramon.e.ortiz2@eiv.mail.mil

Re: PA Ornithological Technical Committee comments on proposed Low Duke MOA

Dear Mr. Ortiz:

The Ornithological Technical Committee (OTC) is part of the Pennsylvania Biological Survey (PABS). Our membership is composed of academics, state agency personnel and representatives from a variety of NGOs and thus represents a broad array of stakeholders from across Pennsylvania. Our functions are twofold: (1) advise the Pennsylvania Game Commission (PCG) on all matters concerning the Commonwealth's bird species and; (2) advocate on behalf of bird conservation in our state when issues arise which we feel may adversely affect the state's bird populations.

We feel the proposed Duke Low MOA has the potential to do just that on a variety of fronts including the low altitude component of the flights and their frequency on several levels from the number of hours per day (4), to duration per day (2 hrs.) and number of days (170) per year. Thus, the possibility exists for low flight activity to occur during half of a typical working day for nearly half the year.

On a broad level, the first sentence of Article 1, Section 27 of Pennsylvania's constitution states, "The people have a right to clean air, pure water and to the preservation of natural, scenic, historic and esthetic values of the environment", all of which will be impacted negatively by the proposed low level flights, in particular the esthetic values of the region. By virtue of its remote, forested nature and recreational reputation, there is probably no region of Pennsylvania where residents would expect to experience the values highlighted in Section 27 more than in the proposed flight area that composes a good portion of an established Conservation Landscape, the "Pennsylvania Wilds". The area also hosts 6 state forests, 12 state parks, several wilderness areas, 2 National Wild and Scenic Rivers and the largest Elk herd in the northeast. The Pennsylvania Wilds was designated in order to advertise and conserve the region's biological and recreational values while enhancing economic benefits to the region derived from outdoor activities. The 36 million annual visitors to this area generated 1.8 billion in spending in 2017 (Appalachian Regional Commission). Thus, economic impacts also have to be an important consideration when determining the various costs and benefits of this proposal.

The area covered by the Low Level Duke MOA draft Environmental Assessment (DEA) comprises a significant proportion of the largest forested region between northern New

England and the southeastern Appalachian Mountains and between New York City and the upper Midwest. It contains a variety of valuable bird habitats and also provides habitat connectivity to adjacent forested areas, an extremely important conservation consideration for populations of neotropical migrants, many of which are forest interior species requiring large areas to breed successfully (see below).

The OTC's specific concerns are: (1) inaccuracies in the draft DEA; (2) noise effects on birds and; (3) the presence of a newly designated state endangered species, the Northern Goshawk in the proposed flight area. DEA section 3.4.2.3, Threatened and Endangered Species, states, "there are 17 migratory bird species known or expected to occur in the area underlying the proposed Duke Low MOA". The official Pennsylvania bird list (Pennsylvania Ornithological Records Committee, 2018) lists 435 species of birds occurring in the state. Of those, 293 occur regularly to some degree (others are referred to an as casual, accidental or extinct) and the majority of these are migratory (mostly neotropical migrants), thus the number of migrants using the area underlying the Low Duke MOA is considerably higher than 17. The community of insectivorous forest interior specialists, all of which are migratory and many of which have experienced large population declines, reach their highest abundance in these forests. The extensive forests of the Pennsylvania Wilds are an important breeding area for this group of species critical to keeping forests healthy. Thus, many more bird species will be subject to low-level flight impacts than those reading the DEA would be led to believe. A discrepancy of this magnitude makes a reader wonder what other such inaccuracies are also embedded in the draft DEA.

We are especially concerned about the potential noise effects on breeding birds found in low-level flight region. A study by Manci et al. (1988) is mentioned in DEA section 3.4.4.1, Noise Effects on Wildlife, stating that sustained high noise levels are of more concern with respect to wildlife reactions than intermittent sources of noise. Available research on noise effects on wildlife has shown that both continuous and sporadic noise can present a significant threat to wildlife, both at the individual and population levels. Sound disturbance can cause birds and other animals to change their local distribution and land use patterns, alter vocal communication, have higher perceived predation risk, alter stress hormone levels, and experience reduced reproductive success. Even though technically sporadic in nature, flight activity for up to 4 hours per day for almost half the year for the long-term represents considerable, sustained noise impact. We understand noise abatement and mitigation strategies, consisting of increasing the altitude of aircraft above sensitive areas, are incorporated into the proposed low-flight activity but we question whether altitude adjustments to 500 or 1,000 ft. are really enough to mitigate noise effects of military jets. We wonder how far from sensitive sites would the altitude adjustment be made on approach and departure from the area. The sheer number of sensitive areas requiring adjustments would seem to be detrimental to the training regimes required by the pilots.

The Northern Goshawk was designated as a state endangered species in September of 2021 by the PGC after an intensive 6-year effort on the part of the PGC and OTC to determine, as accurately as possible, the current population status in the state. Results of

that effort show a drastic range reduction and decline in nesting pairs with remaining birds concentrated in the vicinity of the proposed low-level flight area. Our research established that this species, given its remaining stronghold in the state, clearly requires extensive, wild and undisturbed habitat in which to breed successfully in Pennsylvania. Unlike Bald Eagles, Northern Goshawk nests are extremely difficult to find and their territories are large, thus nest locations can't be pinpointed to allow for altitude adjustments. Thus, disturbance of goshawk nests is likely given the parameters of the proposed low-level flight activities.

For the reasons mentioned, the OTC has significant reservations with regard to the implementation of the proposed low-level flights. We recommend that:

- 1) the existing DEA be reviewed for inaccuracies throughout but especially with regard to information on wildlife/bird impacts.
- 2) that additional research be done to fully understand long-term impacts of noise generated by frequent low-level flights on wildlife including breeding bird species.
- 3) disturbance of Northern Goshawk breeding activities be comprehensively addressed.

We also agree with and reiterate the specific concerns included in both the PA DCNR and Hawk Mountain Sanctuary comment letters.

We fully understand the need for adequate training of pilots whose mission is to protect all of us, but we think there must be alternatives available other than conducting low-level flights above the greatest concentration of protected environmental resources in Pennsylvania. Thank you for your consideration of our concerns.

Sincerely,

Terry L. Master

Chair, Ornithological Technical Committee

Pennsylvania Biological Survey

AraM & not

From: <u>Mike Molesevich</u>

To: <u>HUGHES, BENJAMIN C Capt USAF ANG 175 WG/PA</u>; <u>NGB A4/A4A NEPA COMMENTS Org</u>;

; ROBINSON, DEVIN T Lt Col USAF ANG ANG/CC/PA; ANDRIEU, JEFFREY M Maj

USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4

Cc: <u>director@noisefree.org</u>

Subject: [Non-DoD Source] Statement from Noise Free America to Maryland Air National Guard on PA MOA

Date: Thursday, December 30, 2021 10:49:15 AM

Attachments: Letter from NFA to MD ANG on PA Low MOA Proposal-12-30-21.pdf

Captain Ben Hughes, Maryland National Guard's Public Affair Office

& ngb.a4.a4a.nepa.comments.org@us.af.mil

CPT Travis Mueller, Pennsylvania National Guard's Public Affair Office

Lt Col Devin Robinson, Air National Guard's Public Affairs Office

Major Jeffrey Andrieu & Kristi Kucharek, Airspace NEPA Program Manager/Air National Guard Readiness Center

&

On behalf of Noise Free America, please see attached statement. Please reply or call if you have any questions. Sincerely,

Mike Molesevich



December 30, 2021

Captain Ben Hughes, Maryland National Guard's Public Affair Office & ngb.a4.a4a.nepa.comments.org@us.af.mil

CPT Travis Mueller, Pennsylvania National Guard's Public Affair Office

Lt Col Devin Robinson, Air National Guard's Public Affairs Office

Major Jeffrey Andrieu & Kristi Kucharek, Airspace NEPA Program Manager/Air National Guard Readiness Center

Dear National Guard NEPA Review Team:

Noise Free America (NFA) is a coalition of citizens and groups to promote quiet and dedicated to opposing excessive noise, especially from boom cars, leaf blowers, and motorcycles. Our mission is to elevate the issue of noise pollution with federal, state, and local officials, as well as to educate the public about the dangers of noise pollution.

The US Census Bureau reports that noise is Americans' top complaint about their neighborhood and the major reason they wish to move. Excessive noise is a major public health problem linked to hearing loss, tinnitus, sleep deprivation, cardiovascular disturbances, mental health impairment, impaired task performance, aggressive behavior, and chronic fatigue. Noise levels throughout the world are growing.

NFA is opposed to the Maryland Air National Guard (ANG) proposal to designate several counties of northern Pennsylvania airspace as a military operations area (MOA) for low-flying military training.

This area has not recovered from increased noise from Marcellus Shale fracking with related construction, compressor stations, seismic testing, and low-flying helicopters.

NFA requests the ANG complete a full Environmental Impact Statement for this proposal and especially include the effects of noise on area residents and wildlife.

Please reply or call if you have any questions regarding our position.

Sincerely,

Ted Rueter

Executive Director

cc: Mike Molesevich, PA/NFA Contact, PO Box 654, Lewisburg, PA (570) 524-2921

PO BOX 2754 Chapel Hill, NC 27515 www.noisefree.org Ramon E. Ortiz National Guard Bureau 3501 Fetchet Avenue Joint Base Andrews, MD 20762-5157 Email: ramon.e.ortiz2@eiv.mail.mil

SUBJ: PPFF Comments on Duke MOA Draft FONSI

Dear Mr. Ortiz:

Allow this opportunity for the Pennsylvania Parks and Forests Foundation (PPFF) to comment on the proposed changes to the Air National Guard's Duke Military Operations Area (MOA) that would establish a lower threshold for the current MOA and the draft Finding of No Significant Impact (FONSI). PPFF is a statewide not-for-profit foundation advocating and educating for the benefit of the Commonwealth's 121 state parks and 2.2 million acres of forestland. Our dedicated volunteers and supporters work tirelessly to sustain and enhance Pennsylvania's natural assets and beauty.

Firstly, PPFF supports our men and women serving in the armed services and the National and Coast Guards. Your dedication and sacrifice are a great source of pride for our country, and we simply cannot thank you enough for your service. We understand the critical need to keep our troops highly trained and to maintain our equipment to the best of its capacity. That is without question. This letter provides comments and considerations pertaining to the draft FONSI.

It is understood that the changes, as proposed, would lower the existing Duke MOA from 8,000 feet above mean sea level (MSL) extending to 17,899 feet MSL to a new 100 feet above ground level (AGL) extending to 7,999 feet AGL. It is also understood that the MOA may be in operation 170 days per year, for up to four hours per day, and will not entail the usage of supersonic flights, live ordnance, chaff or flares.

While the area in question in the MOA is one of the lesser populated areas in Pennsylvania, it has changed since the existing MOA was first established. As a result of the Commonwealth's efforts in this region, we now market the area as the Pennsylvania Wilds. These efforts have resulted in greater economic activity in the form of outdoor recreation and increased tourism throughout the region. As existing MOA actions at the minimum threshold of 8,000 feet MSL may not be as noticeable, lowering it to a potential 100 feet AGL will undoubtedly have an impact on recreational activity and wildlife.

Within the current MOA, there are 12 state parks and six state forests. These are a part of the \$13 billion outdoor recreation and tourism industry in Pennsylvania. As we have noticed over the past 18 months, the coronavirus pandemic has forced an explosion in the exposure and usage of our state's parks and forest system. Even now, as the world continues to recover and reopen from this pandemic, we have not seen a drop-off in the usage of these assets. Not only have these parks and forests provided safe

shelter for families, but they have also provided a residual economic benefit. A benefit that is greatly needed and welcomed, particularly in the rural MOA counties of Cameron, Clinton, Elk, McKean, Potter and Tioga.

The PPFF works closely with the state Department of Conversation and Natural Resources (DCNR) in supporting and maintaining our state parks and forests system and has also made voluntary and financial investments in the area known as the Pennsylvania Wilds.

Additionally, the area proposed for the altered MOA is also a recreational area for private pilots. The PPFF has members that do fly over this area due to its scenic beauty. The proposed low-level flights may be hazardous to the unreported flight schedules of these private enterprises.

There are approximately 49 public and private airports in the counties of Warren, Forest, McKean, Elk, Potter, Cameron, Clinton, Tioga and Lycoming. Several of these 49 locations are small uncontrolled private airstrips which pose the highest risk to the flyovers where little or zero traffic data is available. The Bradford Regional Airport (BFD) in McKean County is one of these airports that could be severely impacted. Bradford Regional's website (https://www.bradfordairport.net) markets its facility as a "Gateway to the PA Wilds." Furthermore, this facility provides daily commercial commuter flights to Pittsburgh (PIT), in addition to service to Washington Dulles (IAD) and maintains approximately 3,600 operations annually which includes Air Carrier, Air Taxi, General Aviation Local, General Aviation Itinerant, and Military. Other public-use airports in the affected counties operate mainly General Aviation flights (over 30,000 flight operations annually).

It is our understanding that a military training area would have to be published as a "Restricted Airspace" for the days and hours of the training flights. This information is normally depicted on the Sectional Aeronautical Chart for the affected area and would be listed in a Notice to Airmen (NOTAM) for the airports in the impacted military flyover area.

The PPFF is concerned for the pilots flying recreationally in the area as they likely would not be filing an FAA Flight plan or have checked NOTAMs for the airports in the area. They are in most cases flying via Visual Flight Rules (VFR). Ultralights and gliders pose a significant danger to the flyover area and are often flown out of an uncontrolled private airstrip. Severe medical emergencies have required Life flight helicopter to evacuate victims from the forest in the defined military flyover area to medical facilities. These life flight helicopters could be endangered by low-level high-speed military aircraft and need special coordination with for both the civil and military flight service authorities.

To conserve the assets that define this region, our first recommendation would be no action—can the training continue where it is currently occurring?

In the result that a no-action alternative is not feasible, are there alternative locations that provide the needed training with limiting impact to people and wildlife?

If no alternatives exist, we support the Pennsylvania Department of Conservation and Natural Resources' (DCNR) scheduling recommendations to limit the activity during specific seasons as outlined in their letter of October 2019. DCNR's recommendations are as follows:

 Consider a no-action alternative, in which the AFB maintains current flight protocols and operations as defined in the current MOA;

- Consider alternative locations that would not be as adversely impacted by the frequency and nature of this activity;
- Limit the activity significantly to lessen the impacts on the proposed region by:
 - Eliminating any low-level flight activity directly above state parks and key recreational, historical, and tourist destinations (consulting with DCNR and other stakeholders as appropriate).
 - Prohibiting this activity during the following months: April, May, September, and
 October (to avoid impacts to raptor migration and the elk rut);
 - Prohibiting activity on weekends and federal holidays, which draw large numbers of visitors;
 - Prohibiting activity to avoid interference with key recreational activities, including:
 - Spring Turkey Hunting Saturdays in May = 4 days
 - Big Game Hunting Seasons of Traditional Rifle Bear and Deer = 15 days
 - Elk Tourism: Mid-Sept to Mid-Oct. = 30 days
 - Calving Season (stress)- May-June of Deer & Elk= approximately 30 days
 - Primitive Hunting Season: from Christmas Day onward = 14 days

In conclusion, the PPFF believes that the draft FONSI may be presumptuous given the established activities associated within the existing MOA. We request that further review beyond an Environmental Assessment be conducted to include a Draft Environmental Impact Statement. At the very least, public meetings should be held throughout the affected area to gather public input and for the Air National Guard to provide further elaboration on the impacts of the altered MOA on the community and businesses.

Thank you again for the opportunity to provide comments. We look forward to working with you to keep our men and women the best armed service in the world.

Sincerely,

Brad Mallory Chair Marci Mowery President

Cc: PPFF Board of Directors

Department of Conservation and Natural Resources

Ta Enos, PA Wilds

From: Nagle, Cheryl

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] FW: Draft EA Duke MOA (PA/NY) for the Maryland ANG A-10C Squadron

Date: Tuesday, November 23, 2021 6:34:05 AM **Attachments:** Picture (Device Independent Bitmap) 1.jpg

Good morning,

Below please find the comments from the PA SHPO.

While we understand that the draft documents did not provide specific responses to the PA SHPO regarding our 2019 letter and efforts to coordinate Section 106 with other consulting parties (and providing to the PA SHPO any of their concerns and/or the need for any consulting party meetings, etc.).

Thank you,

Cheryl

From: Nagle, Cheryl

Sent: Tuesday, November 23, 2021 9:02 AM

To:

Subject: Draft EA Duke MOA (PA/NY) for the Maryland ANG A-10C Squadron

Good morning Ms. Harty,

The PA SHPO received a copy of the draft EA for the proposed Duke MOA from a stakeholder. Per the draft, the NGB has reached a determination of No Historic Properties Affected for the proposed undertaking.

However, based upon our files, there has not been any response to our September 2019 letter for any effort to identify potential historic resources within the APE whose setting and significance would be affected by increases in noise (identification of resources that may have significance in the area of Recreation/Conservation) and/or if NGB has received any comments from Consulting Parties regarding the potential to affect historic resources.

What we had received from the NGB in response to our letter was a list of entities contacted and a map.

Please advise on the next steps/further consultation with our office.

Thank you,

Cheryl

Please note: In an effort to better advise and assist state and federal agencies with their responsibilities under Section 106 and the Pennsylvania History Code, Above Ground Environmental Review has shifted from regional to agency-specific reviews. To find the Above Ground reviewer for a particular federal or state agency and/or Archaeology Reviewer for a particular region, please visit: https://www.phmc.pa.gov/Preservation/Environmental-Review/Pages/Contact-Information.aspx

Cheryl Nagle | Above Ground Resources Environmental Review Specialist

PHMC/PA State Historic Preservation Office 400 North Street, 2nd Floor | Harrisburg, PA 17120-0093

Phone: 717.772.4519 | Email: chnagle@pa.gov

www.phmc.pa.gov/Preservation



January 14, 2022

Jennifer Harty, Cultural Resources Program Manager A4VN Air National Guard Readiness Center 3501 Fetchet Drive Joint Base Andrews, MD 20762

ER Project # 2019PR03920: Department of Defense – National Guard Bureau (NGB), Proposed Action for Modification of Duke Military Operations Airspace, Draft Environmental Assessment

Dear Ms. Harty,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Proposed Project

The purpose of the undertaking is for the proposed Modification of Duke Military Operations Airspace (MOA) to accommodate the training requirements of the 175th Wing (WG), Maryland Air National Guard (ANG) stationed at Warfield Air National Guard Base, Baltimore, Maryland. Nearly all the existing Duke MOA is in Pennsylvania. The underlying counties include all or parts of Elk, Cameron, Clinton, McKean, Potter, and Tioga. A small fraction of the northwest corner of the MOA overlies portions of Cattaraugus and Allegany counties in New York.

In general, the proposed action would follow the lateral footprint of the Duke MOA as it currently exists except for the southwestern portion. The Duke Low MOA would be activated Intermittent by Notice to Airmen. The vertical limits for the Duke Low MOA would be 100 feet Above Ground Level (AGL) to 7,999 feet above Mean Sea Level (MSL). The expected usage would be four hours per day, 170 days per year, two hours at a time, twice per day, with no more than six total aircraft. The Duke Low MOA would be used only for sorties requiring the use of low altitude training. Weekend and nighttime operations at low altitude would be limited. The 175 WG flies one weekend per month, with one week per month consisting of routine night training.

Section 106 and NEPA Consultation

The PA SHPO received initiation of Section 106 consultation from the Air National Guard Bureau (NGB) on August 28, 2019.

The submission stated

The NGB has reviewed the proposed undertaking for potential effects to historic properties and, because there will be no associated ground disturbance, consider them to be minimal. Under the proposed action, there would be no infrastructure changes, no ground-disturbing activities, no weapons firing, and no ordnance deployment within the proposed air spaces. No supersonic operations or release of chaff and flares would be conducted. Weekend and nighttime operations at all altitudes would be limited.

The PA SHPO responded in a letter dated September 19, 2019, with a request for additional information, to include but not limited to, the potential indirect effects and identification of historic properties, and the identification and notification of the proposed project to potential consulting parties:

If the audible aspects of the setting of a historic property are fundamental to the resources' National Register of Historic Places (NRHP) eligibility, then newly introduced audible intrusions that would significantly alter the resource's setting could have a potential adverse effect. There are numerous state parks and a portion of the Allegheny National Forest in the vicinity of the proposed project that may have significance in the area of Recreation/Conservation. Many of these resources have not been previously evaluated for the NRHP.

- Has there been an analysis of the potential noise related impact associated with the operation of the Duke Low MOA?
- Has there been an effort to identify potential historic resources in the APE whose setting and significance would be affected by increases in noise?

This project has the potential to affect historic properties. In accordance with the regulations for Section 106 (36 CFR 800.2.a.4), federal agencies or those acting on their behalf are required to consider the effects of their undertakings on historic properties in consultation with identified historic preservation stakeholders.

 Please provide documentation of your agency's efforts to identify consulting parties with an interest in the effect of this project on historic properties (the PA SHPO provided approximately twelve organizations/entities and their contact information).

In March 2021, the PA SHPO received additional information in the form of a Proposed Action Document, Figures document and Recipient document. The narrative stated:

The National Guard Bureau (NGB) is preparing an Environmental Assessment (EA) to consider the potential consequences to the human and natural environment associated with the modification of the Duke Military Operations Airspace (MOA) to establish a low-altitude airspace. The EA will analyze the Proposed Action and the No Action Alternative as well as provide a thorough discussion on all alternatives that were considered but dismissed. These alternatives considered but dismissed include consideration of modifying other existing military airspace within 200 miles as well as use of existing military training routes. Through the process of interagency and intergovernmental coordination for environmental planning (IICEP), the ANG is notifying relevant federal, state, and local agencies, and federally recognized tribes to request their environmental concerns specific to the Proposed Action. The Draft EA will be available on the 175 WG website and sent to regional libraries to invite additional public participation during a 30-day comment period in late summer or fall of 2021.

The PA SHPO responded in a letter dated April 27, 2021, with a request for additional information and/or clarification:

- Thank you for providing the PA Wilds Planning Team list that appears to incorporate many of the potential consulting parties the PA SHPO recommended in 2019. However, were all the parties on that list contacted, or is the list just showing who is on the planning team?
- Also, did the Austin Dam Memorial Association (PA-872, Austin, PA 16720) respond to your inquiry regarding potential consulting party status?
- We appreciate the park mitigation map, however that does not necessarily address the PA SHPO's inquiries regarding historic resources (see our questions regarding identification of historic properties in our 2019 letter).
- Did any of the state or federal agencies provide information regarding concern about this project and historic resources?

In November 2021, the PA SHPO received an email from a Commonwealth of Pennsylvania agency that included the Draft Environmental Assessment (DEA) and Draft Finding of No Significance Impact (FONSI). To date, the PA SHPO had not received any further response from the federal agency in response to our April 27, 2021 letter, nor did the PA SHPO receive a copy of the Draft EA for review and comment. Subsequently, the PA SHPO reached out to the

NGB via email on November 23, 2021, to request an update on our request for additional information. We received a response on November 29, 2021 that the Department of Defense was aware that the PA SHPO was awaiting additional information.

In December 2021, the Pennsylvania Department of Conservation & Natural Resources (DCNR) provided comments regarding the Duke Low MOA to the National Guard NEPA review team that stated the DEA analysis is significantly lacking and inadequate. The comments stated the DEA did not include the comprehensive analysis necessary to examine the full, cumulative impacts of the proposed activity on this region, nor did it fully consider the social and economic vitality that comes with the natural, historic, cultural and rural character of the region.

The PA SHPO agrees with DCNR that a DEA is not sufficient for the type of proposed activity or its potential to affect the environment. It is the PA SHPO's opinion that the proposed action has the potential to affect "unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas" (40 C.F.R. § 1508.27(b)(3) and is a "major federal action significantly affecting the quality of the human environment" (40 C.F.R. § 1508.8), both requiring the preparation of an Environmental Impact Statement (EIS). In our opinion, therefore, additional studies to identify historic properties and assess the potential to affect above ground historic properties need to be undertaken before a NEPA decision is made.

As stated in the PA SHPO's previous responses and noted in the December 2021 DCNR letter:

Evaluation of cultural and historic resources should be completed in order to assess the potential for the proposed undertaking to impact significant resources eligible for or listed in the National Register of Historic Places ("NRHP"). The tables referenced in the DEA include only *previously recorded* and *listed* historic properties and are not a complete inventory of historic properties within the project's Area of Potential Effect ("APE"). Additionally, many of the previously recorded historic properties have not been evaluated for their eligibility for listing in the NRHP. Section 106 of the NHPA requires that the lead agency consider the proposed undertaking's impact on historic properties that are listed, or *eligible for* listing in the NRHP. This requires a reasonable and good faith effort to identify historic properties and determine their eligibility to the NRHP.

While a number of historic structures in our parks and forests pre-date the Conservation-era in Pennsylvania, a large proportion of our parks and forests in this region were built during the conservation-era as part of the efforts of DCNR, its predecessors, and New Deal-era work programs like the Works Progress Administration and the Civilian Conservation Corps. Many of these parks and forests, and the structures still standing on them, could be potentially eligible for listing in the NRHP under Criteria A, B, C, or D for areas of significance such as conservation, ethnic heritage, and landscape architecture (National Register Bulletin 15).

The PA SHPO strongly advises the federal agency to hold a meeting to discuss the various submissions and responses to date and any available or planned efforts to identify and assess effects of this federally sponsored project on historic and cultural resources.

If you need further information on above ground resources, please consult Cheryl Nagle at chnagle@pa.gov or (717) 772-4519.

Sincerely,

Emma Diehl

Environmental Review Division Manager

December 22, 2022

Jennifer L. Harty Cultural Resources Program Manager Department of Defense, National Guard Bureau 3501 Fetchet Avenue Joint Base Andrews 20762-5157

RE: ER Project # 2019PR03920.005 (formerly ER # 2019-2214-042): DOD, Proposed Action for Modification of Duke Military Operations Airspace, Cameron, Clinton, Elk, McKean Potter and Tioga counties, receipt (November 28, 2022) Duke Low MOA Final Noise Analysis

Dear Ms. Harty,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Above Ground Resources

Thank you for providing the Duke Low MOA Final Noise Analysis, Consultation response and Shapefiles for the proposed project. We are sorry for any confusion regarding the initial email submission (which was not received by our office) and the need for specific file types to upload shapefiles. Please note that consultation with our office is now done through the PA-SHARE system which is our new online data management and cultural resources GIS tool. Please make sure that you sign up for a Keystone Account and then follow the instructions here on accessing PA-SHARE for future project submittals: https://www.phmc.pa.gov/PA-SHARE/Pages/default.aspx.

We offer the following initial comments. Has the May 2022 Duke Low MOA Final Noise Analysis been shared with the other Section 106 consulting parties (beyond what was specified in the EA)? If so, please provide the dates, comments from the consulting parties, and any correspondence received as available. If not, please provide copies to the consulting parties for their comments and consideration; please provide their responses to the PA SHPO. Upon receipt of documentation of consulting party consideration, we will provide additional comments.

For questions concerning above ground resources and/or further consultation, please contact Cheryl Nagle at chnagle@pa.gov.

Sincerely,

Emma Diehl

Ihma Diehe

Environmental Review Division Manager

From: <u>Sara Nicholas</u>

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4; NGB

A4/A4A NEPA COMMENTS Org

Cc: <u>goodrich@hawkmountain.org</u>; <u>grace@hawkmountain.org</u>

Subject: [Non-DoD Source] Comments on the Duke Low MOA proposal from Hawk Mountain Sanctuary

Date: Monday, December 13, 2021 1:41:14 PM

Attachments: Letter from Hawk Mountain Duke december 2021 SG edits (002) (2).pdf

Please see attached comments from Hawk Mountain Sanctuary in regards to the recent EA FONSI for the Duke Low MOA proposal. We appreciate the opportunity to provide these comments, and any follow-up information required.

Sara Nicholas, Board member Hawk Mountain Sanctuary Kempton, Pennsylvania



3 December 2021

Dear Ms. Kucharek and Major Andrieu:

I am writing on behalf of Hawk Mountain Sanctuary Association in Kempton, Pennsylvania to address concerns related to the Draft Environmental Assessment (DEA) to establish the Duke Low MOA and authorize low-altitude flying over a portion of north-central and northwestern Pennsylvania.

Hawk Mountain is a nationally and internationally recognized raptor research, education and outreach organization located in eastern Pennsylvania. The Sanctuary is the oldest and largest member-based raptor conservation organization in the world. Its scientific staff are uniquely qualified to advise projects that may affect raptor and other avian populations.

While the Draft Environmental Assessment (DEA) to establish the Duke Low MOA and authorize low-altitude flying over a portion of north-central and northwestern Pennsylvania would not impact the Sanctuary lands directly, it would most certainly impact the many wildlife and avian species that Hawk Mountain studies, protects, and serves. It is with this direct interest that we respectfully request that the Maryland Air National Guard host in-person public meetings in each of the counties to be impacted by the proposal, as well as complete a thorough Environmental Impact Study to examine probable impacts to wildlife species that are not covered in the recently issued DEA.

As you have noted in the DEA, "the Pennsylvania Wilds region contains the greatest concentration of public lands in the state, the largest wild elk herd in the northeast region, two designated Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest skies in the country." This region is also host to many resident and migratory birds, including protected raptor species. Many of these species are known to use this region as their summer nesting grounds, and many, including the northern goshawk, are in decline in others area of the northeast including Maryland. The northern goshawk was recently listed as endangered. The Pennsylvania Wilds region harbors many of the remaining known pairs of northern goshawks and is of particular importance for other wildlife that rely upon large forests. It shows the highest densities of forest-interior neotropical songbirds within the state as documented in the nesting bird atlas.

Reclusive species such as the goshawk and other raptors are easily spooked by humans and human activity, and would no doubt be impacted by regular low-level flights over nest sites.

Many research studies on disturbance and raptors suggest such disturbance could potentially lead them to abandon nesting territories in one of the few areas of eastern United States where they remain in any significant numbers.

For many years the state has worked to identify and protect special biodiversity areas such as the DCNR Wild Areas. Complimenting this work the local economy has increased efforts to attract eco-tourists to visit the wild parks and forests, through the Pennsylvania Wilds designation. The nature of the proposal could have significant impacts on the entire northern tier of Pennsylvania and jeopardize the work collectively accomplished over the past decades in protecting and bolstering this unique place and destination. Hawk Mountain Sanctuary has worked for decades to bring back raptors like the bald eagle, golden eagle, and many others that were victims of mass extermination efforts. Eagles are only now recovering their populations to historic levels. Golden eagles appear to winter within this region in increasing numbers.

We support the military, our soldiers, and the goals of the Air National Guard to provide adequate training for its pilots. The military protects us from harm here and across the world and for that we're eternally grateful. Similarly, the military should also bear responsibility in protecting the people and resources of this northern Pennsylvania region and ensuring that the residents and stakeholders understand the full and cumulative economic, health, environmental, wildlife and cultural impacts of the proposed Duke Low MOA.

We believe full transparency is imperative as the nature of this proposal could have lasting impacts on the quality of life and the very livelihoods that rely on the rural and wild character of the region.

Pennsylvania Wilds' expansive and rural nature can contribute to the difficulty to adequately share information with the public. We believe the burden is regulatorily placed on the Air National Guard to ensure adequate public outreach. We suspect a large percentage of the people in this region are either unaware of the proposed Duke Low MOA or have limited understanding of how it will be implemented.

Also, as we have closely reviewed the DEA, we find that the DEA is lacking in specificity, fails to address issues that are unique to the region, relies extensively on outdated source materials, and dismisses a number of critical concerns that residents and visitors have shared.

For these reasons, we are officially requesting the following:

- The Maryland Air National Guard undertake a more thorough Environmental Impact Statement process to assess additional impacts of the proposed project, such as those on vulnerable migratory bird and raptor populations in the footprint region and assessing impacts in nesting and non-nesting periods.
- The Maryland Air National Guard host a public meeting in each of the counties that fall within the Duke Low MOA footprint. These meetings should be held in-person due to the

lack of broadband connectivity in the region. We request at least 2-hour meetings that offer a presentation overview by the Guard and ample opportunity for public input and questions.

- The Maryland Air National Guard host a meeting in a central location, such as State College or Harrisburg, for citizens who are not within the Duke Low MOA footprint but who have clear interests that will be impacted by the proposed MOA project.
- The Maryland Air National Guard should make the effort to effectively inform the public about the meetings in this region through newspapers, social media, and other means including sharing the information with public elected officials including local, county and members of the General Assembly and Congressional Delegation.
- The Maryland Air National Guard should consider an extension of the December 15th deadline to fully accommodate the scheduling of these meetings and to ensure participants have ample opportunity to respond to what they have heard during the presentation(s).

We thank you for your consideration of this request.

Sincerely,

Sean Grace President

Hawk Mountain Sanctuary Association

Kempton and Orwigsburg, PA

grace@hawkmountain.org; 610-756-6961

From: NR, PAForester <ra-paforester@pa.gov>
Sent: Wednesday, November 10, 2021 10:59 AM

To: NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] RE: Draft Environmental Assessment and Draft Finding of No Significant ...

Impact for modification of the Duke Military Operations Area

Hi Kristi,

Your communication has been forwarded up the chain of command in the DCNR Bureau of Forestry.

Best,

PaForester

From: NGB A4/A4A NEPA COMMENTS Org < NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Sent: Tuesday, November 9, 2021 2:25 PM

Subject: Draft Environmental Assessment and Draft Finding of No Significant Impact for modification

of the Duke Military Operations Area

Good afternoon,

The National Guard Bureau (NGB) has prepared a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the potential impacts associated with the modification of the Duke Military Operations Area (MOA) in Pennsylvania and New York to establish low altitude airspace for the 175th Wing (175 WG), Maryland ANG A-10C Squadron. The Draft EA evaluates potential impacts to the human and natural environment as a result of the implementation of the proposed action. The environmental analysis for the Proposed Action is being conducted by the NGB in accordance with the Council on Environmental Quality guidelines pursuant to the National Environmental Policy Act of 1969. The Draft EA and Draft FONSI are available at https://www.175wg.ang.af.mil for your review and comment.

As a follow up to our scoping letter regarding the proposed action, we are requesting your participation by reviewing the Draft EA and soliciting your comments concerning the proposal and any potential environmental consequences of the action. If upon completion of the environmental impact analysis process it is determined that a FONSI is appropriate, a FONSI will be signed. Please indicate in writing if you wish to receive the Final EA and/or signed FONSI and provide an e-mail address if you prefer to receive the document electronically.

Please provide any comments you may have within 45 days of receipt of this letter to me at Ms. Kristi Kucharek, 3501 Fetchet Avenue, Joint Base Andrews MD 20762-5157 or NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil. Thank you for your assistance.

Respectfully,

Kristi Kucharek, GS-13 NGB/A4AM Plans and Requirements Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue, Joint Base Andrews, MD 20762 From: MARTIN

To: NGB A4/A4A NEPA COMMENTS Org

Cc: MARTIN

Subject: [Non-DoD Source] Modification of Duke Military Operations Area

Date: Tuesday, December 28, 2021 3:44:21 PM

Attachments: 501 PSCA JETS.doc

Modification of Duke Military Operations Area

Response from the Pennsylvania State Camp Association (PSCA) <<...>>



Virus-free. www.avg.com





Date: December 28, 2021

Subject: Proposed Duke Low MOA

To:

Major Jeffrey Andrieu Maryland Air National Guard, 175th Wing Warfield Air National Guard Base at Martin State Airport 2701 Eastern

Blvd Middle River, MD 21220

ngb.a4.a4a.nepa.comments.org@us.af.mil

From: Martin M. Salinas – President PSCA

460 Mackeyville Road

Mill Hall, Pennsylvania 17751

Reference: (a) Draft Environmental Assessment and Draft Finding of No

Significant Impact of the Proposed Duke Low MOA

Major Andrieu: This letter is in response to the request for public comment regarding the draft environmental assessment (EA) and draft finding of no significant impact (FONSI) for the Duke Low Military Operating Area (MOA). THE Pennsylvania State Camp Association (PSCA) protects the heritage and recreational use of state lease and privately owned camps. There are thousands of cabins located within the area of the proposed flights. Folks strive to leave their homes in cities and metropolitan areas just to spend some quiet peaceful time in the Pennsylvania wilderness. Cabins and recreational homes are visited in all seasons, and visitors participate in a multitude of outdoor activities year-round. The PSCA staff has been receiving mega emails and phone calls regarding your proposal. One hundred percent of our staff, members, and associates are against this type of activity.

We support our military, but life is hectic enough without loud low-flying aircraft

becoming yet another detriment to our quality of life in our rural areas.

Not only will the Duke Low MOA have negative impacts to the recreational experience

and quality of life for cabins and recreational homeowners, but also people (myself

included) who reside with their families in this targeted area. I have been to some

township meetings in Clinton and Centre counties, and I can assure you that no one I

have spoken to or listened to so far had any favorable comments. Most are worried that

the MOA will destroy they livelihood and our rural peaceful atmosphere. Not to mention

the devalue of the cabins and other properties.

The PSCA highly disagrees with the finding of no significant impact. Whoever prepared

the Draft Environmental Assessment and Draft Finding of No Significant Impact of the

Proposed Duke Low MOA sure as hell does not reside or participate in wilderness

activities in the proposed MOA areas. PSCA suggests that our staff, DCNR, and other

concerned groups and the public should be able to attend meeting(s) with the Air

National Guard (ANG) regarding activities such as this.

Thanks for the opportunity to respond Major!

Martin!

Cc: File

From: <u>Scafini, Michael</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: <u>Domoto, Emily</u>

Subject: [URL Verdict: Neutral][Non-DoD Source] Duke MOA Response Letter

Date: Tuesday, December 28, 2021 1:11:39 PM

Attachments: PA Mammal Technical Committee Duke MOA Response Letter.docx

Hello,

The Pennsylvania Mammal Technical Committee would like to submit a letter in response to the Duke Low MOA Environmental Assessment. If you would like to discuss our concerns further, please feel free to reach out to myself or Emily and we'd be happy to discuss further.

Thank you for your time.

Mike

Mike Scafini | Endangered Mammal Specialist Pennsylvania Game Commission | Bureau of Wildlife Management 2001 Elmerton Ave. | Hbg PA 17110 717.409.2848 www.pgc.pa.gov



Mammal Technical Committee

December 28, 2021

Maryland Air National Guard 175th Wing, Martin State Air National Guard Base

Email: ngb.a4.a4a.nepa.comments.org@us.af.mil

Attention: Duke Low MOA Environmental Assessment

To whom it may concern:

The Pennsylvania Biological Survey (PABS) is a nonprofit, all-volunteer organization whose purpose is to increase knowledge of, and foster the perpetuation of, the natural biological diversity of the Commonwealth of Pennsylvania. The Survey is responsible for determining the status (endangered, threatened, etc.) of wild species of animals, plants, and other organisms in the state. PABS is governed by a Steering Committee that functions through technical committees focusing on species groups and program areas. The Mammal Technical Committee is focused on providing advice and guidance regarding the status and management of Pennsylvania's mammals. Our committee has over 30 members that represent academics, agency biologists, consultants, and other scientists and species experts from across the state.

The Mammal Technical Committee wishes to express its concern over the proposed Duke Low Military Operations Area (MOA) in Northcentral Pennsylvania. The proposed Duke Low MOA comprises 1,727 square nautical miles (over 1.4 million acres) of area in the counties of Cameron, Clinton, Elk, McKean, Potter, and Tioga. This area holds some of the State's richest and most diverse forest and natural resources and is home to numerous species of wildlife. Approving the proposed Duke Low MOA without properly evaluating and assessing the potential impacts could cause irreversible damage to sensitive wildlife populations, the local ecosystem, and the local economy.

Research has shown that low flying aircraft systems can and do disrupt behavior and health of some wildlife species by influencing breeding behavior, predator avoidance capability, hunting efficacy, and other behaviors. More research is needed to understand how larger, louder, faster, and lower-flying military aircraft will impact vulnerable wildlife in the proposed Low MOA. Such impacts may include potential disruptions to terrestrial wildlife feeding, breeding, and migratory behavior.

The PA Wilds includes the largest elk herd in the northeast. The Pennsylvania Game Commission has spent decades and millions of dollars restoring this species to Pennsylvania, and the herd generates millions in tourism revenue to local economies in this economically underserved area. Pennsylvania elk are limited in range to only northcentral counties, directly overlapping the area proposed for the Duke Low MOA. The impacts of loud and low flying aircraft may impact the resting and ruminating behavior, habitat use & distribution, and calf survival (via repeat disturbance to gestating and lactating elk cows) in the local elk population.

Also, proposed flight patterns would greatly increase the likelihood of aircraft strikes with birds and bats. Peurach et al. (2009) reviewed bat species involved in U.S. Air Force aircraft strikes from 40 states between 1997 and 2007 and found that big brown bats (*Eptesicus fuscus*), red bats (*Lasiurus borealis*), hoary bats (*Lasiurus cinereus*), tricolored bats (*Perimyotis subflavus*), and little brown myotis (*Myotis lucifugus*) were all recorded. All these species occur in the proposed Low MOA. The study also indicated the average height of bat strikes in the U.S. was at 345 meters (1132 feet). The current MOA restricts flights to 8,000 feet AGL, and the proposed flights that will occur at 100 feet above ground level (AGL) during the day and above 500 feet AGL during the night would overlap with the heights where bat strikes have typically occurred. Peurach et al. (2009) further note that most (84%) bat strikes occurred during the early evening (7pm to 2am), which overlaps exactly with the proposed Low MOA night flight times of sunset to 10pm. Further, there is also no allowance in the proposed Low MOA for reducing risks of bat strikes during critical spring and fall periods when bats are migrating or traveling from hibernation sites.

It is the Mammal Technical Committee's position that research to adequately assess impacts to wildlife in the proposed Low MOA is severely lacking, but that the research that has been conducted to date suggests the potential for important impacts to wildlife from the proposed Low MOA. Current peer-reviewed research relating to wildlife impacts from military jet overflights is not only limited, but what exists was often conducted in locations very dissimilar to Northcentral Pennsylvania, leaving uncertainty about how it may apply to our faunal assemblages. Furthermore, flights at 100 feet AGL are a significant departure from the existing Duke MOA. Significant research has not been conducted in areas with flight zones as low as 100 feet AGL. Nonetheless, the research that has been conducted is concerning. It suggests that wildlife and human impacts under the proposed Low MOA could be significantly greater than under the current MOA, given recent findings on noise impacts to wildlife and known bat strikes. The proposed Low MOA encompasses a large area important not only for elk, but also breeding bats such as the Indiana bat and Northern long-eared bat (both listed under the Endangered Species Act), State Endangered bat species (e.g., tricolored bats and little brown bats) and migratory tree bats (e.g., red bats and hoary bats) known to be highly susceptible to strikes at heights, times of day, and during critical migratory periods proposed in the Low MOA.

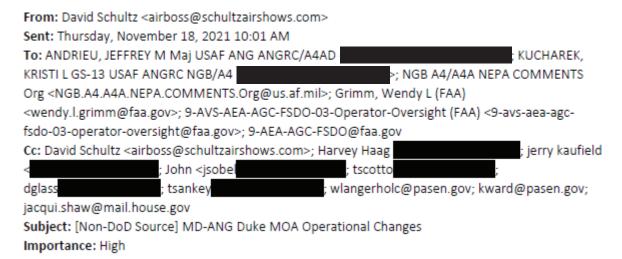
In summary, while we appreciate the need for military readiness, including the need for low-level flight training for the Maryland Air National Guard, we cannot support these activities without adequate research. We encourage more applied research related to the impacts of low altitude flights on Pennsylvania's wildlife resources prior to final approval of this Low MOA. Currently in the Draft Environmental Assessment, it is an error to assume that 'unknown' impacts are equivalent to 'no impacts': lack of data does <u>not</u> mean lack of impact. Until relevant data is collected, MTC requests the "No Action" alternative detailed in the Environmental Assessment be instituted, or that a full EIS be conducted by the National Guard to address the lack of knowledge needed to conclude that impacts to the wildlife resource will be less than significant. We thank you for time in considering this important matter.

Thank you for your consideration.

Sincerely,

MTC Co-chairs:

Emily H. Domoto | Section Chief PA Dept of Conservation and Natural Resources Bureau of Forestry | Ecological Services Section 400 Market Street | Harrisburg, PA 17105 Mike Scafini | Endangered Mammal Specialist Pennsylvania Game Commission Bureau of Wildlife Management 2001 Elmerton Ave. | Harrisburg, PA 17110



On behalf of the Clearfield-Lawrence Township Joint Airport Authority of Clearfield, PA, please find attached our concerns related to the changes to the Duke MOA in north central Pennsylvania that have been proposed by the MD ANG for operations for their A-10 aircraft and also for the NJ-ANG and DC-ANG F-16 operations.

Please do not hesitate to contact me if you have any questions. Thank you.

David Schultz, Chairman c/o David Schultz Airshows LLC 365 Sunset Ridge Road, Clearfield, PA 16830

CLEARFIELD-LAWRENCE TOWNSHIP JOINT AIRPORT AUTHORITY

801 AIRPORT ROAD CLEARFIELD, PA 16830 TELEPHONE (814) 768-7110

18 November 2021

Major Jeffrey Andrieu
Kristi Kucharek, GS-13
Airspace NEPA Program Manager
Air National Guard Readiness Center
3501 Fletchet Ave
Joint Base Andrews, MD 20762

Maryland Air National Guard, 175th Wing Martin State Airport, MD (ngb.a4.a4a.nepa.comments.org@us.af.mil)

Wendy Grimm, Manager (7-AEA-AGC-FSDO@faa.gov) FAA Allegheny FSDO 101 Towne Square Way, Suite 201 Pittsburgh, PA 15227

Ms. Kucharek, Major Andrieu, and Ms. Grimm:

On behalf of the Clearfield -Lawrence Township Joint Airport Authority, our tenants, and our regional community, I am writing to express our concerns over the Maryland Air National Guard's plan to establish a Low Military Operations Airspace inside of the current Duke MOA in North Central Pennsylvania. The Clearfield Airport (KFIG) is located just south of the Duke MOA.

The safety of our tenant pilots and those in this region that utilize the airspace is our paramount concern. While we recognize the need for low level training in the mountainous type terrain that we have in the Duke MOA, we would appreciate you addressing the following concerns:

- 1) A great deal of effort and money has been spent in the past decade to improve the elk population in this part of Pennsylvania and tourism has increased in this part of the Commonwealth in recent years. With lowering operations to 100 ft AGL, we are concerned over the detrimental effect that the aircraft noise and overflights could have on the tourism as well as the elk population. Tourism is one of the largest sources of income for most in this region due to the ability to enjoy the wildlife in this area.
- 2) We strongly recommend that if the Duke MOA were to have operational hard decks lowered, it should be no more than what is allowed currently in FAR Part 91 which states flight no lower than 1000 ft AGL above the highest obstacle. This would allow for low level training necessary for ANG F-16 and A-10 aircrews while limiting the noise and possible negative effects on the wildlife and tourism in the area.
- 3) As an airport nearby the Duke MOA, the increased low level nature of operations by the ANG would inherently increase the risk to our pilots/airport patrons that would operated in and near the Duke MOA. As we have seen in other part of the United States where MOAs are present, the US Military has provided to the local airports placards and signs that present information on the type aircraft that operate in the MOA.

CLEARFIELD-LAWRENCE TOWNSHIP JOINT AIRPORT AUTHORITY

801 AIRPORT ROAD CLEARFIELD, PA 16830 TELEPHONE (814) 768-7110

This would enable our pilots, students, and others that use the airspace to know what to look out for while operating in and around the MOA. Silhouettes and photos of the type aircraft, operational speeds, etc. would be extremely helpful in maintaining the awareness of the high speed aircraft at the lower altitudes that you are now requesting in the Duke MOA.

- 4) With operations at lower altitudes, the possibility of an incident in which an aircraft could impact the terrain increases. As such, it is our recommendation that the ANG provide details to ALL EMS/Fire Departments/Police Departments within the Duke MOA and 80 miles in any direction from the perimeter of the Duke MOA with Aircrew Emergency Extraction Information for both the F-16 and A-10 aircraft (and any other possible aircraft that might use the MOA) at no cost to these municipal Emergency Services. The region is serviced by volunteer fire departments that are not trained on F-16 and A-10 aircraft. The extraction information as well as lift points, canopy releases, ejection seats, etc. would be extremely helpful in keeping these volunteer emergency responders aware of the hazards associated with rescue of a downed airman in this region. The municipalities also need to know of the hydrazine concerns associated with the F-16.
- 5) While one of the advantages of the Duke MOA is the remoteness of the location to major populations, there is also a major concern over the possible landing locations for F-16/A-10 aircraft due to mechanical concerns, weather, etc. While reviewing possible landing/divert locations within 80 miles of the perimeter of the Duke MOA and within the Duke MOA, we have noticed that there are very few options for the safe landing of these type aircraft in the region. The A-10 generally needs at least 5000 ft of surface in order to safely land at the altitudes present in this region. The F-16 generally needs at least 7000 ft of surface in order to safely land at the altitudes present in this region.

There are only a few airports in the region with 5000 ft+ runway lengths that could support the A-10. These include Bradford, PA; DuBois, PA; University Park, PA; Indiana County, PA; Mid-State, PA; Williamsport, PA; Altoona, PA; Jamestown, NY; and Elmira, NY. Very few of these airports however, have the properly weight bearing capacity to support the A-10.

Upon further investigation, there are NO airports in the area nor within 80 miles of the Duke MOA that can support the 7000 ft runway length requirement for the F-16. There are also no airports within this area that have arresting gear capability for the F-16.

Many of these airports are also UNICOM only. Possible Divert airports for these aircraft should receive proper and documented training associated with the ground handling, fueling, and other specialized servicing needed for the type aircraft.

6) With the increased risk of low level flight training, it is recommended that the ANG provide a series of hands-on emergency response training seminars to local and regional EMS/Fire Departments/Police Departments, etc. as it relates to the A-10 and F-16 aircraft. We recommend that this training be done as close to the Duke MOA as possible, annually for the first 3 years of operation then bi-annually thereafter, and at no cost to the municipal and volunteer emergency response companies and personnel. Local Airport Management within 80 miles of the Duke MOA and inside of the Duke MOA should also be granted

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access to training as well.

- 7) We strongly recommend that the ANG place a Fire Fighting Training Simulator for both the F-16 and A-10 aircraft in the local region so that emergency responders can train annually or as they deem necessary. The Clearfield-Lawrence Township Joint Airport Authority is located along Interstate 80 approximately 15 miles south of the Duke MOA. Our airport would like consideration of hosting these fire fighting simulators for use by any Fire Department/EMS needing to train on extraction and fire fighting related to these type aircraft. This simulator, along with the procurement of and installation of the equipment, should be at the cost of the ANG for the overall safety training associated with the use of the regional airspace and the increased risk of lower altitude operations.
- 8) With a great deal of general aviation operations in the area as well as commercial ATC routes in and around the Duke MOA, we recommend that the aircraft not only be in radar contact and radio communications with the proper ATC (Cleveland Center) during all transit and operations within the Duke MOA but also have ADS-B active. The proper and continuous awareness of the general aviation operators in the region must be of paramount concern to the ANG operating in the entire Duke MOA. The notification of the Duke MOA being active up to 170 days per year and up to 4 hours per day must be clear to all aircraft operators in this region. We not only have a great deal of civilian pilots operating general aviation in the region but also numerous medical helicopters that also transit the region. Special consideration for communication of the Duke MOA being active and what type aircraft are in the Duke MOA at any given time is needed for the safety of everyone.

The Clearfield-Lawrence Township Joint Airport Authority understands the need for proper, skilled training for our Military Warriors. The Duke MOA is in a unique location to allow for this type of training in the Mid-Atlantic region. We fully support our military here in Clearfield County and with the concerns addressed above, it is our belief that the military and the community can work together so that this can be done safely and with minimal impact to the tourism and the wildlife in the region. Thank you for addressing these concerns.

Sincerely,

David Schultz, Chairman Clearfield-Lawrence Township Joint Airport Authority

CC:

Rep Glenn Thompson, Clearfield County Commissioners
PA Rep Tommy Sankey, PA Sen. Kim Ward, PA Sen. Wayne Langerholc Jr.

From: Kyle Shenk

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [URL Verdict: Neutral][Non-DoD Source] Comments on the Proposed Duke Low MOA

Date: Friday, December 31, 2021 5:55:46 AM

Attachments: <u>Duke MOA Comments .pdf</u>

See below and attached.

Major Jeffrey Andrieu Kristi Kucharek Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

RE: Draft EA and Draft FONSI of the Proposed Duke Low MOA in the Pennsylvania Wilds

Dear Major Andrieu & Ms. Kucharak,

This letter is in response to the request for public comment regarding the draft EA and draft FONSI for the Duke Low MOA. We appreciate the opportunity to review and provide feedback. The Conservation Fund is a national non-profit organization that works to protect America's most critical lands and waters to provide greater access to nature, strengthen local economies and enhance climate resiliency. We have worked in all 50 states since 1985 to protect more than 8.5 million acres of land.

We have made strategic investments in and around the impacted area of the proposed Duke Low MOA to protect the viability of Working Forests and outdoor recreation, which are intertwined with the economic well-being and quality of life for the communities in this region. Please consider the following recommendations:

- 1. **Robust Public Outreach:** The impacted communities have valid concerns and questions regarding this proposal, as evidenced by the comments included in the Draft EA dated October 2021. An extended public comment period including a series of public meetings and engagement outside of the directly affected area is necessary to properly assess the impact this proposal will have on the region.
- 2. **Full Environmental Impact Statement:** The proposed MOA is entirely within the Pennsylvania Wilds a conservation landscape that encompasses 2.1 Million acres of public lands, including sensitive ecological areas and one of the largest Elk herds in the eastern United States. A full Environmental Impact Statement, as required by the National Environmental Policy Act, should be completed to fully understand and communicate the impacts of the proposed MOA.

We appreciate your consideration for these comments and urge you to fully consider the impacts of the Proposed Duke Low MOA on the communities in the Pennsylvania Wilds.

Sincerely,

Kyle Shenk

Northeast Regional Director

The Conservation Fund

kshenk@conservationfund.org PO Box 1306 Camp Hill, PA 17011 www.conservationfund.org

THE CONSERVATION FUND

PO Box 1306 Camp Hill, PA 17011 (717) 816-6451 www.conservationfund.org

Major Jeffrey Andrieu Kristi Kucharek Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

RE: Draft EA and Draft FONSI of the Proposed Duke Low MOA in the Pennsylvania Wilds

Dear Major Andrieu & Ms. Kucharak,

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We appreciate your consideration for these comments and urge you to fully consider the impacts of the Proposed Duke Low MOA on the communities in the Pennsylvania Wilds.

Sincerely,

Kyle Shenk Northeast Regional Director From: Amy Shields

To: NGB A4/A4A NEPA COMMENTS Org
Subject: [Non-DoD Source] Comments
Date: Friday, December 31, 2021 9:01:37 PM
Attachments: Major Jeffery AndrieuDecember 21.docx

--

Thank You,

Amy Shields

Executive Director,
Allegheny Hardwood Utilization Group (AHUG)
(814) 594-9283 cell / (814) 837-8550 office
ashields@ahug.com

#RealAmericanHardwood



December 21, 2021

Major Jeffery Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Maryland Air National Guard 175th Wing Martin State Air National Guard Base ngb.a4.a4a.nepa.comments.org@us.af.mil

SUBJECT: Comments on Duke MOA

Dear Ms. Kucharek and Major Andrieu:

Please find the following comments on behalf of the Allegheny Hardwood Utilization Group (AHUG) in response to the proposed action by the Air National Guard (ANG) to establish a Low Military Operations Airspace (MOA) below the existing Duke MOA.

AHUG is a non-profit forest industry association funded by the Pennsylvania Department of Agriculture and private industry with the mission of promoting the long-term economic growth and development of the forest products industry within a 14-county region of Northwest and North Central, PA. In accomplishing this mission on behalf of our nearly 100 member organizations, AHUG provides support for hardwood related research and development, workforce development and training, promotion of hardwood products and the furthering of sustainable management of the region's natural resource assets.

The National Environmental Policy Act (NEPA) specifies that an Environmental Assessment (EA) be prepared to provide sufficient analysis and evidence for determining whether to prepare a more robust Environmental Impact Statement (EIS) or a finding of No Significant Impact (FONSI). The ANG released the Draft Environmental Assessment (DEA) and has issued a draft finding of No Significant Impact (FONSI), stating that the increased, low-altitude flying of A10s, F-16s and other military aircraft will have no significant impact on the welfare of the region.

This proposal would allow training units to fly as low as 100 feet above ground level (AGL) for up to 4 hours per day, 170 days per year.

The counties that comprise the proposed Low MOA are among the most heavily forested within the state. In fact, this region is home to some of the highest quality hardwood forests in the world and is the beginning of the hardwood supply chain in Pennsylvania. We believe that the proposal by the Maryland ANG may lead to a variety of detrimental impacts on our region, which could be further exacerbated by other ANG's also utilizing the same Low MOA. These potential impacts include:

- The spread of invasive species by aircraft tires and/or rotor wash.
- Wildfires caused by training flares or aircraft accidents.
- Forest health implications caused by jet fuel spills and/or vapors.
- Increased threat of accident caused by low flying aircraft interacting with forest harvest operators, especially as forest operators take advantage of frozen conditions in pre and postdawn hours.

We also have concerns about the safety of our residents and those involved in training operations, as our region is incredibly rural, with rolling, mountainous terrain, limited volunteer medical services, small health clinics and limited access to the broadband technology required to adequately respond to an emergency.

With nearly 17 million acres of forestland and a business presence in every one of the Commonwealth's sixty-seven counties, Pennsylvania is the number one producer of hardwood products in the United States. Our hardwood industry employs nearly 63,000 individuals in more than 2,100 operations statewide, representing approximately 10% of Pennsylvania's manufacturing workforce and providing over \$36 billion per year in total economic impact to the state's economy.

AHUG respectfully requests that the ANG complete a full environmental impact statement to demonstrate its due diligence in researching and identifying potential risks for this low POA proposal in the North Central, PA region.

Sincerely

Amy Shields

Executive Director, Allegheny Hardwood Utilization Group (AHUG) (814) 594-9283 cell / (814) 837-8550 office ashields@ahug.com From: Wanda Shirk

To:NGB A4/A4A NEPA COMMENTS OrgSubject:[Non-DoD Source] MOA - MD ANGDate:Saturday, December 18, 2021 12:21:33 PM

On behalf of the Susquehannock Trail Club, as its president, representing 280 members and thousands of non-member hikers of the Susquehannock Trail System, I request that an extensive environmental impact study be completed and that public input be considered carefully before the Maryland Air National Guard proceeds to expand its Military Operations Area to levels as low as 100' above our county and our state forest.

I have heard these planes roar over my house in Potter County. If there is any right to "peace and quiet," it is certain that they disturb that state. The noise is incredible and a fearful distraction to any living being. It is heart-breaking to think that we could live with the sounds of a war zone above us multiple times a week.

Everything that goes into this Military Operation -- the millions of dollars in hardware, the tens of thousands of gallons of burned fossil fuels, the prioritization of the military over civilian tranquility -- is antithetical to a good life we have sought here.

We raise our voices in protest.

Peace ~ Wanda Shirk

Potter County

From: <u>Traver, Carrie</u>

To: NGB A4/A4A NEPA COMMENTS Org; ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD

Cc: Nevshehirlian, Stepan; Beers, Samantha; Barger, Cindy; Yesmant, Christopher; Austin, Mark

Subject: [Non-DoD Source] ANG - Modification of Duke Military Operations Area - Draft EA

Date: Thursday, December 30, 2021 1:43:50 PM

Attachments: 2021-12-30 EPA Comments EA ANG Duke Low MOA.pdf

Dear Major Andrieu and the NGB/ANG NEPA team:

Attached is our comment letter for the Draft EA for the proposed Duke Low MOA. As indicated, EPA is recommending additional analysis to determine whether a FONSI or EIS is appropriate. Given the public concern surrounding the proposal, we recommend holding public meetings to both inform the public and to receive feedback.

Please note that EPA had requested an electronic copy of the draft Study but we did not receive the EA or a notice of its availability. We would appreciate notification by email of agency or public meetings or additional studies.

We also note that that only EPA's 2019 scoping comments were included with the agency correspondence in the appendix of the EA. EPA provided scoping comments on September 26, 2019 and April 30, 2021.

Thank you for your consideration of our comments. As stated in the cover letter, we would welcome having further conversation regarding the Proposed Action and NEPA Study, and suggest that a meeting for state and federal agencies may be helpful to discuss comments and concerns.

Respectfully, Carrie Traver

Carrie Traver

Life Scientist
Office of Communities, Tribes, & Environmental Assessment
U.S. Environmental Protection Agency, Region 3
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215-814-2772
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

December 30, 2021

Major Jeffrey Andrieu 3501 Fetchet Avenue Joint Base Andrews, Maryland 20762-5157

RE: Air National Guard - Modification of Duke Military Operations Area Draft Environmental Assessment

Dear Major Andrieu:

The Air National Guard (ANG) has prepared a draft Environmental Assessment (EA or Study) for the proposed modification of the Duke Military Operations Airspace (MOA) over Cameron, Clinton, Elk, McKean, Potter, and Tioga Counties in Pennsylvania as well as a small area of Cattaraugus and Allegany Counties in New York. The proposed Low MOA would range from 100 feet Above Ground Level (AGL) to 7,999 feet above Mean Sea Level (MSL) to accommodate the training requirements of the Maryland ANG 175th Wing (WG), stationed at Martin State Airport (Warfield ANG Base) near Baltimore, Maryland. The ANG is a Directorate within the National Guard Bureau (NGB).

The U.S. Environmental Protection Agency (EPA) has reviewed the EA in compliance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508) and Section 309 of the Clean Air Act. The proposed action would occur principally in EPA Region 3, which includes Pennsylvania and Maryland.

EPA provided scoping comment letters on September 26, 2019 and April 30, 2021. In those comments, EPA stressed the importance of fully evaluating impacts on the undeveloped nature of the region, including assessing impacts on residents, wildlife, and the range of recreational activities that contribute to the economy of the Pennsylvania Wilds tourism region and the Commonwealth of Pennsylvania. As EPA and other commenters have indicated, the Pennsylvania Wilds is an outdoor recreation destination that includes approximately 2.1 million acres of public land and attracts those who want to experience the rural nature of the region and enjoy nature-based activities.

We thank the NGB for extending the public comment period to allow more time during the holidays. We continue to recommend robust public outreach to capture the range of impacts and concerns from the modification of the MOA (Proposed Action). We encourage the NGB and ANG to hold public meetings for stakeholders and to fully consider the feedback received, including actions that may lessen impacts to communities and resources. We also encourage the ANG to consult with local, state, and federal agencies and incorporate their recommendations into the NEPA Study.

We appreciate that ANG considered input from scoping comments in the characterization of existing resources. The presence of existing resources, including Pennsylvania State Parks, State Forests,

Natural and Wild Areas, and the largest elk herd in the northeast are described in the EA, as is the Pennsylvania Wilds region.

The proposed use of the Low MOA is expected to occur 170 days a year, up to an hour twice a day with up to 6 aircraft. The Study indicates that 5 percent of aircraft operations would be conducted below 1,000 ft AGL and aircraft would be in the low altitude ranges between 500 ft to 100 ft for 2-3 minutes during each sortie, with training down to 100 ft AGL lasting several seconds. In general, the EA concludes that due to the brief amount of time planes would be at the lowest altitudes and the infrequency of flights due to the wide geographic area, impacts to a range of resources would be less than significant or negligible.

By focusing on the brevity of the lowest operations, the potential impacts from the overall operation of the Low MOA do not appear to be robustly assessed. The range of impacts of the Proposed Action, including operations above 1000 ft AGL, the impact of the intermittent, sudden-onset noise in a rural area, and relocation of activities from other special use airspace (SUA) including impacts from routing flights to this area should be clearly evaluated and supported in the Study.

Several resource areas were dismissed without detailed analysis. Climate change, air quality, and visual effects were also dismissed, and vibration was only briefly addressed. These issues would benefit from further characterization and evaluation. Please see detailed comments in the attached enclosure regarding these and other topics.

Environmental Justice (EJ) and children's health were not analyzed as the EA concluded that no affected population would suffer adverse or disproportionate impacts because all populations in the study area will experience similar impacts. EPA notes that certain populations (e.g., low-income and/or people of color) may face elevated susceptibility to impacts that may affect other populations less severely. Therefore, potential populations of EJ concern should be identified so that impacts can be fully assessed. Potential impacts to communities in the flight path to the MOA should also be fully evaluated, including noise, vibration, and emissions from changing flight patterns. Furthermore, given the possibility for noise exposure to have negative effects on children's cognitive skills such as reading and memory, an examination of potential impacts to children would seem to be warranted. An evaluation could include assessment of speech interruption in the classroom and sleep interruption.

Assessment of noise impacts from the Proposed Action is critical to the Study. While the EA emphasizes the relatively small overall increase to the modeled Day-night Sound Level (DNL) and Onset-Adjusted Monthly DNL(Ldnmr), the DNL averages loud noise with ambient quiet over a 24-hour period. It does not capture the disruption that may occur from intermittent, loud noise in a generally quiet environment and can understate the intensity of the impulsive events. Further, DNL is not useful for assessing impacts on wildlife. *Community and Environmental Noise: A Guide for Military Installations and Communities* (2018) notes: "Although DNL is an effective metric for assessing land use compatibility or the average of all noise events in a day, DNL may not be the best method of describing community annoyance associated with occasional loud events and their potential impact..."

The discussion of noise presented in Section 3.2 is helpful in understanding the impacts. The maximum sound level (Lmax) and Sound Exposure Levels (SELs) were calculated and listed in Table 3-10. This is useful as these supplemental metrics provide a more complete picture of potential impacts to humans, domestic animals, and wildlife. We recommend that the evaluation of impacts to resources

focus on the use of noise metrics that better capture the impulsive, intermittent nature of sudden-onset noise such as unweighted peak sound levels and maximum sound levels.

It is currently unclear how the proposed altitude mitigation would be sufficient to reduce impacts, especially in remote or sensitive areas, such as Hammersley Wild Area. The Lmax from the primary aircraft (A-10C) is estimated to be 114 A-weighted decibels (dBA) at 100 ft AGL. In the places where the proposed altitude mitigation is applied, the modeled Lmax is 102 dBA at 500 ft AGL and 95 dBA at 1000 ft AGL, which is still substantial. We recommend detailed assessment of noise, vibration, and visual disruption to humans and wildlife from the aircraft at 500ft and 1000 ft AGL and consideration of additional avoidance measures.

Given the range of sensitive resources and public concern, a robust analysis of potential impacts and alternatives should be conducted, and the findings carefully supported. Where impacts cannot be fully assessed, additional restrictions or commitments to impact reduction or mitigation could reduce the potential for adverse impacts. Possible mitigative measures could include exclusion zones over sensitive resources, time of year restrictions to avoid impacts to migratory birds, elk breeding and calving, or other wildlife and associated recreational activities, additional altitude restrictions, and additional limits on operations. Clear communication of expected operations and channels to receive and respond to feedback during operations, such as a well-publicized noise hotline, could also be helpful.

As explained in Section 1.4.1 of the EA, NEPA and CEQ regulations specify that an EA be prepared to provide sufficient analysis and evidence for determining whether to prepare an Environmental Impact Statement (EIS) or a finding of no significant impact (FONSI). However, EPA finds that the draft EA does not provide adequate analysis regarding the Proposed Action's impacts to demonstrate that the impacts are not significant. EPA recommends the Study be revised and made available for public comment in a supplemental EA to support a FONSI, a mitigated FONSI, or an EIS. If, based on the additional analysis, the impacts are significant and ANG is not able to mitigate to less than significant, then an EIS is appropriate.

Thank you for considering our comments. We would like to work with you in developing a robust NEPA study that fully evaluates impacts to the range of resources and would welcome a discussion of these comments at your convenience. We suggest holding an agency meeting to discuss the comments from federal and state agencies. Please feel free to contact me at 215-814-3402 or Nevshehirlian.Stepan@epa.gov. The Region 3 staff contact for this project is Carrie Traver; she can be reached at 215-814-2772 or Traver.carrie@epa.gov.

Sincerely,

Stepan Nevshehirlian Environmental Assessment Branch Chief Office of Communities, Tribes & Environmental Assessment

Enclosure

Air National Guard - Modification of Duke Military Operations Area Environmental Assessment

PURPOSE AND NEED (Section 1.3)

While it is clear that training requirements for military pilots and aircrews must be met, additional background could clarify the purpose and need of the Proposed Action as well as the range of viable alternatives. Section 1.3 cites the need to accommodate 175 WG training requirements for a reliable and realistic training environment for aircrews and seems to indicate that high demand and other constraints are restricting the ability to meet these needs. Further detail would be useful.

The EA briefly states that the 175 WG was using airspace at Davis Monthan Air Force Base (AFB) and altitude reservation in the Duke MOA and R4006, but these airspaces are no longer available. Section 2.3 states R-4006 airspace at Naval Air Station (NAS) Patuxent River has been the primary airspace used by the 175 WG for training, but training sorties decreased from approximately 25 percent to two percent in 2017 due to the low availability of the high demand airspace. Section 2.3 also indicates the use of Military Training Routes (MTRs). The EA would benefit from an expanded discussion of current training operations, including the use of altitude reservation, more recent data regarding airspace locations being used, and a discussion of why those airspaces are no longer viable.

RESOURCES NOT CARRIED FORWARD FOR DETAILED ANALYSIS (1.5)

Further analysis or detail for several resource areas not carried forward for detailed analysis is warranted to ensure impacts are fully assessed. Air quality, climate change, environmental justice, children's health, and visual effects were not carried forward for detailed analysis in the EA.

Air Quality

The EA, including the Record of Non-applicability (RONA), states that all counties beneath the proposed Duke Low MOA are designated as full attainment for all criteria pollutants and the General Conformity Rule does not apply because all areas associated with the Proposed Action are in attainment. However, Tioga County is listed as a maintenance area for 1997 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) through July 6, 2027. (See

https://www.federalregister.gov/documents/2021/06/09/2021-11925/air-plan-approval-pennsylvania-1997-8-hour-ozone-national-ambient-air-quality-standards-second We also note that areas that may be below the flight path and surrounding Martin State airport are not in attainment for all criteria pollutants.

The EA uses an insignificance indicator of 250 tons per year (tpy) of each pollutant. For ozone, the applicable NAAQS standard would be 100 tpy. Therefore, it appears the EA and RONA should be corrected to reflect the existing maintenance area, the applicability of a General Conformity determination, and appropriate standard. Further, we recommend a full evaluation of all areas associated with the Proposed Action, including an evaluation of emissions from flying to and from the SUA from Martin State Airport or other locations.

A summary of the total emissions was provided in Table 1-1. The EA states that the Air Conformity Applicability Model was used to estimate the direct and indirect emission from air operations within the proposed SUA. For transparency, we recommend that supporting information, including assumptions and inputs for the calculation of the emission estimates be provided in the appendices.

We appreciate the inclusion of emissions below the mixing height of 3,000 ft AGL in the total estimates to be conservative; however, we recommend the Study also evaluate impacts from emissions to populations from low-level operations on local air quality.

Climate

We recommend that the Study include an estimate of greenhouse gas (GHG) emissions produced from the proposed action, a discussion of the contribution of the action to climate change, and an evaluation of measures that may be taken to reduce GHG emissions.

Section 1.5 states that the Proposed Action would have negligible effects on climate because "the ANG-wide training requirements would not change, and any increase in greenhouse gas emission from aircraft operations in the proposed airspace would be directly offset by reductions in emissions from the required training where it would otherwise be conducted." However, selecting an MOA that is farther than the existing training area would be expected to increase GHG emissions while flying planes to a closer MOA could decrease emissions. Section 2.3 states the 175 WG has been using R-4006 airspace at NAS Patuxent River for training (which is closer to Martin State Airport than the Duke MOA). Discussing current operations could help clarify potential impacts.

Increased operations, including use by additional ANG squadrons or other users could also increase emissions. Table 2-2 shows a projected rise in annual number of missions and time in the Duke MOA for A-10C, F-16C and C-130J, including an increase of A-10C single aircraft sorties from 200 to 600.

This section also states that climate "would remain consistent with existing conditions", which is unclear in the face of climate change. Climate change is having a range of biological community impacts, including changes in distribution and timing of migration and other activities. Activities in the Low MOA could introduce an additional stressor to biological communities. We recommend evaluation of synergistic effects to wildlife.

Environmental Justice

As stated above, certain populations may face elevated susceptibility to impacts that may affect other populations less severely. Therefore, EPA encourages the ANG to assess the potential for adverse impacts in areas of potential EJ concern even if less vulnerable areas may face similar conditions.

EPA reiterates its recommendation to conduct a comprehensive environmental justice (EJ) analysis. EPA continues to encourage the use of the EJSCREEN tool to support these efforts. A preliminary review of EJSCREEN by EPA indicates that the MOA covers U.S. Census block groups with high low-income populations, older populations, and young child populations (for instance, meeting or exceeding the 80th percentile level compared to the broader nation). In addition, U.S. Census block groups near Martin State Airport (which may face air-related hazards during and after flight takeoff) appear to include high people of color populations, low-income populations, populations with less than a high school education, linguistically isolated populations, young children, and older individuals. EPA is willing to provide training to support ANG's use of EJSCREEN and applicable data sets.

EPA encourages community outreach for meaningful public engagement and participation. EPA recommends conducting public meetings and circulating notices of the meetings, informational events, noise/concern hotlines, or other information at frequently visited community locations. These sites may include, but may not be limited to, schools, faith centers, community centers, barbershops, salons, and medical centers.

Children's Health

As described in the EA, there would be periodic low overflights loud enough to cause interruptions in communication. Noise exposure from A-10 and F-16 operations conducted below 7,000 ft MSL would be loud enough to interfere with communication on the ground for approximately 0.7 to 1.2 miles in all directions (an average area of 2.4 square miles). Research has shown negative effects of aircraft noise

exposure on children's cognitive skills; noise effects may be more significant for children who have learning disabilities, hearing or speech impairment, or other vulnerabilities. EPA recommends that potential noise impacts on children and disruption in classroom learning be assessed.

- Identification of areas with high populations of young children, locations of schools, and estimated occurrence of speech interference events at school locations would be useful information to assess the potential for impacts.
- It would be helpful to evaluate overflight noise considering applicable standards. The recommended American National Standards Institute (ANSI) Standard for Classroom Acoustics (S12.60) one-hour average exterior background noise maximum is 35 dBA in unoccupied learning space. The World Health Organization Community Noise Guidelines suggest that the background sound pressure level in school classrooms should not exceed 35 dBA equivalent continuous sound level (LAeq) during teaching sessions to protect from speech intelligibility and disturbance of information extraction.

Visual Effects/Aesthetics

The EA concludes that the Proposed Action would have negligible effects on visual features because there are "no changes to the visual or aesthetic characteristics of any area". While visual effects may be subjective, it is generally recognized that low-flying aircraft may have a visual impact, particularly in areas where the expectation is that modern intrusions would be lacking, such as wild areas and in the vicinity of historic resources. We recommend fully evaluating impacts by consulting with the public, agencies, and reviewing relevant studies.

The EA also indicates, "The Proposed Action would not produce light emissions that create annoyance or interfere with activities or contrast with, or detract from, the visual resources and/or the visual character of the existing environment." We recommend the statement be explained, particularly in the context of the wilderness experience sought by those in remote areas and from night operations that could impact "dark sky" tourism in the region. (See further comments below.)

ALTERNATIVES DISMISSED FROM FURTHER ANALYSIS (2.3)

As previously discussed, further explanation of the current operations and underlying need would clarify the range of available alternatives, including why airspaces currently being used cannot support the specific training needs of the 175 WG.

The discussion of alternatives would benefit from a more detailed discussion of the selection criteria. Section 2.1 indicates that airspace must be 200 miles of Martin State Airport "to limit long transit times and usage during normal flying windows". We suggest additional explanation to clarify why 200 miles is a reasonable distance.

The other selection criteria listed are "sufficient" low-level airspace to accommodate A-10C pilot training requirements and adequacy for 175 WG low level flight operations. The EA would benefit from an explanation of the extent of airspace needed to support the training requirements and clarify components that make an SUA adequate to maintain proficiency.

In some cases, the EA could use further detail to explain why other SUAs cannot accommodate training requirements and were determined to not be viable alternatives. Several examples follow:

• The 175th WG is listed as an expected user of the Evers MOA complex over portions of West Virginia and Virginia. The EA states that the primary consideration for eliminating use of the Evers MOA was that the 1,000 ft AGL floor would not support A-10C low-level qualifications training.

However, given the limited operations below 1000 ft AGL, are the Evers Low MOA and Evers East MOA viable for many of the 175 WG training activities?

- Section 2.3 lists R-5002 (Warren Grove Range, NJ) and R-5802 (Ft Indiantown Gap, PA) as alternatives that were dismissed. It states that R-5002 is not available when a range control officer is not present and indicates it is neither a viable option for "additional training," nor large enough to "facilitate all the training requirements for the primary users." It would be helpful to clarify specifically how the airspace does not meet the needs of the 175 WG. The specific issues with R-5802 should also be listed.
- More detail regarding the restrictions on use of the Farmville and Pickett MOAs would be helpful. What modifications would be needed and how would they significantly interfere with existing civilian air traffic operations?
- The 175 WG uses regional MTRs to accomplish portions of the low-level training requirements, but it is stated that MTRs do not allow for full, random combat maneuvering. Further explanation of how much restrictions impact training would be helpful.

Given the potential impacts, we recommend that the Study include a robust analysis that considers further modification of the proposed Duke MOA airspace, the continued use of other nearby SUAs as available, use of a combination of alternative airspaces, and operational alternatives, including conducting certain training operations in other locations (e.g., seasonally). As described in this section, the 175th WG has been using R-4006 airspace at NAS Patuxent River and regional MTRs for portions of training; we recommend evaluation of continued diversion of some training missions to other SUAs to reduce training operations in the Duke Low MOA.

NOISE (3.2)

Modeling indicates the Proposed Action would increase overall noise levels by between 0.1 and 1.3 dBA Ldnmr and 0.1 and 0.3 dBA DNL for areas beneath the proposed Duke Low MOA. While DNL is a useful metric to account for the total noise exposure a community experiences over a period of time, supplemental metrics may be better to describe and determine noise impacts of intermittent, loud operations. Technology for a Quieter America (National Academy of Engineering 2010) states: "Neither day-night average sound level nor percent highly annoyed is an appropriate metric for measuring noise in naturally quiet areas. Because of the logarithmic nature of the decibel, short-duration sounds of high amplitude compared with background noise can significantly increase the day-night level, even though the sound remains at the background level most of the time. As for percent highly annoyed, this is hardly the best measure of satisfaction for areas where quiet and solitude are valued."

Table 3-10 shows that noise levels for individual overflights would be appreciably higher than existing conditions. The EA acknowledges that noise may have an impact on the rural area, but it does not appear to fully evaluate impacts of the sudden, intermittent, loud noise throughout the Study. While Section 3.2.2. states that it is understood that the use of DNL and land-use compatibility cannot accurately describe the nature and effects from aircraft noise, the EA generally points to the minimal DNL increase and concludes impacts are not significant because the overflights would be brief, intermittent, and distributed throughout the large area of the proposed low MOA.

Military Operations Area (MOA) Range NOISEMAP (MR_NMAP) was used to calculate Lmax and SEL for individual overflights within the proposed Duke Low MOA. As indicated in 3.2.2, both the US Air Force and the Federal Aviation Administration encourage the inclusion of supplemental noise metrics for noise assessment. We recommend considering these supplemental metrics to fully characterize potential impacts throughout the EA.

We recommend using the supplemental metrics and additional figures to specifically characterize noise effects such as startle, annoyance, interruptions in communication, sleep interruption, and safety and evaluate their significance. For example, figures showing speech interference along the expected length of a flight track of an A-10C and F-16C could be useful to illustrate impacts. We also recommend including data from MR NMAP in the appendices.

The Study indicates that 95 percent of aircraft operations would be conducted above 1,000 ft AGL. However, the Lmax is 78 dBA (87 dBA SEL) for an F-16 and 74 dBA for an A-10 (81 dBA SEL) at 5,000 AGL which is not insubstantial in a quiet area. The EA indicates that the threshold at which aircraft noise may begin to interfere with speech and communication is 75 dBA. Several studies have shown that low ambient background noise generally increases annoyance with aircraft noise. For instance, a study of civil aircraft in Korea (Lim et al 2008) showed annoyance responses in low background noise regions are much higher than those in high background noise regions, even if aircraft noise levels are the same.

It is unclear that the proposed altitude mitigation is sufficient to reduce impacts. The modeled Lmax of an A-10 at 1000 ft AGL is 95 dBA. *Community and Environmental Noise: A Guide for Military Installations and Communities* indicates that at busy airports where air traffic is common, where the Lmax of the three noisiest events reached 95 dBA, 43% of the population were highly annoyed (DNWG 2018).

Vibration

Section 3.2.8.2 recognizes individual low-level overflights would be loud and abrupt enough to startle individuals and cause perceptible vibrations in homes and buildings under the flight paths. We recommend conducting a robust analysis of potential impacts of vibration on humans, structures, and wildlife. The impact on residents who may feel vibration in their homes should be evaluated.

As acknowledged, vibration impacts from subsonic flight may be felt in structures. Siskind 1989 and Bureau of Mines 1980 were cited to support the statement that noise and vibrations from subsonic aircraft overflights do not cause structural damage to buildings. Other studies indicate that subsonic noise may cause damage under specific conditions. It is unclear if these older studies are adequate to evaluate the full range of potential impacts, especially to more fragile historic structures.

BIOLOGICAL RESOURCES (3.4)

The EA indicates effects to ground-dwelling wildlife would be negligible, including reptiles, amphibians, fish, and invertebrates and their associated habitats as there will be no ground-disturbing activities, supersonic flight activities, release of chaff and flares, weapons firing, or ordnance deployment. While this reduces the range of possible stressors, we recommend further assessment of potential effects to wildlife from vibration, noise, and visual impacts, including species that are exposed to additional stressors and sensitive life stages such as migration, breeding, nesting, and rearing young.

Vibration may impact terrestrial wildlife. Amphibians are considered some of the most sensitive terrestrial vertebrates to vibration and are also one of the most at-risk from climate change. We recommend a detailed analysis of potential vibration and noise impacts on wildlife, particularly species most vulnerable to synergistic effects from other stressors, such as amphibians, Birds of Conservation Concern, bat species, state-listed species of concern, and others that may be sensitive to disturbance, such as forest interior dwelling species.

Section 3.4.4.1 cites Dufour 1980, Manci et al. 1988, and Ellis et al. 1991 to assess effects on wildlife and concludes the potential for noise disturbance from aircraft operations under the Proposed Action would be less than significant based on the sporadic and infrequent change in sound level from baseline and the predicted startle response. While these studies are useful in understanding potential impacts, the

brief discussion does not sufficiently capture the range of potential effects to species that may be impacted or support the conclusion that impacts are not significant. Indeed, the literature review by Shannon et al 2016, which was briefly cited, states that terrestrial wildlife responses begin at noise levels of approximately 40 dBA. As described in Ellis, et al. 1991, noise events may cause birds to engage in avoidance behaviors, which cost energy and may affect survival or growth. The Dufour literature review of studies from the 1970s recognizes the potential for adverse impacts from startle and avoidance behavior in wildlife. Additionally, a number of other studies have been conducted that could be used to thoroughly assess potential impacts from noise and/or visual impacts.

Research indicates that low-altitude overflights may induce a range of physiological and behavioral responses from stress to panic. As described in the 1994 National Park Service (NPS) report cited in the EA, increased heart rates in elk have been observed. Lawler et al 2005 indicated that A-10s could operate as low as 1,500 ft AGL over calving caribou in Alaska and elicit a minimal behavioral response, if the aircraft maintained low speed and avoided changes to higher power settings. Given the importance of the elk herd for regional tourism and the potential safety issue created by large animals in close proximity to humans reacting to a sudden stimulus, we recommend fully evaluating potential impacts.

As indicated in *Ecological Risk Assessment Framework for Low-Altitude Overflights by Fixed-Wing and Rotary-Wing Military Aircraft*, DNL is generally not applicable for assessing impacts on wildlife. As the modeled Lmax associated with the lowest altitude aircraft operations could be 114 dBA and is expected to be 102 dBA at 500 ft AGL and 95 dBA at 1000 ft AGL with altitude mitigation, it may be appropriate to evaluate a range of impacts.

Review of noise impacts should consider the intruding sound, the auditory sensitivity of species in the study area, and documented impacts such fleeing, stress responses, effects to vocalization, or other disturbance. We also recommend evaluating any relevant research on acoustic ecology to evaluate the noise-to-ecosystem relationship for a more complete assessment of impacts.

Domestic Animals

Section 3.4.4.2 states that domestic animals exhibit some behavioral responses to military overflights but generally seem to habituate to the disturbances. However, as noted regarding wildlife, occurrence of the overflights may be too infrequent for habituation to occur. Further, the conclusion that low-altitude, high-speed aircraft overflights "normally will have no direct effect on large domestic livestock" does not address horses, including the potential for injuries of the horse or human rider/handler.

Threatened and Endangered Species

Section 3.4.4.3 concludes that potential impacts to bats associated with ground vibrations from airborne noise would be negligible. However, the study cited to support this conclusion evaluated bats near the runway of an international airport. This may not be analogous to the Low MOA area where the limited occurrence of overflights could possibly add to the startle effect. We recommend analysis of vibration impacts and continued consultation with the U.S. Fish and Wildlife Service to identify and incorporate actions to minimize potential impacts to species of special concern.

CULTURAL RESOURCES (3.5)

As acknowledged in Section 3.5.4, the natural quiet of historic properties may be an element of its cultural value and aircraft overflights could potentially have an adverse effect. We recommend further engagement with the State Historic Preservation Office (SHPO) to evaluate effects on historic resources.

We recommend additional analysis of potential impacts from vibration on historic structures. Of particular concern is the impact on fragile historic ruins such as the Austin Dam.

Tribal Consultation

The EA indicates that tribal coordination was conducted via certified mail to five Tribes with follow-up phone calls. We note that this is generally an area in which the Seneca Nation of Indians has expressed interest, and additional outreach may be appropriate.

Section 3.5.4 indicated that the Delaware Nation, Oklahoma stated that the proposed project does not endanger cultural or religious sites of interest to the Nation. However, only a sample letter to tribes was included in the Appendices. We recommend that consultation be fully conducted and documented in the EA.

SAFETY (3.6)

Table 3-15 outlines the Air Force-wide mishap rates for the primary aircraft utilizing the Duke MOA. This table indicates 6.54 Class B mishaps per 100,000 flying hours associated with A-10 aircraft. We recommend explaining the Class B mishaps as well as including any mishap or safety data specific to low level operations.

We recommend working with communities to address their concerns regarding safety (such as coordination with emergency services, unavailable cell phone signals, etc.). As indicated, startle of large animals into path of vehicles on roads or into people should also be addressed in the EA. Please also see comments regarding safety and recreation below.

SOCIOECONOMICS (3.7)

Section 3.7.4.1 concludes the low population density under the proposed Duke Low MOA makes it unlikely that noise from flight activity would have significant social or economic impacts on the region. However, the population (which expands with part-time residents and day and overnight tourists) may be vulnerable to impacts associated with increased noise. Rural residents often value the 'peace and quiet' that comes with living away from population centers. Effects on residents, especially sensitive populations, including but not limited to the elderly, veterans, and children, should be fully evaluated.

Recreation and Tourism

Nature and heritage tourism help support the economy of the sparsely populated area. The Pennsylvania Wilds Center for Entrepreneurship stated that the partnership to promote the PA Wilds has made tourism a driving economic force in the economically distressed region which has seen decades of population loss. Section 3.7.4.3 acknowledges that the influence of noise may impact the quality of the tourist experience but concludes that noise from the proposed aircraft operations would have less than significant effects on the public's use and enjoyment of the state parks and forests, and other wildlife and recreational areas under the proposed Duke Low MOA.

Given the concerns, we recommend that the range of potential impacts of low-flying aircraft, including noise, safety, and visual impacts on recreational uses such as hiking, biking and skiing trails, camping, backpacking, horseback riding, bird watching and wildlife viewing, hunting, fishing, astronomy and stargazing, swimming, and boating be fully assessed. Potential adverse impacts could range from annoyance to creating a safety hazard.

Safety considerations from the loud, intermittent noise and appearance of aircraft, could include spooking horses on the trail, startling large animals such as elk, deer, and bear into traffic or toward people, or interruption of time-sensitive instructions or communication for outdoor activities such as climbing or kayaking. These should be carefully evaluated, as well as a full evaluation of the possibility of recreational users selecting other areas to visit due to the potential disruption in their experience.

As described, the impact of aircraft overflights in remote or wild areas differs significantly from impacts in residential or urban communities. While the EA notes the lack of published studies on quantifiable impact from aircraft overflights to local economies related to outdoor recreation and tourism and concludes impacts are not significant, the studies referenced generally show impacts from low-flying military aircraft are the most disruptive. The 1992 U.S. Forest Service study cited indicated that the majority of wilderness users interviewed were not annoyed by overflights, but of those who were exposed to noise from low-altitude, high-speed flights were often annoyed by them. The NPS 1994 study cited states "For certain visitors, for visitors engaging in certain activities, and for certain areas, there is a very real potential for overflights to impact parks' natural and cultural resources, visitor experiences, and solitude and tranquility."

While limited, operations from sunset to 10PM are proposed. We recommend including a specific evaluation of potential impacts from nighttime operations, including camping and dark sky tourism. Cherry Springs State Park is an International Dark Sky Park, which is an area "possessing an exceptional or distinguished quality of starry nights and a nocturnal environment that is specifically protected for its scientific, natural, educational, cultural heritage, and/or public enjoyment." Cherry Springs and surrounding parks are popular destinations for camping and viewing meteor showers, the Milky Way, planets, and other celestial bodies and phenomena.

Outreach to recreational users, including surveys, may be helpful in determining the extent of impact. We also recommend working with state and local agencies to reduce potential impacts.

Outreach and Consultation

It is clear from the correspondence in the appendices that affected communities have concerns regarding potential impacts on their quality of life, economy, and safety. EPA recommends holding public meetings to allow stakeholders to have the opportunity to provide input on the proposed action and learn about the proposal.

EPA suggests the continuation of outreach and community dialogue after the NEPA process concludes to monitor and address potentially adverse noise and/or additional impacts on communities, including EJ communities. The establishment of a working group that includes community, business, and government participants may support this objective. EPA is willing to discuss best practices for the creation of such a group.

CLOSE CAUSAL RELATIONSHIPS AND REASONABLY FORESEEABLE ACTIONS (4.0)

The EA states, "Utilization of Duke MOA has occurred historically for decades, so to some degree, aircraft noise is not new to the region. What is new is that intermittent operations would occur at lower altitudes than what is currently conducted." Evaluating noise and other impacts from previous operations in this section would be appropriate. Further, impacts to communities, wildlife, and resources should be evaluated in light of other existing or proposed impacts.

We recommend that the EA address the potential for increased operations in the future, including other users and/or expansion of use.

MITIGATION

We recommend that a range of measures be evaluated to reduce potential impacts, especially where uncertainty of the extent of impact may exist. Mitigation could include modifying the extent of airspace, airspace restrictions, additional altitude restrictions, time of year restrictions, conducting other operations at other locations where possible, or others. As the 1.4-million-acre airspace is described as vast, alternatives that further avoid resources within the MOA would seem to be potentially viable.

We recommend consideration of avoidance or additional altitude mitigation for vulnerable communities and populations, public trust resources such as State Parks, and other sensitive resources. We recommend that the ANG evaluate avoiding low overflights entirely in certain areas, including the Hammersley Wild Area, which also includes the most remote section of the Susquehannock Trail System. We recommend assessing restrictions of nighttime operations to areas that are not over sensitive populations or resources, including State Parks, State Forests, and Wild Areas.

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November 11, 2021

LT COL Devin Robinson (via email) LT COL Keith Hickox (via email) MAJ Kurt Rauschenberg (via email) ngb.a4.a4a.nepa.comments.org@us.af.mil

RE: Modification of the Duke Military Operations Area Airspace, Environmental Assessment

Dear Sirs:

The Conservation & Natural Resources Advisory Council (CNRAC) is a legislatively mandated Pennsylvania Department of Conservation and Natural Resources (DCNR) advisory board. We are charged with reviewing conservation and natural resource policies, laws and programs of the Commonwealth and making appropriate suggestions and recommendations to the Department, the Governor and the General Assembly. CNRAC's duties also include making direct recommendations to Federal executive agencies or legislative bodies whose actions will bear on the Commonwealth's conservation and natural resource responsibilities.

CNRAC works closely with the Department of Conservation & Natural Resources, stakeholder groups, and the general public in implementing Act 18, Article I, Section 27 of the Pennsylvania Constitution, which reads:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all of the people, including generations yet to come."

CNRAC is requesting an extension of the public comment period from 45 days to at least 90 days on the Duke MOA Low Project. We are also requesting public meetings be held in the directly impacted counties. There is a high level of community interest, and we believe your providing additional information and engaging in discussion with the impacted communities will help in the ability to provide their input as envisioned under the National Environmental Policy Act.

We look forward to hearing from you regarding dates and locations for the public meetings.

Sincerely,

Geralyn Umstead-Singer, CNRAC Chair

Geraly Umstead - S.

cc: **Governor Tom Wolf** Cindy Adams Dunn, Secretary, DCNR



CPT Ben Hughes (via email) CPT Travis Mueller (via email) LTC Devin Robinson(via email) MAJ Jeffrey Andrieu (via email) Kristi Kucharek (via email) ngb.a4.a4a.nepa.comments.org@us.af.mil

RE: Modification of the Duke Military Operations Area Airspace, Environmental Assessment

The Conservation & Natural Resources Advisory Council (CNRAC) is a legislatively mandated Pennsylvania Department of Conservation and Natural Resources (DCNR) advisory board. We are charged with reviewing conservation and natural resource policies, laws and programs of the Commonwealth and making appropriate suggestions and recommendations to the Department, the Governor and the General Assembly. CNRAC's duties also include making direct recommendations to Federal executive agencies or legislative bodies whose actions will bear on the Commonwealth's conservation and natural resource responsibilities.

CNRAC works closely with the Department of Conservation & Natural Resources, stakeholder groups, and the general public in implementing Act 18, Article I, Section 27 of the Pennsylvania Constitution, which reads: "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all of the people, including generations yet to come."

As a follow-up to our letter of November 11, CNRAC is again requesting more community involvement related to the proposed action. Specifically, we are requesting public meetings be held in the directly impacted counties and more time be provided for public comment. There is a high level of community interest, and we believe your providing additional information and engaging in discussion with the impacted communities through in-person and virtual meetings will help in the ability to provide their input as envisioned under the National Environmental Policy Act.

CNRAC has reviewed many of the letters and comments submitted by environmental and conservation groups (including the Western Pennsylvania Conservancy and the Pennsylvania Parks and Forests Foundation), Pennsylvania government officials (Governor Tom Wolf and elected representatives and the Department of Conservation & Natural Resources), and industry (BHE GT&S) and agrees with many of the comments already made that a deeper analysis of the impact on conservation and natural resources and the region's recognition as an outdoor recreation and tourism destination is needed. A deeper analysis will ensure the cumulative impacts on the region are properly studied and alternatives are evaluated. CNRAC is requesting an Environmental Impact Statement be prepared for the proposed action.

Sincerely,

Geralyn Umstead-Singer, CNRAC Chair

Geraly Unstead - S.

Governor Tom Wolf cc:

Cindy Adams Dunn, Secretary, DCNR

From: <u>brian vant-hull</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] hang gliding and the Duke MOA

Date: Tuesday, December 7, 2021 7:36:13 PM

I'm writing as the president of the Hyner Hang Gliding Club, which is a frequent user of the airspace just outside the SE corner of the Duke MOA.

The Air National Guard is aware of our operations and I have had a very nice discussion with the safety officer of the Maryland Air National Guard about staying clear of the airspace we use. Though they are aware of us, I'm concerned that we are not marked on FAA sectional maps. The lack of consistency increases the chances of pilots mistakenly doing a low fly-by while we are in the air.

Our approach to landing near the river means that we would only be visible to radar for a few seconds as aircraft round the bends in the river valley, and there's even less chance of being seen visually in time to avoid collision. Though aircraft would be outside the MOA and therefore above 100 feet AGL, we are close enough that they could still be low enough to cross our volume of operations.

We would like to use this expansion to urge an FAA marking of glider activity at the Hyner View State Park in order to minimize chances of aircraft flying through this area.

Sincerely,

Brian Vant-Hull President, Hyner Hang Gliding Club. From: Williams, Lisa

To: HUGHES, BENJAMIN C Capt USAF ANG 175 WG/PA; NGB A4/A4A NEPA COMMENTS Orq

Cc: Burhans, Bryan; Schnupp, Matthew; ROBINSON, DEVIN T Lt Col USAF ANG ANG/CC/PA; ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC

NGB/A4

Subject: [Non-DoD Source] PA Game Commission_Wildlife Diversity Division Comments on Duke Low MOA DEA

Date: Wednesday, December 8, 2021 7:11:02 AM

Attachments: image001.png

PGC DUKE LOW MOA FINAL 12-2021.pdf

Captain Hughes,

The attached comments relate to the October 2021 Draft Environmental Assessment conducted by the Air National Guard to establish a Low MOA below the existing Duke MOA in northcentral Pennsylvania. The proposed area represents high-quality habitat for the PA Endangered Northern Goshawk. There are 2 known territories within the Low MOA Impact Area (see Figure 1 in the attached).

The PGC is concerned about the proposal's potential impact on this sensitive species. Low flight activity occurring in occupied territories is likely to adversely affect goshawk through repeat aerial disturbance and loud, short-duration bursts of sound during courtship, incubation, and brood rearing. This could result in nest abandonment or reduced chick survival. Collisions with aircraft are another risk, as territorial goshawk aggressively defend nests against aerial and ground-level threats. Our recommendations for avoiding impacts to this Endangered Species are detailed in the attached.

PGC is a strong supporter of ANG activities and we recognize the need for training opportunities. To facilitate your active protection of goshawk sites, our State Ornithologist will inform designated ANG staff of any new goshawk territories detected within the Low MOA as soon as territory use is confirmed. We will also prioritize the Low MOA impact area for goshawk monitoring if your proposal moves forward, so that ANG is provided with the most accurate and up to date information.

Thank you for the opportunity to provide comments. Should you have any questions or require additional information relating to these matters, we will be happy to discuss.

Yours in conservation, Lisa M. Williams

Lisa M. Williams | Division Chief – Wildlife Diversity Pennsylvania Game Commission | Bureau of Wildlife Management 2001 Elmerton Ave. | Harrisburg, PA 17110

717.787.4250 ext: 73419 | Cell: 814.505.8659 | Fax: 717.772.0623

www.pgc.pa.gov



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PENNSYLVANIA GAME COMMISSION

2001 Elmerton Avenue Harrisburg, PA 17110-9797 Wildlife Management (717) 787-5529

December 1, 2021

Maryland National Guard's Public Affair Office Capt Ben Hughes

ngb.a4.a4a.nepa.comments.org@us.af.mil

SUBJECT: PGC Wildlife Diversity Division Comments on Duke Low MOA DEA

Dear Captain Hughes,

Please find the following comments on behalf of the Pennsylvania Game Commission (PGC). The PGC is mandated as the official jurisdictional agency within Pennsylvania to manage the Commonwealth's wild birds, wild mammals, and their habitats for current and future generations, a mission we have followed faithfully since 1895. Moreover, "Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people" (PA Constitution Article 1, §27).

The following comments relate to the October 2021 Draft Environmental Assessment conducted by the Air National Guard (ANG) to establish a Low MOA below the existing Duke MOA: 100 feet above ground level to 7,999 feet above ground level (AGL) to be used 170 days per year, 1-2 hours at a time twice per day, 2-3 times per week, with no more than six total aircraft. This proposal would impact low-level airspace in the counties of Cameron, Clinton, Elk, McKean, Potter, and Tioga.

This proposed area represents high-quality habitat for the PA Endangered Northern Goshawk and there are 2 known territories within the Low MOA Impact Area (Figure 1). The PGC is concerned about the proposal's potential impact on this sensitive species. In the past two decades, goshawk populations have undergone precipitous declines, with just 8 to 13 territories documented *statewide* in annual surveys. These declines resulted in goshawk's listing as PA Endangered in October 2021. [Note: PA Threatened and Endangered Species table on page 3-43 of the DEA needs updating. In October 2021, Northern Goshawk was listed as PA Endangered and Peregrine Falcon was de-listed due to population recovery.]

Low flight activity occurring in occupied territories is likely to adversely affect this goshawk through repeat aerial disturbance and loud, short-duration bursts of sound during courtship, incubation, and brood rearing. This could result in nest abandonment or reduced chick survival. Collisions with aircraft are another risk, as territorial goshawk aggressively defend nests against aerial and ground-level threats.

The sensitivity of goshawk to activity and noise disturbance has led the PGC to mandate avoidance measures for all planned projects within 3,281 feet (1,000 meters) of a known territory. Specifically, goshawk Best Management Practices (BMPs) call for avoidance of the following activities that are *directly relevant* to the Duke Low MOA proposal:

• Avoid repeated, low-elevation aerial flyovers (e.g., helicopter support of seismic surveys, small plane wildlife or vegetative surveys, etc.) from February 15 through August 15.

 Avoid blasting, fireworks, or other activities that produce extremely loud noises from February 15 through August 15.

We therefore recommend the following approaches to limit impacts on Northern Goshawks:

Goshawk Avoidance

Provide a 1,000 ft overflight buffer and a 0.5 NM lateral buffer around goshawk nests (as proposed for Bald and Golden Eagles, page 3-46 of the DEA) during the breeding season, January 1 - July 31. This altitude will serve the dual benefit of placing aircraft above the 'perceived threat' zone, limiting both goshawk disturbance and the chance these large raptors will strike planes in defense of territories.

Bird Migration

Beyond nesting, this region is heavily used by migrating raptors, passerines, and PA Threatened Red Knots in April/May and October/November. Goshawk numbers are at peak in Pennsylvania during late October through early November. Migration months are the most likely to produce aircraft collisions and strikes. We support the bird migration provisions described in the DEA: Inclusion of bird migration conditions, Avian Hazard Advisory System, and BASH risk assessment as part of daily briefings during these months, and ANG's decision to modify or cancel sorties in areas or periods with "moderate" to "severe" BASH risks.

Environmental Review

To maintain consistency between ANG and other project developers who abide by goshawk restrictions, we request that PNDI reviews be conducted for the Low MOA so we can assess impacts to other listed species. This ensures that our agency's project review system remains consistent, transparent, and fair across all external partners and projects.

PGC is a strong supporter of ANG activities and we recognize the need for training opportunities, but we have serious concerns with the discrepancy in protections provided to Bald and Golden Eagles versus Northern Goshawk. For the reasons mentioned above, the PGC requests equal accommodation for this PA Endangered Species. To facilitate your active protection of goshawk sites, our State Ornithologist will inform designated ANG staff of any new goshawk territories detected within the Low MOA as soon as territory use is confirmed. We will also prioritize the Low MOA for goshawk monitoring, so that ANG is provided the most accurate and up to date information.

Thank you for the opportunity to provide these comments. Should you have any questions or require additional information relating to these matters, please contact the PGC.

Sincerely,

Bryan Burhans

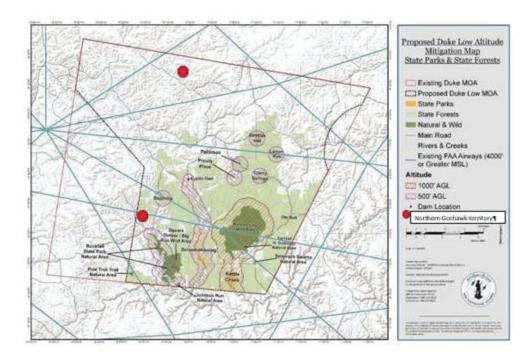
Executive Director

Bryan Burkars

CC: CPT Travis Mueller; Lt Col Devin Robinson; Major Jeffrey Andrieu; Kristi Kucharek GS-13

PGC Response to October 2021 Duke Low MOA Draft Environmental Assessment

Figure 1. Approximate locations of two currently occupied Northern goshawk territories in the Duke Low MOA Impact Area (red circles).



CC:

Pennsylvania National Guard's Public Affairs Office CPT Travis Mueller

Air National Guard's Public Affairs Office Lt Col Devin Robinson

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762 From: <u>Davitt Woodwell</u>

To: NGB A4/A4A NEPA COMMENTS Org; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4; ANDRIEU, JEFFREY M

Maj USAF ANG ANGRC/A4AD

Cc: <u>John Walliser</u>

Subject: [Non-DoD Source] Comments on Maryland Air National Guard Proposed Duke Low Military Operating Area

Date: Friday, December 31, 2021 11:25:39 AM

Attachments: MDANG Comments.pdf

Major Andrieu and Ms. Kucharek:

Below and attached please find the comments of the Pennsylvania Environmental Council regarding the Maryland Air National Guard's Draft Environmental Assessment and Draft Finding of No Significant Impact for the proposed Duke Low Military Operating Area.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Davitt B. Woodwell, Esq.
President
Pennsylvania Environmental Council



Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Maryland Air National Guard
175th Wing
Martin State Air National Air Base ngb.a4.a4a.nepa.comments.org@us.af.mil

VIA Electronic Mail

December 31, 2021

Dear Ms. Kucharek and Major Andrieu:

Thank you for the opportunity to provide comment on the Maryland Air National Guard's draft Environmental Assessment and Draft Finding of No Significant Impact for the proposed Duke Low Military Operating Area.

The Pennsylvania Environmental Council is a statewide non-profit corporation deeply involved in thinking and acting on a variety of environmental and conservation issues facing the Commonwealth. We achieve outcomes by working for sensible and sustainable solutions to these challenges.

The proposed Duke Low Military Operating Area ("MOA") impacts our work and our members, partners, staff, and supporters because the MOA impacts areas of the state in which we work either directly or indirectly to promote land conservation, habitat restoration, development and/or recognition of recreational infrastructure and activities, and the economic activation of communities adjacent to or near public lands.

In reviewing the Draft Environmental Assessment ("EA"), Draft Finding of No Significant Impact ("FONSI"), and the comments of a number of agencies and organizations (including, but not limited to, Governor Tom Wolf, the Pennsylvania Department of Conservation and Natural Resources ["DCNR"], and the Western Pennsylvania Conservancy ["WPC]), our bottom line comment is that it appears that the Draft Environmental Assessment ("EA") prepared for the

Maryland Air National Guard is lacking both substantively and procedurally and that issuing a FONSI for this project based on that work would be arbitrary and capricious.

We come to this position based particularly on the specific concerns laid out by the DCNR and WPC in their comments and incorporate those comments here by reference.

Based on those comments, and based on the requirements of the National Environmental Policy Act of 1970 ("NEPA"), we believe that there are two specific actions that Maryland Air National Guard must take in reference to the current proposals.

First, we request that the Maryland Air National Guard rescind the proposed FONSI as inappropriate given the comments that have been submitted and reassess the EA based on all comments submitted.

Second, as called for under the Council on Environmental Quality's regulations implementing NEPA, we request that the Maryland Air National Guard develop a scoping process for development of a full Environmental Impact Statement for the proposed MOA (40 CFR, Section 1501), including in that process, especially, parties that have indicated that they have questions regarding the EA and FONSI. (40 CFR, Section 1501.7)

While we do not presage the outcome(s) of a fully developed and robust EIS for the proposed MOA, we do believe that that process will result in better understanding and decision making both by and for all involved. That is, after all, the original intent of NEPA, regardless of all the trials and tribulations that have accompanied the Act over the last fifty years.

Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork—even excellent paperwork—but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. (40 CFR, Sect 1550.1 (c))

Again, we thank the Maryland Air National Guard for the opportunity to comment on this important issue and also want to recognize the importance of your work, service, and commitment to protecting the United States.

We look forward to working with you as you develop a full EIS for this proposed major federal action significantly affecting the environment.

Respectfully Submitted,

Davitt B. Woodwell, Esq

President

Appendix H

Comments Received on the Draft EA

Section 3 Political Comments Received

Political Comments Received

Last Name	First Name	Agency/Stakeholder Represented	Date Received
Ankeny	Zachary	District Director – PA Senator Cris Dush, 25 th District	November 29, 2021
Ankeny	Zachary	District Director – PA Senator Cris Dush, 25 th District	December 20, 2021
Borowicz	Stephanie	Pennsylvania House of Representatives, 76 th District	November 29, 2021
Causer	Martin	Pennsylvania House of Representatives, 67 th District	December 7, 2021
Coolidge	Erick	Tioga County Commissioner	November 29, 2021
Cramer	Alicia	Green Township Supervisors – Clinton County	December 30, 2021
DeSilva	Katherine	Clinton County Board of Commissioners	November 29, 2021
Harding	Angela	Clinton County Board of Commissioners	November 29, 2021
Heimel	Paul	Potter County Board of Commissioners	November 10, 2021
Heimel	Paul	Potter County Board of Commissioners	December 23, 2021
Iversen	Sarah	On behalf of PA Representative Greg Vitali, 166 th District	December 21, 2021
Kessinger	Miles	Clinton County Board of Commissioners	December 28, 2021
Mack	Jonathan	On behalf of Representatives Meuser, Keller, and Thompson	December 3, 2021
Patel	Reecha	Legislative Correspondent for U.S Senator Bob Casey	December 16, 2021
Shaw	Jacqui	On behalf of Representative Glenn 'GT' Thompson (PA-15)	December 3, 2021
Shaw	Jacqui	On behalf of Representative Glenn 'GT' Thompson (PA-15)	February 3, 2022
Schell	Elise	On behalf of Pennsylvania Governor Tom Wolf	December 8, 2021

From: Ankeny, Zachary <zankeny@pasen.gov> Sent: Monday, November 29, 2021 4:15 PM

To: Houser, Donald (BHE GT&S) <Donald.Houser@bhegts.com>; aharding@clintoncountypa.com; mkessinger@clintoncountypa.com; Jeff Snyder <jsnyder@clintoncountypa.com>; NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>; nfaraguna@pa.gov

Cc: Borowicz, Stephanie <sborowicz@pahousegop.com>; Foust, Joseph <jfoust@pasen.gov>; Klein, Teresa (BHE GT&S) <Teresa.Klein@bhegts.com>; Hughes, Aaron (BHE GT&S) <Aaron.Hughes@bhegts.com>; kharris@bridgeconsultingcorp.com; ecoolidge@tiogacountypa.us; ngrupp@pottercountypa.net; bhayman@pottercountypa.net; pheimel@pottercountypa.net; rbunn@tiogacountypa.us; mhamilton@tiogacountypa.us

Subject: [Non-DoD Source] RE: BHE GT&S Comments on Duke Low MOA by the Maryland Air National Guard

Hello Don:

Thank you for this email. Please know that I shared it with Senator Dush for his review.

Thank you,

Zachary Ankeny

District Director to Senator Cris Dush 25th District

Brookville Office 73 South White Street Suite 5 Brookville, PA 15825 (814)646-7272 Phone (814)646-7275 Fax

Wellsboro Office 5 Main Street Wellsboro, PA 16901 (570)724-5231 Phone (570)723-5119 Fax

Harrisburg Office PO Box 203025 Harrisburg, PA 17120 717-787-7084 Phone

https://senatorcrisdushpa.com/

From: Houser, Donald (BHE GT&S) < <u>Donald.Houser@bhegts.com</u>>

Sent: Monday, November 29, 2021 3:55 PM

To: aharding@clintoncountypa.com; mkessinger@clintoncountypa.com; Jeff Snyder <jsnyder@clintoncountypa.com>; NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil; nfaraguna@pa.gov

Cc: Borowicz, Stephanie <<u>sborowicz@pahousegop.com</u>>; Foust, Joseph <<u>ifoust@pasen.gov</u>>; Ankeny, Zachary <<u>zankeny@pasen.gov</u>>; Klein, Teresa (BHE GT&S) <<u>Teresa.Klein@bhegts.com</u>>; Hughes, Aaron (BHE GT&S) <<u>Aaron.Hughes@bhegts.com</u>>; <u>kharris@bridgeconsultingcorp.com</u>; <u>ecoolidge@tiogacountypa.us</u>; ngrupp@pottercountypa.net; <u>bhayman@pottercountypa.net</u>; <u>pheimel@pottercountypa.net</u>; <u>rbunn@tiogacountypa.us</u>;

Subject: BHE GT&S Comments on Duke Low MOA by the Maryland Air National Guard

© CAUTION : External Email ●

November 23, 2021

Clinton County Commissioners 2 Piper Way, Suite 300 Lock Haven, Pennsylvania 17745

mhamilton@tiogacountypa.us

Dear Commissioners:

On behalf of BHE GT&S, and our operating company, Eastern Gas Transmission & Storage (EGTS), I write to offer our comments on the recently released draft Environmental Assessment and Finding of No Significant Impact on the potential impacts associated with the modification of the Duke Military Operations Area (MOA) in Pennsylvania and New York to establish low altitude airspace for the 175th Wing (175 WG), Maryland ANG A-10C Squadron.

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We encourage the National Guard Bureau to include these negative impacts to the safe and reliable transmission of natural gas from natural gas storage operations in further studies of this ill-conceived plan. Our nation's critical energy infrastructure must not be put at risk.

Sincerely,

Don Houser

Director, External Affairs - Northeast

COPY: Nicole Faraguna, DCNR Policy Director

State Senator Cris Dush

State Representative Stephanie Borowicz

National Guard Bureau

Don Houser

Director, External Affairs - Northeast 6814 Energy Way, Greensburg, PA 15601 717-580-3915 (mobile)



From: Ankeny, Zachary < <u>zankeny@pasen.gov</u>> Sent: Monday, December 20, 2021 4:27 PM

To: FLANDERS, JAMIE A GS-13 USAF ANG NGB/A3/10TA

Subject: [URL Verdict: Neutral][Non-DoD Source] NGB Duke MOA letter

Hello Jamie:

Please see attached letter which will be mailed from our Brookville office this afternoon.

Thank you,

Zachary Ankeny

District Director to Senator Cris Dush 25th District

Brookville Office 73 South White Street Suite 5 Brookville, PA 15825 (814)646-7272 Phone (814)646-7275 Fax

Wellsboro Office 5 Main Street Wellsboro, PA 16901 (570)724-5231 Phone (570)723-5119 Fax

Harrisburg Office PO Box 203025 Harrisburg, PA 17120 717-787-7084 Phone

https://senatorcrisdushpa.com/

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FACEBOOK: facebook.com/SenatorCrisDushPA



Senate of Pennsylvania 25TH DISTRICT SENATOR CRIS DUSH

December 20, 2021

COMMITTEES

LOCAL GOVERNMENT, CHAIR
STATE GOVERNMENT, VICE CHAIR
APPROPRIATIONS
COMMUNICATIONS & TECHNOLOGY
GAME AND FISHERIES

LABOR & INDUSTRY

VETERANS AFFAIRS &
EMERGENCY PREPAREDNESS

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Dear Ms. Kucharek and Major Andrieu:

I am writing to you to voice my concerns regarding the National Guard Bureau (NGB) proposal to establish the Duke Low Military Operations Area (MOA) within a portion of Pennsylvania known as the Pennsylvania Wilds. My Legislative district include areas that will be directly impacted by your proposed MOA. As a retired ANG NCO, I support the Army and Air Guard. As a legislator responsible to over 250,000 constituents, I also need to help address a number of their concerns.

When government has a need to impact the citizens in a free republic it has a responsibility to effectively communicate to The People so impacted what the purpose and level of necessity is for the impact. I do not believe that the NGB has effectively informed our communities, residents, and local organizations of the scope and potential impacts of the short and long-term effects of the establishment of the Duke Low MOA. In order to provide full transparency to your proposal, I am requesting that the Maryland ANG hold in-person public meetings in each of affected counties to fully explain and disclose to our residents the scope of your proposal.

Additionally, I request that the deadline for public comments on your proposal be extended until sometime after the in-person public meetings in each of the affected counties has been completed.

Finally, because of the concerns of my constituents regarding potential long-term impacts your proposal could have on tourism, our outdoor recreational activities, our wildlife resources including our wild elk herd and the potential impacts on our natural gas industry as relates to the attached letter from BHE GT&S, I am requesting that the Maryland Air National Guard conduct a full Environmental Impact Statement. This would provide us with an extensive, in-depth analysis and thorough examination of the ramifications of the proposed Duke Low MOA.

On behalf of The People and communities I serve, I thank you for your consideration and hope you support the above requests.

Sincerely,

ris Dush

Senate of Pennsylvania 25th Senatorial District





November 23, 2021

Clinton County Commissioners 2 Piper Way, Suite 300 Lock Haven, Pennsylvania 17745

Dear Commissioners:

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Sincerely.

Dor Houser

Director, External Affairs - Northeast

COPY: Nicole Faraguna, DCNR Policy Director

State Senator Cris Dush

State Representative Stephanie Borowicz

National Guard Bureau

From: Stephanie Borowicz <Sborowicz@pahousegop.com>

Sent: Monday, November 29, 2021 5:23 PM

To: Ankeny, Zachary <zankeny@pasen.gov>; Houser, Donald (BHE GT&S)

<Donald.Houser@bhegts.com>; aharding@clintoncountypa.com;

mkessinger@clintoncountypa.com; Jeff Snyder < jsnyder@clintoncountypa.com>; NGB A4/A4A NEPA

COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>; nfaraguna@pa.gov

Cc: Foust, Joseph <jfoust@pasen.gov>; Klein, Teresa (BHE GT&S) <Teresa.Klein@bhegts.com>; Hughes, Aaron (BHE GT&S) <Aaron.Hughes@bhegts.com>; kharris@bridgeconsultingcorp.com; ecoolidge@tiogacountypa.us; ngrupp@pottercountypa.net; bhayman@pottercountypa.net; pheimel@pottercountypa.net; rbunn@tiogacountypa.us; mhamilton@tiogacountypa.us

Subject: [Non-DoD Source] Re: BHE GT&S Comments on Duke Low MOA by the Maryland Air National Guard

Would be glad to attend any meetings regarding this. I am hearing numerous complaints from constituents.

Thank you Don.

Get Outlook for iOS

From: Ankeny, Zachary <<u>zankeny@pasen.gov</u>> Sent: Monday, November 29, 2021 4:14:49 PM

To: Houser, Donald (BHE GT&S) < <u>Donald.Houser@bhegts.com</u>>; <u>aharding@clintoncountypa.com</u>

<a href="mailto:aharding@clintoncountypa.com; mkessinger@clintoncountypa.com

<<u>mkessinger@clintoncountypa.com</u>>; Jeff Snyder <<u>isnyder@clintoncountypa.com</u>>;

 $\frac{\text{NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil}}{\text{nfaraguna@pa.gov}} < \frac{\text{NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil}}{\text{nfaraguna@pa.gov}} > \frac{\text{NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil}}{\text{NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil}} > \frac{\text{NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil}}{\text{NGB.A4.A4A.NEPA.COMMENTS.Org.}} > \frac{\text{NGB.A4.A4A.NEPA.COMMENTS.Org.}}{\text{NGB.A4.A4A.NEPA.COMMENTS.Org.}} > \frac{\text{NGB.A4.A4A.NEPA.COMMENTS.Org.}}{\text{NGB.A4A.A4A.NEPA.COMMENTS.Org.}} > \frac{\text{NGB.A4A.A4A.NEPA.COMMENTS.Org.}}{\text{NGB.A4A.A4A.NEPA.COMMENTS.Org.}} > \frac{\text{NGB.A4A.A4A.NEPA.COMMENTS.Org.}}{\text{NGB.A4A.A4A.NEPA.COMMENTS.Org.}} > \frac{\text{NGB.A4A.A4A.NEPA.COMMENTS.Org.}}{\text{NGB.A4A.A4A.NEPA.COMMENTS.Org.}} > \frac{\text{NGB.A4A.A4A.NEPA$

Cc: Stephanie Borowicz <<u>Sborowicz@pahousegop.com</u>>; Foust, Joseph <<u>jfoust@pasen.gov</u>>; Klein, Teresa (BHE GT&S) <<u>Teresa.Klein@bhegts.com</u>>; Hughes, Aaron (BHE GT&S)

<<u>Aaron.Hughes@bhegts.com</u>>; <u>kharris@bridgeconsultingcorp.com</u>

ngrupp@pottercountypa.net <ngrupp@pottercountypa.net>; bhayman@pottercountypa.net

bhayman@pottercountypa.net>; pheimel@pottercountypa.net <pheimel@pottercountypa.net>;

rbunn@tiogacountypa.us <rbunn@tiogacountypa.us>; mhamilton@tiogacountypa.us
<mhamilton@tiogacountypa.us>

Subject: RE: BHE GT&S Comments on Duke Low MOA by the Maryland Air National Guard

Hello Don:

Thank you for this email. Please know that I shared it with Senator Dush for his review.

Thank you,

Zachary Ankeny

District Director to Senator Cris Dush 25th District

Brookville Office 73 South White Street Suite 5 Brookville, PA 15825 (814)646-7272 Phone (814)646-7275 Fax

Wellsboro Office 5 Main Street Wellsboro, PA 16901 (570)724-5231 Phone (570)723-5119 Fax

Harrisburg Office PO Box 203025 Harrisburg, PA 17120 717-787-7084 Phone

https://senatorcrisdushpa.com/

From: Houser, Donald (BHE GT&S) < <u>Donald.Houser@bhegts.com</u>>

Sent: Monday, November 29, 2021 3:55 PM

To: aharding@clintoncountypa.com; mkessinger@clintoncountypa.com; Jeff Snyder < jsnyder@clintoncountypa.com>; NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil; nfaraguna@pa.gov

Cc: Borowicz, Stephanie <<u>sborowicz@pahousegop.com</u>>; Foust, Joseph <<u>ifoust@pasen.gov</u>>;

Ankeny, Zachary <zankeny@pasen.gov>; Klein, Teresa (BHE GT&S) <Teresa.Klein@bhegts.com>; Hughes, Aaron (BHE GT&S) <<u>Aaron.Hughes@bhegts.com</u>>; <u>kharris@bridgeconsultingcorp.com</u>; <u>ecoolidge@tiogacountypa.us</u>; <u>ngrupp@pottercountypa.net</u>; <u>bhayman@pottercountypa.net</u>; <u>pheimel@pottercountypa.net</u>; <u>rbunn@tiogacountypa.us</u>; <u>mhamilton@tiogacountypa.us</u>

Subject: BHE GT&S Comments on Duke Low MOA by the Maryland Air National Guard

November 23, 2021

Clinton County Commissioners 2 Piper Way, Suite 300 Lock Haven, Pennsylvania 17745

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Don Houser

Director, External Affairs – Northeast

COPY: Nicole Faraguna, DCNR Policy Director State Senator Cris Dush State Representative Stephanie Borowicz National Guard Bureau

Don Houser

Director, External Affairs - Northeast 6814 Energy Way, Greensburg, PA 15601 717-580-3915 (mobile)



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MARTIN T. CAUSER, MEMBER MAJORITY POLICY CHAIRMAN 67TH LEGISLATIVE DISTRICT

HARRISBURG OFFICE:

PO Box 202067 Harrisburg, PA 17120-2067 Phone: (717) 787-5075 Fax: (717) 705-7021



House of Representatives

COMMONWEALTH OF PENNSYLVANIA HARRISBURG

November 29, 2021

Bradford, PA 16701
Phone: (814) 362-4400
Fax: (814) 362-4405

107 South Main Street
Room 1

DISTRICT OFFICES:

78 Main Street, 1ST Floor

Room 1 Coudersport, PA 16915 Phone: (814) 274-9769 Fax: (814) 274-8159

55 Fraley Street Kane, PA 16735 Phone: (814) 837-0880 Fax: (814) 837-2257

Major Jeffrey Andrieu Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Dear Major Andrieu:

I am writing regarding the Maryland Air National Guard proposal to modify the Duke Military Operations Area in Northern Pennsylvania. I represent much of the land area that this proposal would encompass in Potter, Cameron and McKean counties.

I have been contacted by many area residents who have questions and/or concerns with the proposal. I know that public comment is still being accepted; however, that does not provide a venue to disseminate information and answer specific questions regarding the proposal.

I strongly support our military and the need to conduct training exercises for our military personnel. However, I would urge you to conduct a public meeting in the area proposed for this designation so that local residents can have their questions answered and be able to voice any concerns that they may have regarding the proposal.

Thank you for your consideration of this request.

Sincerely,

Martin T. Causer State Representative 67th Legislative District

MTC/

cc:

Honorable Glenn Thompson, Member of Congress Honorable Fred Keller, Member of Congress **From:** Erick Coolidge <ecoolidge@tiogacountypa.us>

Sent: Monday, November 29, 2021 4:07 PM

To: Houser, Donald (BHE GT&S) <Donald.Houser@bhegts.com>; aharding@clintoncountypa.com; mkessinger@clintoncountypa.com; Jeff Snyder <jsnyder@clintoncountypa.com>; NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>; nfaraguna@pa.gov

Cc: Stephanie Borowicz (sborowicz@pahousegop.com) <sborowicz@pahousegop.com>; jfoust@pasen.gov; zankeny@pasen.gov; Klein, Teresa (BHE GT&S) <Teresa.Klein@bhegts.com>; Hughes, Aaron (BHE GT&S) <Aaron.Hughes@bhegts.com>; kharris@bridgeconsultingcorp.com; ngrupp@pottercountypa.net; bhayman@pottercountypa.net; pheimel@pottercountypa.net; Roger Bunn <rbox <pre>crbunn@tiogacountypa.us>; Mark Hamilton

Subject: [Non-DoD Source] RE: BHE GT&S Comments on Duke Low MOA by the Maryland Air National Guard

Folks, after an enlightening conversation with my fellow Commissioners from Clinton County in my humble opinion I believe we need a very in depth discussion on a multitude of concerns raised over these last several months. Not sure who or how many parties should be involved but truly feel strongly a dialogue is required. Open to other thoughts! Respectfully, Erick Coolidge Tioga County Commissioner

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Houser, Donald (BHE GT&S)" < <u>Donald.Houser@bhegts.com</u>>

Date: 11/29/21 3:59 PM (GMT-05:00)

To: aharding@clintoncountypa.com, mkessinger@clintoncountypa.com, signyder@clintoncountypa.com, NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil, nfaraguna@pa.gov

Cc: "Stephanie Borowicz (<u>sborowicz@pahousegop.com</u>)" < <u>sborowicz@pahousegop.com</u>>,

jfoust@pasen.gov, zankeny@pasen.gov, "Klein, Teresa (BHE GT&S)" < Teresa.Klein@bhegts.com>, "Hughes, Aaron (BHE GT&S)" < Aaron.Hughes@bhegts.com>, kharris@bridgeconsultingcorp.com, Erick Coolidge < ecoolidge@tiogacountypa.us>, ngrupp@pottercountypa.net, bhayman@pottercountypa.net, pheimel@pottercountypa.net, Roger Bunn < rbunn@tiogacountypa.us>, Mark Hamilton < mhamilton@tiogacountypa.us> Subject: BHE GT&S Comments on Duke Low MOA by the Maryland Air National Guard

November 23, 2021

Clinton County Commissioners 2 Piper Way, Suite 300 Lock Haven, Pennsylvania 17745

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Don Houser Director, External Affairs – Northeast COPY: Nicole Faraguna, DCNR Policy Director State Senator Cris Dush State Representative Stephanie Borowicz National Guard Bureau

Don Houser

Director, External Affairs - Northeast 6814 Energy Way, Greensburg, PA 15601 717-580-3915 (mobile)



This email was scanned by Bitdefender

COMMENTS ON DUKE Low MOA

BACKGROUND:

Thank you for the opportunity to respond to such an important issue. As a resident and member of the planning commission for Greene Township, Clinton County PA, please find below my concerns related to the proposed Low flying MOA.

The purpose of these Comments is to help plan and adopt appropriate safeguards for the residents, recreational users, workforce, and wildlife in the PA Wilds region and formally request a full Environmental Impact Statement (EIS) be completed prior to moving forward with the Duke Low MOA.

The PA Wilds is one of 11 official tourism regions in the Commonwealth of Pennsylvania. The region is also one of eight state-designated Conservation Landscapes because of its unique natural and heritage assets. The 13-county region is home to the greatest concentration of public lands in Pennsylvania. We have 29 state parks, 8 state forests, 50 state game lands and PA's only National Forest, the Allegheny. We have the largest wild elk herd in the Northeast, two designated National Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest night skies in the country.

This region is also economically distressed and has seen decades of population loss. In the 6 counties targeted for the Duke Low MOA the median income levels and home value of the 211,000+ residents are significantly below U.S. averages. There is a large Amish population and who by definition are considered an underserved population. Sections of the intended impacted area (highlighted in your map) are identified on the Federal Reserve Website as 2020 List of Distressed or Underserved Nonmetropolitan Middle-Income Geographies.

Local, state and federal partners, private philanthropy, and the private sectors began working together more than 15 years ago to establish the PA Wilds. The intentional economic development focused on the creation of an outdoor recreation destination to help diversify rural economies, create jobs, inspire stewardship and improve quality of life. This ground-breaking effort, held up as a model in five national studies and has involved side-by-side investments in small business development, marketing and branding, recreation infrastructure, community character stewardship, regional planning, and conservation. Today, thanks to the work of many organizations, businesses and individuals, tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy. Without careful planning and adoption of safeguards the Duke Low MOA may undermine the economic and ecological progress made by the many partners and community members; therefore, a full EIS is required. The EIS must address the full scope of environmental impacts, including the following 8 specific topics."

COMMENTS/ISSUES:

- 1. SAFETY
- 2. ECONOMIC IMPACT
- 3. WILDLIFE IMPACT
- 4. RECREATIONAL IMPACT
- 5. BIOLOGICAL & AG IMPACT CONSIDERATIONS
- 6. EQUITY CONSIDERATIONS
- 7. POLLUTION & HUMAN HEALTH
- 8. NEPA COMPLIANCE

FACTORS WHICH NEED TO BE CAREFULLY CONSIDERED:

1. SAFETY

The proposed DUKE Low MOA will create new hazards that exceed the capacity of local emergency response services and disproportionately impact specific communities. The proposed DUKE Low MOA could share airspace with VFR aircraft (not denied). The introduction of low-altitude military tactical aircraft training on an every other day basis as opposed to the current limited use (higher floors) may create collision hazards that do not exist today. The proposed Duke MOA Region has large DARK HOLES (i.e., GAPS in broadband cell services). In the event of an accident or violation, calling 9-1-1may not be feasible and few municipalities in the Duke LOW MOA Region have full-time Police Departments. Most likely our State Police will be first on scene and response time may extend longer than needed due to the vast region they currently cover.

Most of the First Responders in this MOA are part-time volunteers. Covid has impacted the number of volunteers in several communities and response times have been affected. Due consideration must be given to a community(ies) action plan and how to build capacity of response teams should be explored.

At the proposed altitudes noise is not only a concern but a risk to livestock. For example, horses have been known to be startled by low flying aircraft causing https://www.forces.net/news/us-confirms-jets-were-flying-over-cornwall-after-reports-horse-deaths and while tragic for the animals the local Amish community depends on horses for transportation and farm work. Clinton County alone has ~1,000 Amish families and horse-drawn carriages are a common mode of transportation. The potential risks associated with low flying aircraft need more scrutiny and someone much consider direct outreach to the Amish community to advise and warn of the potential dangers to horses and other livestock.

2. ECONOMIC IMPACT

The proposed DUKE Low MOU will create economic impact, including the risk of negatively impacting the vital local tourism industry. The scenic and recreational qualities of this region are strong attractors for visitors and a growing number of professionals who can choose where to live because they work on the Internet. More than 1MM visitors and residents chose the PA Wilds as a destination last year alone. Tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy.

A comprehensive EIS must evaluate the economic impact of intrusions of low altitude flyovers (noise and insensitivity) on discouraging people from visiting and investing in an area where the economy is heavily dependent on outdoor recreation, impact investing and tourism.

3. WILDLIFE IMPACT

The proposed DUKE Low MOU will impact wildlife habitats, including critical breeding areas and migration routes for a wide range of species, and will increase diverse risks to the public due to changes in human and wildlife interactions.

In general, animals do respond to low-altitude aircraft overflights. The manner in which they do so depends on life-history characteristics of the species, characteristics of the aircraft and flight activities, and a variety of other factors such as habitat type and previous exposure to aircraft. For example, sudden noise, especially if tree-top, may cause deer to panic and run across roads risking collisions with cars and trucks that might cause serious injury, as well as vehicle damage. The potential for overflights to disturb wildlife and the resulting consequences have drawn considerable attention from state and Federal wildlife managers, conservation organizations, and the scientific community. This issue is of special concern to wildlife managers responsible for protecting populations, and to private citizens who feel it is unwise and/or inappropriate to disturb wildlife. Two types of overflight activities have drawn the most attention with regard to their impacts on wildlife: 1) low-altitude overflights by military aircraft in the

airspace over national and state wildlife refuges and other wild lands, and 2) light, fixed-wing aircraft and helicopter activities related to tourism and resource extraction in remote areas.

The primary concern expressed is that low-level flights over wild animals may cause physiological and/or behavioral responses that reduce the animals' fitness or ability to survive. It is believed that low-altitude overflights can cause excessive arousal and alertness, or stress (see Fletcher 1980, 1990, Manci et al. 1988 for review). If chronic, stress can compromise the general health of animals. Also, the way in which animals behave in response to overflights could interfere with raising young, habitat use, and physiological energy budgets. https://www.nonoise.org/library/npreport/chapter5.htm

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The proposed DUKE Low MOU will impact existing land uses, traditional practices, and established biological and economic activities, including forest management and farming.

More information needs to be shared related to emissions and impact to the forests and the residents.

Clear-cutting and controlled burning can help old forests regenerate the type of plant life that deer, turkey, and other wildlife feed on, and recently, the practice of prescribed burning has been ramped up. A comprehensive EIS must evaluate how these practices will be allowed to continue at the current and planned levels and any proposed requirements for burn permits for loggers and residents.

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"The impact of low flying aircraft can be devastating, causing injuries and loss of stock, while undue stress can have a knock-on effect on herd milk production" (lactation rates negatively impacted). The impact can be even more damaging for egg producers.

"Hens have an innate fear of overhead predators – a survival mechanism from thousands of years of evolution, which causes them to seek cover from larger birds circling in the sky," "Low-flying military aircraft can elicit a similar reaction. If hens are subjected to prolonged periods where overhead objects are nearby, it can cause considerable stress that can impact the health of the bird."

This can lead to increased mortality, loss of egg production, a drop in the size and value of eggs, and poor shell quality.

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The proposed DUKE Low MOU will disproportionately impact underserved communities.

President Biden's executive order in January 2021 clearly emphasizes the federal government's commitment to making the American Dream real for families across the nation by taking bold and ambitious steps to root out inequity from our economy and expand opportunities for communities of color and other underserved Americans.

(https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/

The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, which have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of "equity."

The 6-county region identified in the MOA comprises a large Amish population, distressed communities and low-income households. A comprehensive EIS must evaluate alternatives, including other areas to be considered and the socioeconomic impacts and the area currently being used to by the Maryland National Guard to conduct desired training. The EIS must address how the area will be compensated for the impacts and how the Maryland National Guard will help fund the Emergency response teams as well as investigators to respond to noise and livestock issues,

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The proposed DUKE Low MOU will impact noise pollution levels and information is needed to advise the public with respect to the potential risks of noise pollution so people can prepare and or move depending on findings. There are known health consequences of elevated sound levels. Elevated workplace or other noise can cause hearing impairment, hypertension, ischemic heart disease, annoyance, sleep disturbance, and decreased school performance. Elevated noise levels can create stress, increase workplace accident rates, and stimulate aggression and other anti-social behaviors. Airport noise has been linked to high blood pressure and an increased risk of heart attacks.

A large-scale statistical analysis of the health effects of aircraft noise was undertaken in the late 2000s by Bernhard Greiser for the Umweltbundesamt, Germany's central environmental office. The health data of over one million residents around the Cologne airport were analyzed for health effects correlating with aircraft noise. The results were then corrected for other noise influences in the residential areas, and for socioeconomic factors, to reduce possible skewing of the data. The study concluded that aircraft noise clearly and significantly impairs health. For example, a day-time average sound pressure level of 60 decibels increased coronary heart disease by 61% in men and 80% in women. As another indicator, a night-time average sound pressure level of 55 decibels increased the risk of heart attacks by 66% in men and 139% in women. Statistically significant health effects started as early as from an average sound pressure level of 40 decibels.

8. NEPA COMPIANCE

The proposed DUKE Low MOU will have diverse and complex environmental and human community impacts that exceed the NEPA thresholds for requirement of a comprehensive Environmental Impact Statement (EIS) and evaluation of alternatives.

Congress enacted NEPA to "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C. § 4321. NEPA is intended "to protect the environment by requiring federal agencies to carefully weigh environmental considerations and consider potential alternatives to the proposed action before the government launches any major federal action." 40 C.F.R. § 1500.1(a); Lands Council v. Powell, 395 F.3d 1019, 1026 (9th Cir. 2005). NEPA requires "coherent and comprehensive up-front environmental analysis to ensure informed decision making to the end that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." Churchhill Cty v. Norton, 276 F.3d 1060, 1072–73 (9th Cir. 2001) (quoting Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1211 (9th Cir. 1998)). It "guarantees that the relevant information will be made available to the larger [public] audience that may also play a role in both the decision-making process and the implementation of that decision." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989). To comply with NEPA, federal agencies must prepare an EIS for all "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C).

The Council on Environmental Quality (CEQ) has promulgated regulations implementing NEPA, which are binding on all federal agencies, including the Air Force. 40 C.F.R. §§ 1500 et Comments on Airspace Optimization DEIS -- 8 seq. The CEQ regulations direct that an EIS "shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. The EA failed to consider a reasonable range of Alternatives. NEPA requires consideration of reasonable alternatives to further its goals of objective and thorough analysis. 40 C.F.R. § 1502.14(a). This guarantees that agency decision-makers assess "all possible approaches to a particular project . . . which would alter the environmental impact and the cost-benefit balance." Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228 (9th Cir. 1988). NEPA regulations require that it must analyze "reasonable alternatives to the proposed action and the 'no action' alternative in all EAs and EISs, as fully as the proposed action alternative." See 32 C.F.R. § 989.8(a). Reasonable alternatives are defined as those that "meet the underlying purpose and need for the proposed action and that would cause a reasonable person to inquire further before choosing a particular course of action." Id. at § 989.8(b).

The MD National Guard must meet its obligation to analyze a reasonable range of alternatives in the proposed MOA. Specifically, evaluated alternatives must include those designed to avoid or mitigate impacts on sensitive wildlife, such as Elk, and migratory bird or other airspace that could be considered that may already have a low altitude MOA in place. It is requested that a comprehensive EIS be completed that will consider reasonable alternatives to avoid impacts.

In conclusion, the public's best interest will be served by a thoughtful and detailed due diligence period including the completion of a full Environmental Impact Statement (EIS) that addresses a full suite of impacts to the human environment, including the 8 issues summarized above. A comprehensive EIS will help separate facts from perceptions and allow the residents and visitors to feel safe, secure, and excited about the modifications being proposed in the MOA.

Respectfully submitted,

Alicia Cramer

From: Alicia Cramer

To: NGB A4/A4A NEPA COMMENTS Org

Cc: ; ROBINSON, DEVIN T Lt Col USAF ANG ANG/CC/PA; KUCHAREK, KRISTI L GS-13

<u>USAF ANGRC NGB/A4; Nicole</u>; <u>Jon; Angela Harding</u>; <u>Bressler"s Garage</u>; , <u>Mala Moore</u>

Subject: [Non-DoD Source] RE: Comments related to Duke Low MOA

 Date:
 Thursday, December 30, 2021 1:44:42 PM

 Attachments:
 COMMENTS Greene MOADUKE.docx

On behalf of the Greene Township Supervisors – Clinton County PA, please find attached comments with respect to the need for a full EIS prior to implementing the Duke Low MOA.

Thank you.

Alicia Cramer (resident) and Mala Moore (Greene Township Secretary)

COMMENTS ON DUKE Low MOA

Greene Township is located in the southeast corner of Clinton County and bounded on the east by Lycoming County and the south by Centre County. We are a rural community home to Sugar Valley, one of the most beautiful and attractive valleys in Central Pennsylvania. This is also home to Fishing Creek which is considered a HQ stream in Pennsylvania. The following letter is some concerns that the Board of Supervisors want to express. Please accept this letter as an expression of the citizens that have put us in this governmental position. As government officials we are the voice for the people, by the people of Greene Township.

The purpose of these Comments is to help plan and adopt appropriate safeguards for the residents, recreational users, workforce, and wildlife in the PA Wilds region and formally request a full Environmental Impact Statement (EIS) be completed prior to moving forward with the Duke Low MOA.

The PA Wilds is one of 11 official tourism regions in the Commonwealth of Pennsylvania. The region is also one of eight state-designated Conservation Landscapes because of its unique natural and heritage assets. The 13-county region is home to the greatest concentration of public lands in Pennsylvania. Many have called our trout streams in this region the finest in Pennsylvania and they hold an excellent population of wild brown and brook trout and Fishing Creek (the focus of our watershed association) is designated as a high-quality coldwater fishery. There are 29 state parks, 8 state forests, 50 state game lands and PA's only National Forest, the Allegheny. The largest wild elk herd in the Northeast exist in this area along with two designated National Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest night skies in the country.

This region is also economically distressed and has seen decades of population loss. In the 6 counties targeted for the Duke Low MOA the median income levels and home value of the 211,000+ residents are significantly below U.S. averages. There is a large Amish population and who by definition are considered an underserved population. Sections of the intended impacted area (highlighted in your map) are identified on the Federal Reserve Website as 2020 List of Distressed or Underserved Nonmetropolitan Middle-Income Geographies.

Local, state and federal partners, private philanthropy, and the private sectors began working together more than 15 years ago to establish the PA Wilds. The intentional economic development focused on the creation of an outdoor recreation destination to help diversify rural economies, create jobs, inspire stewardship and improve quality of life. This ground-breaking effort, held up as a model in five national studies and has involved side-by-side investments in small business development, marketing and branding, recreation infrastructure, community character stewardship, regional planning, and conservation. Today, thanks to the work of many organizations, businesses and individuals, tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy. Without careful planning and adoption of safeguards the Duke Low MOA may undermine the economic and ecological progress made by the many partners and community members; therefore, a full EIS is required. The EIS must address the full scope of environmental impacts, including the following 8 specific topics."

COMMENTS/ISSUES:

- 1. SAFETY
- 2. ECONOMIC IMPACT
- 3. WILDLIFE IMPACT
- 4. RECREATIONAL IMPACT
- 5. BIOLOGICAL & AG IMPACT CONSIDERATIONS including water quality
- 6. EOUITY CONSIDERATIONS
- 7. POLLUTION & HUMAN HEALTH
- 8. NEPA COMPLIANCE

FACTORS WHICH NEED TO BE CAREFULLY CONSIDERED:

1. SAFETY

The proposed DUKE Low MOA will create new hazards that exceed the capacity of local emergency response services and disproportionately impact specific communities. The proposed DUKE Low MOA could share airspace with VFR aircraft (not denied). The introduction of low-altitude military tactical aircraft training on an every other day basis as opposed to the current limited use (higher floors) may create collision hazards that do not exist today. The proposed Duke MOA Region has large DARK HOLES (i.e., GAPS in broadband cell services). In the event of an accident or violation, calling 9-1-1may not be feasible and few municipalities in the Duke LOW MOA Region have full-time Police Departments. Most likely our State Police will be first on scene and response time may extend longer than needed due to the vast region they currently cover.

Most of the First Responders in this MOA are part-time volunteers. Covid has impacted the number of volunteers in several communities and response times have been affected. Due consideration must be given to a community(ies) action plan and how to build capacity of response teams should be explored.

At the proposed altitudes noise is not only a concern but a risk to livestock. For example, horses have been known to be startled by low flying aircraft causing https://www.forces.net/news/us-confirms-jets-were-flying-over-cornwall-after-reports-horse-deaths and while tragic for the animals the local Amish community depends on horses for transportation and farm work. Clinton County alone has ~1,000 Amish families and horse-drawn carriages are a common mode of transportation. The potential risks associated with low flying aircraft need more scrutiny and someone much consider direct outreach to the Amish community to advise and warn of the potential dangers to horses and other livestock.

2. ECONOMIC IMPACT

The proposed DUKE Low MOU will create economic impact, including the risk of negatively impacting the vital local tourism industry. The scenic and recreational qualities of this region are strong attractors for visitors and a growing number of professionals who can choose where to live because they work on the Internet. More than 1MM visitors and residents chose the PA Wilds as a destination last year alone. Tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy.

A comprehensive EIS must evaluate the economic impact of intrusions of low altitude flyovers (noise and insensitivity) on discouraging people from visiting and investing in an area where the economy is heavily dependent on outdoor recreation, impact investing and tourism.

3. WILDLIFE IMPACT

The proposed DUKE Low MOU will impact wildlife habitats, including critical breeding areas and migration routes for a wide range of species, and will increase diverse risks to the public due to changes in human and wildlife interactions.

In general, animals do respond to low-altitude aircraft overflights. The manner in which they do so depends on life-history characteristics of the species, characteristics of the aircraft and flight activities, and a variety of other factors such as habitat type and previous exposure to aircraft. For example, sudden noise, especially if tree-top, may cause deer to panic and run across roads risking collisions with cars and trucks that might cause serious injury, as well as vehicle damage. The potential for overflights to disturb wildlife and the resulting consequences have drawn considerable attention from state and Federal wildlife managers, conservation organizations, and the scientific community. This issue is of special concern to wildlife managers responsible for protecting populations, and to private citizens who feel it is unwise and/or inappropriate to disturb wildlife. Two types of overflight activities have drawn the most attention with regard to their impacts on wildlife: 1) low-altitude overflights by military aircraft in the

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Respectfully submitted,

Matthew Miller, Rodney Weaver and Robert Bressler – Greene Township Supervisors – Clinton County.

From: Katherine deSilva

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Clinton County"s response to the Duke Low MOA Draft Environmental Assessment

Date: Monday, November 29, 2021 7:18:46 AM
Attachments: Letter to Maryland ANG re Duke Low MOA.pdf

Dear Ms. Kucharek:

Attached please find our response letter regarding the draft EA for the proposed Duke Low MOA, which I've also sent by regular mail.

Thanks for your consideration.

Sincerely,

Katherine de Silva

Clinton County Planning Director 2 Piper Way, Suite 244 Lock Haven, PA 17745 (570) 893-4080 ext. 1

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient destroy all copies of the original message.

Board of Commissioners

Miles D. Kessinger, III Chairman Jeffrey A. Snyder Vice Chairman Angela Harding Commissioner OUNTY OF CLAMAN OUNTY OU

Jann Meyers, Chief Clerk Larry E. Coploff, Solicitor

> Phone: (570) 893-4000 (800) 509-6697 Fax: (570) 893-4041

November 17, 2021

Ms. Kristi Kucharek 3501 Fetchet Avenue Joint Base Andrews, MD 20762-5157

Dear Ms. Kucharek:

Thank you for the opportunity to comment on the recent NEPA Draft Environmental Assessment and Draft FONSI for the proposed Low Duke Military Operations Area. On behalf of all the citizens of Clinton County, we have concerns about potential detrimental impacts to our natural, social, and economic environments in Leidy, East Keating, and Noyes Townships. We reported some of these in our letter of April 15, 2021, enclosed here for your information.

A grave concern not mentioned previously, is the presence in your MOA in Clinton and Potter Counties, of a significant amount of Berkshire Hathaway GT&S natural gas transmission and storage infrastructure. This area constitutes one of the largest underground natural gas storage facilities in the country. Pipelines coming from all directions convey gas here for storage, and send it back out to serve many areas of the Northeast and mid-Atlantic. This critical equipment is protected by sound-activated sensors to alert operators of gas leaks. When a sensor is triggered, a full emergency response is activated. No low-flying aircraft should come anywhere near these facilities. We enclose an aerial photo of Leidy Station, one of Clinton County's facilities. What cannot be seen in the photo is the 3 trillion gallons of natural gas that are stored beneath the ground. We encourage you to contact Aaron Hughes of BHE GT&S at aaron.hughes@bhegts.com for further detail on potential impacts on this infrastructure. The company's facilities in Potter County are equally sensitive and critical. (Note: this is just one mulitnational company owning natural gas infrastructure in our county – there are many more.)

Further, we are concerned about the ability of our first responders to assist in the event of accident, particularly one involving natural gas infrastructure. Fire and ambulance companies here are sized to meet the needs of the resident population - yet they also respond on behalf of the thousands of visitors and nonresident property owners staying here during vacation, fishing, hunting, snowmobiling, and ATV-riding seasons.

We have noticed a mapping error in the draft. It shows a nonexistent historical feature in our county (Volume 2, pdf page 21). The archaeological and historical reviews otherwise seem thorough.

We hereby formally request that a full Environmental Impact Study be conducted, which takes a close, on-the-ground look at the Low MOA's potential economic and tourism impacts on our region; quantifies and protects our infrastructure of national importance; and most importantly, includes public meetings in each of the six counties to hear testimony and collect accurate local data on potential impacts.

Respectfully,

Clinton County Commissioners

Miles D. Kessinger, III, Chairman

effrey A. Snyder, Vice Chairman

Angela Harding, Commissioner

Enc.(2):

Our letter of 4/15/2021

Aerial view of Berkshire Hathaway GT&S facility and pipeline cuts surrounding Leidy Station.

Cc: Congressman Fred Keller

Congressman Glenn Thompson

Senator Bob Casey

Senator Pat Toomey

PA Representative Stephanie Borowicz

PA Senator Chris Dush

Board of Commissioners

Miles D. Kessinger, III Chairman Jeffrey A. Snyder Vice Chairman Angela Harding Commissioner



Jann R. Meyers, Chief Clerk Larry E. Coploff, Solicitor

> Phone: (570) 893-4000 (800) 509-6697 Fax: (570) 893-4041

April 15, 2021

Lt. Col. Christopher Jesus Mayor 3501 Fetchet Avenue Joint Base Andrews, MD 20762

Dear Lt. Col. Mayor:

The Clinton County, PA Board of Commissioners is writing to express our deep concerns about the National Guard Bureau's plans to modify the Duke Military Operations Airspace to accommodate the training requirements of the 175th Wing of the Maryland National Guard. This modification would provide for low-altitude flights twice a day, 170 days of the year, including Saturdays, sometimes as low as 100 feet above ground. This flight modification proposes to use air space above the Northwest corner of Clinton County, Pennsylvania, a pristine region of parks, forests and natural areas, situated in the heart of the PA Wilds.

The Commissioners would like to express our strong opposition to this proposal. Although we support the military and the need for maintaining a well-trained flying force, we feel that another location would better suit your needs, and have less impact on our local environment. We feel the impacts on tourism in this area (a vital part of the local economy), wildlife (a large elk herd inhabits this area along with many other native species), wild and scenic waterways, and quality of life for our residents could only be detrimental. Hunters, anglers, hikers and other outdoor enthusiasts flock to this part of our County to enjoy the wild and untouched areas we are so proud of. In fact, we see no positive impacts that this change could have on Clinton County.

In addition, as the home of the Piper Municipal Airport and the Piper Aviation Museum, Clinton County has many private pilots and hosts numerous aviation events for small aircraft throughout the year. The proposed change to the MOA would severely impact the airspace for these pilots and events, as we are given to understand that other aircraft could be grounded during the ANG activities.

For all of these reasons, we strongly recommend development of an alternative location for these low-level training activities. Is there not an area of Maryland that would serve the purpose as well, and be closer to your base of operations?

We would ask that the MOA not be approved as proposed, and that a full environmental impact study be ordered so that the proposed region for this plan can be more closely studied.

Sincerely,

Clinton County Commissioners:

Miles D. Kessinger, III, Chairman

011 0 8

Jeffrey A. Snyder, Vice Chairman

Angela Harding, Commissioner

CC: Congressman Fred Keller

Congressman Glenn Thompson

Senator Bob Casey Senator Pat Toomey

PA Representative Stephanie Borowicz

PA Senator Chris Dush



From: Angela Harding < AHarding @ Clinton County PA.com>

Sent: Tuesday, November 9, 2021 2:32 PM

To: NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] Re: Draft Environmental Assessment and Draft Finding of No Significant

Impact for modification of the Duke Military Operations Area

We'd rather you didn't come into our county.

Come here and seeing who and what could potentially be impacted; Consider other alternatives to the proposal Respond to all the comments received at public meetings and by mail, email and telephone

Piper airport -?

I do not appreciate your trying to take advantage of our community.

Angela Harding
Clinton County Commissioner
2 Piper Way, Suite 300
Lock Haven, PA 17745
Phy (570) 802, 4000 FWR, 2011

Ph: (570) 893-4000 EXT. 3211

Fax: (570) 893-4354

www.clintoncountypa.com

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any

unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient destroy all copies of the original message.

>>> NGB A4/A4A NEPA COMMENTS Org <<u>NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil</u>> 11/9/2021 2:25 PM >>>

Good afternoon,

The National Guard Bureau (NGB) has prepared a Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the potential impacts associated with the modification of the Duke Military Operations Area (MOA) in Pennsylvania and New York to establish low altitude airspace for the 175th Wing (175 WG), Maryland ANG A-10C Squadron. The Draft EA evaluates potential impacts to the human and natural environment as a result of the implementation of the proposed action. The environmental analysis for the Proposed Action is being conducted by the NGB in accordance with the Council on Environmental Quality guidelines pursuant to the National Environmental Policy Act of 1969. The Draft EA and Draft FONSI are available at https://www.175wg.ang.af.mil for your review and comment.

As a follow up to our scoping letter regarding the proposed action, we are requesting your participation by reviewing the Draft EA and soliciting your comments concerning the proposal and any potential environmental consequences of the action. If upon completion of the environmental impact analysis process it is determined that a FONSI is appropriate, a FONSI will be signed. Please indicate in writing if you wish to receive the Final EA and/or signed FONSI and provide an e-mail address if you prefer to receive the document electronically.

Please provide any comments you may have within 45 days of receipt of this letter to me at Ms. Kristi Kucharek, 3501 Fetchet Avenue, Joint Base Andrews MD 20762-5157 or NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil. Thank you for your assistance.

Respectfully,

Kristi Kucharek, GS-13 NGB/A4AM Plans and Requirements Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue, Joint Base Andrews, MD 20762 From: NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Sent: Wednesday, November 24, 2021 10:34 AM

To: pheimel@pottercountypa.net

Subject: RE: [Non-DoD Source] Duke Military Operations Area

Good morning, Mr. Heimel,

Thank you for your comment requesting that a public meeting be held. At this time we are encouraging that members of the public and agencies review the Draft Environmental Assessment (EA) that was published for public review. The document includes a discussion of all pertinent information as it relates to the proposed project and anticipated environmental impacts. The Air National Guard (ANG) will review any and all comments before making a decision on whether there is sufficient interest in having a public meeting and whether such a meeting would be beneficial or necessary. The public comment period on the Draft EA is currently scheduled to end on 15 December 2021. However, please be advised that NGB has decided to extend the end of the public comment period from 15 December 2021 to 31 December 2021 to allow the public and agencies additional document review time. Thank you for your consideration.

Respectfully,

Kristi Kucharek, GS-13 NGB/A4AM Plans and Requirements Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue, Joint Base Andrews, MD 20762

----Original Message----

From: pheimel@pottercountypa.net <pheimel@pottercountypa.net>

Sent: Wednesday, November 10, 2021 10:07 AM

To: NGB A4/A4A NEPA COMMENTS Org <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Subject: [Non-DoD Source] Duke Military Operations Area

Dear Ms. Kucharek.

The timing of our receiving your message below was perfect, because I was in the process of drafting an email to you at the very moment it arrived.

To make a long story short, it would be great if we could hold a brief phone discussion on this matter. My office phone is 814-274-8290, ext.

203. If you cannot reach me, you could as an alternative speak with Commissioner Nancy Grupp at ext. 202 or Commissioner Barry Hayman at ext.

201.

As the longest-standing member (14 years) on the Potter County Board of Commissioners, I am playing the role of point person for this matter. Over the years our board has established and maintained a good reputation for accommodating public gatherings -- even on some volatile topics -- without any personal or political agenda; demanding order and decorum, mutual respect and courtesy.

Given that assurance, we do want to encourage the Maryland Air National Guard to hold an in-person meeting here in Potter County. The MOA map shows that our county would be the most affected by the training flights.

Our board has remained neutral on this issue. We have refrained from repeated attempts by opponents of it to have us join in organized campaigns. We see our role as disseminator of factual and reliable information, which can be objectively assessed prior to taking any official position. We realize that the county government has no authority or

responsibility when it comes to the MOA proposal. However, many of our constituents do look to us for support as elected officials who are charged with protecting the health, welfare and safety of Potter County.

I welcome a phone call on this request, and/or an email response, and I look forward to hearing from you.

Respectfully,

Paul W. Heimel

Vice Chair

Potter County (Pa.) Board of Commissioners office 814-274-8290, ext. 203 cell 814-203-7863 pheimel@pottercountypa.net

- > Good morning,
- >
- > The National Guard Bureau (NGB) has prepared a Draft Environmental
- > Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for
- > the potential impacts associated with the modification of the Duke
- > Military Operations Area (MOA) in Pennsylvania and New York to
- > establish low altitude airspace for the 175th Wing (175 WG), Maryland
- > ANG A-10C Squadron. The Draft EA evaluates potential impacts to the
- > human and natural environment as a result of the implementation of the
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- > available at

https://nam10.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.175wg.ang.af.mil%2F&data=04%7C0

for your review and comment.

>

- > As a follow up to our scoping letter regarding the proposed action, we
- > are requesting your participation by reviewing the Draft EA and
- > soliciting your comments concerning the proposal and any potential
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- > environmental impact analysis process it is determined that a FONSI is
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- > wish to receive the Final EA and/or signed FONSI and provide an e-mail
- > address if you prefer to receive the document electronically.

>

- > Please provide any comments you may have within 45 days of receipt of
- > this letter to me at Ms. Kristi Kucharek, 3501 Fetchet Avenue, Joint
- > Base Andrews MD 20762-5157 or
- > NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil<mailto:NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>.
- > Thank you for your assistance.
- >
- > Respectfully,

>

- > Kristi Kucharek, GS-13
- > NGB/A4AM Plans and Requirements
- > Airspace NEPA Program Manager
- > Air National Guard Readiness Center
- > 3501 Fletchet Avenue, Joint Base Andrews, MD 20762

>

 From:
 pheimel@pottercountypa.net

 To:
 NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Comment on Duke MOA (Pennsylvania)

Date: Thursday, December 23, 2021 11:55:10 AM

Purpose of this correspondence is to document that the Potter County Board of Commissioners has called on the Maryland Air National Guard to conduct a full Environmental Impact Study of the proposed low-level training flights over a wide swath of rural acreage in Northcentral Pennsylvania. Our board has also requested the Maryland Air National Guard hold a public meeting (which we could host) in Coudersport, Pa., the government seat of Potter County. Our county would be the most affected by the proposed training flights.

Paul W. Heimel Vice Chair

Potter County (Pa.) Board of Commissioners

From: <u>Iversen, Sarah A.</u>

To: NGB A4/A4A NEPA COMMENTS Org

Cc: <u>Faraguna, Nicole</u>

Subject: [Non-DoD Source] Duke MOA Low Project Public Comment: Pa. House Chairman Vitali Letter

Date:Wednesday, December 22, 2021 1:00:30 PMAttachments:MA ANG Pa. Wilds Letter 12.22.21.pdf

Good afternoon,

On behalf of Chairman Vitali, please find attached a letter outlining concerns with the Duke MOA Low Project to be submitted as public comment.

Please let me know if you have any questions.

Best,

Sarah Iversen
Executive Director
House Environmental Resources & Energy Committee
Rep. Greg Vitali, Chairman
(717) 783-4043

GREG VITALI, MEMBER

1001 EAST DARBY ROAD HAVERTOWN, PENNSYLVANIA 19083 PHONE: (610) 789-3900 FAX: (215) 560-4197



House of Representatives HARRISBURG

30B EAST WING P.O. BOX 202166 HARRISBURG, PENNSYLVANIA 17120-2166 PHONE: (717) 787-7647 FAX: (717) 705-2089

> EMAIL: greg@gregvitali.com HOMEPAGE: www.gregvitali.com

Captain Benjamin Hughes Maryland National Guard's Public Affairs Office Fifth Regiment Armory 29th Division St. Baltimore, MD 21201

December 22, 2021

Dear Captain Hughes:

I am writing today to express my concern regarding the Maryland Air National Guard's Duke Military Operating Area (MOA) Low Project. The project proposes to lower the threshold for combat training flights to just 100 feet above ground level in an area of North, Central Pennsylvania known as the Pennsylvania Wilds.

The Pennsylvania Wilds is invaluable to the Commonwealth with its ecological diversity, outdoor recreation, and abundant wildlife. This portion of the region includes 10 state parks, 395,647 acres of state forests, 35,690 acres of state game lands, the Hammersley Wild Area, the Austin Dam, the Pine Creek Gorge, and the largest wild elk population in the northeast. The region also produces nearly \$2 billion in economic impact for the region.

There are a variety of areas within the Maryland Air National Guard's proposal that could result in substantial change in the region. While the environmental assessment found the proposal would not create a significant impact on animal and human life, a more thorough Environmental Impact Statement (EIS) is needed to fully understand the effects of the proposal. In addition, an EIS would ensure a more transparent process regarding evaluating alternate locations for this proposed activity.

Furthermore, to create a more transparent process, the Maryland Air National Guard should host a public meeting in the local counties that fall within the Duke MOA Low footprint and answer all questions related to the draft environmental assessment. The Air National Guard should also try to effectively inform the public on the proposal in the region through newspapers, social media, and other means. This should include sharing the information with local, county, state, and federal elected officials.

To fully ensure residents and community members have ample opportunity to provide input, I believe that the Maryland Air National Guard should extend the December 31st deadline.

Thank you for your time and attention to this matter. Please do not hesitate to contact me with any questions. Sincerely,

Greg Vital.

Rep. Greg Vitali Democratic Chairman House Environmental Resources & Energy Committee 166th Legislative District

cc:

Captain Travis Mueller, Pennsylvania National Guard
Lieutenant Colonel Devin Robinson, Air National Guard Office of Public Affairs
Major Jeffrey Andrieu, Air National Guard Readiness Center
Kristi Kucharek, Air National Guard Readiness Center
Nicole Faraguna, Pennsylvania Department of Conservation & Natural Resources

Board of Commissioners

Miles D. Kessinger, III
Chairman
Jeffrey A. Snyder
Vice Chairman
Angela Harding
Commissioner



Jann R. Meyers, Chief Clerk Larry E. Coploff, Solicitor

> Phone: (570) 893-4000 (800) 509-6697 Fax: (570) 893-4041

December 28, 2021

Ms. Kristi Kucharek 3501 Fetchet Avenue Joint Base Andrews, MD 20762

Dear Ms. Kucharek:

The Clinton County, PA, Board of Commissioners has previously written in regard to the proposed plans to modify the Duke Military Operations Airspace to provide for low altitude training flights. Both of our earlier letters are enclosed for your reference.

As the response period will be coming to an end in a few days, the Board of Commissioners continues to have deep concerns regarding this plan. We do not feel that a thorough review of the environmental impact this change would have on Clinton County and the Pennsylvania Wilds has been done. We are enclosing copies of the many letters and emails that the Commissioners have received from our citizens and County visitors who are opposed to the plan. We ask you to take the time to read and consider these concerns from our local people.

The Commissioners would like to express our continued opposition to this proposal, until and unless a full Environmental Impact Study is conducted, and public town hall meetings have been held to allow the public to provide testimony and express their local concerns on the MOA's potential impacts. Although we support the military and the need for maintaining a well-trained flying force, we feel that another location would better suit your needs, and have less impact on our local environment. We feel the impacts on tourism in this area (a vital part of the local economy), wildlife (a large elk herd inhabits this area along with many other native species), wild and scenic waterways, and quality of life for our residents could only be negative. Hunters, anglers, hikers and other outdoor enthusiasts flock to this part of our County to enjoy the wild and untouched areas with which we are so blessed.

In addition to the negative impacts on the vital tourism industry, we feel that the proposed change to the MOA would severely impact the airspace of our many local

CLINTON COUNTY COMMISSIONERS 2 PIPER WAY, SUITE 300 LOCK HAVEN, PENNSYLVANIA 17745 aviators, the local airport, and annual aviation events that have long been a part of our area. Further, we have concerns regarding the dangers this plan may place on the natural gas transmission and storage infrastructure that exists underground in Northern Clinton County. Our Department of Emergency Services would likely be called upon for any response needed should an emergency occur involving any aircraft or injuries on the ground, and we have concerns about the County's response obligations, LifeFlight access to the area, and communication systems that would need to be available.

We hope that you will consider putting the final decision on hold until all concerns are heard and considered through a public town hall process.

Sincerely,

Clinton County Commissioners:

Miles D. Kessinger, III, Chairman

Jeffrey A. Snyder, Vice Chairman

Angela Harding, Commissioner

Enc: Our letters of 4/15/2021 and 11/17/2021

Various comments received in the Commissioners' Office

CC: Congressman Fred Keller

Congressman Glenn Thompson

Senator Bob Casey Senator Pat Toomey

PA Representative Stephanie Borowicz

PA Senator Chris Dush

Board of Commissioners

Miles D. Kessinger, III Chairman Jeffrey A. Snyder Vice Chairman Angela Harding Commissioner



Jann R. Meyers, Chief Clerk Larry E. Coploff, Solicitor

> Phone: (570) 893-4000 (800) 509-6697 Fax: (570) 893-4041

April 15, 2021

Lt. Col. Christopher Jesus Mayor 3501 Fetchet Avenue Joint Base Andrews, MD 20762

Dear Lt. Col. Mayor:

The Clinton County, PA Board of Commissioners is writing to express our deep concerns about the National Guard Bureau's plans to modify the Duke Military Operations Airspace to accommodate the training requirements of the 175th Wing of the Maryland National Guard. This modification would provide for low-altitude flights twice a day, 170 days of the year, including Saturdays, sometimes as low as 100 feet above ground. This flight modification proposes to use air space above the Northwest corner of Clinton County, Pennsylvania, a pristine region of parks, forests and natural areas, situated in the heart of the PA Wilds.

The Commissioners would like to express our strong opposition to this proposal. Although we support the military and the need for maintaining a well-trained flying force, we feel that another location would better suit your needs, and have less impact on our local environment. We feel the impacts on tourism in this area (a vital part of the local economy), wildlife (a large elk herd inhabits this area along with many other native species), wild and scenic waterways, and quality of life for our residents could only be detrimental. Hunters, anglers, hikers and other outdoor enthusiasts flock to this part of our County to enjoy the wild and untouched areas we are so proud of. In fact, we see no positive impacts that this change could have on Clinton County.

In addition, as the home of the Piper Municipal Airport and the Piper Aviation Museum, Clinton County has many private pilots and hosts numerous aviation events for small aircraft throughout the year. The proposed change to the MOA would severely impact the airspace for these pilots and events, as we are given to understand that other aircraft could be grounded during the ANG activities.

For all of these reasons, we strongly recommend development of an alternative location for these low-level training activities. Is there not an area of Maryland that would serve the purpose as well, and be closer to your base of operations?

We would ask that the MOA not be approved as proposed, and that a full environmental impact study be ordered so that the proposed region for this plan can be more closely studied.

Sincerely,

Clinton County Commissioners:

Miles D. Kessinger, III, Chairman

011 0 8

Jeffrey A. Snyder, Vice Chairman

Angela Harding, Commissioner

CC: Congressman Fred Keller

Congressman Glenn Thompson

Senator Bob Casey Senator Pat Toomey

PA Representative Stephanie Borowicz

PA Senator Chris Dush



Board of Commissioners

Miles D. Kessinger, III
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OUNTY OF CLAND

Jann Meyers, Chief Clerk Larry E. Coploff, Solicitor

Phone: (570) 893-4000 (800) 509-6697 Fax: (570) 893-4041

November 17, 2021

Ms. Kristi Kucharek 3501 Fetchet Avenue Joint Base Andrews, MD 20762-5157

Dear Ms. Kucharek:

Thank you for the opportunity to comment on the recent NEPA Draft Environmental Assessment and Draft FONSI for the proposed Low Duke Military Operations Area. On behalf of all the citizens of Clinton County, we have concerns about potential detrimental impacts to our natural, social, and economic environments in Leidy, East Keating, and Noyes Townships. We reported some of these in our letter of April 15, 2021, enclosed here for your information.

A grave concern not mentioned previously, is the presence in your MOA in Clinton and Potter Counties, of a significant amount of Berkshire Hathaway GT&S natural gas transmission and storage infrastructure. This area constitutes one of the largest underground natural gas storage facilities in the country. Pipelines coming from all directions convey gas here for storage, and send it back out to serve many areas of the Northeast and mid-Atlantic. This critical equipment is protected by sound-activated sensors to alert operators of gas leaks. When a sensor is triggered, a full emergency response is activated. No low-flying aircraft should come anywhere near these facilities. We enclose an aerial photo of Leidy Station, one of Clinton County's facilities. What cannot be seen in the photo is the 3 trillion gallons of natural gas that are stored beneath the ground. We encourage you to contact Aaron Hughes of BHE GT&S at mainto-hughes@bhegts.com for further detail on potential impacts on this infrastructure. The company's facilities in Potter County are equally sensitive and critical. (Note: this is just one mulitnational company owning natural gas infrastructure in our county – there are many more.)

Further, we are concerned about the ability of our first responders to assist in the event of accident, particularly one involving natural gas infrastructure. Fire and ambulance companies here are sized to meet the needs of the resident population - yet they also respond on behalf of the thousands of visitors and nonresident property owners staying here during vacation, fishing, hunting, snowmobiling, and ATV-riding seasons.

We have noticed a mapping error in the draft. It shows a nonexistent historical feature in our county (Volume 2, pdf page 21). The archaeological and historical reviews otherwise seem thorough.

CLINTON COUNTY COMMISSIONERS 2 PIPER WAY, SUITE 300 LOCK HAVEN, PENNSYLVANIA 17745 We hereby formally request that a full Environmental Impact Study be conducted, which takes a close, on-the-ground look at the Low MOA's potential economic and tourism impacts on our region; quantifies and protects our infrastructure of national importance; and most importantly, includes public meetings in each of the six counties to hear testimony and collect accurate local data on potential impacts.

Respectfully,

Clinton County Commissioners

Miles D. Kessinger, III, Chairman

Jeffrey A. Snyder, Vice Chairman

Angela Harding, Commissioner

Enc.(2):

Our letter of 4/15/2021

Aerial view of Berkshire Hathaway GT&S facility and pipeline cuts surrounding Leidy Station.

Cc: Congressman Fred Keller

Congressman Glenn Thompson

Senator Bob Casey

Senator Pat Toomey

PA Representative Stephanie Borowicz

PA Senator Chris Dush

Board of Commissioners

Miles D. Kessinger Chairman Jeffrey A. Snyder Vice Chairman Angela Harding Commissioner



Jann R. Meyers, Chief Clerk Larry E. Coploff, Solicitor

> Phone: (570) 893-4000 (800) 509-6697

Fax: (570) 893-4041

Email and USPS Correspondence



DEDICATED TO THE CONSERVATION OF A HEALTHY ENVIRONMENT AND THE PRESERVATION OF PENNSYLVANIA'S OUTDOOR TRADITIONS

PO BOX 1, RENOVO PA 17764 PHONE 570-923-1620

December 11, 2021

Clinton County Commissioners 2 Piper Way, Suite 300 Lock Haven, PA. 17745

Dear Commissioners,

This letter is to inform your office that the Western Clinton Sportsmen Club is opposed to a planned increase in military flyovers by the Air National Guard. We believe the present flyovers are justified and do not negatively impact the flyover area.

The new plan will, however, produce more air flights of military aircraft in a much greater number than currently exists. This plan will effect a five county region presently known as PA WILDS. The Clinton County Tourist Promotion Agency along with other county agencies has worked very hard to use PA WILDS as a draw to our area. Many visitors come to this region year round to enjoy the scenic quality and participate in outdoor recreation throughout the entire year. This means more business and income for regional businesses.

WCSA believes allowing an increased flight plan will lessen the influx of tourists due to the noise level and other distractions brought on by the new ANG Plan.

We ask that your office will also show support against the increase of military aircraft training over this 5 county region.

Let's keep PA WILDS - wild!

Thank you,

Reed Morton Secretary

Begin forwarded message:

From: Joan Heller

Date: November 16, 2021 at 2:24:17 PM EST **To:** ngb.a4.a4a.nepa.comments.org@us.af.mil

Subject: Clinton County airspace

Dear administrators of the Clinton County Airspace:

I retired to central PA for peace and quiet. There have been military planes that have buzzed my neighborhood. It is frightening, and loud enough to cause hearing loss.

The steers in my pasture are cowed by this noise and the wildlife - deer, bear, turkeys, fox, to name a few - will be negatively affected.

Bombers flying " as low as 100 feet, up to 272 days of use" they don't say what times of day. In the past this has been day and night.

For people, livestock, and wild animals, this is disastrous.

Please vote against using central PA in this manner!

Joan Heller

Received this via Angt.

Sent from Mail for Windows

Hello, I will put a for sale on my property and promptly move out of this county if the sky over my head is used for military practice. I spent time on a farm in Virginia that was in the path of these bombers. It was so loud and so abrupt, I ended up reflexively slamming myself to the ground for protection. You really have no fathom of the profound intrusion of these planes until you experience it. Very, very sad that the PA Wilds is being subjected to this by the military. Sincerely, Jenny Boyle, MD

Begin forwarded message:

From: Patricia Hancock

Date: November 17, 2021 at 1:25:14 PM EST

To: Ang Harding

Subject: Low flying training

Hi Angela,

Zach, my husband, and I want to express a major personal concern about the possibility of low flying training in our area. Zach is a 100% disabled veteran with severe PTSD. He has had extensive treatment, and has continual psychiatric care. Our home is in the middle of 30 acres, because peace and quiet and privacy are very important to his well-being. He has learned lots of tools, and is doing well. It's rare, but there have been low flying jets and helicopters in our airspace. Those sounds throw him into flashbacks. If this training exercise is allowed to proceed, I fear for his well-being. To most, this intrusion is inconvenient. To him, it's pure torture. Please stop this.

Pat Hancock

Patricia Hancock

From: Dean Bottorf

To: <ngb.a4.a4a.nepa.comments.org@us.af.mil>

CC: <commissioners@clintoncountypa.com>, <pippermuseum@comcast.net>

BC Angela Harding
Date: 11/18/2021 2:40 PM

Subject: Duke MOA

Dean Bottorf former two term Clinton County PA Commissioner. Duke MOA looks to be the unfortunate rebirth of Antler MOA. Antler was defeated and for good reason. Here in Clinton County PA for example, people from every state in the USA visit and fly in the proposed MOA. A little research would tell you that this area is the home of Piper Aircraft. Additionally, decades of funding and work on tourism in the PA Wilds has payed off. The proposed MOA is not uninhabited, it is a vibrant community filled with trails, biking, hunting, camping, fishing, snowmobiling. It's a paradise visited by 10's of thousands yearly. Oh and people live here too. It won't be given up easily. Pressure is building. Get up here and speak to the people. Sent from my iPad

November 23, 2021

Clinton County Commissioners 2 Piper Way, Suite 300 Lock Haven, Pennsylvania 17745

Dear Commissioners:

On behalf of BHE GT&S, and our operating company, Eastern Gas Transmission & Storage (EGTS), I write to offer our comments on the recently released draft Environmental Assessment and Finding of No Significant Impact on the potential impacts associated with the modification of the Duke Military Operations Area (MOA) in Pennsylvania and New York to establish low altitude airspace for the 175th Wing (175 WG), Maryland ANG A-10C Squadron.

EGTS provides natural gas transportation and storage services with one of the largest underground natural gas storage systems in the United States. We safely operate nearly 4,000 miles of pipeline and more than 985,000 horsepower of compression in six states: Ohio, West Virginia, Pennsylvania, New York, Maryland, and Virginia. We reliably supply natural gas for large customers, such as major utilities and power plants, and to local distribution companies to heat homes and run small businesses. EGTS operates 17 underground storage fields with 756 Bcf of total operated design storage capacity and 420 Bcf of working gas capacity. The company has numerous links to other major pipelines and can access markets in the Midwest, Mid-Atlantic and Northeast regions of the United States.

We find that the study failed to include adverse impacts to the safe and reliable transmission of natural gas. These negative impacts will result in the disruption of reliable interstate natural gas transportation from natural gas storage facilities located in Clinton, Potter, and Tioga Counties operated by EGTS, which serve customers of EGTS and other interstate natural gas pipeline operators who store natural gas in these facilities.

Among the many safety protocols in place to ensure safe and reliable operations at our storage facilities, EGTS uses sound detection devices at remote locations, such as those impacted by this proposal, that alert us of pressure relief valve malfunctions. Low level flights would most certainly and consistently cause these safety sound detection devices to activate, which then may cause Emergency Shut Down protocols (which include calls to the County 911 Center) to be activated. This negatively impacts reliable natural gas service to end users in the Mid-Atlantic, Midwest, New England regions and international markets.

We encourage the National Guard Bureau to include these negative impacts to the safe and reliable transmission of natural gas from natural gas storage operations in further studies of this ill-conceived plan. Our nation's critical energy infrastructure must not be put at risk.

Sincerely,

Don Houser Director, External Affairs – Northeast

COPY: Nicole Faraguna, DCNR Policy Director State Senator Cris Dush State Representative Stephanie Borowicz National Guard Bureau Director, External Affairs - Northeast 6814 Energy Way, Greensburg, PA 15601 717-580-3915 (mobile)







November 23, 2021

Clinton County Commissioners 2 Piper Way, Suite 300 Lock Haven, Pennsylvania 17745

Dear Commissioners:

On behalf of BHE GT&S, and our operating company, Eastern Gas Transmission & Storage (EGTS), I write to offer our comments on the recently released draft Environmental Assessment and Finding of No Significant Impact on the potential impacts associated with the modification of the Duke Military Operations Area (MOA) in Pennsylvania and New York to establish low altitude airspace for the 175th Wing (175 WG), Maryland ANG A-10C Squadron.

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We encourage the National Guard Bureau to include these negative impacts to the safe and reliable transmission of natural gas from natural gas storage operations in further studies of this ill-conceived plan. Our nation's critical energy infrastructure must not be put at risk.

Sincerely,

Dork Houser

Director, External Affairs - Northeast

COPY: Nicole Faraguna, DCNR Policy Director

State Senator Cris Dush

State Representative Stephanie Borowicz

National Guard Bureau

Just an FYI, I stand against the Military Fly over program proposed for our area! Until I was 18 I lived 10 miles up Renovo Road (Next to Fibbers/Heavies) and in the 1960's the Military planes flew the Susquehanna River in front of our house. It was awful! At that time they would break the sound barrier and the boom was extremely bad. I feel that this if in acted will have an impact on tourism and game animals. We have visited VA Beach a couple times, and I would never stay there over night due to the air base so close, it is hard to relax with that noise!

From: DAVE WALLACE

Dear Commissioners)

This letter in to address our Concurre about the new proposed air training over Clinton County. We live along the river about 10 miles west of Renovo whe already hour jets flying over our house. They come over the tree tops from the moth and go down the river valley to the south cout. I have a 3 yr. add dog and sometimes these jets are so low that she works at the noise from them and she is inside the house sometimes they are so low and at an angle that I have seen the pilot in the corport. This is mot acceptable to increase these occurrences.

Our area of the county is remote and is a place for diking, hunting and recreation. People Come dere to get away from the cities. When these jets burn over our heads it kind of seares you at first. It is unnerving at times). Years ago I was across the river on top of the mountain hunting and one of the training jets flow directly over me. I could see the botts on the instal outer layer of the plane. I lay flat on the ground hoping it did not break off any limbs with its air current.

another time I was in our field walking to the river to feed our ducks down there and a jet flew up the river valley in front of me. I could see the pilot in the cockpit. Weeks later one of these jets clipped a large transmission line west of Keating and broke it because the pilot flew the jet under it.

	<u> </u>	
	These are have happenergy, Out if the	20.0
**************************************	new training flights are approved and the times	
	of training are increased the prace and great of	naran kamin-uturuhin k
	this warm at a constant los frainted los a lot of	0.10
And the state of t	this remote area Could be tainted for a lot of hikers, Caroers, hunters and campers who	
	Mikew Consols number and compets and	
	enjoy our mountain area. This new flight training	
	plan would impact negatively the people who call this area their home.	
	call this area their home.	
	^ · · · · · ·	- Sandarda de Maria de Antonio de
	Sincerely	
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	Connie Watty	
	Connie Walty adam 2. Walt	
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		ال السيد
8	P.S. Hi to Jeff & Miles. Sorry we do not know angela personally.	
	Some we do not & now Charla Deno on alle.	
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ga apprincy de commence de la commen		
-		
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The dem commissioner in Potter is looking for it as well. Might want to call him. I believe 5 counties passed the same resolution

Fri 10:54 AM

Kathy Conrad says the resolution should be stapled to the meeting minutes from 1996 or in a blue folder in the large rotating file if you still use that

Cameron passed it as well. At that time the area was further south so Lycoming and centre were in it. They got smart and moved it further north



Sat 10:25 PM

Considering? Wow. Thanks assholes. I'm behind the scenes here pounding. I've talked to more than a few commissioners in Potter, Cameron and Elk. The first time I fought this in 95-96, 1 had A10 Warthogs using my house for bombing practice. I have it on videotape. I am looking for it. Flyovers at 500 feet happen now 6 miles from LHU. It's a violation, but its rare. If you have any fucking animal or children outside, better fucking grab them. They panic..... This is a crazy

proposal. Please don't waver on this. It's a forever thing. Once approved, good luck with the phones there. It will be too late. I have some stuff for you to see. Fuck, Susqueview meetings and Ross Library meetings. They don't need you to conduct business. Your business as a Commissioner is to follow the county code. Read the section on your power when it comes to the health safety and welfare of the citizens. That should be required reading when elected. You have power. You can sue if you have to to tie them up. You can contact other commissioners in Potter and Cameron and get the ball rolling on a resolution in opposition. It's easy. Fuck, you have them on payroll. Make them work. You need only one other commissioner to convince. I've talked to them too. This is your landmark chance. Fight them. It takes balls. You have them. I mean that in a good way. A tough women. Let me know if the other commissioners would oppose you getting a

resolution ready. They would sign it. If not, ill go to the press. They will sign it when ready. Meeting with them is fine, but when their email to comment looks Egyptian, that's the plan. I'll make a prediction between you and me. Borowitz will be on board soon. I'm back to work. There is nothing more important.







Lawyer on payroll



Sun 4:46 PM

They - were the FFA and Duke MOA people. Not county.

We have dozens of letters opposing.

I have read county code.
I realize your feeling very strongly here but - My God.
You of all people should know this is a chess game of time.

We are all 3 on same page. Jeff is in someways taking the lead.
Keller is helping him.
(Wouldn't help me-LOLdirty D.) I've been told Dush is all for it. By that I mean in favor of the training.

And where is everybody

when I'm busting my ass fighting DEP, Nicholas Meats....Loganton is dying and no one gives a shit. Covid is killing people and no one gives a shit. You don't need to tell me how to stand up for what I believe in & for this community....it just seems like this particular issue is more important than those two examples.

Sun 8:20 PM

I know who the they are.

You can't fix covid.



DEP sucks. Dem Governor even. Wow

Sun 9:40 PM

i misingerpuried who the assholes were.
We will win this one hopefully.

December 1, 2021

Clinton County Board of Commissioners:

Mr. Miles Kessinger Mr. Jeff Snyder Ms. Angela Harding 232 East Main Street Lock Haven, PA, 17745

Dear Commissioners,

We are writing to voice our <u>strong opposition</u> to the proposed Memorandum of Understanding allowing the Maryland National Guard or any other organization use of airspace over Clinton County. We feel this would have a very negative impact on the county's citizen's way of life, adversely affect the county's flora and fauna and result in an economic downturn in the county's growing popularity as a recreational destination.

Clinton County and Lock Haven are finally seeing a rebound in business growth on our Main Street. The county will never be what it was 50 years ago but it can be every bit as vibrant and prosperous in a new way. Small towns are experiencing a rebirth offering the ability to telecommute and experience a slowed-down, more fulfilling way of life.

We think Clinton County can only get better and the use of our airspace in this manner are at odds.

Sincerely,

Registered Voters,

Frank and Susan Jones

December 14, 2021

Subject: Public Input to proposed Duke Low MOA

Dear Sirs:

I support the military and military training needs having worked on the Space Shuttle in Houston, TX for many years of my life. As an IBMer and Contractor to NASA, I wrote and tested software that was used during in-flight, live missions of the Space Shuttle.

In regards to the Low Duke MOA: I was born and raised in Clinton County, PA and am 4th generation on owning a home there which I live in about ½ of the year. It is just outside the Duke MOA boundary and I also co-own about 300 acres of land on top of a nearby mountain. I am not a hunter but I use the land for hiking, observing, photography and preserving wildlife. My extended family and friends visit the area often as a result of the pristine natural environment the area affords.

I will point out that the targeted area is known as the Pennsylvania Wilds, and provides jobs centered around maintaining wildlife, wildlife habitats, forests, parks, recreation and tourism. It draws not only tourists in the traditional sense but likewise is used to teach the next generation of family and friends a love for nature and a need to preserve it.

First I would like to request that public Town Hall meetings be held in the area, scheduled enough in advance, and very well advertised, to be able to book airplane reservations and be able to attend. The documentation and Environmental Assessment do not answer my questions, and I feel it is important for the general public to hear both, question and answers from me and others in order to determine if the proposal has large or small impacts.

I request that hybrid meetings also be conducted via ZOOM or some such method to allow the large number of people who own camps and/or visit the region for outdoors or wildlife related opportunities, may also attend.

I will point out that currently the public in the affected area is suffering some of the highest COVID-19 rates since the pandemic began in 2020. Infection rates and community spread began in late October and has grown increasingly each week since that time. Local hospitals, operating at 130% of capacities, now have patients stacked up in the hallways and are even turning people away from the Emergency Room on occassion. The general public is therefore not focused on reviewing this proposed Low MOA or providing meaningful feedback before the deadline of Dec 31st, to something could have large impacts on their quality of life. A Town Hall meeting scheduled in late 1st or 2nd quarter 2022 would allow for a much better response.

Additionally I understand that A-10C Warthog, the primary reference aircraft in this proposal, was released in March 1977, almost 25 years ago. I would expect that the military has been adequately training pilots for more than 20 years without this additional airspace...why is request for the Low MOA happening now?

Of particular concern to me are the following, in no particular order:

- 1) The frequency and duration of disturbance. Even though the document outlines only brief interruptions, the people I have talked to report "It is very loud when they come screaming through" and you can "hear them long before you see them." Another person in the Cross Forks area reported that she could hear the planes for a couple hours and it was very annoying and also once or twice startled her. Given the reported level and duration of the noise, it would seem that more information is needed to make a judgement on the acceptable volume and duration of noise. How would this noise compare to living next to an active airport for example where it's the length of low noise that degrades the environment for humans?
- 2) What changes should people just outside the proposed Low MOA expect as far as disturbance and air usage? Currently planes coming into the area are very high but with the Low MOA coupled with FAA rules that allow pubic planes to fly at 500 ft, does this mean that most aircraft coming into the low MOA will do so at 500 to 1000 ft above ground? How many miles out from the MOA will they do this? For example, I own property on Dry Run Mountain, which is next to Young Woman's Creek. Will planes be going overhead at 500ft above ground on many occasions during the year?
- 3) Given that the request is for 172 days of the year to be used for training purposes, and that the area has 177 non-rainy days per year, should one expect military training to be conducted on practically every sunny day of the year?
- 4) If the FAA converts this to a Low MOA, does this open this area up to be used by military organizations from all over the US to use for training purposes and not just the Maryland ANG? I.E. What should the area realistically expect as far as how many days aircraft will be training overhead?
- 5). The Environmental Assessment should be conducted by an independent and professional organization so the true impacts are accurately understood. Currently the EA addresses what it believes might be sensitive wildlife, specifically Bald Eagle and Golden Eagle nests. The EA does not acknowledge that this area is prime, untouched wildlife area with many species that could (will) be affected by a Low MOA. First, demonstrating the gross inaccuracy of the EA, Golden Eagles do not nest in the area. At a minimum the endangered Goshawk, a highly noise sensitive species, does nest in the area and ONLY nests north of Interstate 80. The Goshawk impact is not addressed. Both Bald Eagles and Osprey are finally recovering in the area after years of work by environmentalist. What will be the impact to not just their nesting but their rearing of fledglings? Likewise nothing is mentioned in the EA about neotropic songbirds that thrive in the US and Central America because they breed and raise their young in the proposed Low MOA area these are warblers, vireos, tanagers, hummingbirds and others. Many of these birds nest in high canopies and are noise sensitive. These flights are particularly likely to impact Scarlet Tanagers and Blackburnian Warblers for example.
- 6) Additionally the proposed Low MOA training flights do not mention potential impact during Spring and Fall Migration. The U.S. has lost 1 in 4 birds in the last 50 years, what will be the impact of the Low MOA on this area that serves to counter the long term destruction of many species?

7) What will be the impact to many citizens who are shift workers in that area? People who work at First Quality and some of the chemical plants work rotating shifts. Will noise from the daytime flights serve as an added disturbance to them?

Please help me to understand the true and realistic, long term impact to the region especially in regards to wildlife, including birds, and to quality of life. I am very invested in the area in questions and wish to understand what a common laymen of the area needs to know.

Thank You,

Virginia Hoffman

Austin, TX and North Bend, PA

From: christina frank

To: <commissioners@clintoncountypa.com>

BC Angela Harding
Date: 11/29/2021 9:35 AM
Subject: Airspace lease

To Commisioners Synder, Harding and Kessinger, I, and my husband, vehemently oppose the utilization of any airspace within Clinton County for training of military planes. Although definitely not anti-military, we wish you to deny this application due to the tranquil, rural nature that our county enjoys which would definitely be compromised by training exercises. The residents of Clinton County need you to take a stand against this intrusion. Thank you. Christina Livingston Frank

Clinton County Commissioners 2 Piper Way Lock Haven, Pa. 17745

ATTN: Miles Kessinger

Dear Miles,

I wanted to provide some feedback regarding the Maryland Air National Guards desire to use parts of Pennsylvania for training purposes. As an airplane owner and owner of a camp in the back woods of Northern Maine, that the military uses for training purposes, maybe this letter may answer some questions. I also contacted my cousin, who is the lead Wildlife Biologist for the State of Virginia, who provided me some data from studies done by the National Park Service, regarding the Effects of Military Overflights on Wildlife.

First, my own experiences. For many years the Air National Guard of New England, located in New Hampshire, flew over and into Maine on a bi-weekly basis for training. Usually, 2 jets at a time flying by at nearly 1,300 miles per hour, at nearly 200 ft. above the lake. Overall, it was one of the coolest things you will ever see. Especially, when in the middle of the lake fishing and here they come towards you. Occasionally, the pilots would tip their wings to say hi as they went by. You would hear them before you saw them and they go by so fast, in a total duration of less than 20 seconds.

Having a hangar at the Greenville Maine Airport, there was a MOCA (Military Operations Communication Area) Unit at the airport, as stated, there also would be one at Lock Haven. The Maine airport manager said it was not of much use as the military usually did not notify you they were coming. It was just all of a sudden there they were and gone. Like the Lock Haven airport, Greenville is located between mountains. Most planes are small single engine, Pipers and Cessna's, many with floats, flying around at speeds of less than 140mph. These pilots will tell you it scares the hell out of you when they fly by. There also have been reports of some near misses over the years by a plane popping up over a mountain and a slow flying plane is there. However, these military aircraft radar systems can detect aircraft 200 miles away. Therefore, the chances of an accident is less than that of an accident caused by pilot error. They also know where the airports are and would take all precautions possible.

I called a General in the Maine Air National Guard about their flying training and frequency. In Maine they fly 1 to 2 days per week in a particular area, or approximately 100 days per year. When I told him Maryland was talking 262 days per year he thought that was very excessive. Although he could not say much because of "conflict of interest", he did say the military will ask for much more than required and if there is a lot of push back, they drop back to smaller numbers until all are satisfied.

I also called the Bangor Daily News and Piscatiquis County Daily newspapers to see if there was any push back from the public on this subject over the years. Knowing how fanatical Mainers are about the environment and wildlife protection I thought there would be something reported. There were no stories on this subject reported.

My cousin is the lead Wildlife Biologist for the Virginia Game Commission. He has a Masters Degree from Penn Sate University in Wildlife Biology with 37 years of experience. His initial response was he never heard of any issues regarding this subject, but wondered if the frequent (proposed 262 days) vibration and noise, especially sonic booms, would awake a sleeping black bear in its winter den. He followed up with providing me excerpts from various Federal National Parks Wildlife Studies regarding the potential for low level military overflights to disturb wildlife.

I have identified the animals and birds related to our area such as deer, bear, bald eagles, osprey and migrating geese. There have been no studies regarding turkeys and ruffled grouse. It appears there is generally two responses to low flying aircraft from mild annoyance by deer and bear to potential panic from nesting birds. All animals and birds hear aircraft before they see it. And most will track the aircraft visually as it passes by. When aircraft fly less than 500 ft. bears will run for cover. Deer will have a brief startled response and momentarily stop feeding, and will walk or trot a short distance. No panic responses have been observed.

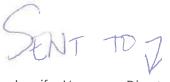
Birds may flush from their nests but will return within 5 minutes. Bald eagles, ospreys and game birds may raise their heads but have no panic response. Generally, animals show different levels of response depending whether they are traveling, feeding, resting or attending young. None of the studies showed any real detrimental effects from overflights. Interestingly though, the turbines from helicopters such as Life Flight, and loud motorcycles cause more nervous behavior in animals than military aircraft. There was no mention anywhere as to the affects of a sonic boom from a military aircraft exceeding the sound barrier.

From what I experienced from military aircraft flyovers from my cabin in Maine, talking to those with encounters with military aircraft, while flying their small personal aircraft, I thought there would be more concerning information out there. There is not. I believe the major item for negotiation is that the proposed 262 days per year is excessive, as stated by the air national guard spokesperson I talked to and would push to have it reduced by at least half. Tell them to fly over rural Virginia the other half of the time.

Finally, having lived in Annapolis Maryland for 18 years it is a small state. You can drive out of it within an hour from most centrally located towns. A military jet flying at 1,300 mph is out of Maryland in 5 minutes and into and out of Clinton County in 15 minutes. Overall, I feel after this research there is not much to be concerned about and if this training assists protecting our country I am for it.

Sincerely,

Scott T. Knisely Mill Hall



Jennifer Hagaman, Director Clinton County Veterans Affairs 217 N Jay Street Lock Haven PA 17745 570.893.4339

>>> R	ose Re	eder
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11/22/2021 8:00 AM >>>

Hi, Jennifer,

I hope all is well with you. I am writing to ask what is your opinion concerning the low flight proposal? I have a lot of concerns about the frequency and noise levels. I do have a friend with severe PTSD and I wonder what the impact of the noise and sudden appearance of a fighter speeding up from the horizon. An occasional flight might not have such an impact but they are suggesting a maximum of 272 days up to four hours a day and there might be as many as four jets working together at any given time.

Thanks, Rose

Jann Meyers - Duke MOA

From: Nancy Swanson

To: <NGB.A4.A4A.NEPA.COMMENTS.Org@us.af.mil>

Date: 12/19/2021 10:34 PM

Subject: Duke MOA

<commissioners@clintoncountypa.com> Cc:

Bc: Jann Meyers

Nancy Swanson



December 18, 2021

Dear Ms. Kristi Kucharek;

I am writing this letter in regards to the Proposed Duke Low Military Operating Area (MOA).

My husband and I own property in Northern Clinton County, almost into Cross Fork in Potter County. We built a secondary home here and may someday live here permanently. We have chosen this area for many reasons. We have grown up here and have come to love and hold this place close to our hearts. As you know, this area is abundant with wildlife, clear streams, beautiful mountains and valleys. It's peaceful and it is home.

After reading a few articles about the Duke MOA, I don't believe that there has been enough time for public input. It was just brought to my attention in the last 6 weeks in a newspaper article and on social media. This is a busy time of year with the holidays and even more importantly with the impact of COVID in this area. It makes me wonder how many people actually took or have the time to look into this. I have been talking to a few people and I was surprised how many knew nothing of this. Please push for more time and for more concrete information to be shared with the public. There are so many ways to reach the public, not just in person. Please consider different avenues of communication and ask for more information to be presented to the public. We deserve more than what has been presented.

My concerns are many and include the environmental impact, the disturbance of the peace and quiet of the area, the impact this will have on many businesses that depend on tourism, and the possible catastrophic conditions that could happen if a mission would go awry. There have been flight missions in this valley previously which have produced much noise including sonic booms. If I understand this correctly, these previous missions have been at 8000 feet. I cannot imagine or

comprehend how loud this will be when aircraft will be flying at 100 feet above ground level. I'm not convinced that enough has been done to study the impact this may have on the area with the environment, wildlife, tourism and businesses, private lives and homes and public safety. What if a mission goes wrong and an accident happens? Will there be hazardous materials that may harm the environment if there are malfunctions? Will the noise disturb the school sessions? What about the wildlife? Have experts in the field of wildlife protection and management been contacted for input in assessing the possible impact of these missions?

I have tried to read and understand the environmental study that has been completed. It is very difficult to comprehend all of the information that was in this lengthy study. I believe that the public has the right to hear this information in layman's terms and be given an opportunity to ask questions in order to make an informed decision on this important matter.

I understand that our military has to have missions to provide training for our servicemen. I also appreciate and respect what our military does in preparation to protect this beautiful country from outside forces. But I also understand that the public is entitled to receive a comprehensive study of how this proposal will impact the area of concern. We deserve much more than what has been presented. Please step up and help the public understand what has been proposed.

Sincerely, Nancy L Swanson

Sent from my iPad

COMMENTS ON DUKE Low MOA

BACKGROUND:

Thank you for the opportunity to respond to such an important issue. As a resident and member of the planning commission for Greene Township, Clinton County PA, please find below my concerns related to the proposed Low flying MOA.

The purpose of these Comments is to help plan and adopt appropriate safeguards for the residents, recreational users, workforce, and wildlife in the PA Wilds region and formally request a full Environmental Impact Statement (EIS) be completed prior to moving forward with the Duke Low MOA.

The PA Wilds is one of 11 official tourism regions in the Commonwealth of Pennsylvania. The region is also one of eight state-designated Conservation Landscapes because of its unique natural and heritage assets. The 13-county region is home to the greatest concentration of public lands in Pennsylvania. We have 29 state parks, 8 state forests, 50 state game lands and PA's only National Forest, the Allegheny. We have the largest wild elk herd in the Northeast, two designated National Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest night skies in the country.

This region is also economically distressed and has seen decades of population loss. In the 6 counties targeted for the Duke Low MOA the median income levels and home value of the 211,000+ residents are significantly below U.S. averages. There is a large Amish population and who by definition are considered an underserved population. Sections of the intended impacted area (highlighted in your map) are identified on the Federal Reserve Website as 2020 List of Distressed or Underserved Nonmetropolitan Middle-Income Geographies.

Local, state and federal partners, private philanthropy, and the private sectors began working together more than 15 years ago to establish the PA Wilds. The intentional economic development focused on the creation of an outdoor recreation destination to help diversify rural economies, create jobs, inspire stewardship and improve quality of life. This ground-breaking effort, held up as a model in five national studies and has involved side-by-side investments in small business development, marketing and branding, recreation infrastructure, community character stewardship, regional planning, and conservation. Today, thanks to the work of many organizations, businesses and individuals, tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy. Without careful planning and adoption of safeguards the Duke Low MOA may undermine the economic and ecological progress made by the many partners and community members; therefore, a full EIS is required. The EIS must address the full scope of environmental impacts, including the following 8 specific topics."

COMMENTS/ISSUES:

- 1. SAFETY
- 2. ECONOMIC IMPACT
- 3. WILDLIFE IMPACT
- 4. RECREATIONAL IMPACT
- 5. BIOLOGICAL & AG IMPACT CONSIDERATIONS
- 6. EQUITY CONSIDERATIONS
- 7. POLLUTION & HUMAN HEALTH
- 8. NEPA COMPLIANCE

FACTORS WHICH NEED TO BE CAREFULLY CONSIDERED:

1. SAFETY

The proposed DUKE Low MOA will create new hazards that exceed the capacity of local emergency response services and disproportionately impact specific communities. The proposed DUKE Low MOA could share airspace with VFR aircraft (not denied). The introduction of low-altitude military tactical aircraft training on an every other day basis as opposed to the current limited use (higher floors) may create collision hazards that do not exist today. The proposed Duke MOA Region has large DARK HOLES (i.e., GAPS in broadband cell services). In the event of an accident or violation, calling 9-1-1may not be feasible and few municipalities in the Duke LOW MOA Region have full-time Police Departments. Most likely our State Police will be first on scene and response time may extend longer than needed due to the vast region they currently cover.

Most of the First Responders in this MOA are part-time volunteers. Covid has impacted the number of volunteers in several communities and response times have been affected. Due consideration must be given to a community(ies) action plan and how to build capacity of response teams should be explored.

At the proposed altitudes noise is not only a concern but a risk to livestock. For example, horses have been known to be startled by low flying aircraft causing https://www.forces.net/news/us-confirms-jets-were-flying-over-cornwall-after-reports-horse-deaths and while tragic for the animals the local Amish community depends on horses for transportation and farm work. Clinton County alone has ~1,000 Amish families and horse-drawn carriages are a common mode of transportation. The potential risks associated with low flying aircraft need more scrutiny and someone much consider direct outreach to the Amish community to advise and warn of the potential dangers to horses and other livestock.

2. ECONOMIC IMPACT

The proposed DUKE Low MOU will create economic impact, including the risk of negatively impacting the vital local tourism industry. The scenic and recreational qualities of this region are strong attractors for visitors and a growing number of professionals who can choose where to live because they work on the Internet. More than 1MM visitors and residents chose the PA Wilds as a destination last year alone. Tourism is a driving economic force in the region -- a \$1.8B industry that makes up a large percentage of the region's economy.

A comprehensive EIS must evaluate the economic impact of intrusions of low altitude flyovers (noise and insensitivity) on discouraging people from visiting and investing in an area where the economy is heavily dependent on outdoor recreation, impact investing and tourism.

3. WILDLIFE IMPACT

The proposed DUKE Low MOU will impact wildlife habitats, including critical breeding areas and migration routes for a wide range of species, and will increase diverse risks to the public due to changes in human and wildlife interactions.

In general, animals do respond to low-altitude aircraft overflights. The manner in which they do so depends on life-history characteristics of the species, characteristics of the aircraft and flight activities, and a variety of other factors such as habitat type and previous exposure to aircraft. For example, sudden noise, especially if tree-top, may cause deer to panic and run across roads risking collisions with cars and trucks that might cause serious injury, as well as vehicle damage. The potential for overflights to disturb wildlife and the resulting consequences have drawn considerable attention from state and Federal wildlife managers, conservation organizations, and the scientific community. This issue is of special concern to wildlife managers responsible for protecting populations, and to private citizens who feel it is unwise and/or inappropriate to disturb wildlife. Two types of overflight activities have drawn the most attention with regard to their impacts on wildlife: 1) low-altitude overflights by military aircraft in the

airspace over national and state wildlife refuges and other wild lands, and 2) light, fixed-wing aircraft and helicopter activities related to tourism and resource extraction in remote areas.

The primary concern expressed is that low-level flights over wild animals may cause physiological and/or behavioral responses that reduce the animals' fitness or ability to survive. It is believed that low-altitude overflights can cause excessive arousal and alertness, or stress (see Fletcher 1980, 1990, Manci et al. 1988 for review). If chronic, stress can compromise the general health of animals. Also, the way in which animals behave in response to overflights could interfere with raising young, habitat use, and physiological energy budgets. https://www.nonoise.org/library/npreport/chapter5.htm

4. RECREATIONAL IMPACT

The Pennsylvania Wilds is a game hunter's paradise and an angler's perfect retreat. The region has nearly 2,100 designated trout streams, 16,000 miles of sparkling waterways, and 2 million acres of public land open for hunting at various times of the year. With dense forestland and a multitude of waterways, the ecosystem is home to a variety of wildlife. Almost 8% of PA residents have paid hunting licenses:

- Total paid hunting license holders in 2020: 930,815
- Total hunting license, tags, permits and stamps issued in PA in 2020: 2,646,720
- Gross cost of all hunting licenses: \$36,873,199. The 2019–2020 season was a booming one for Pennsylvania's hunters. A comprehensive EIS must evaluate the impact of the MD National Guard fly during any of PA's hunting seasons and the associated impact to the recreation community and the revenue that supports almost ½ of the Game Commission's budget.

5. BIOLOGICAL & AG IMPACT

The proposed DUKE Low MOU will impact existing land uses, traditional practices, and established biological and economic activities, including forest management and farming.

More information needs to be shared related to emissions and impact to the forests and the residents.

Clear-cutting and controlled burning can help old forests regenerate the type of plant life that deer, turkey, and other wildlife feed on, and recently, the practice of prescribed burning has been ramped up. A comprehensive EIS must evaluate how these practices will be allowed to continue at the current and planned levels and any proposed requirements for burn permits for loggers and residents.

With over 7.8 million acres of farmland, 58,000 farms, and \$1.9 billion in agriculture exports annually, Pennsylvania has a thriving and vibrant 'ag' industry and is considered an AG state. A study by the Royal Association of British Dairy identified the following:

"The impact of low flying aircraft can be devastating, causing injuries and loss of stock, while undue stress can have a knock-on effect on herd milk production" (lactation rates negatively impacted). The impact can be even more damaging for egg producers.

"Hens have an innate fear of overhead predators – a survival mechanism from thousands of years of evolution, which causes them to seek cover from larger birds circling in the sky," "Low-flying military aircraft can elicit a similar reaction. If hens are subjected to prolonged periods where overhead objects are nearby, it can cause considerable stress that can impact the health of the bird."

This can lead to increased mortality, loss of egg production, a drop in the size and value of eggs, and poor shell quality.

6. EQUITY CONSIDERATIONS

The proposed DUKE Low MOU will disproportionately impact underserved communities.

President Biden's executive order in January 2021 clearly emphasizes the federal government's commitment to making the American Dream real for families across the nation by taking bold and ambitious steps to root out inequity from our economy and expand opportunities for communities of color and other underserved Americans.

(https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/

The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, which have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of "equity."

The 6-county region identified in the MOA comprises a large Amish population, distressed communities and low-income households. A comprehensive EIS must evaluate alternatives, including other areas to be considered and the socioeconomic impacts and the area currently being used to by the Maryland National Guard to conduct desired training. The EIS must address how the area will be compensated for the impacts and how the Maryland National Guard will help fund the Emergency response teams as well as investigators to respond to noise and livestock issues,

7. POLLUTION

The proposed DUKE Low MOU will impact noise pollution levels and information is needed to advise the public with respect to the potential risks of noise pollution so people can prepare and or move depending on findings. There are known health consequences of elevated sound levels. Elevated workplace or other noise can cause hearing impairment, hypertension, ischemic heart disease, annoyance, sleep disturbance, and decreased school performance. Elevated noise levels can create stress, increase workplace accident rates, and stimulate aggression and other anti-social behaviors. Airport noise has been linked to high blood pressure and an increased risk of heart attacks.

A large-scale statistical analysis of the health effects of aircraft noise was undertaken in the late 2000s by Bernhard Greiser for the Umweltbundesamt, Germany's central environmental office. The health data of over one million residents around the Cologne airport were analyzed for health effects correlating with aircraft noise. The results were then corrected for other noise influences in the residential areas, and for socioeconomic factors, to reduce possible skewing of the data. The study concluded that aircraft noise clearly and significantly impairs health. For example, a day-time average sound pressure level of 60 decibels increased coronary heart disease by 61% in men and 80% in women. As another indicator, a night-time average sound pressure level of 55 decibels increased the risk of heart attacks by 66% in men and 139% in women. Statistically significant health effects started as early as from an average sound pressure level of 40 decibels.

The proposed DUKE Low MOU will have diverse and complex environmental and human community impacts that exceed the NEPA thresholds for requirement of a comprehensive Environmental Impact Statement (EIS) and evaluation of alternatives.

Congress enacted NEPA to "promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man." 42 U.S.C. § 4321. NEPA is intended "to protect the environment by requiring federal agencies to carefully weigh environmental considerations and consider potential alternatives to the proposed action before the government launches any major federal action." 40 C.F.R. § 1500.1(a); Lands Council v. Powell, 395 F.3d 1019, 1026 (9th Cir. 2005). NEPA requires "coherent and comprehensive up-front environmental analysis to ensure informed decision making to the end that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." Churchhill Cty v. Norton, 276 F.3d 1060, 1072–73 (9th Cir. 2001) (quoting Blue Mountains Biodiversity Project v. Blackwood, 161 F.3d 1208, 1211 (9th Cir. 1998)). It "guarantees that the relevant information will be made available to the larger [public] audience that may also play a role in both the decision-making process and the implementation of that decision." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989). To comply with NEPA, federal agencies must prepare an EIS for all "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(C).

The Council on Environmental Quality (CEQ) has promulgated regulations implementing NEPA, which are binding on all federal agencies, including the Air Force. 40 C.F.R. §§ 1500 et Comments on Airspace Optimization DEIS -- 8 seq. The CEQ regulations direct that an EIS "shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. § 1502.1. The EA failed to consider a reasonable range of Alternatives. NEPA requires consideration of reasonable alternatives to further its goals of objective and thorough analysis. 40 C.F.R. § 1502.14(a). This guarantees that agency decision-makers assess "all possible approaches to a particular project . . . which would alter the environmental impact and the cost-benefit balance." Bob Marshall Alliance v. Hodel, 852 F.2d 1223, 1228 (9th Cir. 1988). NEPA regulations require that it must analyze "reasonable alternatives to the proposed action and the 'no action' alternative in all EAs and EISs, as fully as the proposed action alternative." See 32 C.F.R. § 989.8(a). Reasonable alternatives are defined as those that "meet the underlying purpose and need for the proposed action and that would cause a reasonable person to inquire further before choosing a particular course of action." Id. at § 989.8(b).

The MD National Guard must meet its obligation to analyze a reasonable range of alternatives in the proposed MOA. Specifically, evaluated alternatives must include those designed to avoid or mitigate impacts on sensitive wildlife, such as Elk, and migratory bird or other airspace that could be considered that may already have a low altitude MOA in place. It is requested that a comprehensive EIS be completed that will consider reasonable alternatives to avoid impacts.

In conclusion, the public's best interest will be served by a thoughtful and detailed due diligence period including the completion of a full Environmental Impact Statement (EIS) that addresses a full suite of impacts to the human environment, including the 8 issues summarized above. A comprehensive EIS will help separate facts from perceptions and allow the residents and visitors to feel safe, secure, and excited about the modifications being proposed in the MOA.

Respectfully submitted,

Alicia Cramer

Board of Commissioners

Miles D. Kessinger Chairman Jeffrey A. Snyder Vice Chairman Angela Harding Commissioner

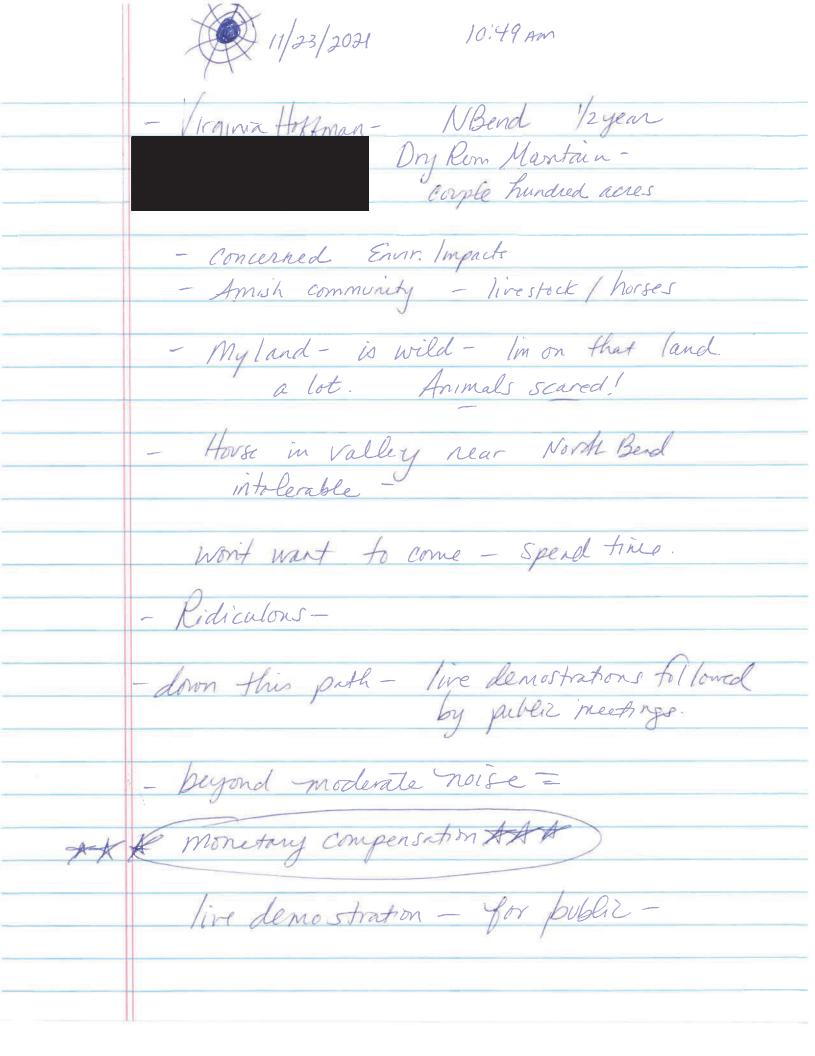


Jann R. Meyers, Chief Clerk Larry E. Coploff, Solicitor

> Phone: (570) 893-4000 (800) 509-6697 Fax: (570) 893-4041

Notes from meetings with Constituents

11/19/2021 - Relph Moerschlicher 2tours-Victuam Worked - Doyrs Melitary jets - Can't hear 106ff - no room for error. on the ground -Maryland - stay in Maryland. Create panir-People arent used to it.



DUKE MOA 9AM 11/23/2021 How close to Nat Gay storage · Noise Cerels + reful = State College Conomic Impact history

Conomic Impact history

Congruences

- fishing · training for young pilots · PTSD-Mental health. · Fife flight-Motavac -"Wildlife - Elk. Owls Habitat - life expertencies.
bueding sycles cons "State Parks - Wildlife areas"

"In I man cicle "Not our fault · Shock - not just noise -· Case law (west/ · Sovic - 400 ules per hour. Pogs o Socio economic descrimination · 1.5 decebals-: Alless to Unfettered resources " Extension of public. Comment period) Dec. 15 · MOA- way too vague!!! · Emissions - breathing / trees/ wildlife

O- Reidents

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(hang gliders - Renovo.

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access to broadband - in effected area.

@ Public hearing / Town Hall -

Why now? all these years they been training

Why not virtual ? -?? Simulators

OSTATE College > northern clinton

Eliz - Cov. office fetterman Conurns

- Forest Fire - Response

Dforford Mg. W. Mr. Cooper 10am

- Emergency Management Response
- boral pilots 20+ mid air crashes -
- Warhog is loud! Wildlife camps
- Methane gras around Clinton County.
- We deserve a Town Hall neeting!

Date:

address the Board Request to



Clinton County

Commissioners' Meeting 11/24/2021Sign In Sheet





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Name	Dan Reeder	Rose Reeder	Karin Sutherland	Low Taylor	Brow Chins	Davide techo	John O'Donnell	PAMELA DILLETT	DEAN MARSHALL	Lauri Schaitkin		
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Phone												

Board of Commissioners

Miles D. Kessinger Chairman Jeffrey A. Snyder Vice Chairman Angela Harding Commissioner



Jann R. Meyers, Chief Clerk Larry E. Coploff, Solicitor

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SPARK Petitions

CLINTON COUNTY COMMISSIONERS 2 PIPER WAY, SUITE 300 LOCK HAVEN, PENNSYLVANIA 17745

As camp owners, recreationists, and property owners in Clinton County, we wish to express serious concerns about the **Duke Low Military Operations Area** proposed for portions of the PA Wilds. This proposal will permit flight-training exercises in northern Clinton County for two hours a day, up to 272 days a year, at dangerously low altitudes (as low as 100 feet above ground). These flights will rreparably harm our area, drastically impacting our abundant wildlife, eroding the sense of safety on which we depend for our well-being, and diminishing the tourism industry we've been working so hard to create. The beauty and serenity of our area contribute to the rural character of this county, a precious resource we are not ready to surrender. Before any final decisions are made, we request a public meeting that will allow our voices to be heard.

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Duke Low Military Operations Area

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Board of Commissioners

Miles D. Kessinger Chairman Jeffrey A. Snyder Vice Chairman Angela Harding Commissioner



Jann R. Meyers, Chief Clerk Larry E. Coploff, Solicitor

Phone: (570) 893-4000 (800) 509-6697

Fax: (570) 893-4041

Information and Data Shared with Commissioners

Miles, Please pass the attachment on to Jeff and Angela. Thanks.



December 23, 2021

Maryland National Guard's Public Affair Office

Capt Ben Hughes

ngb.a4.a4a.nepa.comments.org@us.af.mil

Pennsylvania National Guard's Public Affair Office

CPT Travis Mueller

Air National Guard's Public Affairs Office Lt Col Devin Robinson

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Dear National Guard NEPA Review Team:

In accordance with the National Environmental Policy Act (NEPA), the Department of Natural Resources and Conservation ("DCNR", "Department") is responding to the Draft Environmental Assessment (DEA) for Modification of Duke Military Operations Area ("MOA") as issued by the Air National Guard (ANG) at Joint Base Andrews for the proposed modification of the Duke Military Operations Airspace (MOA) to accommodate training for the 175th Wing, Maryland ANG.

Upon review of the Draft Environmental Assessment, the DCNR finds the analysis significantly lacking and inadequate. The DEA does not include the comprehensive analysis necessary to examine the full, cumulative impacts of the proposed activity on this region, nor does it fully consider the social and economic vitality that comes with the natural, historic, cultural, and rural character of the region, known as the Pennsylvania Wilds. In fact, it seems to disregard the significant investments made through federal, state, local and private investments to reinforce the region's tourism, agricultural, forest products, and outdoor recreation economies. Furthermore, it fails to assess the impacts of the noise to the region, particularly in terms of frequency, suddenness, and intensity.

Please ensure the Department's comments below are included in any decisions that are made regarding moving forward with the proposed action.

Sincerely,

Cindy Adams Dunn

Civily adams Dunn

Secretary



PENNSYLVANIA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES OFFICIAL COMMENTS REGARDING THE DRAFT ENVIRONMENTAL ASSESSMENT FOR MODIFICATION OF DUKE MILITARY OPERATIONS AREA

RELEASED OCTOBER 2021

COMMENTS SUBMITTED 12/23/2021

OVERVIEW

The PA Wilds is a 12½-county area that offers tremendous outdoor experiences, some of the best in the nation, with 29 state parks, 50 state game lands, 8 state forests, abundant wildlife and hundreds of miles of land and water trails. The amount of public land in the region — more than one million acres — is comparable to Yellowstone. The region is home to the largest elk herd in the northeast and is an internationally renowned dark sky area, among the darkest in the country. While the abundant nature draws many to the region, visitors also come to experience the area's rich oil and lumber heritage and authentic small towns.

The PA Wilds is surrounded by major tourism markets. More than 50 million people live within a day's drive of the region, making it an attractive place to for many people to hunt, bike, hike, camp, fish, canoe and more.

DCNR launched the PA Wilds Conservation Landscape (<u>learn more about DCNR's conservation landscape initiative here</u>) in 2003 in collaboration with the Pennsylvania Department of Community and Economic Development ("DCED") and the county governments of the region. Partners aimed to revitalize communities, create lasting economic opportunities, and improve quality of life – all while inspiring a stewardship ethic in residents and visitors. What began as a vision shared by state agencies and elected officials on both sides of the aisle has transformed into a grassroots effort involving dozens of partners and champions at the local, state, and federal level.

DCNR, alone, has invested over \$180 million in the region since 2003. This investment, along with investments from federal and state agencies, private foundations, and the dollars leveraged regionally, make evident that the PA Wilds is one of the most heavily invested regions in the state, per capita.

Today, thanks to the work of many organizations, businesses and individuals, the tourism and outdoor recreation industries are driving economic forces in the PA Wilds region -- a \$1.8 billion industry that makes up 11 percent of the region's economy.

The proposed actions by the MD ANG will impact a significant portion of the PA Wilds and the region's economic prosperity, particularly as it is a prime tourism destination. The region has already been hit hard recently, due to the COVID-19 pandemic; even as interest in outdoor recreation soared, much of the hospitality industry that caters to that interest group (restaurants, gift shops, B&Bs, hotels, bars, and pubs) struggled to manage COVID restrictions and anxious consumers. One factor that has been reinforced through the pandemic is the public's interest in outdoor recreation and finding solace, peace of mind, and participating in healthful activities in nature. The PA Wilds outdoor recreation economy has experienced its challenges but is poised to only grow as a result of the increased interest in the outdoors. However, the proposed Duke Low MOA could significantly hinder the region's ability to grow this economy, and it could have adverse impacts on the region's tourism and destination brand.



According to the state's tourism bureau, "between 2009 and 2017, visitor spending in the Pennsylvania Wilds grew an average of 42.6% and tourism employment increased by 20%." As of 2015, the region boasted 7.6 million visits a year for day trips and 4.4 million overnight visits.

Unfortunately, the proposed Duke Low MOA would drastically change the character of this region and the numerous state parks and forests that shape its unique conservation landscape and wilderness and, subsequently, alter the region's tourism economy.

Under Article 1 Section 27 of Pennsylvania's constitution, the state is a trustee of the commonwealth's public natural resources. Article 1, Section 27 states:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

State parks and forests are held in the public natural resource trust. As a trustee, the commonwealth must conserve and maintain the corpus of the trust for future generations. As a trustee, the DCNR must prevent and remedy any degradation, diminution, or depletion of the natural resources. So, the public natural resource trust must be compensated for any impacts to it. The Department recognizes the need for realistic pilot training within the ANG but has serious concerns regarding the cumulative impacts of the proposed Duke Low MOA to the quality of life and economy of the PA Wilds region. The Department believes that these proposed low-level training activities are not compatible with the nature of this wilderness area and could adversely impact the natural resources and wildlife we protect; impede Pennsylvanians' constitutional right to the preservation of the natural, scenic, historic, and esthetic values of the environment in our parks and forests; and harm the people and businesses that rely on these lands for their livelihood.

REQUEST FOR A FULL EIS

The Department requests the ANG complete a full Environmental Impact Statement ("EIS"), and finds the issuance of the draft Finding of No Significant Impact ("FONSI") inadequate and premature for the following reasons:

- a) The ANG disregards § 989.16 Environmental Impact Statement, which provides that,
 - (a) Certain classes of environmental impacts normally require preparation of an EIS (40 CFR 1501.4). These include, but are not limited to:
 - (1) Potential for significant degradation of the environment.
 - (2) Potential for significant threat or hazard to public health or safety.
 - (3) Substantial environmental controversy concerning the significance or nature of the environmental impact of a proposed action.

The proposal for Duke Low MOA clearly meets all three of these conditions and yet was not addressed by the ANG.



- b) The DEA is entitled, "Draft EA for Airspace Modification of Duke MOA" yet in several sections of the document, it clearly states that the intent of the DEA is to create a new, separate MOA, rather than just modify an existing MOA. As indicated by the following:
 - a. Section 1.1, page 1-2: "[t]he Duke Low MOA would underly the existing Duke airspace..."
 - b. Section 3.0, page 3-1: "[t]he affected environment and assessment of environmental consequences focuses on the modification of the Duke MOA to create a Duke Low MOA".
 - c. Section 2.2, page 2-1: 1) "[t]he vertical limits would be defined as 100 feet AGL to 7,999 feet MSL."
 - d. Section 2.2, page 2-1: 2): "[t]he Duke Low MOA may be activated separately from the Duke MOA or concurrently as needed...."

Clearly, the intention of the proposed DEA goes well beyond a "minor" modification to the existing airspace; and the proposal suggests the airspace would be more likely used separate from, rather than in conjunction with, the higher-altitude airspace. Because the ANG is proposing this as its own airspace, this will result in concentrated usage within the proposed Duke Low MOA with much more profound impacts than suggested. This action requires the much more indepth analysis of an EIS.

- c) An EIS must be prepared where the proposed action will affect "unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas. (40 C.F.R. § 1508.27(b)(3))." The DEA does point out some of the unique qualities of the region that support its agricultural, outdoor recreation, and tourism industries. This portion of the PA Wilds region includes 10 state parks (including an internationally renowned dark sky preserve) and five additional state parks just beyond the boundary of the proposed Duke Low MOA, 395,647 acres of state forests, 35,690 acres of state game lands, the Hammersley Wild Area (which is the most remote natural area in the Commonwealth), the largest wild elk population in the northeastern part of the country, the Austin Dam, the Pine Creek Gorge and more. However, the DEA fails to adequately assess the broad impacts of the proposed Duke Low MOA on these unique elements such that the conclusion can be drawn that there is no significant impact. The noise assessment and subsequent information is presented in the DEA without modeling and accompanying documentation, rendering it difficult to evaluate the proposed impacts. The DCNR requested additional information on November 24th (see Appendix B) from the ANG regarding the NoiseMAP modeling and subsequent data and notations to understand the conclusions outlined in the DEA. A request for an extended comment period was also included in this request to allow the Department to adequately review and analyze this new information. On December 16th, DCNR received the Draft Noise Study for Modification of Duke Military Operations Area (June 2021). This document was neither finalized nor provided to the public along with the other DEA documents. DCNR also did not receive the NoiseMAP (and related) native files from the analysis, as requested. DCNR once again is requesting the noise modeling data and native files (e.g., ARE, BPS, GRD, CRO, MCM, BASEOPS files, etc.) that resulted from the noise study conducted specific to the Duke Low MOA.
- d) The Draft Noise Study indicates that the Duke Low MOA would be "four hours a day, twice per day, two hours at a time, with no more than six aircraft, approximately 170 days per year." The



DEA states "[e]xpected usage would be two hours per day, twice per day, one hour at a time, with no more than six total aircraft on the days of activation, approximately 170 days per year." The FAQ posted on the Duke Low MOA website states training will occur "one to two hours a day, two to three times a week." These discrepancies make it extremely difficult for the public and stakeholders to review these documents and fully understand the proposed actions and the potential impacts. A full EIS would require a much more thorough process and ensure that such discrepancies are corrected and the public is reviewing consistent, accurate information.

- e) US Environmental Protection Agency ("USEPA") stated in its comments to the ANG that "the impacts from low altitude flying could be substantial, and both impacts and alternatives should be carefully evaluated." The USEPA recommends "that alternative locations, alterations of the MOA, operational alternatives, or other alternatives be thoroughly evaluated in the EA for the Low MOA, and the details of each alternative, including the "no action" alternative be clearly presented in the comparative form for easy interpretation." DCNR asserts that the DEA as drafted by the MD ANG does not provide the necessary level of detailed analysis of the potential and cumulative impacts nor does it offer a full study of viable alternatives.
- f) The DEA process does not adequately recognize nor analyze the significant impacts of the new proposed low MOA, which would have a floor of 100 feet AGL. The DCNR has several questions related to this lack of analysis. What is the probability that low-level training could present dangerous scenarios on the ground? For example, how often do aircrafts participating in this type of military training crash, cause injury on the ground, damage property, trigger forest fires, etc.? What specific preventative measures on the part of the ANG are made to reduce these risks? What actions are taken by the ANG to prepare residents and emergency response crews to respond to these types of related incidents?
- g) The Maryland ANG fails to demonstrate the need for this proposal, the creation of Duke Low MOA. It simply states, "[u]nder the No Action Alternative, the 175 WG would continue to experience training shortfalls that negatively impact combat readiness and pilot safety." However, the DEA does not demonstrate a significant shortage in trained pilots to warrant dismissal of the No Action Alternative or the continuation of the training protocols that are currently in use. The DEA notes that 79 percent of pilots have achieved the training necessary to fly 500 feet AGL or below. The MD ANG does not demonstrate why 100% of its pilots must meet this requirement or why the training must be as low as 100 feet AGL.
- h) Although the ANG did include some very brief (paragraph-long) rationales for dismissing alternate sites, the DEA lacked any detail in terms of how these sites were analyzed and vetted, in accordance with Sec. 102 [42 USC § 4332] et eq. of the National Environmental Policy Act. DCNR responds to specific shortcomings of the ANG's limited analysis throughout these comments.
- i) In light of the recent Executive Order ("Tackling the Climate Crisis at Home and Abroad") signed by President Biden on January 27, 2021 directing "federal agencies to develop programs, policies, and activities to address the disproportionate health, environmental, economic, and climate impacts on disadvantaged communities," the DCNR requests the ANG perform a more in-depth analysis regarding the impacts of this proposal on the 22 environmental justice and otherwise distressed communities within the proposed footprint of the new low MOA. (See Appendix A)
- j) One of the most important reasons for completion of the EIS process is that the public outreach and engagement strategies administered by the ANG in conjunction with this process were wholly lacking in educating key stakeholders and adequately informing the rural population of

the proposed action. ANG posted the information on their website and provided hard copies in four libraries within the impacted area. There were numerous stakeholders who were not adequately informed of the proposal, including elected officials. ANG' failed to comply with NEPA (42 United States Code [U.S.C.] 4321-4347), Council on Environmental Quality (CEQ) Regulations (40 Code of Federal Regulations [CFR] §§ 1500–1508), and the Environmental Impact Analysis Process ("EIAP") (32 CFR Part 989), all of which mandate the public's participation and input. DCNR recognizes that the ANG may believe that the Environmental Assessment ("EA") process does not require a full public outreach strategy that includes scoping meetings and other public meetings and forums; however, this lack of direct outreach is a disservice to this rural community, which spans six counties, and reinforces why a full EIS process is necessary. This large, rural region lacks basic broadband infrastructure impeding residents' ability to obtain information through the internet. In-person meetings are the best method of disseminating information throughout this region, and while initially challenging because of the COVID-19 pandemic, they can be arranged to be held safely to accommodate the public. DCNR recommends a full EIS process that includes at least one meeting in every county that is impacted. Additionally, the ANG failed to distribute the DEA documents to key stakeholders, even those listed in their outreach section, including DCNR's executive staff, who explicitly requested the information. DCNR has received copies of numerous requests for public meetings in regard to the MD ANG's proposal, including from the following:

- a. Governor Tom Wolf
- b. U.S. Senator Bob Casey
- c. Congressmen Fred Keller, Dan Meuser, and Glen Thompson
- d. Pennsylvania State Senator Chris Dush
- e. Pennsylvania State Representative Greg Vitali (Democratic Chair, Environmental Resources and Energy Committee)
- f. Pennsylvania State Representatives Mike Armanini and Stephanie Borowicz
- g. Pennsylvania State Representative Martin Causer
- h. Potter County Commissioners
- i. Conservation and Natural Resources Advisory Council
- j. PA Wilds Center for Entrepreneurship also circulated a sign-on letter that included dozens of individuals, businesses, elected officials, and nonprofits, including:
 - i. Green Township Board of Supervisors
 - ii. Borough of Ridgeway
 - iii. Bradford Area Alliance
 - iv. Johnsonburg Borough
 - v. Clinton County Visitor's Bureau
 - vi. Clinton County Commissioners
 - vii. Pennsylvania Association of Sustainable Agriculture
 - viii. PA Route 6 Alliance
 - ix. US Endowment for Forestry and Communities
- k) Finally, there are significant discrepancies between the FAQ as developed by the ANG and the proposed actions identified in the DEA, suggesting the need for better communication and information sharing. For example, the published FAQ on the 175th Wing's website notes under the public statement that "typically, no more than two to four aircraft will be in the airspace at any one time." However, on page 2-1 of the DEA, the Proposed Action section states "with no more than six total aircraft on the days of activation." It is extremely difficult for the public to



reach a clear conclusion and understanding of the proposal, based on simply reading the documents provided by the ANG.

The Department has experienced significant challenges in communicating with the ANG. In fact, during the time period in which the ANG first notified DCNR about the proposal and released the DEA, ANG point of contacts changed at least three times. DCNR's questions and requests often went unanswered or there were significant delays (weeks or even months) in response on the part of the ANG. In addition, contact information for the primary contacts listed on the ANG's website and FAQs are incorrect (and remain incorrect as of December 21, 2021).

REQUEST FOR IMPROVED PUBLIC OUTREACH AND ENGAGEMENT

DCNR is aware of several organizations and entities that have requested public meetings and an extended comment deadline. DCNR echoes these requests as full transparency is imperative considering the nature of this proposal could have lasting impacts on the quality of life and livelihoods of those living in this region.

- a) Specifically, DCNR requests that the MD ANG hold in-person public meetings in each of the counties that fall within the Duke Low MOA footprint. These meetings should be held to inform the public and provide another opportunity for public participation; therefore, comments and information received at these meetings should be incorporated into the EA/EIS documents.
- b) The MD ANG should consider virtual engagement in these meetings as well considering that many individuals have vested interests in this region but live outside it.
- c) The MD ANG should exercise due diligence in informing as many members of this rural area as possible, as well as those who live outside the region who may have vested interests or could be impacted by the proposed actions.
- d) DCNR is aware of a large plain sect community within the PA Wilds. DCNR requests that the MD ANG ensures the Amish and Mennonite communities are contacted and engaged in regard to this proposal.
- e) Although the Department appreciates the limited extension of the public comment period by 16 days, granted by the ANG and National Guard Bureau, the current timeline is problematic for many, considering end-of-the-year reporting requirements, holiday travel and vacations, etc. The ANG should consider an extension of the December 31, 2021 comment deadline.

GENERAL QUESTIONS RELATED TO THE DEA

- a) What is the anticipated usage over the next five, ten or fifteen years? If the usage increases beyond 170 days, will another full EA be conducted?
- b) Does the MD ANG anticipate allowing this airspace to be used by other wings or military branches? Will any ANG wing or US military unit that requests the use of this airspace be permitted to fly in the Duke Low MOA? What criteria will the MD ANG use to make these decisions?
- c) The references that are included in this report are grossly outdated. For example, the average date for the list of noise-released resources is 1999. Nearly half of the noise-related citations are dated before the year 2000. What recent research has the ANG conducted or collected that reflects more accurate comparisons in regard to technology, health, economic indicators, pollution, environmental protection, wildlife impacts (particularly migrating birds and elk), etc.?
- d) The DEA contains several references to the importance of tourism to this region's economy, yet the DEA still summarily dismisses how very low-level pilot training could impact the number of



visitors and the amount of money spent by visitors if this proposal were to be approved. Has the ANG done this analysis? Please provide the methodology for the relied-upon economic predictions and analysis.

- e) Has the ANG conducted a full inventory of the number of farms that maintain livestock? Will it specifically avoid low-altitude flyovers of these areas?
- f) How will pilots avoid congested areas of cities, towns, settlements, or open-air assemblies of people (including state parks, festivals, etc.)?
- g) Why should state parks be held to a 500 feet altitude floor when the FAA Advisory Circular AC NO: 91-36D recommends that National Parks be permitted a 2,000 feet minimum safe altitude floor? Please explain the difference in treatment.
- h) If the Duke Low MOA were to be established and the region were to experience significant impacts due to the activity and increased noise levels, what actions or remedies would the ANG take to alleviate these impacts?
- i) Would the low-flying aircraft conducting training maneuvers in the proposed Duke Low MOA utilize Electronic Countermeasures (ECMs) that would impact radar, GPS or other communications systems used within the region, particularly by law enforcement agencies or emergency respondents?
- j) Where can people send their complaints of low-flying aircraft improperly using the airspace? What remedies will be made by ANG once a complaint is made?

OUESTIONS/COMMENTS RELATED TO DEA

In further review of the DEA, DCNR submits the following comments specific to sections of the DEA:

1.5 Resources Not Carried Forward

- Farmlands: The scope of the DEA focuses on the land use impacts and does not recognize the impacts on current agricultural activities, production, and businesses. What analysis has been done to fully assess the economic impacts on dairy and other livestock operations where the proposed low-altitude training could impact fertility and reproduction, lactation, or cause harm or injury to farm animals?
- Environmental Justice and Children's Environmental Health and Safety Risks: There are 22 communities within 11 census tracts that are categorized as environmental justice areas within the footprint of the proposed Low MOA. These communities experience high levels of poverty; typically, low-income communities bear a disproportionate share of adverse environmental impacts. Two of the communities - Westport and Renovo in Clinton County - are designated as health equity zones by a consortium of health experts comprising a Regional Accountable Health Council ("RACH"). The communities of Westport and Renovo have higher than average, compared to the state average, adult and child emergency department visits, obesity rates, percentage of smokers, percentage reporting poor mental health, percentage with asthma. One's environment greatly impacts Medicaid outcomes, such as those aforementioned. In October 2021, Governor Wolf issued an Environmental Justice Executive Order siting Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania, the Environmental Rights Amendment, to support the fact that "all Pennsylvanians are entitled to fair and equitable treatment and meaningful involvement in decision-making that affects their environment, communities, homes, livelihoods, and health." What outreach has ANG done specifically with these communities in regards to this proposal? What was the methodology used to evaluate the impacts from the



Proposed Actions to low-income and/or minority populations? What will be done to limit the impacts of noise on these communities considering equity not equality?

• Visual Effects: Cherry Springs State Park is nearly as remote and wild today as it was two centuries ago. Named for its large stands of black cherry trees, the park offers one of the most impressive dark sky experiences in the state. Night sky enthusiasts from all over the world flock to the park to experience amazing great views of the Milky Way, planets, and hard-to-see astronomical objects and phenomena. Cherry Spring State Park, the second area in the entire world to be designated an International Dark Sky area, also offers a wide variety of environmental education programs year-round. Visitors gain appreciation and awareness toward the natural, cultural, and historical resources through guided walks and hands-on activities. The park's viewing area and observational field sit atop a 2,300-foot-high mountain with state forest all around, effectively shielding the park from nearby light. The park is one of Pennsylvania's most visited and experienced a 316% increase in June visitors from 2020 to 2021. What considerations have been made by the ANG to ensure the integrity of these dark skies even with higher altitude flights (e.g., 1000 feet AGL) that may occur at night within the low MOA? What guarantees can the ANG offer to ensure flights below altitudes of 1000 feet AGL do not occur or have no impacts on this designated dark sky preserve?

2.1 Selection criteria

- The criteria suggest the proposed sites must be within 200 miles of Martin State Airport, Baltimore, Maryland. However, the MD ANG notes that the current and previous trainings have occurred in and around Tuscon, Arizona. Why has this selection criteria changed so drastically?
- Why must the floor be as low as 100 feet AGL? Nowhere in the DEA does the ANG explicitly explain the need for such low-level flying.

2.2 Proposed Action

- There is a discrepancy in the DEA and the FAQs regarding the maximum number of aircraft that will be in the airspace at one time. What is the maximum number of aircraft that will actually be in the airspace at one time?
- What is the weekend usage of this airspace? In the FAQ it suggests minimal usage, but in the DEA, it indicates regular usage on Saturdays.
- The vertical limits of the proposed low MOA are set between 100 feet AGL and 7,999 feet MSL
 which suggests this airspace will be segregated from the higher altitude airspace and is an entirely
 new MOA. Please confirm.
- The proposed minimum altitudes over the state parks are not consistent nor do they provide ample protection for wildlife or visitors. <u>FAA Advisory Circular AC NO: 91-36D</u> recommends 2000 feet altitude floors over national parks, monuments, preserves, wildlife refuges, critical habitat areas, and sanctuaries. If the Duke Low MOA were to be established, DCNR would request the same level of protections (i.e., 2000 feet AGL minimum) provided to national parks be provided to our state parks and natural areas.
- The DEA states "[n]ightime operations (defined as sunset until 10:00 p.m.) at low altitude (below 500 feet AGL) would be limited to above 1,000 feet AGL." However, the FAQ issued with the DEA states "[w]eekend and nighttime operations at low-altitude would be limited." DCNR has concerns regarding low-level flying within the Cherry Springs Dark Sky Preserve. Could the MD



ANG please clarify its expectations related to nighttime operations? If these operations do extend below 1000 feet AGL, would another EA be issues to evaluate the impacts of these actions?

2.3 Alternatives dismissed

This section of the DEA provides short summary paragraphs of why specific areas or facilities are insufficient for the 175th Wing to train. However, some of the information is either lacking or misleading.

Modification of the Evers MOA

- DCNR would like the MD ANG to provide a better analysis and justification as to why this
 airspace, due to mountainous terrain and sparse radio coverage, is less suitable than the proposed
 Duke Low MOA, which has similar terrain and radio limitations.
- Specifically, please provide the data and mapping tools used to determine that the vast area of the Evers MOA cannot be expanded below 1,000 feet AGL.

Creation of a new stand-alone MOA

- The MD ANG has been training at Davis Monthan AFB in Tuscon, Arizona for the past several years, which is far beyond the 200 nautical miles (NM) distance from Martin State Airport, as required in the DEA as specific criteria. The DEA does not provide sufficient explanation as to why this airspace is no longer available or viable. Please explain why this airspace is no longer viable. Please explain why the ANG is only focused on the area within 200 NM of Martin State Airport, rather than considering existing low MOAs already established elsewhere in neighboring states.
- Which other areas in the southwestern United States and near the Davis-Monthan AFB, have been considered by the MD ANG for this low-altitude training?
- Were there other established MOAs in other parts of the country that were evaluated for this
 purpose? Please share the process in which you reviewed and assessed these airspaces. If no other
 established MOAs were evaluated, please explain why not.

Farmville and Pickett MOAs

- Please provide further explanation as to why Farmville and Pickett MOAs may not be suitable for these training purposes.
- The DEA suggests the Farmville MOA in Virginia is primarily used by army helicopters; however, through some general research, DCNR discovered that this airspace is used to train pilots flying various fighter jets, including F-15s, F-16s, and F-22s, and that this MOA has a floor of 300 feet AGL.
- Explain in detail why the Farmville MOA that is currently used for low-level training has been determined not viable by the MD ANG for the training of A10 pilots.

MTRs

In a Spotlight PA article entitled "<u>The Pennsylvania Wilds is known for quiet. Residents worry fighter jet training will disturb the silence</u>," published on December 2, 2021, the following quote by Jamie Flanders, airspace manager for the Air National Guard, was included in the article:

"Military routes already go down to 100 feet, so there should be no change," Flanders said. "If you're not affected now, you won't be affected later."



The article noted that Flanders explained that the change would "allow for multi-directional training flights, as opposed to flights in one direction."

- The quote by Mr. Flanders suggests that the proposed MOA would be nothing more than what is already occurring other than directional patterns. He is suggesting that the proposed Duke Low Mow would be no different in terms of frequency and training operations compared to what is currently taking place in the MTRs. Is this an accurate statement?
- The diagram of MTRs on page 3-5 of the DEA shows VR-704/707 traversing the very southwestern edge of the proposed Duke Low MOA. Is this the MTR to which Mr. Flanders is referring? If so, wouldn't that suggest that the MTR activity is only impacting a very small portion of the proposed area under consideration for the Duke Low MOA?
- Could the ANG confirm the number of training operations that take place in a given year within the MTRs that traverse the proposed Duke LOW MOA, including altitude data?
- If MTRs allow for training to go down to 100ft AGL, as Mr. Flanders notes in this article, and there would be no change, then why is the Duke Low MOA needed at all, let alone such a large area encompassing 1717 square nautical miles?

2.4 No Action Alternative

DCNR recognizes the importance for the military to provide suitable training opportunities for pilots. However, the MD ANG does not provide a clear rationale for why specific training locations are no longer available or what the MD ANG has done to resolve scheduling conflicts.

3.1.2.4 Existing Aircraft

- It would be helpful for the assessment to clarify in Table 3-2 the number of annual aircraft at various altitudes within the proposed Duke Low MOA. Since the proposed low MOA extends to 7,999 feet MSL, much of this activity could be occurring at much higher altitudes, with limited impacts. The DEA does note that much of the training activity that may already be occurring within the proposed low MOA (below 8,000 feet MSL) occurs above 1,000 feet MSL. This indicates that the residents are not accustomed to the types of training maneuvers that will become frequent if the Duke Low MOA is approved.
- Also, has the MD ANG coordinated with local airports or regional airport authorities to determine anticipated increases in air traffic or strategic efforts to expand usage of these airports and regional hubs?
- Please address Duke Low MOA impacts to emergency rescue operations that occur within the PA
 Wilds. Would the MOA be deactivated to allow for emergency aircraft to traverse the airspace?
- Climate change has resulted in more frequent wildfires in Pennsylvania. DCNR coordinates with various partners when combating wildfires, often relying on aircraft to provide additional support to ground crews. Air tankers supply large quantities of water; helicopters provide air reconnaissance, and other aircraft, as needed transport supplies. How would the ANG coordinate with DCNR and other agencies and responders during these events?

3.2 Noise

Despite the DEA noting that areas "beneath the proposed MOA would intermittently experience
aircraft overflights that would range from loud to very loud, exceeding 75 dBA L_{max} at any given
point on the ground, the MD ANG concludes that the proposed action would "have long-term



minor adverse effects on the noise environment..." due to low-altitude military overflights in areas beneath the proposed Duke Low MOA." The factual statements in the DEA do not support the ANG's conclusion. The DEA fails to provide the modeling methodology and subsequent data (e.g., inputs and results) used to determine the "environmental consequences" of its noise assessment.

- Please define and categorize "long-term minor adverse effects" and indicate if there are areas within the region that are more vulnerable than others due to topography or landscape.
- The DEA measures average increase over long periods of time. There is no sufficient analysis of
 increased dBAs in relation to ambient noise levels in those moments when aircraft are flying low
 altitude. There is also no explanation as to how baseline data has been acquired and studied.
 DCNR submitted a specific request to collect this methodology and data on November 24, 2021
 (see Appendix B).
- According to the study <u>Impulse noise and risk criteria</u> (Starck 2003), "[i]mpulse noise causes evidently more severe hearing loss than steady state noise." Noise levels associated with lowaltitude flights can have impulsive characteristics, including rapid onset. Impulse noise is a category of noise which includes unwanted, instantaneous sharp sounds, and can be a result of low-altitude aircraft. These variables were not evaluated in the DEA, which instead focused primarily on averaged data. We request modelling that reflects the impacts of noise harshness on both humans and wildlife, specifically threatened and endangered species.
- The DEA fails to assess the full impacts of low-altitude training maneuvers of fighter jets that tend to operate at much higher decibels. In addition, will the airspace be made available to aircraft beyond the four listed in the DEA? If, for example, F-22s or F-35s are permitted to fly within the Duke Low MOA, what would be the anticipated floor (100 feet AGL) and how often might these aircraft use this low-altitude airspace? What environmental assessments, including noise studies, would be required if additional aircraft beyond those listed in the DEA are permitted to fly in this low airspace?
- In section 3.3.4.1, the DEA asserts that "[t]he Proposed Action could affect utilization of the landscape; however, land use effects associated with aircraft noise would be short-term." This short-sighted assessment does not recognize the full impacts of long-term low altitude flying in a region that has essentially branded itself as a destination for immersion in nature. Please explain how the short-term yet persistent aircraft noise would not detrimentally impact immersion in nature. As stated above, impulse noise can be more disturbing and harmful than sustained noises; in addition, "short-term" suggests a short period of time. The proposal clearly states that the activity will occur nearly every other day. The Department does not consider this to constitute short term. If other wings or branches request use of this space, will that expand the usage beyond 170 days?
- Section 3.3.4.1 also states that "[t]he Proposed Action would not alter, prohibit, or otherwise limit the public's access to the recreational areas beneath the Duke Low MOA." Although there may not be military restrictions that will prevent the public from accessing this area, people may voluntarily opt out of visiting natural areas within the region because of concerns of sudden, intense, and increased noise levels. Please explain how the ANG took this fact into consideration.

3.3 Affected Environment

• On page 3-27, the DEA states that "[t]here are no national or state designated wild and scenic rivers under the proposed airspace." However, DCNR wants to note that Pine Creek is a PA



designated scenic rivers and just outside the boundary of the proposed MOA. Aso, while not wild and scenic rivers, Driftwood Branch is located within the proposed low MOA as are the upper reaches of the Clarion and Bennet Branch. See PA Scenic River Program.

3.4 Biological Resources

- An environmental review was not conducted by the DCNR, or any other state resource agency (PA Game Commission or PA Fish and Boat Commission), using the Pennsylvania Natural Diversity Inventory ("PNDI") maintained by the Pennsylvania Natural Heritage Program ("PNHP"). Through PNDI, resource agencies communicate with organizations/companies wishing to undertake projects in the commonwealth, especially projects requiring permitting or NEPA coordination. Cursory review of data reveals significant reason to conduct PNDI reviews with agencies. This information is not to imply that all of these features would potentially be impacted, but the point is that the agencies should have been given that opportunity to comment on a potential impact.
 - Over 300 environmental review species habitat polygons are present or extend within the Duke Low MOA proposed area.
 - o Of those, almost 200 unique occurrences of species habitats are present or extend within the project area.
 - o Over 50 different species are represented, including federal T&E and state-listed species of concern.
 - More about PNDI and habitat polygons: PNDI, which is maintained by the PNHP, is a unique and important conservation tool because it is based on verified species data found at locations across the Commonwealth. The species habitat polygons are based on known occurrences of species data. For each species, PNHP and agency scientists map species populations and natural communities by delineating a spatial representation of their habitat. Habitat polygons for each species are created digitally using aerial photography and a geographic information system ("GIS"). For animals, habitat polygons are determined based on species habitat requirements, including breeding, feeding, nesting, and dispersing. In contrast to animals, plants are relatively immobile, and therefore the community supporting the species is determined to be the habitat polygon. The parameters for the creation of the species habitat polygons were developed by PNHP staff and the four agencies with jurisdictional authority for the species in PNDI: DCNR, PA Fish and Boat Commission ("FBC"), PA Game Commission ("PGC"), and U.S. Fish and Wildlife Service.
 - o Recent communication with other state resource agencies (PGC & FBC) confirm the absence of PNDI consultation with them.
 - o DCNR requests that the ANG access the PNDI <u>Pennsylvania Conservation Explorer</u> and utilize the online platform to conduct a PNDI environmental review.
- DCNR and PGC have developed a <u>State Lands Habitat Conservation Plan</u> ("Bat HCP") for Indiana and Northern Long-Eared Bats and obtained an Incidental Take Permit from the U.S. Fish and Wildlife Service on December 23, 2020. While the Duke Low MOA flights are not a covered activity under the Bat HCP, PGC and DCNR are required to educate state land users of the importance of habitat of bats and to minimize known impacts where possible. The following comments relate to federally listed bat species:



- o The DEA states that the proposed activity will not affect northern long-eared bat hibernaculum: "[the USFWS] indicated that possible impacts to bats could occur from ground vibrations associated with airspace use at 100 feet AGL and above. The southern portion of Clinton County is not within the proposed airspace; therefore, the Proposed Action would not affect to the northern long-eared bat hibernaculum." However, DCNR still has concerns that the Duke Low MOA flight activity will negatively impact roosting bats on state lands during summer. This includes areas that are not within or near hibernacula. The DEA's conclusion pertains to hibernacula only and not roosting areas.
- The DEA states the proposed activity should have negligible effects resulting from ground disturbance. The DEA states: "In their study of low-altitude aircraft activity near the runway of an international airport, Le Roux and Waas (2012) found no statistically significant difference in mean bat activity during and after overflights compared with preaircraft activity. They concluded that both correlative and experimental data suggests that aircraft activity and noise may not have major impacts on bat activity. Therefore, potential impacts to bats associated with ground vibrations from airborne noise produced under the Proposed Action would be negligible." However, this broad conclusion is supported by only one study, based on commercial airport noise and the New Zealand Long-Tailed Bat. Since the facts in the one study are easily distinguishable, the DCNR does not believe that this study fully supports the claim that the proposed action will have a negligible impact on bats. DCNR recommends that a study be done on Pennsylvania bat species noting impact to roosting bats. Bats give birth and rear pups in summer and are closely tied to summer roosting habitat, which includes areas of foraging and maternity colonies. While the majority of proposed flights are not anticipated to take place during the night, when bats are most active foraging, the DEA concludes that no significant impact is expected to bats as a result. The DEA does not address to the arousal of roosting bats as a result of noise and vibrational impact during the day. DCNR understands that United States Fish and Wildlife Services (USFWS) has requested a ground vibrational study be performed to determine impacts on bats. DCNR also supports this request, to determine effects of vibration on roosting bats during flight time.
 - High quality summer habitat (roosting, foraging) for federally endangered Indiana bats has been identified within the Duke Low MOA project area. High quality summer habitat was modeled for Indiana bat using Maxent software.
 - There are five known northern long-eared bat designated roosting activity areas. The designated roosting activity areas are known clusters of trees known to be used by northern long-eared bats as maternity colonies during the summer. In addition, there are many roosting areas known nearby but outside of the Duke Low MOA project area.
- The DEA states "[t]he USFWS noted that the southern portion of Clinton County is within 0.25 miles of a known northern long-eared bat hibernaculum." The MD ANG further asserts that "[t] he southern portion of Clinton County is not within the proposed airspace; therefore, the Proposed Action would not affect to the northern long-eared bat hibernaculum." According to Pennsylvania's State Lands Bat Habitat Conservation Plan (HCP), Indiana bat colonies are "usually formed within 100 miles of the hibernaculum, but distances in the core range can exceed 300 miles (Gardner and Cook 2002; Winhold and Kurta 2006). The



plan also notes that the northern long-eared bat can cover an area between 40-50 miles. The MD ANG should consider the state's HCP in regards to potential impacts to bat species. What levels of coordination have occurred with the PA Game Commission in regards to the proposed actions and potential impacts on bat species?

- The DEA states that they would coordinate with PA and NY USFWS offices for consistency with bald eagle management guidelines and conservation measures. It is unclear what steps have been taken to alleviate concerns regarding nesting bald eagles, as well as peregrine falcons, northern goshawks, heron rookeries, and other and migratory birds. What specific actions will the MD ANG take to mitigate impacts to these species?
- The Pennsylvania elk herd is described, and the DEA claims "the effects of the Proposed Action on Pennsylvania's elk herd would be less than significant because the frequency of overflights below 1,000 feet AGL would be extremely limited (e.g., seconds to minutes per year)." However, very little reasoning behind this claim is provided. There are publications that indicate potential disturbance to similar species (Maier et al. 1998, Grift, Molenaar 2008) such as caribou. Given the significance of elk in the PA Wilds, the ANG must show research indicating potential impacts from the proposed low-level flight training is really less than significant.
- The PA Wilds Region, including a large swath of the footprint identified within the Duke Low MOA, has been identified through a recent corridor and connectivity analysis, conducted by DCNR and the Western Pennsylvania Conservancy, as a very high priority in regards to climate change connectivity. This analysis enables conservation partners to improve and increase connectivity and protect core habitats in the face of climate change, especially for wildlife, including threatened and endangered species. The proposed activity could have significant impacts on these habitat cores and migratory corridors. (See Appendix C)
- Through the Department's <u>State Forest Resource Management Plan</u>, one of the primary ways the bureau maintains wild character is through its Wild and Natural Area program. Wild Areas were specifically designated to protect the most undeveloped landscapes in the state forest system and to provide primitive recreation experiences and the pursuit of peace and solitude. There are currently 18 designated Wild and Natural Areas in the state forest system totaling more than 150,000 acres. The DEA does not include state natural areas in its inventory of biological resources. DCNR's natural areas represent the highest ecological quality and protection designation for any state land and represent important wildlife habitats.

3.5 Cultural Resources

Phase I inventory and Phase II evaluation of cultural and historic resources should be completed in order to assess the potential for the proposed undertaking to impact significant resources eligible for or listed in the National Register of Historic Places ("NRHP"). The tables referenced in the DEA include only previously recorded and listed historic properties and are not a complete inventory of historic properties within the project's Area of Potential Effect ("APE"). Additionally, many of the previously recorded historic properties have not been evaluated for their eligibility for listing in the NRHP. Section 106 of the NHPA requires that the lead agency consider the proposed undertaking's impact on historic properties that are listed, or eligible for listing in the NRHP. This requires a reasonable and good faith effort to identify historic properties and determine their eligibility to the NRHP.

While a number of historic structures in our parks and forests pre-date the Conservation-era in Pennsylvania, a large proportion of our parks and forests in this region were built during the conservation-era as part of the efforts of DCNR, its predecessors, and New Deal-era work programs like the Works



Progress Administration and the Civilian Conservation Corps. Many of these parks and forests, and the structures still standing on them, could be potentially eligible for listing in the NRHP under Criteria A, B, C, or D for areas of significance such as *conservation*, *ethnic heritage*, and *landscape architecture* (National Register Bulletin 15).

- The following list of state parks are located within or adjacent to the APE:
 - o Bendigo
 - Cherry Springs
 - o Denton Hill
 - o Elk
 - o Hyner Run
 - Hyner View
 - o Kettle Creek
 - o Lyman Run
 - o Ole Bull
 - o Patterson
 - o Prouty Place
 - Sinnemahoning
 - o Sizerville
- The following list of state forests are located within the APE:
 - o Elk
 - o Sproul
 - o Susquehannock
 - o Tioga

3.6 Safety

Wildfires

- Pennsylvania has experienced an increase in wildfire activity as a result of climate change. DCNR is responsible for protecting the commonwealth's 17 million acres of private and public forested lands from wildfires. The Department must coordinate with multiple agencies, landowners, and emergency responders in preventing, suppressing, and managing wildfires. What role would the MD ANG play in regards to wildfire response due to aircraft mishaps?
- The greatest danger of wildfires in Pennsylvania occurs during the spring and fall when
 precipitation is particularly low and conditions are dry. What risk assessments and preventative
 measures are conducted through the ANG in regards to emergency landings, or other emergency
 situations that would prevent loss of life on the ground or wildfire damage to the millions of acres
 of forest below the MOA.
- Every year, hundreds of wildfires burn thousands of acres of public and private lands. The economic cost to suppress these fires ranges in the millions of dollars annually. Not only do wildfires pose a financial burden to the citizens of the Commonwealth, but they also endanger the life and property of residents and first responders. What specific risk management actions will the MD ANG take to ensure training operations do not contribute to the start of wildfires or interfere with the ability of DCNR and its partners to respond to wildfires or other emergency situations?
- There is also the potential that the ANG's training operations could interfere with detection and suppression flights within the MOA during fire season. Detection flights occur at reasonable



altitudes but air tankers and helicopters performing drops are very close to tree level and by definition working in a smoke-obscured environment. We would request that the MD ANG not schedule flights when red-flag conditions are instituted over the MOA.

3.6.4.3 Bird-Aircraft Strike Hazard

- The DEA notes that there is a low to moderate risk of bird-aircraft strikes in the current Duke MOA during peak spring and fall migration months (USAF 2015). Mitigation measures are suggested including weather, bird conditions, and significant operational factors affecting the schedule. However, no information is provided as to whether these measures are effective in avoiding bird strikes. Studies have indicated that staging areas, where migrating birds stop over for a shorter or longer period, are very vulnerable to low altitude flights. Overflights at <600 m AGL causes disturbance (flight reaction) in >80% of the incidences (Van der Grift, E.A. & H. de Molenaar, 2008. Effects of low-flying aircraft on wildlife. Literature review. Alterra, Wageningen, The Netherlands.).
- Please indicate which wildlife resource agencies and stakeholders the MD ANG coordinated and consulted with to reach the average number of air strikes per year figure.
- Please indicate how the MD ANG will mitigate strikes particularly during migration periods.
- <u>BirdCast</u> provides real-time predictions of bird migrations: when they migrate, where they migrate, and how far they will be flying. Beginning in 2018, after many years of research and developments in machine learning, cloud-based computing, and big data analytics, the BirdCast site began to feature migration forecasts that predicted how many birds would be aloft over the continental US and live migration maps that reported how many birds actually took flight. How does the ANG propose to utilize these types of resources and technology to reduce bird strikes?

DCNR Ranger Capacity

Pennsylvania's state parks and forests welcome over 40 million visitors each year and this number continues to grow, particularly since the onset of the COVID-19 pandemic. Public safety is a priority. DCNR rangers are on the front lines when it comes to addressing the health and safety of the public and must respond quickly to a wide array of issues. Increased visitation, novice recreators, and the very nature of DCNR's lands being mostly secluded wilderness all create challenges and requires an active staff to monitor and assist visitors. DCNR has 170 rangers covering all of 2.5 million acres of DCNR lands or one ranger for about every 15,000 acres. In 2020, rangers responded to over 16,500 incidents. The number of ranger positions has significantly been reduced over the years. The number of ranger positions has not kept pace with the needs on the ground to ensure safety for our increasing number of visitors and protecting the resource against additional threats and impacts. Having to respond to incidents related to the proposed Duke Low MOA might stretch the DCNR's resources.

Rescue and Emergency Services

As noted elsewhere in these comments, it is not clear to DCNR based on the lack of analysis in
the DEA as to whether the proposed Duke Low MOA would result in increased emergency
incidents on the ground or if it will place an additional burden on our already limited capacity.
We request that the MD ANG provide a more transparent and comprehensive assessment of
potential threats on the ground, mitigation actions, and resources that will be provided by the
ANG to respond to training-related incidents. In the case of an emergency situation (e.g.,



emergency landing, fuel spill, natural disaster, downed plane) what type of emergency response assistance would the ANG provide?

Medical Transports

- What are the protocols for medical air transports entering an active MOA for transporting a patient to a medical facility as well as for medical transport return flights?
- As described in Section 2.2.1 of the EIS, emergency flights or flights in distress are always given priority in the airspace, but non-emergency ambulance flights (for example, on the return trip without a patient on board) would have to transit the MOA via Visual Flight Rules (VFR) or route around like other general aviation. This region has limited emergency aircraft. In the case of a catastrophic event, what precautions would be taken by the MD ANG to ensure safe transport to and from the emergency scene and medical facility?

3.7 Socioeconomics

• One of the counties (McKean) located within the proposed Duke Low MOA footprint scores between moderate to high on the Centers for Disease Control Social Vulnerability Index. The remaining counties (with the exception of Elk) fall within low to moderate risk. These are communities where a number of factors, including poverty, lack of access to transportation, and crowded housing may weaken a community's ability to prevent human suffering and financial loss in a disaster. To what extent has the MD ANG considered the impacts of the proposed activity on these vulnerable communities and particularly the limited resources that exist to respond to an emergency or disaster?

3.7.2 Tourism

The MD ANG in its DEA acknowledges the following:

- "Increasing tourism, agriculture, and natural resources are among the primary goals to strengthen the economic base in the region."
- "Tourism is a driving economic force in the region, accounting for a \$1.8 billion industry that makes up 11 percent of the economy in the Pennsylvania Wilds region."
- "The region is economically distressed and has seen decades of population loss. State, local, and federal partners have been working together for more than 15 years to establish the Pennsylvania Wilds as an outdoor recreation destination to help diversify rural economies, create jobs, inspire stewardship and improve quality of life."

However, the DEA concludes that the proposed actions would have no significant impacts on the outdoor recreation and tourism economies of the region but fails to demonstrate how it came to this conclusion.

3.7.4.3 Outdoor Recreation & Tourism

The MD ANG asserts that "[t]here would be no short- or long-term changes in land use due to the Proposed Action" because the Duke Low MOA "would not involve any ground disturbing activities." This assumption fails to take into consideration the current land use and the potential impacts that low-flying aircraft would have on the rural, agricultural, and wild areas of this region. The land use, per se, may not change but how the land is inevitably used may change.



- What studies has the MD ANG conducted or even reviewed in regards to the noise levels associated with the proposed actions in the DEA and potential impacts related to human behavior? For example, will the region see a decline in tourism because those who visit this region have certain expectations in regards to noise levels and disruptions? Will long-time members of hunting cabins and associations find other places to fish and hunt? Will the small businesses that rely on tourism and visitors be impacted?
- How will the establishment of the Duke Low MOA affect real estate values in the region? Could this activity, in turn, impact tax revenues? What studies have been conducted by the ANG to evaluate real estate values before and after the establishment of low MOAs?
- The Pennsylvania Wilds offers exceptional fishing opportunities, including the following:
 - O The Wilderness Trout Stream Program, administered by the Pennsylvania Fish and Boat Commission (PFBC) is managed in a manner "where steam remoteness and populations of naturally reproducing trout combine to offer sport fishing opportunity for the recreation of anglers in a wilderness setting away from roads or vehicular access. It is the Commission's intent to advocate proper watershed management to maintain the wilderness setting" (58 Pa Code §57.4). Numerous Wilderness Trout Streams are identified within the impacted area.
 - Class A streams are considered the "best of the best" wild trout fishing opportunities in Pennsylvania among anglers. To qualify as a Class A Trout Stream, wild trout populations must meet very specific biomass thresholds defined in 58 Pa Code §57.8a. Based on the image below, there are hundreds of miles of Class A streams in the proposed area.
 - Keystone select streams are highly regarded stocked trout fisheries managed by FPBC. The First Fork Sinnemahoning Creek is the lone Keystone Select stream segment within the impacted area while Pine Creek is located just outside the footprint of the proposed Duke Low MOA.
 - O Streams where natural trout reproduction has been documented are popular among "blue liners," fly fishing enthusiasts who enjoy exploring remote unnamed tributaries that are only identified by a blue line on a map. Approximately thousands of miles of naturally reproducing trout streams are in the proposed area if you added them all up.
- What coordination will the MD ANG facilitate with PFBC to eliminate and reduce impacts on anglers? What analysis has been done to understand the potential economic impacts to the region if anglers are displaced (due to noise) by the proposed Duke Low MOA?

What specific outreach has the MD ANG conducted with the following stakeholders that recreate in the impacted region? What assessments have been done to determine the potential impact on the below users?

- o Hunters and Anglers
- o Equestrians
- o Hikers
- Campers
- o Stargazers
- o Hang Gliders (Hyner View State Park)
- o Rock Climbers
- Wounded Warriors and other groups that organize nature-based wellness activities in this region for veterans suffering from Post-Traumatic Stress Disorder (PTSD)



4.0 Close Causal Relationships

Comments submitted by DCNR and its sister agency, Department of Environmental Protection, (dated March 10, 2020) to the Council on Environmental Quality regarding the Trump Administration's proposed changes to NEPA (Docket No. CEQ-2019-0003-0001), stated:

NEPA provides an essential process for citizens and policymakers to fully analyze and review the environmental, cultural, and other cumulative impacts of a proposed project on our natural resources and local communities. NEPA is often times the only means for which state, county, and local stakeholders can provide substantive input on federally-funded projects.

When comparing the CEQ's stated rationale for the proposed changes – reducing paperwork and delays and promoting better decisions consistent with section 101 of NEPA – with the proposed changes themselves, the changes demonstrate minimal concern for environmental impact, public health and safety, and transparency, and do not promote better decisions or even decisions consistent with NEPA's stated purpose. Instead, they expediate the regulatory process and fast track development projects at the expense of a comprehensive environmental analysis.

President Biden has since issued orders to review the Trump-era NEPA regulations and ensure they are consistent with the current administration's environmental policy. In addition, several lawsuits have been filed in response to the 2020 changes and are still being litigated.

Per the National Law Review, "Biden Administration Proposes to Walk Back Key Trump Era NEPA Regulation Changes" (Tuesday, October 12, 2021):

On October 7, 2021, the Council on Environmental Quality ("CEQ") published a notice of proposed rulemaking ("Proposed Rule") to reverse several key changes made under the Trump administration to CEQ's National Environmental Policy Act ("NEPA") implementing regulations. The proposed rulemaking—the first phase of a two-phase process to reconsider and revise the July 2020 "Update to the Regulations Implementing the Procedural Provisions of NEPA" ("2020 Rule")—announces a narrow, but important, set of proposed changes, which the CEQ states "would better align the NEPA regulations with CEQ and agency expertise, as well as NEPA's statutory goals and purpose to promote sound decisions informed by science."

The CEQ proposes to revert three aspects of the 2020 Rule back to the prior regulations with minor modifications: (1) the "purpose and need" of a proposed action; (2) the definition of "effects," restoring the prior definitions of direct, indirect, and cumulative effects; and (3) agency flexibility to develop NEPA implementation procedures that go beyond the governmentwide NEPA regulations. CEQ intends to undertake a broader revisitation of the 2020 Rule, and to propose further revisions in the second phase to ensure efficient and effective environmental reviews, provide regulatory certainty, promote better decision-making, and address climate change and environmental justice objectives.

On his first day in office, President Biden issued Executive Order 13990, Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis (Jan. 20, 2021), which directed the review of regulations issued by the Trump



administration for consistency with the new administration's environmental priorities. An accompanying White House fact sheet specifically identified the 2020 Rule for CEQ review. On June 29, 2021, CEQ issued an Interim Final Rule extending the deadline for federal agencies to develop or update their NEPA implementing procedures to conform to the CEQ regulations until September 14, 2023; the Proposed Rule does not propose to revise this deadline.

The Proposed Rule proposes a narrow set of changes intended to reverse several of the most controversial elements of the 2020 Rule, including (1) eliminating the focus on the applicant and limited scope of the agency's authority in defining the "purpose and need" of a proposed action; (2) restoring the 1978 definition of "effects," including direct, indirect and cumulative impacts; and (3) reversing the limitations on the ability of agencies to develop their own NEPA implementing procedures that go beyond the CEQ regulations.

The National Law Review also notes:

The Proposed Rule would eliminate language added by the 2020 Rule that requires an agency to base the "purpose and need" of a proposed action "on the goals of the applicant and the agency's authority" in the context of environmental reviews of applications for authorization, as well as make a conforming change to the definition of "reasonable alternatives." The purpose and need section of an environmental impact statement ("EIS") explains why a proposed action is being pursued and provides the boundaries for the range of reasonable alternatives to be considered.

In the Proposed Rule, CEQ reasons that the language added by the 2020 Rule "could be construed to require agencies to prioritize the applicant's goals over other relevant factors, including the public interest." While CEQ acknowledges that the goals of the applicant are a relevant factor for defining the purpose and need of a proposed action, it explains that the consideration of these goals should not be to the exclusion of other relevant factors, such as regulatory requirements, desired environmental outcomes, and local economic needs. The proposed change is intended to clarify that agencies have the discretion to base the purpose and need on a variety of factors, as well as to confirm that agencies "should consider a range of alternatives that are technically and economically feasible and meet the purpose and need for the proposed action but that are not unreasonably constrained by an applicant's stated goals."

As the 2020 rule is litigated and CEQ seeks regulatory changes, DCNR respectfully requests that MD ANG consider cumulative impacts, environmental justice, climate change, public interest, and full consideration of alternatives.

Per Executive Order 13990:

The heads of all agencies shall immediately review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (agency actions) promulgated, issued, or adopted between



January 20, 2017, and January 20, 2021, that are or may be inconsistent with, or present obstacles to, the policy set forth in section 1 of this order.

5.0 Management Actions

FAA Order 1050.1 Environmental Impacts: Policies and Procedures states in Section 4-3.2:

Context and Intensity. The CEQ Regulations state that the determination of a significant impact, as used in NEPA, requires consideration of both context and intensity (see 40 CFR § 1508.27). The significance of an impact may vary with the context and setting of a proposed action. Depending on the proposed action, the context may be society as a whole, nationwide, an affected region, affected interests, or a locality. For a site-specific action, significance would usually depend upon local impacts. Both short and long-term impacts are relevant. According to the CEQ Regulations, intensity refers to the severity of the impacts and includes, but is not limited to, consideration of the following:

- Unique characteristics of the geographic area (e.g., proximity to historic or cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, ecologically critical areas);
- Adverse impacts on properties listed or eligible for listing in the National Register of Historic Places;
- Loss or destruction of significant scientific, cultural, or historical resources;
- Adverse impacts on endangered or threatened species or critical habitat;
- Whether an action threatens a violation of Federal, state, or local law or requirements imposed for the protection of the environment;
- Impacts that may be both beneficial and adverse. A significant impact may exist even if the Federal agency believes that on balance the impact will be beneficial;
- The degree to which the effects on the quality of the human environment are likely to be highly controversial; and
- Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into component parts

This order also states:

Special consideration needs to be given to the evaluation of the significance of noise impacts on noise sensitive areas within Section 4(f) properties (including, but not limited to, noise sensitive areas within national parks; national wildlife and waterfowl refuges; and historic sites, including traditional cultural properties) where the land use compatibility guidelines in 14 CFR part 150 are not relevant to the value, significance, and enjoyment of the area in question. For example, the DNL 65 dB threshold does not adequately address the impacts of noise on visitors to areas within a national park or



national wildlife and waterfowl refuge where other noise is very low and a quiet setting is a generally recognized purpose and attribute.

DCNR requests that the MD ANG carefully consider:

- The impacts of the proposed activity on the unique characteristics of this geographical area and outdoor recreation destination.
- The Commonwealth's Environmental Rights Amendment and the Constitutional responsibilities that state agencies uphold in ensuring our public natural resources are conserved and maintained for todays and future generations.
- The impacts on the state-designated natural and wild areas, particularly the Image result for Hammersley Wild Area, a 30,253-acre wild area in the Susquehannock State Forest in Potter and Clinton counties in north-central Pennsylvania. It is the largest area without a road in Pennsylvania and the state's second largest wild area (the first being Quehanna Wild Area).
- Pennsylvania's PNDI process and evaluation of impacts on endangered and threatened species.



APPENDIX A



The above image is the area of the proposed Duke Low MOA superimposed over Pennsylvania's Department of Environmental Protection's Environmental Justice Areas Viewer. The pink and purple shaded areas are all environmental justice areas. The image displays all the environmental justice areas within the proposed Duke Low MOA.

APPENDIX B



POLICY OFFICE

November 23, 2021

NGB-PA, Branch Chief, Civic Engagement:

Lt Col Devin Robinson

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Dear LT Col Robinson:

As the Department of Conservation and Natural Resources (DCNR) reviews the Draft Environmental Assessment (DEA) for Airspace Modification of Duke MOA, we find the section focused on Noise (3.2) and the subsequent information provided to be deficient and, subsequently, difficult to evaluate.

In an effort to better understand the full impacts of the proposed low-altitude airspace, DCNR is requesting the following:

- all masse modeling, including NoiseMAP, in its native format and any accompanying notations;
- any additional modeling or documentation that was used to come to the conclusions outlined in the DEA;
- the methodology used to collect baseline data and the raw baseline data collected; and
- an extension of the comment period to allow additional time for DCNR and other stakeholders to review this critical information.

We thank you for your consideration of this request.

Sencerely,

Nicole Faragura, Director of Policy & Planning

Wil For

CC:

Major Jeffrey Andrieu Kristi Kuchanek, CS-13 Airspace NEFA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue

Joint Base Andrews, MD 20762

DCNR | Rachel Carson State Office Building | 400 Market Street, Harrisburg PA 17101 | 717,303 6977



APPENDIX C

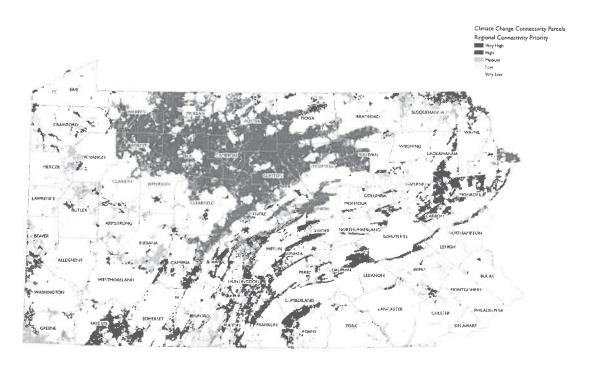


Figure 1. Map of statewide parcels prioritized for regional connectivity priorities (version 2); darker red areas are higher priorities for conservation actions. (Western Pennsylvania Conservancy)

Hi Angela— a timely report by Nina Berman for The Intercept about military flight zones above rural areas.

https://theintercept.com/2021/12/17/when-the-jets-fly-new-warplanes-turn-u-s-towns-into-sonichellscapes/

Nina also works for us at Public Herald. Depending on how this all goes, we could invite her to speak, or screen her mini documentary. It's important we get the EIS.

PS. Senator Casey's letter was submitted as well as the Governor's, Rep. Thompson and others.

Regards, Alicia Cramer

The Intercept_

VIDEO

WHEN THE JETS FLY: NEW WARPLANES TURN U.S. TOWNS INTO SONIC HELLSCAPES

U.S. communities are beset by deafening roars from a generation of louder military aircraft — and they are fighting back.

Nina Berman

December 17 2021, 10:39 a.m.

The sound of the U.S. military's latest generation of warplanes is quite literally deafening. The vibration shakes your insides. Conversation stops. Stress floods your body. And just when you think it's over, another jet, and another and another, roars above rooftops, until it feels as though the sky is going to crack open.

This is the situation on Whidbey Island off the coast of Seattle and in communities across the country, where civilians find themselves living amid sonic warscapes as the U.S. military practices for battle above their homes, schools, and playgrounds. In 2016, I went to Whidbey as part of a video research project on the environmental impacts from the production and testing of U.S. weapons. The Navy operates a base on the island where pilots train on Boeing-made EA-18G Growlers, which are

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electronic-attack aircraft designed to disable enemy communications and defenses.

Pilots practice touch-and-go landings and take-offs to simulate conditions on aircraft carriers. They use two runways, one on the base and a smaller one that is located near homes, schools, and a national historic reserve in the town of Coupeville. I met residents who were desperate and angry. They spoke of feeling anxious, of not being able to sleep or socialize, of homes shaking from within. I met one woman who bunkers down in her basement and cries while her husband sits inside with protective ear muffs and self-medicates when the jets fly.

Multiple studies show both auditory and non-auditory impacts from noise pollution of this magnitude, including cardiovascular disease, tendency to dementia, anxiety, depression, and negative childhood learning outcomes and hearing loss. On Whidbey, noise levels can reach 120 decibels outdoors and 90 decibels have been reported in some indoor locations. A jackhammer at five feet away is about 100 decibels, for comparison. The jets fly very low, day and night for hours at a time, sometimes past midnight.

I returned to Whidbey in the summer of 2020 and the situation was worse. The Navy had increased its Growler fleet. More areas were being impacted, including the San Juan Islands and the Olympic National Forest, which the Navy uses as an electronic warfare range.

In 2019, the Navy was sued by the Washington attorney general and a local non-profit, Citizens of the Ebey's Reserve (COER). Earlier this month, in a scathing opinion, Chief Magistrate Judge J. Richard Creatura said the Navy violated the National Environmental Policy Act by failing to consider war-training impacts on childhood learning, on the region's bird population, and on greenhouse gas emissions. He also said the Navy should have more thoroughly researched training loca-

MEDE 1

tions where there would have been less harm, such as the desert in El Centro, California.

The judge's ruling does not provide a remedy. Instead, he has asked the parties to submit their suggestions within 30 days. For residents, the most obvious solution is to relocate the Growlers.

The struggle against military encroachment on civilian spaces is not unique to Whidbey. Since 2019, residents in the Burlington, Vermont area have been living amid the sonic roar of F-35 attack aircraft. Twenty F-35s are now stationed at the Vermont Air National Guard station at Burlington International Airport. Pilots fly several hours a day, Tuesdays through Fridays and some weekends and nights. They train over the most densely populated areas of the state, including the town of Winooski, just north of the airport and home to a significant refugee population.

Saddam Ali and his wife Rajaa and children are one of those new families. They escaped Iraq and every time they hear an F-35, it brings them right back to the war they had fled. "I feel like I am still living in Iraq when I hear the sound of the planes," said Rajaa. "We feel stress. It's from this, of course. It's really disturbing."

Despite vigorous opposition from Vermonters in the form of protests and local resolutions against the planes, both of the state's senators, Democrats Patrick Leahy and Bernie Sanders, supported the Air Force's basing decision. They say it was needed to ensure the long term viability of the Air National Guard base but critics vigorously dispute that and say the base would exist with or without the F35s, and they point instead to Leahy's cozy history with military contractors.

The F-35s are being rolled out at Air National Guard bases around the country, including Madison, Wisconsin, which is scheduled to receive the planes in 2023. Flight operations in Madison would increase by 47%

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over the current F-16s and make approximately 1,167 nearby homes "incompatible for residential use." That doesn't mean the Air Force will buy out these homeowners. The FAA would need to decide whether those homes should be sound-proofed or demolished and the homeowners compensated. In Vermont, if the authorities decided to sound-proof, it would take 26 years to fix 2,600 of the most-impacted homes at a cost of \$4.5 million a year, according to a Burlington airport study.

But how do you sound-proof a park, or a playground, or your own backyard?

Express

By CRAIG VUCCOLA

Mill Hall

Pertaining to the military's consistent requests for expanding their Military Operations Area in Clinton and service periods. can. I stand behind our military and veterans of all his. I am 64 years old and am proud to be an Amer-County and Northcentral Pennsylvania, first let me say

an Independent politically and conservative

in lang on most issues.

enjoy hiking and taking in all that is offered in Penns-ylvania, be it the PA Wilds area or Pennsylvania's many state parks and public forest expanses. am a gun owner, a hunter and a trout fisherman and

or an environmental warrior. In other words, I am like have to offer. I'm not what you would call a tree hugger many that reside here. have enjoyed much that Pennsylvania's State Forests ve lived my whole life in the state and enjoy or

enjoying a beautiful late summer day under blue skies Woman's Creek Watershed of Clinton County, I was issning a small native trout stream on the Young miles off the blacktop to access then walked even more and gentle breezes along a stretch of stream I walked Decades ago, late 70s to early 80s, as a young man

for when you are in God's green mountains and cold clear trout streams, we are blessed to have. any pical of what I expect or anyone could possibly ask age will ever make me forget that particular day. Not to get to some great spots. because of the serenity and beauty I was enjoying. It is Nothing and I mean nothing, including the ravages of

On this day, things changed.

are sounds of my stream, the breeze and the birds. not up there! It was a low rumble that overtook the delithat I had never heard or experience before. At least, An hour into fishing, I heard a sound at a distance

roar against the sides of that hollow as a fighter jet. what I estimate was a 120 to 130-plus db sustained a radio DJ - this low thunder quickly escalated into rock concerts and wore overly loud headsets in his days Within 10 seconds - as someone who attended live

in nage on its underbelly and blew by my position followed by a wave of either air or sound or both that put me down on my knees. It flew low enough that I could pick out rivets and

> tow altitude, but over the ridge from where I was. Not as load, but equally terrifying. That was followed immediately by a second flyover

pression to me. make sure the event didn't do the literal "scared" did for a long time. I actually checked my drawers to line sky)! All I could do was shake! And that's what I here and was totally unexpected. (Think out of a clear Yes. Terrifying is how I describe it. It didn't belong

mere kid in my twenties, there was nothing slightly cool, inspiring or awesome about the BS that I incurred. ore, I walked out. I was done for the day. Period. As a With my ears ringing, unable to catch my breath for quite some time and my whole self being shook to the You may ask, "maybe you should put your big boy

al defense!" was a complete abomination to humans and wild aniants on" or "suck it up, buttercup ... it's for our nation-NO. That noise and disruption to that environment

nals alike. Now I read the military wants more airspace. And

ourists. I have an alternative to the plans: ning gliding and disruptions to residents, animals and with it, more restrictions on private pilots, glider pilots

train over, fly our military pilots from the west coast or desert Southwest to our MOA's already established. If it's just adding more topography for our pilots to

their unique geological/topographical MOA's already and USAF pilots out west or the southwest to train on stablished and controlled. Fly our regional Pennsylvania Air National Guard

rispace you have and move personnel to train over spein other words, don't add air space. Use the MOA

y unaffected by air-space grabs. the taxpayers of this nation and the animals, residents and visitors to our wilderness areas nationwide current This sounds like a win/win for everyone including

ing the low-level MOA extended or expanded over There is nothing vital to our national security by hav-

Central and Northcentral Pennsylvania.

where many of these birds currently reside? Ospreys disrupted in many ways by human interference. Guess watersheds. They are a very private raptor and will be and they are establishing nests throughout our local Bald Eagle. This symbol of our country has come back will suffer the same fate. One of our nation's greatest symbols is that of the

anded MOA. The dark-sky area of Pennsylvania is of the Mississippi. I have news! What is wonderful miled as the best night-sky viewing locations anywhere region of Pennsylvania would be included in this or the eyes is equally wonderful for the ears. Looking deeper, some of the celebrated dark-sky

are raken for granted it's everywhere and it's something back home that can very congested, noisy and populated suburban setting of incinnati. Ohio. You cannot escape the noise there. I have been spending time away from my home in a

> Pennsylvania to seek out a quiet place. I ask everyone in Central and Northcentral

own home if you are lucky enough to live off the beaten trucks, tractors and mowers. Maybe it's in your A mountain top away from other people and their It can be in the state forests far from an interstate.

No airplanes. No fans or appliance sounds

No music. No TV

No cell phone or PCs.

No truck or car sounds. Nothing artificial!

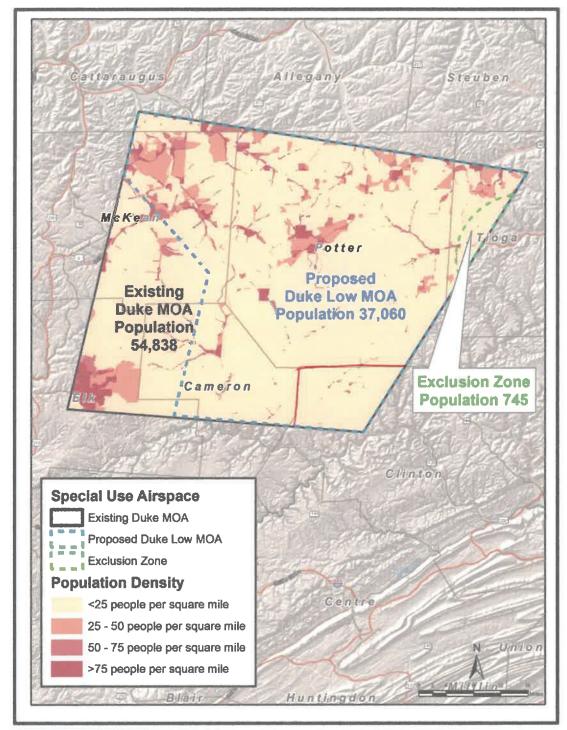
they are becoming increasingly rare and they are very If you find such a place, enjoy it and protect it. Just the breeze and the birds and the sound of your-

this air space grab. everyone who feels as I do to write and speak up about Hask Gov. Tom Wolf, our state senators and legislathe state Department of Environmental Protection. Boat Commission, the Department of Forestry and the state Game Commission, Pennsylvania Fish and

It is just wrong on so many levels



Figure 1-2. Existing Duke MOA



Source: U.S. Census 2018 and ESRI 2018.

Figure 3-8. Population Density

The overall levels with the Proposed Action for all areas under the proposed Duke Low MOA would be well below the 65 DNL threshold for land use restrictions (FICUN 1980, FAA 2015a, and USAF 2020).

3.2.8.2 Individual Overflight Noise

Noise levels for individual overflights would be appreciably higher than existing conditions for areas beneath the Duke Low MOA. L_{max} and SEL are completely different from DNL. L_{max} is the maximum sound level of an acoustic event (e.g. when an aircraft is directly overhead). SEL is a measure of the total energy of an acoustic event. It represents the level of a one-second long constant sound that would generate the same energy as the actual time-varying noise event such as an aircraft overflight. Areas beneath the proposed MOA would intermittently experience aircraft overflights that would range from loud to very loud, exceeding 75 dBA L_{max} at any given point on the ground (Table 3-10 and Figure 3-10). Notably, elevations under the Duke MOA range from approximately 1,000 ft to 2,000 ft above MSL, and 6,000' AGL outlined in Table 3-5 is representative of the lower portions of the existing Duke MOA (8,000' to 9,000' above MSL).

Table 3-10. Estimated Sound Levels for Individual Overflights

Altitude (ft AGL)	L _{max} (dBA) ^a			SEL (dBA)b		
	A-10°	F-16d	C-130°	A-10c	F-16°	C-130°
100	114	-	-	113	-	
500	\$102	108	91	104	110	94
1,000	95	100	84	98	105	89
5,000	74	78	62	81	87	72
10,000	64	70	54	74	80	66
20,000	-	58	44	-	70	57

Source: USAF 2016a

Notes:

 $^{^{\}mathrm{a}}$ L_{max} is the maximum sound level during an individual overflight.

^b SEL is the sound level if the entire overflight was compressed into one second and does not represent the actual noise at any given time.

^c A-10A operating at 97% Engine Core RPM (NC) at 350 knots.

^d F-16C operating at 90% NC at 450 knots.

^eC-130 operating at 1400 HP at 200 knots.

A Notice of Availability for public review of the Draft EA was published in the following newspapers on 27-30 October 2021 and 9-12 November 2021:

- Bradford Era, McKean County (10/29 and 11/12)
- Potter Leader-Enterprise, Potter County (10/28 and 11/11)
- Endeavor News, Potter County (10/30 and 11/13)
- Cameron County Echo, Cameron County (10/27 and 11/10)

The Draft EA was made available for public review at the following libraries:

- Bradford Area Public Library, Bradford, PA
- Coudersport Public Library, Coudersport, PA
- Green Free Public Library, Wellsboro, PA
- Galeton Public Library, Galeton, PA

The Draft EA was made available and distributed upon request to federal, state, and local agencies as well as regional libraries to invite public participation. More information is available on the 175 WG's webpage at https://www.175wg.ang.af.mil/. Copies of agency correspondence are provided in Appendix A.

The following is a sample of the agencies listed in Appendix A that were provided an opportunity to comment on both the scope and analysis of the Draft EA:

U.S. Fish and Wildlife Service (USFWS) F

U.S. Army Corps of Engineers

U.S. National Forests

State Historic Preservation Office

FAA

Aircraft Owners and Pilots Association Department of Natural Resources

County Chamber of Commerce/Economic

Development

1.4.5 Cultural Resources

The NHPA of 1966 (54 U.S.C. § 300101 et seq.) established the National Register of Historic Places (NRHP) and the Advisory Council on Historic Preservation (ACHP). The ACHP was tasked with, and provided, procedures for the management of Historic Properties on federal land (36 CFR §800). Historic Properties are generally defined as cultural resources, including archaeological remains, architecture, and traditional cultural places that are listed in or eligible for listing in the NRHP. Section 106 of the NHPA requires federal agencies to consider potential effects of their undertakings to Historic Properties, and require the federal agency to consult with the appropriate State or Tribal Historic Preservation Office.

The Archaeological Resources Protection Act of 1979 (16 U.S.C. §§470aa-mm) was created to protect archaeological resources on public and Native American lands, and encourage cooperation and exchange of information between governmental authorities, professionals, and private

Angela

Please find attached comments on the impacts of the proposed ANG MOU. These are comments officially submitted to ANG by US Fish and Wildlife Service, EPA, State Historic Preservation, AOPA, PA Department of Conservation and Natural Resources and others.

Not sure if you've seen them or not.

Wade

WADE JODUN DISTRICT MANAGER

CLINTON COUNTY CONSERVATION DISTRICT

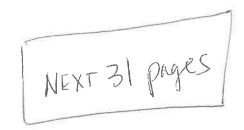
45 COOPERATION LANE, MILL HALL, PA 17751-9543

EMAIL: WJODUN@CLINTONCOUNTYPA.COM

PHONE: <u>570-726-3798 x 3801</u>

Fax: <u>570-726-7977</u>

WEBSITE: https://www.clintoncountypa.com/departments/conservation-district





United States Department of the Interior



FISH AND WILDLIFE SERVICE

Pennsylvania Field Office 110 Radnor Road, Suite 101 State College, Pennsylvania 16801-4850

September 16, 2019

Ramón Ortiz Technical Lead Environmental Planner 3501 Fetchet Avenue Planning Division Joint Base Andrews, MD 20762-5157

RE: USFWS Project #2019-1418

Dear Mr. Ortiz:

This responds to your letter of August 26, 2019, requesting information about federally listed and proposed, endangered and threatened species within the area affected by the proposed upcoming Environmental Assessment (EA) for the Modification of Duke Military Operations Airspace (MOA) project located in Elk, Cameron, Clinton, McKean, Potter, and Tioga Counties; Pennsylvania. The proposed MOA project is within the known range of the federally endangered Indiana bat (Myotis sodalis); the northern long-eared bat (Myotis septentrionalis), a species federally listed as threatened; the rayed bean (Villosa Fabalis), a freshwater mussel federally listed as endangered; and northeastern bulrush (Scirpus ancistrochaetus), a federally listed endangered plant. It is also within the range of known bald eagle (Haliaeetus leucocephalus) nests. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) to ensure the protection of endangered and threatened species, and the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended; 16 U.S.C. 668-668d) to ensure the protection of eagles.

Indiana Bat

Clinton County is within the range of the Indiana bat. Studies have found that forested areas provide important foraging and roosting habitat for Indiana bats, especially during the fall and spring, when bats are building up their fat reserves prior to and after hibernation. You state that there will be no ground-disturbing activities throughout the project area. However, more information concerning your project will be necessary in order to assess possible impacts to bats associated with ground vibrations. During preparation of the Environmental Assessment, please include an analysis of the ground vibrations associated with airspace use at 100 ft Above Ground Level (AGL) to 7,999 ft above Mean Sea Level (MSL).

Northern Long-eared Bat

All counties within your proposed project are within the range of northern long-eared bats. The northern long-eared bat hibernates in caves and abandoned mines during the winter months (November through March), and uses a variety of upland, wetland and riparian habitats during the spring, summer and fall, usually roost in dead or living trees with exfoliating bark, crevices or cavities. The Service issued a special rule that exempts incidental take¹ that may occur while conducting otherwise lawful activities. However, take within hibernacula is prohibited. Take of northern long-eared bats inside of hibernacula may include disturbing or disrupting hibernating individuals when they are present as well as the physical or other alteration of the hibernaculum's entrance or environment when bats are not present if the result of the activity will impair essential behavioral patterns, including sheltering northern long-eared bats.

The southern portion of Clinton County is within 0.25 miles of a known northern long-eared bat hibernaculum. In addition, McKean, Potter, Tioga, Elk, and Clinton Counties contain known, occupied maternity roost trees throughout the counties. No tree removal is associated with your project; however, more information will be necessary to better understand possible impacts to bats throughout the project timeframe. As stated above, please include an analysis of the ground vibrations associated with airspace use at 100 ft AGL to 7,999 ft above MSL.

Northeastern Bulrush

Tioga and Clinton Counties are within the range of northeastern bulrush. The northeastern bulrush is typically found in ponds, wet depressions, shallow sinkholes, vernal pools, small emergent wetlands, or beaver-influenced wetlands. These wetlands are often located in forested areas and characterized by seasonally variable water levels. Based on your project description, there will be no ground disturbance; therefore, the Service does not anticipate impacts to northeastern bulrush.

Rayed Bean

McKean and Potter Counties are within the range of the rayed bean mussel. As sedentary filter-feeders, freshwater mussels are vulnerable to substrate disturbance, silt deposition, scouring, and water quality degradation. Therefore, based on your project description that there will be no ground disturbance, the Service has does not anticipate impacts to rayed bean.

Bald Eagles

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (Eagle Act). The Eagle Act protects eagles by prohibiting killing, selling, disturbing, or otherwise harming eagles, their nests or eggs. "Disturb" means to agitate or bother a bald or golden eagle

¹ Take is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. The term ''harass'' (50 CFR 17.3) means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The term ''harm'' (50 CFR 17.3) means an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle; 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

There are known bald eagles nests within all counties associated with your project. Consequently, we recommend that you evaluate the project type, size, location and layout in light of the *National Bald Eagle Management Guidelines* to determine whether bald eagles may be disturbed as a direct or indirect result of your project. If it appears that disturbance may occur, we recommend that you consider modifying your project consistent with the *Guidelines*. These guidelines, as well as additional eagle information, are available at http://www.fws.gov/northeast/EcologicalServices/eagle.html. To assist you in making a decision regarding impacts to bald eagles, a screening form can be found at https://www.fws.gov/northeast/pafo/bald_eagle_map.html.

If you have additional questions regarding eagle permits, please contact Thomas Wittig, Northeast Regional Bald and Golden Eagle Coordinator at 413-253-8577 or Thomas Wittig@fws.gov.

This response is based on the information submitted to this office and our knowledge of species distribution and habitat needs. No field inspection of the project area has been conducted by this office.

To avoid potential delays in reviewing your project, please use the above-referenced USFWS project tracking number in any future correspondence regarding this project.

Please contact Nicole Ranalli of my staff at 814-206-7455 if you have any questions regarding this matter.

Sincerely,

Sonja Jahrsdoerfer
Project Leader



October 1, 2019

Ramon E. Ortiz
National Guard Bureau
3501 Fetchet Avenue
Joint Base Andrews 20762-5157
Email: ramon.e.ortiz2@eiv.mail.mil

SUBJ: DCNR Comments on Duke MOA

Dear Mr. Ortiz:

Please find the following comments on behalf of the Pennsylvania Department of Conservation & Natural Resources (DCNR) related to the proposed action by the Air National Guard (ANG) to establish a Low MOA below the existing Duke MOA, 100 feet above ground level to 7,999 feet above Mean Sea Level (MSL) to be used 4 hour per day, 170 days per year, two hours at a time, twice a day, with no more than six total aircraft.

This proposal would impact low-level airspace in the counties of Cameron, Clinton, Elk, McKean, Potter, and Tioga where DCNR holds and manages thousands of acres of land for wildlife habitat and public recreation. DCNR has concerns regarding the proposal and its impact on wildlife, residents and visitors, and the communities that rely on the outdoors for steady tourism revenue. The proposed activity would drastically change the character of this region and the numerous state parks and forests that shape its unique conservation landscape and wilderness.

Per Article 1 Section 27 of Pennsylvania's constitution, the state is a trustee of the commonwealth's natural resources. State parks and forests are in the public natural resource trust. As a trustee, the commonwealth is obligated to conserve and maintain the corpus of the trust for future generations. DCNR is mandated to prevent and remedy any degradation, diminution, or depletion of the natural resources. As such, the public natural resource must be compensated for any impacts. Article 1, Section 27 states:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

The proposed Low MOA would impede on Pennsylvanians' constitutional right to experience and enjoy natural, scenic, historic, and aesthetic values of the environment.

Some of the state forest and park lands in this region have been protected through the Land & Water Conservation Fund (LWCF) State Assistance Program, which was established by the LWCF Act of 1965 to assist in preserving, developing, and assuring to all citizens of the United States of present and future generations such quality and quantity of outdoor recreation resources as may be available and are necessary and desirable for individual active participation. The state must comply with the National Environmental Policy Act (NEPA) in regards to all federally-funded projects as well as the following federal laws and executive orders:

- National Historic Preservation Act
- Endangered Species Act
- Floodplain Management and Wetland Protection
- Environmental Justice in Minority and Low-Income Populations
- Department of Interior Environmental Compliance Memorandum
- Intergovernmental Review of Federal Programs

If the proposed Low MOA is approved there will be impact on outdoor recreation, especially for those that are seeking a wilderness experience. This impact may constitute a conversion which will require the acquisition of replacement land.

The following state forests would be impacted: Elk, Moshannon, Sproul, Susquehannock, Tioga, and Tiadaghton encompassing tens of thousands of acres of forest land and wilderness. Visitors look to Pennsylvania's state forest system for a variety of recreational activities, including hiking, camping, hunting, and wildlife viewing.

Twelve state parks would be impacted by this proposed activity, including Bucktail, Cherry Springs, Denton Hill, Elk, Kettle Creek, Lyman Run, Ole Bull, Patterson, Prouty Place, Sinnemahoning, and Sizerville. Pennsylvania's state park system draws over 36 million visitors each year and significantly supports the state's \$13 billion outdoor recreation and tourism industry.

Pennsylvania established a Conservation Landscape entitled Pennsylvania Wilds in this region which has unified public and private efforts to leverage funding and work collaboratively to protect the natural resources, establish a tourist destination, and grow a core industry around outdoor recreation. \$130 million in new infrastructure improvements have been implemented to DCNR lands and facilities in the region, including a recent \$860,000 grant through the U.S. Department of Commerce's Economic Development Administration.

The region, before capitalizing on its natural character and heritage, had experienced decades of divestment and population decline. Nature tourism and outdoor recreation are the significant economic drivers for communities in the Pennsylvania Wilds; preserving the scenic beauty and natural landscape has been the foundation for growing the \$1.8 billion nature and heritage tourism of the region.

It is the Commonwealth's greatest concentration of public lands, the state's largest acreage of wilderness, and is home to two National Wild & Scenic Rivers, the largest elk herd in the northeast, and Cherry Springs State Park, a Gold Level Dark Sky Park designated by the International Dark Sky Association. The region's rugged landscape has shaped the region's culture and identity in positive ways, cultivating an independent, entrepreneurial spirit, and a commonsense conservation ethic.

The frequency of the proposed activity would greatly impact the work and investments made in this region to draw visitors from across Pennsylvania and beyond and it would make it difficult for DCNR to fulfill its mission, which is to conserve and sustain Pennsylvania's natural resources for present and future generations' use and enjoyment.

The activity is proposed to occur almost half of the year (170 days) for 4 hours a day which would cause extreme disruption to those on the ground; negatively impact the tourism industry (which provides significant economic benefits to this region of Pennsylvania); and cause cumulative impacts to wildlife in particular, migratory birds and elk.

We have significant concerns regarding the proposed activity over the Pennsylvania Wilds and request that the ANG:

- Consider a no-action alternative, in which the AFB maintains current flight protocols and operations as defined in the current MOA;
- Consider alternative locations that would not be as adversely impacted by the frequency and nature of this activity;
- Limit the activity significantly to lessen the impacts on the proposed region by:
 - o Eliminating any low-level flight activity directly above state parks and key recreational, historical, and tourist destinations (consulting with DCNR and other stakeholders as appropriate). NOTE: DCNR has imposed restrictions on ummanned aerial systems (UAS) for park benefit and safety to visitors and wildlife. The Bureau of State Parks has a policy that disapproves peacetime military training on state park land, as per Act 18 of 1995, 71 P. S. Section 1340.303(a) (2) and (4) "to promote healthful outdoor recreation and environmental education."
 - o Prohibiting this activity during the following months: April, May, September, and October (to avoid impacts to raptor migration and the elk rut);
 - o Prohibiting activity on weekends and federal holidays, which draw large numbers of visitors;
 - Prohibiting activity to avoid interference with key recreational activities, including:
 - Spring Turkey Hunting Saturdays in May = 4 days

- Big Game Hunting Seasons of Traditional Rifle Bear and Deer = 15 days
- Elk Tourism: Mid-Sept to Mid-Oct. = 30 days
- Calving Season (stress) May-June of Deer & Elk = approximately 30 days
- Primitive Hunting Season: from Christmas Day onward = 14 days

We recognize the need for training opportunities within the ANG but have serious concerns regarding the cumulative impacts of the proposed Duke Low MOA to the quality of life and economy of the PA Wilds region. For the reasons indicated above, the agency believes that these low-level airspace activities are not conducive to the nature of this wilderness area and could adversely impact the natural resources and wildlife we protect; impede Pennsylvanians' constitutional right to recreate in our parks and forests; and harm the people and businesses that rely on these lands for their livelihood.

Thank you for your consideration.

Sincerely.

Cindy Adams Dunn

Secretary



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

September 26, 2019

Mr. Ramón E. Ortiz National Guard Bureau 3501 Fetchet Avenue Joint Base Andrews, Maryland 20762-5157

RE: Air National Guard – Modification of Duke Military Operations Airspace; scoping for the development of an Environmental Assessment

Dear Mr. Ortiz:

In accordance with the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) is responding to notice that the Air National Guard (ANG) at Joint Base Andrews is preparing an Environmental Assessment (EA) for the proposed modification of Duke Military Operations Airspace (MOA) to accommodate the training requirements of the 175th Wing, Maryland ANG stationed at Warfield Air National Guard Base in Baltimore, Maryland.

As described by CEQ regulations, the purpose of an EA is to briefly provide sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement or a Finding of No Significant Impact. §1508.9 states the EA should include a brief discussion of the need for the proposal, the alternatives considered, the environmental impacts of the proposed action and alternatives, and a listing of the agencies and persons consulted. We are providing a number of comments for your consideration in the development of the EA.

While the boundaries of the MOA are not clear in the attached figure, the letter indicates that underlying counties are Cameron, Clinton, Elk, McKean, Potter, and Tioga Counties in Pennsylvania as well as a small portion of Cattaraugas and Allegany Counties in New York. This MOA is generally located over the area known as the Pennsylvania Wilds region, which publicizes the approximately 2.1 million acres of public land in northcentral counties of the Commonwealth. This an outdoor recreation destination that attracts people for a range of activities based on enjoying the natural environment. We recommend the EA discuss current conditions of the area and evaluate the range of potential impacts from the proposed action. Specific recommendations are provided in the attached enclosure.

Thank you for providing us with this notice for our review. If you have any questions or would like to discuss the suggestions provided in the enclosure, please don't hesitate to contact Carrie Traver at 215-814-2772 or traver.carrie@epa.gov.

Sincerely,

Barbara Rudnick

NEPA Program Coordinator

Office of Communities, Tribes and

Backen Our Gr

Environmental Assessment

Enclosure

Air National Guard - Modification of Duke Military Operations Airspace (MOA)
Environmental Assessment Scoping

As indicated above, the project overlays a portion of the Pennsylvania Wilds, which includes Warren, Lycoming, Forest, Clearfield, Clarion, Jefferson and Centre counties in addition to the counties impacted by the MOA. The Pennsylvania Wilds is an outdoor recreation destination that attracts tourists, residents, and part-time residents who come to experience the undeveloped nature of the region and enjoy nature-based activities such as camping, hiking, riding, biking and skiing trails, bird watching and wildlife viewing, hunting, fishing, astronomy and stargazing, and water sports, such as swimming, whitewater rafting, and boating. Overall, 29 Pennsylvania State Parks, 8 State Forests, and a number of State Game Lands are found in the Wilds. Pine Creek Gorge, the "Grand Canyon of Pennsylvania" and Cherry Springs State Park, a certified International Dark Sky Park, are located in the affected counties. Allegany State Park is located in New York, just across the border in the "Enchanted Mountains" of Cattaraugus County.

The ANG letter indicates that the vertical limits for the proposed Duke Low MOA would be 100 feet Above Ground Level to 7,999 feet above Mean Sea Level. This Low MOA would generally follow the existing Duke MOA with minor modification; however, the impacts from low altitude flying could be substantial, and both impacts and alternatives should be carefully evaluated.

EPA has the following recommendations for information to include in the EA:

Proposed action and Scope of analysis

For clarity, the EA should identify the area of effect of the project, including any areas outside the MOA that may be either directly or indirectly impacted. A map clearly showing the boundaries of both the existing and proposed MOA would be helpful. As indicated above, the boundaries of the MOA are not clear in the attached figure.

It would be helpful to the reader if the EA explain where, when, and how very low operations would be conducted to understand the scope of impacts. We recommend that a discussion of avoidance of towers or other structures that may exceed 100 feet also be included.

Purpose and Need

Since the range of alternatives evaluated is defined by the purpose and need for the project, it is important that the purpose and need be clearly identified in the EA. The EA would benefit from a discussion of the selection and use of the current MOA boundaries, including an explanation how the current MOA location in northern Pennsylvania and southern New York was chosen. Additionally, Attachment 1 indicates some constraints; we recommend these constraints be fully discussed.

Alternatives analysis

As described in the regulations for CEQ (40 CFR §1502.14), the examination and comparison of alternatives is the heart of the environmental document. It is through this comparison that the lead agency is able to incorporate agency and public input to make informed decisions regarding the merits of the project and the advantages and disadvantages of each of the alternatives being studied.

The notice provided indicates that the EA will analyze the Proposed Action and the No Action Alternative and that five alternatives were considered but dismissed. We recommend that alternative locations, alterations of the MOA, operational alternatives, or other alternatives be thoroughly evaluated in the EA for the Low MOA, and that details of each alternative, including the "no action" alternative, be clearly presented in a comparative form for easy interpretation and understanding by the reader. For those alternatives that are eliminated from consideration, the specific reasons for their elimination should be given.

<u>Safety</u>

It is important that the EA include an evaluation of potential safety-related issues, particularly in lowelevation maneuvers. Operation of A-10C aircraft and any failures of aircraft 100 feet above Above Ground Level could be potentially hazardous to any people or livestock that may be in the vicinity. It is recommended that safety concerns for both pilots and persons in the MOA, including residents as well as trail users and hunters in wilderness areas, be fully evaluated. Any data available on safety and potential for accidents or collisions associated with heavily forested terrain should be presented to the public in the study.

We also suggest consideration of the prospect of low-flying aircraft to startle animals. Startle of large prey animals such as elk and white-tailed deer could create an additional safety hazard as they typically flee when frightened; this may result in accidents if the run into roads or people in the area. Livestock, including horses being ridden on trails, may also be frightened which can cause injuries.

Wildlife

We recommend detailed evaluation of potential impacts on wildlife. Some key considerations include the potential for wildlife-aircraft strikes and disruption/startle of wildlife. Please discuss if a bird/wildlife-aircraft strike hazard (BASH) plan will be implemented and provide information on implementation of the hazard abatement program.

Impacts on migratory species should also specifically be evaluated. Time of year restrictions or other minimization measures may be appropriate. We encourage you to consult with the U.S. Fish and Wildlife Service and appropriate state agencies such as Pennsylvania Game Commission and Department of Conservation and Natural Resources to consider actions and alternatives that minimize impacts to wildlife, especially species of special concern, and document this coordination in the EA.

This area is also known for the re-introduced elk herd; elk viewing and hunting in Cameron and Elk Counties draw a number of tourists, particularly during the breeding season in fall. We recommend a thorough evaluation of potential impacts on elk breeding, calving, hunting, and associated tourism if the MOA overlaps with the range of the elk. (See https://www.pgc.pa.gov/Wildlife/WildlifeSpecies/Elk/Pages/default.aspx)

PA Wilds Region

As stated previously, the Pennsylvania Wilds is an outdoor recreation destination that attracts hikers, bikers, backpackers, campers, hunters, fishermen, horseback riders, cross-country skiers, boaters, and others who come to experience nature-based activities. (See https://pawilds.com/ and https://pawilds.com/ and https://www.dcnr.pa.gov/Communities/ConservationLandscapes/PennsylvaniaWilds/Pages/default.aspx) While aircraft in the existing MOA above 8,000 feet may have minimal effects on the region, the EA

should evaluate and discuss the impacts of low-flying aircraft on the residents in the rural areas and the wilderness experience of visitors. Some specific aspects to consider include:

Noise

As this is a predominantly rural area, noise impacts could potentially be substantial. While some buffering of noise can be expected indoors; even mild noise can be disruptive and adversely impact the experience of those who are participating in outdoor activities such as camping and hiking. Therefore, we recommend that the document include a thorough study of noise impacts to rural communities and residents, particularly children and environmental justice communities, and evaluate impacts on outdoor recreation and tourism. The documentation should include considerations of noise based on factors such as aircraft type, flight path, altitude, time of day, and other factors.

Aesthetics/Visual impacts

Visual impacts could also be a concern, especially during night training. Wilderness experiences and astronomical observation may be reduced by the intrusion of low-flying aircraft. Cherry Springs State Park reportedly attracts "astronomers and stargazers from all over the world." Cherry Springs. and nearby state parks such as Patterson, Prouty Place, Lyman Run, and Denton Hill are destinations for cosmological events such as the annual Perseid meteor shower. The EA should consider the impacts to the region as a destination for wilderness activities and for astronomy.

Socioeconomic Impacts and Quality of Life

It is appropriate to carefully evaluate the economic consequences of the proposed action, including a potential decrease in recreational activities and tourism within the Low MOA. We suggest the EA evaluate potential unintended consequences of the action, including the possibility of recreational users avoiding the region, residents relocating, or part-time residents selecting other areas for their vacation homes and hunting cabins.

We also suggest the EA consider and discuss impact to residents and part-time residents who may have chosen to live in a rural and relatively undisturbed location; both the noise and visual impacts from low-flying planes may adversely impact their rural sense of place and quality of life.

Environmental Justice

An assessment as to whether the Project activities may disproportionately impact low-income and/or minority communities should be considered and inform appropriate outreach and /or mitigation. Methodologies are discussed by several agencies including CEQ. EPA's environmental justice (EJ) screening tool, EJSCREEN, can be utilized as well for demographic information on the census block group level. Additionally, you may refer to "Promising Practices for EJ Methodologies in NEPA Reviews": https://www.epa.gov/environmentaljustice/ej-iwg-promising-practices-ej-methodologies-nepa-reviews.

Outreach

We encourage you to identify effective outreach in the predominantly rural area. We recommend that you develop a robust public outreach plan to engage the potentially impacted residents, businesses, and recreational users to capture the range of concerns that may occur with the implementation of the action. We recommend that you reach out locally to potentially impacted State Parks, State Forests, outfitters, and other facilities that may be affected by the proposed action.

Air Quality

We suggest the EA state if the project area is within an area of nonattainment in relation to general air conformity. The EA should identify areas that meet the National Ambient Air Quality Standards (NAAQS) standard for a criteria pollutant as well as those areas where a criteria pollutant level exceeds the NAAQS. Additionally, we suggest anticipated emissions be evaluated and discussed in the EA.

Cumulative impacts

Cumulative impacts from the proposed project should be evaluated. Cumulative effects "are impacts on the environment which result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (federal or non-federal) or person undertakes such other actions."

September 19, 2019

Jennifer Harty Cultural Resources Program Manager 3501 Fetchet Avenue Joint Base Andrews MD 20762-5157

ER 2019-2214-042-A: USAF National Guard Bureau, Modification of Duke Military Operations Airspace (MOA), Duke Low MOA, McKean, Cameron, Potter, Clinton and Tioga Counties, Pennsylvania

Dear Ms. Harty,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution, and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Project Description

The proposed project involves the modification of Duke Military Operations Airspace (MOA) to establish low-altitude airspace for the Maryland Air National Guard, A-10C Squadron for training. The vertical limits would be 100 feet Above Ground Level (AGL) to 7,999 feet above Mean Sea Level (MSL). The expected usage would be four hours per day, 170 days per year, two hours at a time, twice a day, with no more than six total aircraft.

Archaeological Review Comments

There is a high probability that archaeological resources are located in this project area. In our opinion, the activity described in your proposal should have no effect on such resources.

Above Ground Resources Review Comments

We require more information to complete our review of this project, as outlined below.

Area of Potential Effect (APE)

The APE is defined as the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The APE should take into account those areas from which the project may have direct or indirect effects on historic properties.

Please provide a larger USGS map or an USGS map for each county with the APE delineated.

Potential Indirect Effects and Identification of Historic Properties

Audible: If the audible aspects of the setting of a historic property are fundamental to the resources' National Register of Historic Places (NRHP) eligibility, then newly introduced audible intrusions that would significantly alter the resource's setting could have a potential adverse effect. There are numerous state parks and a portion of the Allegheny National Forest in the vicinity of the proposed project that may have significance in the area of Recreation/Conservation. Many of these resources have not been previously evaluated for the NRHP.

Has there been an analysis of the potential noise related impact associated with the operation of the Duke Low MOA?

Has there been an effort to identify potential historic resources in the APE whose setting and significance would be affected by increases in noise?

Vibration: Studies have established that subsonic noise related to vibration can damage an above ground resource when high decibel levels in a low frequency range are generated in close proximity to the above ground resource for an extended period of time (NPS 1994). Similar studies have shown that aircraft generating at least 120 dB at a distance of less than 150 feet for an extended period can cause measurable structural damage to above ground resources (Battis 1983), taken from "March Air Reserve Base, California, Environmental Assessment," February 2003, 4-45.

The NRHP listed Austin Dam, Key # 046777 appears to be in the APE for the project. At the time of its listing in the 1980s, the dam included "a series of broken sections...five large sections remain upright while two large sections and several smaller pieces are toppled." It was categorized as a ruin.

Please provide more information on the probability of the sorties being in the vicinity of the Austin Dam for an extended period of time and the potential for effects to the ruin. What measures, if any, will be undertaken to protect the fragile nature of this NRHP listed ruin?

Consulting Parties

This project has the potential to affect historic properties. In accordance with the regulations for Section 106 (36 CFR 800.2.a.4), federal agencies or those acting on their behalf are required to consider the effects of their undertakings on historic properties in consultation with identified historic preservation stakeholders. Consultation is defined as the process of seeking, discussing and considering the views of other participants and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process. Please provide documentation of your agency's efforts to identify consulting parties with an interest in the effect of this project on historic properties.

The following organizations may have an interest in participating in the Section 106 consultation.

PA Wilds Center for Entrepreneurship Ta Enos, Executive Director PA Wilds Center PO Box 285 Sugar Grove PA 16350 tenos@pawildscenter.org

PA Wilds Planning Team Jim Weaver, Chair Jmwvr69@gmail.com

Deborah Pontzer Economic Development Work Force Specialist, Congressman Glenn Thompson's Office Deborah.pontzer@mail.house.gov

Austin Dam Memorial Association PA-872 Austin PA 16720 2019-2214-042-A September 19, 2019 Page 3

Allegheny National Forest 29 Forest Service Drive Bradford PA 16701

McKean County Historical Society 502 W. King Street Smethport PA 16749

Clinton County Historical Society 362 E. Water Street Lock Haven PA 17745

SEDA Council of Governments 201 Furnace Road Lewisburg PA 17837

Forest Fire Lookout Association Kyle Stetler

Lumber Heritage Region Cameron County courthouse 20 East Fifth Street Emporium PA 15834

PA Route 6 Alliance/Heritage Corridor PO Box 180 Galeton PA 16922

Potter County Historical Society 308 N. Main St Coudersport PA 16915

Tioga County Historical Society 120 Main Street Wellsboro PA 16901-1411

Cameron County Historical Society 125 W Greenwood St Emporium PA 15834

If you need further information in this matter, please contact Cheryl L. Nagle at charyleage.gov or (717) 772-4519.

Sincerely, J. 6721_

Douglas C. McLearen, Chief

Division of Environmental Review



50 F St. NW, Suite 750 Washington, D.C. 20001

T. 202-737-7950 F. 202-273-7951

www.aopa.org

February 6, 2019

Mr. Jamie A. Flanders Airspace Manager NGB/A2/3/6/10TA 3500 Fetchet Ave Joint Base Andrews, MD 20762

Re: Proposal by the Maryland and Pennsylvania Air National Guard to Establish the Duke Low MOA over Pennsylvania and New York.

Dear Mr. Flanders,

The Aircraft Owners and Pilots Association (AOPA), the world's largest aviation membership association, submits the following comments in response to the initial proposal by the Maryland and Pennsylvania Air National Guard (ANG) to establish the Duke Low Military Operations Area (MOA) over Pennsylvania and New York. We understand this airspace will be utilized primarily by the Maryland ANG A-10s that operate out of Martin State Airport, Baltimore, Maryland. We understand the need for low-altitude airspace to accomplish the training and mission requirements of these units; however, we could not find a similar example in the National Airspace System (NAS) of a MOA that has a 100' AGL floor, would be of similar large size, and would have as many General Aviation airports in close proximity. We appreciate the proponents doing their due diligence throughout this process to reach out to the local operators and to meet with the local flight schools to better understand the impact this new Special Use Airspace (SUA) would have on local businesses and communities. Please find below our initial comments, and we look forward to future formal comment periods where we will engage our broader membership on the proposal.

Historical use of stationary Altitude Reservation inappropriate

As noted, the A-10s have been using this same low-altitude airspace for several years via a stationary Altitude Reservation (ALTRV) and this proposal is to correct that discrepancy. AOPA believes the routine activation of the Duke ALTRV to be inconsistent with FAA policy and the use of this ALTRV must not continue in the interim. As you are aware, an ALTRV cannot be used in lieu of a MOA and it appears that that is what is taking place. After reviewing the NOTAM history for Cleveland ARTCC, we see a pattern of regular activation of this airspace, counter to FAA policy. Below are example NOTAMs.

!CARF 04/067 ZOB AIRSPACE DCC DUKE EXTENSION STNR ALT RESERVATION WI AN AREA DEFINED AS 4203N07829W TO 4154N07724W TO 4120N07748W TO 4123N07836W TO POINT OF ORIGIN 500FT-7900FT 1704141820-1704141920

!CARF 01/203 ZOB AIRSPACE DCC DUKE STNR ALT RESERVATION WI AN AREA DEFINED AS 4203N07829W TO 4154N07724W TO 4120N07748W TO 4123N07836W TO POINT OF ORIGIN 500FT-7900FT 1901311530-1901311730

Mr. Flanders February 6, 2019 Page 2 of 5

We disagree that the lack of complaints about the ALTRV is evidence the activation of the Duke Low MOA will not have a significant impact. ALTRV NOTAMs do not provide a phone number to call to query the activity, nor do ALTRVs in general have a public comment period. The Letters of Agreement (LOA) that establish these areas are not made publicly available so the flying public has little insight into what is taking place. This process and the airspace itself, a stationary ALTRV, is largely opaque to General Aviation pilots and contributes to why there may not have been complaints filed before. It would be difficult for an average pilot to know who to call to file a complaint and then it is questionable whether that report would even be documented if they did find a number.

To highlight the inconsistencies between the utilization of the Duke ALTRV and FAA policy, we provided the following information to the FAA. For the airspace in the NAS to be available equitably and transparently, it is important the FAA and SUA proponents respect these common-sense requirements.

JO 7610.4T, para. 3-1-3(f): "An ALTRV must not be used in lieu of other airspace expressly defined and designated for a special activity." We believe this ALTRV is being activated in lieu of a MOA as evidenced by this Duke Low MOA proposal of similar dimensions. We are aware of the ALTRV tool being abused in the NAS as there is no public comment period, no visibility into the LOAs, and little notice. We believe there must be higher scrutiny of this ALTRV, in particular, as we believe it is being used in lieu of a MOA.

JO 7610.4T, para. 3-1-3(j): "An ALTRV APVL is valid in Controlled airspace only." The NOTAM indicates the floor altitude is 500' AGL (cannot be MSL as the terrain at its lowest is about 2,000' MSL), which is well below controlled airspace in this area. Most of the area has Class E starting at 1,200' AGL. We do not believe an ALTRV in uncontrolled airspace is valid.

JO 7610.4T, para. 3-1-5(b): "Special care must be exercised when processing ALTRV requests which entail operation on a broad frontal width. Indiscriminate approval of these requests would render a considerable portion of navigable airspace unavailable to other users for extended periods of time." This ALTRV has the same dimensions as the overlying Duke MOA, which has an area of 1,643 square NMs. We believe the routine utilization of this ALTRV for extended periods of time, combined with its large size and the fact it overlies General Aviation airports, to be grounds for not approving it.

Should the military progress to a formal comment period, AOPA will provide additional feedback on the specific economic impact of the activation of the Duke ALTRV, which has similar dimensions as the proposed Duke Low MOA. Capturing the number and cost of reroutes involves more extensive membership outreach and discussions with the FAA. We plan to invest the time to provide this information to the military at a later time.

Low-altitude MOA will impact local aviation

We noted the proposal includes a cut-out for the Bradford Regional Airport (BFD) and St Marys Municipal Airport (OYM) Class E airspace areas. This is an important mitigation that ensures these busy General Aviation airports remain accessible in all weather conditions and for all operators. It would be appropriate for a similar cut-out to be provided for the Wellsboro Johnston Airport (N38) to ensure the RNAV (GPS) RWY 10 approach remains available. There are many precedents for this

Mr. Flanders February 6, 2019 Page 3 of 5

type of cut-out in existing MOAs with a 100' AGL floor. The cut-out may only be necessary to 4,500' MSL as that would allow the RWY 10 final approach to be available.

The N38 airport is primarily utilized by VFR aircraft but there are several IFR operators based there and at least one operator who conducts IFR flight training. Although this airport is not currently expanding, ensuring the existing approaches remain available is important for users and for ensuring the investment in the airport infrastructure is protected.

When discussing this proposal with local users, there was concern primarily regarding the requested 100' AGL floor. This low floor would necessitate that VFR operators would have to either make a long and costly reroute around the Duke Low MOA or they would have to fly in the active SUA. Based on the feedback we received, many pilots would choose to fly through the active SUA but they found this situation uncomfortable. The proponent should consider strategies that would allow the low floor of 100' AGL to remain while allowing General Aviation to take less expensive routes. The preferred option is that the Duke Low MOA would not be activated simultaneously as the Duke MOA. Many aircraft are capable of flying over 8,000' MSL and would therefore be able to fly over the SUA.

Local pilots also requested the proponent coordinate with the FAA a Letter to Airmen (LTA) that would discuss any established SUA. This LTA could include the military scheduling telephone number so pilots might call in advance of their flight to learn of upcoming airspace activation, in addition to checking SUA.FAA.gov. Pilots flying low-altitude expressed that information sharing would mitigate the impact of the unusually low floor altitude.

As the FAA's VOR Minimum Operational Network initiative continues, additional legacy VORs and Victor Airways will be retired; however, attention must be paid in each instance of what the utilization is of the routes and what the impact to users will be. The decommissioning of nearly all VORs in this area will result in a loss of continuity of airways in the vicinity of the Duke Low MOA. To mitigate this foreseeable event, we believe T-Routes will need to be evaluated to see whether any route structure will be needed in the future due to air traffic concerns or for pilots to remain clear of icing. We anticipate an FAA effort will soon be taking place to address these routes. Furthermore, a review of air traffic PDARS data should be undertaken to fully review the impacts of the SUA on transient users.

Pilots need advanced notification of activation

As noted above, the concurrent activation of the Duke Low MOA and the Duke MOA could have a significant impact on General Aviation. The activation of these SUA areas should be independent of each other to ensure aircraft operators could go over or under the active SUA. Additionally, as normally requested, we believe at least four hours advanced notice is necessary to assist pilots with their flight planning and to help them avoid costly reroutes or the need for fuel diversions. This amount of time is included in many SUA legal descriptions. Furthermore, the FAA states in JO 7400.2L, para. 21-2-4(b)(3)(e), "the minimum advance notice should be at least 4 hours prior to the activation time."

Any change in airspace configuration must coincide with the VFR charting cycles to ensure the flying public is aware of the change. Safety could be significantly impacted should the airspace

Mr. Flanders February 6, 2019 Page 4 of 5

change be made before the change is charted and widely disseminated to pilots. We appreciate the ANG's long-standing commitment to General Aviation to ensure these steps do take place.

Underlying airports affected by new airspace

In reviewing the airspace proposal, we note nine private airports would underlie the SUA. In accordance with JO 7400.2L, para. 25-1-4, MOA Floor, "if the MOA floor extends below 1,200 feet AGL over a charted private airport, coordination should be effected with the airport operator to determine whether there would be any conflict between the MOA activity and airport operations." We believe it is a responsibility for the military to coordinate their proposal with the charted airports and we encourage the military to engage with all other private airports affected by this proposal. As a good neighbor, communicating with those affected assists with understanding the proposal and why the military is requesting the establishment of this airspace.

Airspace dynamic deactivation needs documentation

During preflight planning pilots can access SUA information via NOTAMs and schedule information via SUA.FAA.gov. If a pilot sees the SUA overlying or near their departure or destination airport, such as at OYM, BFD, or N38, is scheduled to be active, the pilot has no choice but to amend their flight to arrive before the SUA's activation or after it is scheduled to be inactive. The General Aviation flying public does not have access to Letters of Agreement or other information that states air traffic control will coordinate with the military to give way to IFR General Aviation aircraft to allow them access during a SUA's scheduled utilization. It is not reasonable to think a pilot will expend the money and time to fly IFR under the possibility the scheduled time in SUA.FAA.gov is incorrect. Pilots flying IFR are trained that they should plan to not have any access to that airspace when the SUA is active and will delay their flight if their destination is located below the SUA.

If there is to be "flexible use" or "dynamic deactivation" of the airspace formally documented with the FAA, that arrangement should be publicly disseminated so pilots can be informed that they will be provided egress or ingress to underlying airports with minimal delay. AOPA agrees this is a significant mitigation as it facilitates airport access, but only if pilots are told this is the case. Any arrangement must be noted for each airport in FAA publications utilized by pilots. For example, if it is the proponent's intention to release the MOA when IFR aircraft are transiting the airspace, it must be documented so civil aircraft operators understand they will receive airspace access with minimal delay. Without clear communication of the mitigation to the pilot community, it is effectively non-existent and ineffective.

As the Duke Low MOA is large and located in a remote area, it is important consideration is given to medical aircraft that may need to expeditiously transit the airspace. We noted the proposal makes allowances for those medical operators claiming priority to be given preferential access. This is an important mitigation, but it is only effective if it is clearly communicated to civil operators. The military must identify how they will publicize this accommodation and what procedure civil pilots must follow to request it. It is also not clearly identified whether there is the capability for immediate recall of military aircraft given the communication infrastructure available. The military should commit to having the required radio infrastructure in place and for military aircraft to remain in communication with air traffic control, so this procedure is effective.

Mr. Flanders February 6, 2019 Page 5 of 5

Conclusion

AOPA recognizes and fully supports the military's need to train as they fight, and I personally, as this MOA shares my surname, look forward to finding an airspace solution that works for civil and military aviation. We appreciate being engaged early in the process and your willingness to enter into a dialogue about this new airspace. We appreciate the proponent following established policies and requesting a MOA versus continuing to utilize an ALTRV, which we view as inappropriate for routine military training. Additional details are still needed on the time of designation of the proposed SUA, which we hope will account for operators having the ability to fly over or under the active SUA.

We look forward to future discussions and, should the proponent move forward with the proposal, submitting formal comments on the environmental and aeronautical impacts of the SUA as viewed by our many thousands of local members. Thank you for reviewing our comment on this important issue. Please feel free to contact me at 202-509-9515 if you have any questions.

Sincerely,

Rune Duke

Senior Director, Airspace and Air Traffic



Congress of the United States

House of Acpresentatives 型ashington, DC 20515 Friday, October 1, 2021

Ms. Kristi Kucharek, GS-13 NGB/A4AM Plans and Requirements Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Dear Ms. Kucharek:

I am writing to express concerns regarding a proposed modification to the Duke Military Operations Area (MOA) in Central Pennsylvania. I understand that the 175th Wing of the Maryland National Guard has requested a significant modification to this airspace that is currently under review.

The Duke MOA has been in use for several decades for military training with little noticeable impact on the vast region of Pennsylvania it covers. The Maryland National Guard's proposal, however, would lower the floor from 8,000 feet above ground level (AGL) to 100 feet AGL. The proposal would allow for 2-4 aircraft at a time to operate in the airspace for 1-2 hours per day several times per week. I am concerned that this proposed modification would severely disrupt the quality of life for Pennsylvanians living within the airspace and could have negative environmental impacts on state game lands and wildlife.

While I appreciate the need for pilots to train for low-altitude operations, I am concerned using the Duke MOA for such low-altitude operations would have a significant negative impact on this region of Pennsylvania. I appreciate the thorough environmental assessment that is underway on this proposal and I ask that an alternative arrangement be developed that does not risk the negative impact to quality of life, economic activity, and the environment and wildlife on state game lands.

Thank you for your review of this proposal and your consideration of my concerns. I ask that you please keep my office informed of the status of this proposal.

Sincerely,

DAN MEUSER Member of Congress County of Cameron 20 East 5th Street Emporium, PA 15834 Tele: 814/486-2315

Fax: 814/486-3176

camcocomm@cameroncountypa.com

Cameron County Commissioners

Lori J. Reed, Chair

Phillip P. Jones

H. James Thomas

Solicitor, Edwin W. Tompkins III

September 25, 2019

Dear Mr. Ortiz:

We, the Cameron County Commissioners, have been made aware of your August 26, 2019 letter to Cameron County Community and Economic Development Director Cliff Clark regarding the proposed "flyover" Air National Guard Training Program.

Many of our constituents have posed questions to us, as their elected officials, concerning the impact on our community. While we understand that you will be conducting an Environmental Assessment, we would appreciate first receiving some clarification from you concerning your letter to Mr. Clark. Ours is a rural community of less than 5,000 residents (many of whom are senior citizens), and we are part of the PA Wilds Program (state sponsored) designed to promote tourism and wildlife conservation. Thus, as local governmental leaders, we want to allay concerns while exercising due diligence regarding the potential impact.

Specifically, your letter noted that the "proposed action would establish a Low MOA below the existing Duke MOA." Furthermore, that the "expected usage would be four hours per day, 170 days per year, two hours at a time, twice per day, with no more than six total aircraft.") Your letter then specifically notes: "The 175 WG flies one weekend per month with one week per month consisting of routine night training."

Perhaps we are reading into those statements; however, they appear to be contradictory. Therefore, we respectfully request that you provide us with clarification as to the expected frequency of the flights, and the lowest altitude our County residents and wildlife can expect. If, indeed, the frequency will only be one (1) weekend per month, and depending on the anticipated lowest altitude, we certainly would support this military training program.

We thank you in advance for the anticipated courtesy of your clarifying response.

Sincerely.

Lori J. Reed, Chair.

On behalf of Cameron County Board of Commissioners

"The Heart of the Wilds"



McKean County

Planning Commission

Jeremy S. Morey, Director ismorey@mckeancountypa.org

Phone: 814-887-2754

17137 U.S. Route 6 Smethport, PA 16749 Fax-814-887-3234

Laura Lord, Asst. Planner Imlord@mckeancountypa.org

Phone: 814-887-2348

September 5, 2019

Mr. Ramon Ortiz, P.E. Technical Lead Environmental Planner

Re: Low Altitude MOA

Dear Mr. Ortiz,

Thank you for allowing me to provide comments on the proposed Low Altitude MOA with the Air National Guard. I have some questions regarding this that I would appreciate some clarification on at your earliest convenience.

- What is the period of the MOA?
- Can "limited" be quantified into a number? How many nights of night-time low altitude training would be required?
- Will aircraft routes be planned to avoid flying over populated areas as well as schools and hospitals?
- Will aircraft have inert/dummy ordinance mounted on them?
- Will the aircraft have chaff/flares removed before conducting this training? This is training, things happen, risk of fire to forest or populated areas could be negated if they were removed.
- Is there a fuel dump zone in the current MOA or will this MOA add one? If so
 where and what are/could be the environmental impact to that dump zone area?
- Will Temporary Duty (TDY) squadrons to the 175 WG or units be allowed access to Low altitude MOA? (If yes, what are the impacts of those airframes going to be on the area. i.e. increased engine noise from much louder fighter aircraft.

- The MFR states that activation times would be by NOTAMS, Can these NOTAMS or a schedule of flying times be sent to County Emergency Management (EM) Directors/centers so they are made aware of active flying operations going on in the MOA?
- Is there an Emergency response plan in-place for an aircraft incident/accident with County EM centers?
- If possible, we request a listing of Wing POC's with phone/email i.e. Public Affairs, Flight Operations, FOD, etc. for County EM to be able to make contact if questions/concerns arise.
- Is there an agreement for Emergency Services Coverage?
- We request a procedure with contact information for reporting possible damages from aircraft operations as well as reporting found pieces of aircraft to be turned into the Air Force.

Respectfully

Jeremy S. Morey, Director McKean County Planning From: Nancy Grupp <ngrupp@pottercountypa.net>

Sent: Thursday, April 29, 2021 13:11

To: MAYOR, CHRISTOPHER J Lt Col USAF ANG NGB/A7AR <

Cc: ngrupp@pottercountypa.net

Subject: [Non-DoD Source] Low Level Modifications to the Duke MOA

Good afternoon Lt Col Mayor. I am writing to voice my concerns regarding the training proposal along with the new ceiling of the 100 foot elevation over most of Potter County. My concerns are on several levels. First, is for our local hospital, and the LIFE FLIGHT helicopters that can fly in and out of UPMC Cole Hospital on a daily basis. These flights are not "scheduled", but are for medical events that require a patient to be flown to another facility, and can cover many different routes. Second, is for our local pilots. They do not file flight paths when going up to check on crops or animals, or for a short joy ride. This could pose a very dangerous situation. Third is our serene lifestyle. Thousands of visitors come to Potter County every year to get away for the noise pollution of the cities, and now it could possibly follow them here! A major portion of our business and tourism community rely on those visitors for their very livelihood. This proposal will be detrimental to those businesses. Fourth I am concerned if there were to be a major accident or mid air collision. Potter County does not have the resources to tackle an incident of this nature nor magnitude. Lastly, tho I cannot speak from an expertise in this area, I wonder what kind of affect this continued training will have on our wildlife and livestock population? There are concerns being voiced about this, and the other concerns I listed. I hope that you will take these into consideration as you continue to review the plan for training. Thank you.

Nancy Grupp Potter County Commissioner Chair From: Gustafson, Staci <gustafson@pa.gov> Sent: Tuesday, September 17, 2019 12:57 PM

To: Ortiz, Ramon E CIV USAF NGB A4 (USA) <ramon.e.ortiz2.civ@mail.mil>

Cc: Dressler, Jared <jardressle@pa.gov>; Kohl, Marcus J <mkohl@pa.gov>; Miller, James E. <jamesmill@pa.gov>; Babb,

Brian <bbabb@pa.gov>; Ryder, John <jryder@pa.gov>

Subject: [Non-DoD Source] Duke MOA Review

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Dear Mr. Ortiz,

The Department of Environmental Protection (Department) has reviewed the proposed modification of the Duke MOA. We bring to your attention the potential presence of drilling rigs that may be erected more than 100 feet in height. Attached is a map of locations where, in the last 16 months, the Department has issued permits for drilling rigs that exceeded 100 feet in height. Should you have any questions, please contact Brian Babb, Subsurface Permits Environmental Program Manager with the Department's Oil and Gas Program, at 814.332.6857 or bbabb@pa.gov < Caution-mailto:bbabb@pa.gov > .

Submitted on behalf of:

Marcus Kohl | Regional Director Department of Environmental Protection | North Central Regional Office 208 West Third Street Suite 101 | Williamsport PA 17701 Phone: 570.327.3695 | Fax: 570.327.3565 Caution-www.dep.pa.gov

James Miller | Regional Director Department of Environmental Protection North West Regional Office 230 Chestnut Street | Meadville PA 16335 Phone: 814.332.6816 | Fax: 814.332.6125

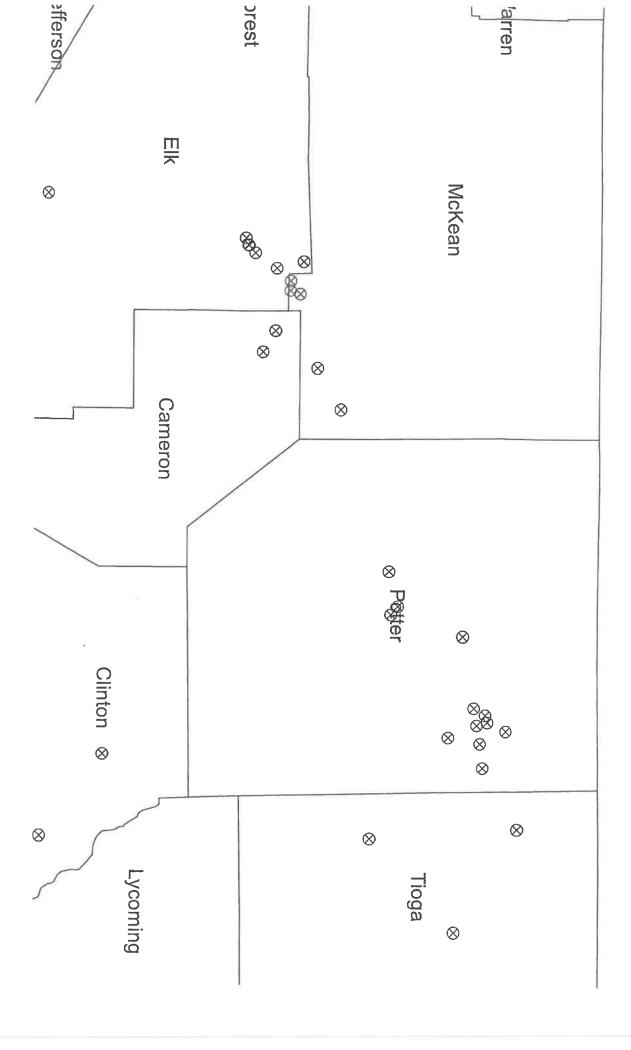
Caution-www.dep.pa.gov

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Regards,

Staci Gustafson | Assistant Regional Director
Department of Environmental Protection | Field Operations
230 Chestnut Street | Meadville, PA 16335
Phone: 814.332.6935 | Fax: 814.332.6125 Caution-www.dep.pa.gov < Caution-https://na01.safelinks.protection.outlook.com/?url=http%3A%2F%2FCaution-www.dep.pa.gov&data=02%7C01%7Cgustafson%40pa.gov%7C27e358e65f024421b69508d5a63260b5%7C418e284101284dd59b6c47fc5a9a1bde%7C1%7C0%7C636597657686330837&sdata=ZAP5mO5Acb86n%2Fc482J%2BvXv9K9cAdqqExHfcZqwHW18%3D&reserved=0 >
The 24-hour toll free Emergency Response number is: 1-800-541-2050



From: Patel, Reecha (Casey)

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4;

HUGHES, BENJAMIN C Capt USAF ANG 175 WG/PA; NGB A4/A4A NEPA COMMENTS Org;

; ROBINSON, DEVIN T Lt Col USAF ANG ANG/CC/PA

Cc: Pickens, Joycelyn (Casey); Shaw, Zachary (Casey)

Subject: [Non-DoD Source] Senator Casey re Proposed Low MOA

Date: Thursday, December 16, 2021 10:00:14 AM

Attachments: image002.png

image004.png image006.png image008.png image010.png image012.png

12.16.21 Senator Casey re Proposed Low MOA.pdf

Hello,

Please see the attached letter from Senator Casey regarding the proposed Duke Low MOA.

If you have any questions, please contact Joycelyn Pickens at <u>Joycelyn Pickens@casey.senate.gov</u> and Zachary Shaw at <u>Zachary Shaw@casey.senate.gov</u>.

Thank you,

Reecha Patel

Legislative Correspondent U.S. Senator Bob Casey 393 Russell Senate Office Building Washington, DC 20510 (202) 224-8483



ROBERT P. CASEY, JR. PENNSYLVANIA

COMMITTEES:
FINANCE
HEALTH, EDUCATION,
LABOR, AND PENSIONS
SELECT COMMITTEE
ON INTELLIGENCE
SPECIAL COMMITTEE ON AGING



WASHINGTON, DC 20510

December 16, 2021

Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletcher Avenue, Joint Base Andrews, MD 20762 Major Jeffrey Andrieu Maryland Air National Guard 175th Wing Martin State Air National Guard Base 2701 Eastern Boulevard, Middle River, MD 21220

Dear Ms. Kucharek and Major Andrieu:

I write regarding the Maryland Air National Guard's proposed Duke Low Military Operations Airspace (MOA) in North Central Pennsylvania. Many state officials, local leaders and community members have contacted me to express concerns about the proposal, such as potential impacts to the community's economy, quality of life and environmental resources. I urge the Air National Guard to ensure a transparent process by which there is ample opportunity for public education and engagement, as well as a thorough assessment of cumulative effects of the proposal in accordance with National Environmental Policy Act regulations.

The modification of the Duke MOA would lower the MOA floor from 8,000 feet above sea level to as low as 100 feet above ground level. These low-level training flights would operate four hours a day, two to three times a week for 170 days per year. For almost half of a calendar year, up to six fighter jets and close air support attack aircraft would fly simultaneously. The low airspace would fly over the Pennsylvania Wilds, an area incorporating numerous state parks and forests, two National Wild and Scenic Rivers, the largest elk herd in the Northeast and the Alleghany National Forest. The outdoor recreation and tourism economy of this region generates \$1.8 billion and supports the livelihood of many families and small businesses.

The U.S. military needs realistic training environments for all its mission sets, and Central Pennsylvania continues to support these training needs. Nonetheless, more than 180,000 Pennsylvanians live in the region affected by the Duke Low MOA. It is critical members of these communities are informed of the proposal and have sufficient time to review and provide public feedback. As the Maryland Air National Guard proceeds with the environmental review process, I strongly urge the Guard to engage in an active and transparent process with members of the affected communities, including hosting public meetings to provide invested parties the opportunity to ask questions provide feedback.

Further, I encourage the Maryland Air National Guard to extend the public comment period for the draft environmental assessment beyond December 31st and to consider whether an Environmental Impact Statement is necessary to fully assess cumulative effects of the Duke Low MOA proposal and assuage public concerns

As you consider the next steps for this proposal, I appreciate your consideration of my concerns.

Sincerely,

Robert P. Casey, Jr. United States Senator

Bob Carey

cc: The Honorable Tom Wolf, Governor of Pennsylvania Secretary Cindy Dunn, Pennsylvania Department of Conservation & Natural Resources Captain Ben Hughes, Maryland National Guard's Public Affairs Office Captain Travis Mueller, Pennsylvania National Guard's Public Affairs Office Lieutenant Colonel Devin Robinson, Air National Guard's Public Affairs Office From: Shaw, Jacqui

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Moore, Brad

Subject: [Non-DoD Source] Glenn "GT" Thompson (PA-15) Low MOA Public Comment

Date: Friday, December 3, 2021 6:22:35 AM

Attachments: Glenn "GT" Thompson Low MOA Public Comment .pdf

Good morning,

Please find attached public comment from Congressman Glenn "GT" Thompson (PA-15) regarding the Maryland Air National Guard's intent to establish a Low MOA over North Central Pennsylvania.

If you have any questions, feel free to refer them to myself or Brad Moore, included on this email. Please confirm receipt of the attached.

Best,

Jacqui S. Shaw
Military Legislative Assistant
Representative Glenn 'GT' Thompson (PA-15)
400 Cannon HOB|Washington, DC 20515
202.225.5121 (main)|202.225.5796 (fax)

GLENN "GT" THOMPSON 15th District, Pennsylvania

400 CANNON HOUSE OFFICE BUILDING WASHINGTON, DC 20515-5121 (202) 225-5121 (202) 225-5796 (FAX)

http://thompson.house.gov



AGRICULTURE
Ranking Member
EDUCATION & LABOR

Congress of the United States House of Representatives

December 3, 2021

Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletcher Avenue, Joint Base Andrews, MD 20762

Major Jeffrey Andrieu Maryland Air National Guard 175th Wing Martin State Air National Guard Base 2701 Eastern Boulevard, Middle River, MD 21220

Dear Major Andrieu and Ms. Kucharek:

I write to express my concerns and strong opposition to the Maryland Air National Guard's plan to establish a Low Military Operations Airspace (MOA) to fly low-level training flights repeatedly over large portions of North Central Pennsylvania.

It has been brought to my attention the Air National Guard plans to establish a Low MOA below the existing Duke MOA, which would lead to flights from as low as 100 feet above ground level to 7,999 feet above Mean Sea Level (MSL). This proposal will impact low-level airspace located throughout counties I represent, including Elk, Cameron, and McKean counties, as well as Potter, Clinton, and Tioga counties. This region is home to thousands of acres of land serving as wildlife habitat and where public recreation and tourism opportunities are abundant and a key driver of the regional economy.

It is also my understanding this area will be used four hours per day, 170 days per year, two hours at a time, twice a day, with no more than six total aircraft. This is almost half a calendar year, including some evenings and weekends.

While I can appreciate and understand the need for real-life training scenarios and am grateful for the dedication to duty of the Air National Guard, I must express my disappointment and vehement opposition to this new proposed Low MOA.

The Low MOA has the potential to greatly impact the Pennsylvania Wilds, an area encompassing numerous state parks, forests, and wildlife. This unique area contains the Commonwealth's greatest concentration of public lands, the state's largest acreage of wilderness, is home to two National Wild and Scenic Rivers, the largest elk herd in the Northeast and the Allegheny National Forest.

If enacted, this proposal would cause extreme disruptions for residents and visitors while having significant negative impacts on these communities relying on the outdoors for steady tourism revenue, which is a \$1.85 billion industry making up 11 percent of the region's economy.

I remain concerned about the effects the proposed MOA will have on wildlife. As stated previously, this area is home to the largest elk herd in the Northeastern United States, countless migratory birds, nesting eagle sites, and more.

For these reasons, I respectfully request the Commonwealth and Air National Guard complete a full Environmental Impact Statement (EIS), conduct in-person public engagement, extend the public comment period, and, most importantly, consider other viable locations where the potential environmental and economic impact will be marginal.

I appreciate your due consideration of my request and eagerly await your response.

Sincerely,

Glenn "GT" Thompson Member of Congress

Cc: The Honorable Tom Wolf, Governor of Pennsylvania Brigadier General Michael J. Regan Jr., Deputy Adjutant General, Pennsylvania Air National Guard From: Shaw, Jacqui

To: NGB A4/A4A NEPA COMMENTS Org

Cc: Moore, Brad

Subject: [Non-DoD Source] Glenn "GT" Thompson (PA-15) Low MOA Follow-Up Letter

Date: Thursday, February 3, 2022 7:25:10 AM

Attachments: Glenn "GT" Thompson Low MOA Follow-Up Letter.pdf

Good morning,

Please find attached a letter from Congressman Glenn "GT" Thompson (PA-15) regarding the Maryland Air National Guard's intent to establish a Low MOA over North Central Pennsylvania. Now that the public comment period has ended, this is a follow-up to the letter dated December 3, 2021.

If you have any questions, feel free to refer them to myself or Brad Moore, included on this email. Please confirm receipt of the attached.

Best,

Jacqui S. Shaw
Military Legislative Assistant
Representative Glenn 'GT' Thompson (PA-15)
400 Cannon HOB|Washington, DC 20515
202.225.5121 (main)|202.225.5796 (fax)

GLENN "GT" THOMPSON 15th District, Pennsylvania

400 CANNON HOUSE OFFICE BUILDING WASHINGTON, DC 20515-5121 (202) 225-5121 (202) 225-5796 (FAX)

http://thompson.house.gov



AGRICULTURE
Ranking Member
EDUCATION & LABOR

Congress of the United States House of Representatives

February 3, 2022

Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletcher Avenue, Joint Base Andrews, MD 20762 Major Jeffrey Andrieu Maryland Air National Guard 175th Wing Martin State Air National Guard Base 2701 Eastern Boulevard, Middle River, MD 21220

Dear Major Andrieu and Ms. Kucharek:

We write to you today as a follow-up to our letter regarding the Maryland Air National Guard's plan to establish a Low Military Operations Area (MOA) over portions of North Central Pennsylvania.

Given the public comment period for the establishment of the Low MOA has ended, we respectfully request that you hold public meetings for the benefit of the impacted communities and ensure the proceedings of these meetings are included in the Guard's future decision-making on this proposed action and the development of the final Environmental Assessment.

Between the counties we represent, we continue to receive countless correspondence regarding this issue from numerous stakeholders who deeply value the area you plan to train over. A public meeting can paint a clearer picture of your intent and provide an opportunity to ask questions.

We also respectfully request the completion of a full Environmental Impact Statement (EIS). As you know, an EIS is required, according to the National Environmental Policy Act, when the proposed action may reach "substantial environmental controversy concerning the significance or nature of the environmental impact."

While we understand the need for real-life training scenarios and remain grateful for the dedication of the Air National Guard, we remain gravely concerned the proposed Low MOA has the potential to significantly diminish quality of life for residents. Additionally, we have reservations over the potential impacts this will have upon the Pennsylvania Wilds, an economic driver for the region, which includes numerous state parks, forests, and wildlife.

There is no question the cumulative impact would be detrimental to the region. We simply are urging more transparency and a public forum where the citizens of North Central Pennsylvania and Southern New York can ask questions and ease their anxieties.

After you review all submitted public comments, we respectfully request you conduct inperson engagement in a public forum and include the proceedings in the final report.

We appreciate your due consideration of our request and eagerly await your response.

Sincerely,

Glenn "GT" Thompson Member of Congress

Fred Keller Member of Congress Dan Meuser Member of Congress

Cc: The Honorable Tom Wolf, Governor of Pennsylvania Captain Ben Hughes, Maryland National Guard Public Affairs Captain Travis Mueller, Pennsylvania National Guard Public Affairs From: Schell, Elise

To: <u>HUGHES, BENJAMIN C Capt USAF ANG 175 WG/PA</u>

Cc: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD, KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4;

ROBINSON, DEVIN T Lt Col USAF ANG ANG/CC/PA; NGB A4/A4A NEPA

COMMENTS Org

Subject: [Non-DoD Source] A letter from Pennsylvania Governor Tom Wolf

Date: Wednesday, December 8, 2021 1:22:29 PM

Attachments: 2021.12.8 TWW Hughes Maryland Air National Guard PA Wilds.pdf

Good afternoon Captain Hughes, Major Andrieu, Ms. Kucharek, Captain Mueller, and Lieutenant Colonel Robinson:

Attached please find a letter from Governor Tom Wolf.

Thank you, Elise

Elise Schell | Deputy Secretary of Intergovernmental Affairs Office of the Governor 508 Main Capitol Building | Harrisburg, PA 17120 elschell@pa.gov | 717-772-9035 governor.pa.gov she/her



December 8, 2021

Captain Ben Hughes Public Affairs Office Maryland National Guard

ngb.a4.a4a.nepa.comments.org@us.af.mil

Dear Captain Hughes:

I am writing today, on behalf of the Commonwealth of Pennsylvania, in regards to the Maryland Air National Guard's (MD ANG or Guard) proposed Duke Low Military Operations Airspace (MOA) over the Pennsylvania Wilds. I am requesting a fully transparent process that allows for ample public engagement and ensures the proper analysis of the full cumulative impacts, as required by the National Environmental Policy Act (NEPA).

Certainly, I want to ensure the Guard that Pennsylvania supports our military and recognizes the need to adequately train and prepare our soldiers to confront emerging threats around the world. As Governor, I also have a responsibility to protect the well-being of the residents of this commonwealth. The proposed actions by the MD ANG could have significant impacts on the health, quality of life, and livelihoods of those who live, work, and recreate in this region.

I also have a Constitutional duty under Article 1 Section 27 of Pennsylvania's Constitution, which establishes a public trust, with the state as the trustee of the commonwealth's natural resources. State parks and forests are managed by the Pennsylvania Department of Conservation and Natural Resources in the public natural resource trust. As a trustee, the commonwealth is obligated to conserve and maintain the corpus of the trust for future generations. The commonwealth is mandated to prevent and remedy any degradation, diminution, or depletion of the natural resources. Article I, Section 27 states:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the commonwealth shall conserve and maintain them for the benefit of all the people."

I appreciate that the MD ANG recognizes the unique characteristics of the Pennsylvania Wilds region in the Draft Environmental Assessment. Significant investments at the local, regional, state, and federal levels have been directed to the region to enhance and expand the Pennsylvania Wilds' tourism, agricultural, outdoor recreation, oil and gas, and forest products industries.

The area of the Pennsylvania Wilds that underlies the proposed Duke Low MOA consists of ten state parks (including an internationally renowned dark sky preserve) and five additional state parks just beyond the boundary of the proposed Low MOA; 359,647 acres of state forests; 35,690 acres of state game lands; the Hammersley Wild Area, which is the most remote natural area in the commonwealth; the largest wild elk population in the northeastern part of the country; the Austin Dam, the Pine Creek Gorge, and more. In

fact, tourism is a driving economic force in the region, accounting for a \$1.8 billion industry that makes up 11 percent of the economy in the Pennsylvania Wilds region.

The region also boasts a significant agricultural economy. Numerous operations rely on healthy livestock such as dairy and beef cows. It is unclear whether livestock would be adversely impacted by these low-altitude operations and how the MD ANG engaged the region's farmers, including plain sect members, on the potential impacts.

For these reasons, I am writing to request that the MD ANG:

- 1) Hold in-person public meetings for local residents to hear the specific elements of the proposal first-hand and ask questions of the MD ANG. These meetings should include virtual options, if feasible, so that residents who live outside the area but have vested interests in the proposed activity can also participate.
- 2) Extend the deadline beyond December 31. The commonwealth certainly appreciates the MD ANG extending the deadline initially; however, with the need for improved public engagement and the challenges of end-of-year deadlines and holiday commitments, an additional extension would offer more robust public participation in this vast, rural region.
- 3) Conduct a full Environmental Impact Statement (EIS) process that would ensure that the cumulative impacts on the region are properly studied, and that alternative locations are vetted.

Thank you for your consideration. Please contact my office if you would like to discuss further.

Sincerely.

TOM WOLF

cc: Members of the Pennsylvania Congressional Delegation

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager, Air National Guard Readiness Center 3501 Fletchet Avenue, Joint Base Andrews, MD 20762

Captain Travis Mueller, Public Affairs Office, Pennsylvania National Guard

Lieutenant Colonel Devin Robinson, Public Affairs Office, Air National Guard

Appendix H

Comments Received on the Draft EA

Section 4 Tribal Comments Received

Tribal Comments Received

Last Name	First Name	Date Received	Tribe Represented
Bussler	Matthew	November 29, 2021	Pokagon Band of Potawatomi Tribal Historic Preservation Office
Bussler	Matthew	December 10, 2021	Pokagon Band of Potawatomi Tribal Historic Preservation Office

From: <u>Matthew Bussler</u>

To: NGB A4/A4A NEPA COMMENTS Org

Subject: [Non-DoD Source] Request for EA and Signed FONSI

Date: Monday, November 29, 2021 2:13:21 PM

Boozhoo,

The Pokagon Band of Potawatomi Tribal Historic Preservation Office would like to request that you provide a copy of the EA and Signed FONSI to be sent to my email <u>Matthew.Bussler@PokagonBand-nsn.gov</u>

Migwetth Thank you,

Matthew Bussler

Tribal Historic Preservation Officer Center of History & Culture

(269) 462-4316 desk (269) 519-0838 cell

Pokégnek Bodéwadmik

POKAGON BAND OF POTAWATOMI www.PokagonBand-nsn.gov

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without the written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.



Pokégnek Bodéwadmik

POKAGON BAND OF POTAWATOMI HISTORY & CULTURE CENTER

12/10/2021

Jennifer Harty
NGB.a4.a4a.nepa.comments.org@us.af.mil
Michigan Air National Guard

National Guard Bureau - Draft EA and Draft FONSI - Battle Creek Executive Airport

Dear Responsible Party:

Migweth for contacting me regarding these projects. As THPO, I am responsible for handling Section 106 Consultations on behalf of the tribe. I am writing to inform you that after reviewing the details for the project referenced above, I have made the determination that there will be **No Historic Properties in Area of Potential Effects** (**APE**) significant to the Pokagon Band of Potawatomi Indians. However, if any archaeological resources are uncovered during this undertaking, please stop work and contact me immediately. Should you have any other questions, please don't hesitate to contact me at your earliest convenience.

Sincerely,

Matthew J.N. Bussler

Tribal Historic Preservation Officer Pokagon Band of Potawatomi Indians

Matter Bussler

Office: (269) 462-4316 Cell: (269) 519-0838

Matthew.Bussler@Pokagonband-nsn.gov

Appendix H

Comments Received on the Draft EA

Section 5 Pennsylvania Wilds Form Letter

Last Name	First Name	Dated
Acquino	Stephen	November 18, 2021
Acquino*	Theresa	November 17, 2021
Alexander	Connie	November 19, 2021
Barber	Karen	November 18, 2021
Barton	Bart	November 16, 2021
Baughman*	John	November 19, 2021
Biemiller	Suzanne	November 8, 2021
Bogacki	Michelle	November 17, 2021
Boyle	Jenny	November 16, 2021
Brennan	Julie	November 18, 2021
Burt	Jason	November 19, 2021
Byers	Ed	November 16, 2021
Clark	Cliff	November 9, 2021
Clements	Brian	November 19, 2021
Conn	Lisa	November 17, 2021
Cook	Kathy	November 15, 2021
Cramer*	Alicia	November 18, 2021
Cross	Robert	November 9, 2021
Davenport	Susan	November 17, 2021
de Silva	Katherine	November 12, 2021
Distler	Stephanie	November 17, 2021
Ebeling	Kathy	November 19, 2021
Elias	Karen	November 16, 2021
Ellison	Corey	November 15, 2021
Field	Sandy	November 9, 2021
Floravit	Charlotte	November 17, 2021
Fultz	Gloria	November 9, 2021
Gallagher	Brian	November 11, 2021
Getz	Steve	November 18, 2021
Gingrich	Allen	November 15, 2021
Gowman	Steven	November 17, 2021
Gradel	John	November 18, 2021
Graefe	David	November 18, 2021
Green	Stephen	November 8, 2021
Gulden	Lana	November 15, 2021
Hancock	Patricia	November 16, 2021
Handley	Michael	November 19, 2021
Hanson	Colleen	November 10, 2021
Harbach	James	November 19, 2021
Heller	Lance	November 17, 2021
Heyd	Michael	November 14, 2021
Hillyard	Candace	November 8, 2021
Hoffman	Virginia	November 16, 2021
Houseknecht	Karen	November 16, 2021
Hulings	Henry	November 18, 2021
Jarmoska	Barbara	November 9, 2021

^{*}Duplicate letters received

	First Name	Dated
Jones	Beth	November 16, 2021
Kahley	David	November 17, 2021
Keim	Allen	November 16, 2021
Kephart	Nicholas	November 16, 2021
Kerkeslager	Allen	November 16, 2021
Kilhoffer	Rachel	November 17, 2021
Kincade	Charles	November 17, 2021
Lenker	Brook	November 9, 2021
Lisak	Jenny	November 17, 2021
Lovette	James	November 18, 2021
Loy	Ted	November 13, 2021
Martin	Richard	November 19, 2021
Martin	Richard	November 16, 2021
Marzella	Julee	November 18, 2021
Moore	Mala	November 18, 2021
Morris	Susan	November 15, 2021
Morris*	Beverly	November 10, 2021
Nagel	Davies	November 16, 2021
Newhouse	Carolyn	November 18, 2021
Newhouse	James	November 18, 2021
Nicholas	Sara	November 9, 2021
Pelczarski	Tom	November 16, 2021
Peters	Abbi	November 19, 2021
Piccirillo	PJ	November 16, 2021
Pontzer	Deborah	November 19, 2021
Reed	Charles	November 18, 2021
Reed	Lori	November 8, 2021
Roberts	Lynn	November 17, 2021
Russell	Kim	November 18, 2021
Ryan	Susan	November 16, 2021
Smith	Dr. Julia	November 18, 2021
Snyder	John	November 9, 2021
Storrar	Laurie	November 9, 2021
Stump	Jeannette	November 17, 2021
Troutman	Melissa	November 18, 2021
Walliser	John	November 15, 2021
Walls*	Jerry	November 17, 2021
Wasserman	John	November 15, 2021
Waugh	Lydie	November 16, 2021
Weaver	Lila	November 18, 2021
Weaver	Jim	November 15, 2021
Welch	Amy	November 16, 2021
Wightman	Danette	November 15, 2021
Wills*	Denise	November 19, 2021
Wolfel	Rachel	November 10, 2021

^{*}Duplicate letters received

From: <u>LaKeshia Knarr</u>

To: ANDRIEU, JEFFREY M Maj USAF ANG ANGRC/A4AD; KUCHAREK, KRISTI L GS-13 USAF ANGRC NGB/A4; NGB

A4/A4A NEPA COMMENTS Org

Cc: <u>Ta Brant Enos (tenos@pawildscenter.org)</u>

Subject: [Non-DoD Source] PA Wilds request for public meetings on proposed Duke Low MOA

 Date:
 Saturday, November 20, 2021 7:33:11 AM

 Attachments:
 PA-Wilds-ANG Low-MOA letter request update.pdf

PA-Wilds-Request-for-meetings-111921.pdf

PA-WILDS-REQUEST-FOR-PUBLIC-MEETINGS Overview 2021-11-19 17 02 20.pdf

Dear Ms. Kucharek and Major Andrieu,

Please see the attached letter submitted on behalf of Ta Enos, Founder + CEO of the PA Wilds Center for Entrepreneurship, Inc., requesting public meetings in the counties that would be impacted by the proposed Duke Low MOA in Pennsylvania. In addition, you will find copies of the 96 sign-on letters submitted by other organization representatives and individuals who support the PA Wilds Center's request.

Ms. Enos is copied on this email.

In addition, the following officials representing the PA Wilds region will be receiving copies of these materials:

- Sen. Robert Casey
- Sen. Patrick Toomey
- Rep. Fred Keller
- Rep. Glenn Thompson
- Governor Tom Wolf
- Secretary Cindy Adams Dunn
- Secretary Dennis Davin
- Secretary Patrick McDonnell
- Secretary Russell Redding
- Sen. Dush
- Rep. Armanini
- Rep. Borowicz
- Rep. Causer
- Rep. Owlett
- Cameron County Commissioners
- Clinton County Commissioners
- Elk County Commissioners
- McKean County Commissioners
- Potter County Commissioners

Should you have any questions, please don't hesitate to reach out.

Kind regards, LaKeshia

--

LaKeshia Knarr

Entrepreneurial Ecosystem Director | PA Wilds Center for Entrepreneurship, Inc.

800-895-1376 x408 | lknarr@pawildscenter.org

*Please note I am out of the office on Wednesdays

 $\underline{wildscopa.org} \mid \underline{pawilds.com} \mid \underline{shopthepawilds.com} \mid \underline{pawildscenter.org}$



November 5, 2021

Major Jeffrey Andrieu Kristi Kucharek, GS-13 Airspace NEPA Program Manager Air National Guard Readiness Center 3501 Fletchet Avenue Joint Base Andrews, MD 20762

Maryland Air National Guard 175th Wing Martin State Air National Air Base ngb.a4.a4a.nepa.comments.org@us.af.mil

SUBJ: REQUEST FOR PUBLIC MEETINGS ON DUKE LOW MOA

Dear Ms. Kucharek and Major Andrieu:

Upon review of the Draft Environmental Assessment (DEA) to establish the Duke Low MOA and authorize low-altitude flying over a portion of the Pennsylvania Wilds, the undersigned respectfully request that the Maryland Air National Guard host in-person public meetings in each of the counties to be impacted by the proposal.

As you have noted in the DEA, "the Pennsylvania Wilds region contains the greatest concentration of public lands in the state, the largest wild elk herd in the northeast region, two designated Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest skies in the country." This spectacular outdoor recreation and tourism destination is the result of the collective efforts of countless individuals and organizations to protect, conserve, and promote the uniqueness and grandeur of the region through public-private partnerships, conservation and cultural investments, and economic and community development.

The nature of the proposal could have significant impacts on the region and jeopardize the work collectively accomplished over the course of the past decades in protecting and bolstering this unique place and destination.

We support the military, our soldiers, and the goals of the Air National Guard to provide adequate training for its pilots. The military protects us from harm here and across the world and for that we're eternally grateful. Similarly, the military should also bear responsibility in protecting the people and resources of the Pennsylvania Wilds region, and ensuring that the residents and stakeholders understand the full and cumulative economic, health, environmental, and cultural impacts of the proposed Duke Low MOA.

We believe full transparency is imperative as the nature of this proposal could have lasting impacts on the quality of life and the very livelihoods that rely on the rural and wild character of the region.

Pennsylvania Wilds' expansive and rural nature can contribute to the difficulty to adequately share information with the public. We believe the burden is regulatorily placed on the Air National Guard to ensure adequate





public outreach. We suspect a large percentage of the people in this region are either unaware of the proposed Duke Low MOA or have limited understanding of how it will be implemented.

Also, as we have closely reviewed the DEA, we find that the DEA is lacking in specificity, fails to address issues that are unique to the region, relies extensively on outdated source materials, and dismisses a number of critical concerns that residents and visitors have shared.

For these reasons, we are officially requesting the following:

- The Maryland Air National Guard host a public meeting in each of the counties that fall within the Duke Low MOA footprint. These meetings should be held in-person due to the lack of broadband connectivity in the region. We request at least 2-hour meetings that offer a presentation overview by the Guard and ample opportunity for public input and questions.
- The Maryland Air National Guard, when feasible, should offer hybrid meetings in which a virtual option is included to optimize attendance and allow nonresidents who hold interests in the region to attend.
- The Maryland Air National Guard deploy at least one presenter who is knowledgeable of the proposal and can answer detailed questions related to the Draft EA, scoping process, training maneuvers, and methodologies used in the assessment.
- The Maryland Air National Guard coordinate with county commissioner offices to find appropriate locations that would be best suited for a public meeting and accessible to the residents of the region. Attempts should be made to ensure meetings are held at times that are convenient for those living in the region.
- The Maryland Air National Guard should make the effort to effectively inform the public about the meetings in this region through newspapers, social media, and other means including sharing the information with public elected officials including local, county and members of the General Assembly and Congressional Delegation.
- The Maryland Air National Guard should take initiative to invite the Plain Sect community residing within this region.
- The Maryland Air National Guard should consider an extension of the December 15th deadline to fully accommodate the scheduling of these meetings and to ensure participants have ample opportunity to respond to what they have heard during the presentation(s).

Please connect directly with the offices of county commissioners for each impacted county to coordinate the scheduling of these meetings.

We thank you for your consideration of this request.

Sincerely,

Tataboline Enos, CEO

Textaboline Enox

PA Wilds Center for Entrepreneurship

Please see attached for other organizations signing on to this letter.









CC:

Sen. Robert Casey

Sen. Patrick Toomey

Rep. Fred Keller

Rep. Dan Meuser

Rep. Glenn Thompson

Governor Tom Wolf

Secretary Cindy Adams Dunn

Secretary Dennis Davin

Secretary Patrick McDonnell

Secretary Russell Redding

Sen. Dush

Rep. Armanini

Rep. Borowicz

Rep. Causer

Rep. Owlett

Cameron County Commissioners

Clinton County Commissioners

Elk County Commissioners

McKean County Commissioners

Potter County Commissioners







REQUEST FOR PUBLIC MEETINGS ON DUKE LOW MOA

Dear Ms. Kucharek and Major Andrieu:

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We thank you for your consideration of this request.

Name of your organization	Concerned Citizen
Are you authorized to sign on behalf of your organization?	Yes
Your Name	STEPHEN ACQUINO
Email	



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Name of your organization	Concerned citizen
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Theresa Acquino
Email	



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Name of your organization	Concerned citizen
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Theresa Acquino
Email	



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Name of your organization	Concerned Citizen, Shinglehouse, PA
Your Name	Connie Alexander
Email	



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Name of your organization	Private citizen
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Karen Barber
Email	



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Name of your organization	Resident of the area
Your Name	Bart Barton
Email	



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Name of your organization	Baughman's Market
Are you authorized to sign on behalf of your organization?	Yes
Your Name	John Baughman
Email	



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Name of your organization	Audubon Mid-Atlantic
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Suzanne Biemiller
Email	



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Name of your organization	Ridgway Township
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Michelle Bogacki
Email	



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Name of your organization	Jenny Boyle, MD
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Jenny Boyle
Email	



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Name of your organization	Clinton County Visitors Bureau
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Julie Brennan
Email	



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Name of your organization	PA Wilds Center for Entrepreneurship
Are you authorized to sign on behalf of your organization?	No
Your Name	Jason Burt
Email	



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Name of your organization	The Pennsylvania Wilds	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Ed Byers	
Email		



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Name of your organization	Cameron County Industrial Development Authority
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Cliff Clark
Email	



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Name of your organization	Individual
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Brian Clements
Email	



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Name of your organization	Conklin Studio Pottery	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Lisa Conn	
Email		



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Name of your organization	•	e of Women Voters Pennsylvania, Environmental Director
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Kathy	Cook
Email		



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Name of your organization	The US Endowment for Forestry and Communities	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Alicia Cramer	
Email		



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Name of your organization	Responsible Drilling Alliance	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Robert Cross	
Email		



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Name of your organization	Myself
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Susan Davenport
Email	



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Name of your organization	PA Wilds Planning Team	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Katherine de Silva	
Email		



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Name of your organization	Johns	onburg Community Trust
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Stephanie Distler	
Email		



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Name of your organization	private party
Your Name	Kathy Ebeling
Email	



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Name of your organization	Climate Reality Project	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Karen Elias	
Email		



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Name of your organization	Susquehanna Greenway Partnership
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Corey Ellison
Email	



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Name of your organization	Climate Reality Project
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Sandy Field
Email	



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Name of your organization	The Lutheran Home at Kane	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Charlotte Floravit	
Email		



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Name of your organization	Rivertown Coalition for Clean Air & Water
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Gloria Fultz
Email	



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Name of your organization	Western Pennsylvania Conservancy
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Brian Gallagher
Email	



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Name of your organization	The Idea Factory
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Steve Getz
Email	



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Name of your organization	RV Safe T
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Allen Gingrich
Email	



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Name of your organization	Sandy Run Property Owners Association
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Sreven Gowman
Email	



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Name of your organization	Lumberjack Lifestyles - Cabin Rentals
Are you authorized to sign on behalf of your organization?	Yes
Your Name	John Gradel
Email	



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Name of your organization	Lock Haven University
Are you authorized to sign on behalf of your organization?	No
Your Name	David Graefe
Email	



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Name of your organization	Southwoods Farm Nature Preserve
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Stephen Green
Email	



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Name of your organization	Susquehanna Valley Progressivs
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Lana Gulden
Email	



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Name of your organization	Resident
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Patricia Hancock
Email	



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Name of your organization	Borough of Ridgway
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Michael Handley
Email	



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Name of your organization	Visit Potter-Tioga
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Colleen Hanson
Email	



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Name of your organization	Schrack Farms
Are you authorized to sign on behalf of your organization?	Yes
Your Name	James Harbach
Email	



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Name of your organization	Pennsylvania Wilds	
Are you authorized to sign on behalf of your organization?	No	
Your Name	Lance Heller	
Email		



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Name of your organization	Lycom	ing County Progressives
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Micha	el Heyd
Email		



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Name of your organization	PA Route 6 Alliance
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Candace Hillyard
Email	



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Name of your organization	Self
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Virginia Hoffman
Email	



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Name of your organization	Cabin owner/land owner /homeowne	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Karen Houseknecht	
Email		



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Name of your organization	Private citizen
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Henry Hulings
Email	



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Name of your organization	Project CoffeeHouse
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Barbara Jarmoska
Email	



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Name of your organization	Deep Green Journey IIIc
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Beth Jones
Email	



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Name of your organization	The Progress Fund
Are you authorized to sign on behalf of your organization?	Yes
Your Name	David Kahley
Email	



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Name of your organization	Clinton County Resident
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Allen Keim
Email	



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Name of your organization	Self
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Nicholas Kephart
Email	



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Name of your organization	Self	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Allen k	(erkeslage
Email		



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Name of your organization	Johnsonburg Borough	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Rachrl Kilhoffer	
Email		



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Name of your organization	Clinton County Commission
Are you authorized to sign on behalf of your organization?	No
Your Name	Charles Kincaid
Email	



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Name of your organization	Keystone Trails Association
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Brook Lenker
Email	



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Name of your organization	Pennsylvania Alliance for Clean Water and Air
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Jenny Lisak
Email	



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Name of your organization	James S.Lovette	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	James Lovette	
Email		



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Name of your organization	Lycoming Audubon Society	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Ted Loy	
Email		



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Name of your organization	Save Pennsylvania's Forests Coalitio		Save Pennsylvania's Forests Coaliti		
Are you authorized to sign on behalf of your organization?	Yes				
Your Name	Richard Martin				
Email					



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Name of your organization	Pennsylvania Forest Coalition	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Richard Martin	
Email		



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Name of your organization	Elk County Wilds Tourism Associatio	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Julee Marzella	
Email		



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Name of your organization	GREENE TOWNSHIP BOARD OF SUPERVISORS
Are you authorized to sign on behalf of your organization?	Yes
Your Name	MALA MOORE
Email	



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Name of your organization	Borough of Coudersport		
Are you authorized to sign on behalf of your organization?	Yes		
Your Name	Beverly Morris		
Email			



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Name of your organization	Pennsylvania Wilds
Your Name	Susan Morris
Email	



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Name of your organization	Town of York Trail Town Initiativ	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Davies Nagel	
Email		



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Name of your organization	Bradford Area Alliance	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Carolyn Newhouse	
Email		



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Name of your organization	SuperUser Technologies, Inc.	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	James Newhouse	
Email		



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Name of your organization	Pasa Sustainable Agriculture	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Sara Nicholas	
Email		



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Name of your organization	concerned citizen
Are you authorized to sign on behalf of your organization?	Yes
Your Name	tom pelczarski
Email	



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Name of your organization	Concerned citizen
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Abbi Peters
Email	



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Name of your organization	WCoNA Writers Conference of Northern Appalachia(R)	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	PJ Piccirillo	
Email		



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Name of your organization	Grow Rural PA
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Deborah Pontzer
Email	



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Name of your organization	Raystown Hiking and Backpacking
Are you authorized to sign on behalf of your organization?	No
Your Name	CHARLES REED
Email	



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Name of your organization	Cameron County Commissioners
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Lori Reed
Email	



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Name of your organization	Property owner
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Lynn Roberts
Email	



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Name of your organization	private individual living in the region
Your Name	Kim Russell
Email	



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Name of your organization	Cal U	Tourism Research Center
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Susan	Ryan
Email		



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Name of your organization	County Express, Inc.
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Dr. Julia Smith
Email	



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Name of your organization	Olga G	allery, Cafe, & Bistro
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	John S	Snyder
Email		



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Name of your organization	Jones Township, Elk County
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Laurie Storrar
Email	



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Name of your organization	Litttle Mill Creek	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Jeanette Stump	
Email		



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Name of your organization	Potter County Resident
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Melissa Troutman
Email	



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Name of your organization	Pennsylvania Environmental Council	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	John Walliser	
Email		



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Name of your organization	Pine C	reek Watershed Council
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	Jerry \	Walls
Email		



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Name of your organization	Kettle Creek Watershed Association	
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	John Wasserman	
Email		



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Name of your organization	Local hiker
Your Name	Lydie Waugh
Email	



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Name of your organization	Kolimaki Stable
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Lila Weaver
Email	



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Name of your organization	Pine C	reek Watershed Council
Are you authorized to sign on behalf of your organization?	Yes	
Your Name	jim we	eaver
Email		



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Name of your organization	Deane Center for the Performing Arts
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Amy Welch
Email	



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Name of your organization	Pa Wilds
Are you authorized to sign on behalf of your organization?	Yes
Your Name	Danette Wightman
Email	



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We support the military, our soldiers, and the goals of the Air National Guard to provide adequate training for its pilots. The military protects us from harm here and across the world and for that we're eternally grateful. Similarly, the military should also bear responsibility in protecting the people and resources of the Pennsylvania Wilds region, and ensuring that the residents and stakeholders understand the full and cumulative economic, health, environmental, and cultural impacts of the proposed Duke Low MOA.

We believe full transparency is imperative as the nature of this proposal could have lasting impacts on the quality of life and the very livelihoods that rely on the rural and wild character of the region. Pennsylvania Wilds' expansive and rural nature can contribute to the difficulty to adequately share information with the public. We believe the burden is regulatorily placed on the Air National Guard to ensure adequate public outreach. We suspect a large percentage of the people in this region are either unaware of the proposed Duke Low MOA or have limited understanding of how it will be implemented. Also, as we have closely reviewed the DEA, we find that the DEA is lacking in specificity, fails to address issues that are unique to the region, relies extensively on outdated source materials, and dismisses a number of critical concerns that residents and visitors have shared.

- The Maryland Air National Guard host a public meeting in each of the counties that fall within the Duke Low MOA footprint. These meetings should be held in-person due to the lack of broadband connectivity in the region. We request at least 2-hour meetings that offer a presentation overview by the Guard and ample opportunity for public input and questions.
- The Maryland Air National Guard, when feasible, should offer hybrid meetings in which a virtual
 option is included to optimize attendance and allow nonresidents who hold interests in the
 region to attend.
- The Maryland Air National Guard deploy at least one presenter who is knowledgeable of the
 proposal and can answer detailed questions related to the Draft EA, scoping process, training
 maneuvers, and methodologies used in the assessment.
- The Maryland Air National Guard coordinate with county commissioner offices to find appropriate locations that would be best suited for a public meeting and accessible to the residents of the region. Attempts should be made to ensure meetings are held at times that are convenient for those living in the region.

- The Maryland Air National Guard should make the effort to effectively inform the public about the meetings in this region through newspapers, social media, and other means including sharing the information with public elected officials including local, county and members of the General Assembly and Congressional Delegation.
- The Maryland Air National Guard should take initiative to invite the Plain Sect community residing within this region.
- The Maryland Air National Guard should consider an extension of the December 15th deadline to fully accommodate the scheduling of these meetings and to ensure participants have ample opportunity to respond to what they have heard during the presentation(s).

Name of your organization	Wills Family
Are you authorized to sign on behalf of your organization?	Yes
Your Name	John Wills
Email	



Dear Ms. Kucharek and Major Andrieu:

Upon review of the Draft Environmental Assessment (DEA) to establish the Duke Low MOA and authorize low-altitude flying over a portion of the Pennsylvania Wilds, the undersigned respectfully request that the Maryland Air National Guard host in-person public meetings in each of the counties to be impacted by the proposal.

As you have noted in the DEA, "the Pennsylvania Wilds region contains the greatest concentration of public lands in the state, the largest wild elk heard in the northeast region, two designated Wild & Scenic Rivers, thousands of miles of land and water trails, and some of the darkest skies in the country." This spectacular outdoor recreation and tourism destination is the result of the collective efforts of countless individuals and organizations to protect, conserve, and promote the uniqueness and grandeur of the region through public-private partnerships, conservation and cultural investments, and economic and community development.

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Name of your organization	North Central PA Regional Planning and Development Commission
Your Name	Rachel Wolfel
Email	

Appendix H

Comments Received on the Draft EA

Section 6 Responses to Comments

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ACRONYMS

175 WG
AFB
Air Force Base
AFI
Air Force Instruction
AGL
Above Ground Level
ANG
Air National Guard

AOPA Aircraft Owners and Pilots Association
ARTCC Air Route Traffic Control Center

BASH Bird/Wildlife Strike Hazard

BOF Bureau of Forestry

CEQ Council on Environmental Quality
CFR Code of Federal Regulations
DAF Department of the Air Force

DAFI Department of Air Force Instruction

dB decibels

dBA A-weighted decibels

DEA Draft Environmental Assessment
DNL day-night Sound Average Level

DNWG Department of Defense Noise Working Group

DoD Department of Defense EA Environmental Assessment

EIAP Environmental Impact Analysis Process

EIS Environmental Impact Statement FAA Federal Aviation Administration

FL Flight Level

FONSI Finding of No Significant Impact

ft feet

GHG greenhouse gas

IFR Instrument Flight Rules

IUCN International Union for the Conservation of Nature

LASDT Low Altitude Step Down Training

Ldnmr onset-adjusted monthly DNL

Leq equivalent sound level Lmax maximum sound level

MACA Mid-Air Collision and Avoidance

MD Maryland

MOA Military Operating Area

MSL Mean Sea Level

MTRs Military Training Route NAS National Airspace System

NEPA National Environmental Policy Act

NFC National Firefighting Center NGB National Guard Bureau

NIMH National Institute of Mental Health

NM nautical mile NOTAM Notice to Airmen

NRHP National Register of Historic Places

PA DCNR Pennsylvania Department of Conservation and Natural Resources

PA DEP Pennsylvania Department of Environmental Protection

PGC Pennsylvania Game Commission PTSD Post-Traumatic Stress Disorder

RAP Ready Aircrew Program

RNAV area navigation
SEL sound exposure level
SNM square nautical mile
SUA Special Use Airspace

TFR Temporary Flight Restriction

U.S. United States

USAF United States Air Force U.S.C. United States Code

US DOT U.S. Department of Transportation USEPA U.S. Environmental Protection Agency

USFS U.S. Forest Service

USFWS U.S. Fish and Wildlife Service

VFR Visual Flight Rules VR Visual Route

INTRODUCTION

The National Guard Bureau (NGB) would like to extend our appreciation to all who have shown interest in this proposal and have provided comments on the Draft Environmental Assessment (DEA). By taking an active part in the Air Force's Environmental Impact Analysis Process, you help to ensure that this document is the best it can possibly be and that all substantive issues have been addressed.

Comments were received via email and the United States (U.S.) Postal Service. The table of contents shows the comment category title and where the response to that comment can be located in this document. Comments were grouped into similar topics so that, in many cases, a single response was generated for multiple comments, thereby reducing redundancy in responses.

There were approximately 430 comments received from the general public during the DEA comment period. Not all comments received were considered substantive, though all were fully considered and made part of the administrative record. Substantive comments were considered individually and collectively and responded to in the following pages. Some comments were used to make corrections or modifications in the body of the DEA. Responses to specific comments will direct the reader to where in the EA modifications were made.

Substantive comments are those comments that generally challenge the analysis, methodologies, or information in the DEA as being factually inaccurate or analytically inadequate; that identify impacts not analyzed or developed and evaluate reasonable alternatives or feasible mitigations not considered by the NGB; or that offer specific information that may have a bearing on the decision, such as differences in interpretations of significance, scientific, or technical conclusions, or cause changes or revisions in the proposal. Non-substantive comments, which do not require a specific NGB response, are generally considered to be those comments that are nonspecific; express a conclusion, an opinion, agree, or disagree with the proposals; vote for or against the proposal itself, or some aspect of it; state a position for or against a particular alternative; or otherwise state a personal preference or opinion. Due to the number of comment letters received on the DEA, the NGB has summarized the comments in accordance with Council on Environmental Quality (CEQ) regulations (40 Code of Federal Regulations [CFR] 1503.4). The full comment letters are a part of the official record. The comments are presented in **Appendix H** of the EA and are organized as follows: Section 1 – Public Comments; Section 2 – Agency Comments; Section 3 – Political Comments; Section 4 – Tribal Comments; Section 5 – Pennsylvania Wilds Form Letter. Approximately 22 percent of the comment letters were from a single form letter.

Commenters that provided substantive comments can locate their names in these tables to see which of the comment responses is applicable to their comment. The majority of the comment letters constituted two different form letters (approximately 100 comments). A single response is given to each type of form letter, individual names are not provided for form letters or non-substantive variations of those letters.

The following sections provide a summary of the comments and the NGB responses. The comments are grouped by category.

1.0 PUBLIC INVOLVEMENT AND AGENCY COORDINATION

1.1 PUBLIC INVOLVEMENT

Comment summary: Extend the public comment period

Response: The Draft Environmental Assessment (DEA) and Draft Finding of No Significant Impact (FONSI) were prepared in accordance with the Air Force Environmental Impact Analysis Process (EIAP) (32 CFR 989), Federal Aviation Administration (FAA) Order 1050.1F, and the Council on Environmental Quality's (CEQ) Regulations for Implementing the National Environmental Policy Act (NEPA) (40 CFR 1500). The Air Force EIAP implements the requirements of NEPA for actions proposed by the Air National Guard (ANG). The purpose of NEPA is to ensure that an informed decision, with public input, that considers the potential impacts to the human environment, is reached. The ANG has had the opportunity to review comments received during the public comment period. In accordance with 40 CFR 1501.6(a)(2) and 32 CFR 989.15(e)(2)(v), the public is offered an opportunity to review and provide input on a proposed action during the public comment period. At this time, in-person public meetings are not planned.

These regulations state that public, state, tribal, and local governments, and relevant agencies should be involved in the preparation of an EA to the extent practicable with a public comment period of no less than 30 days. The level of public involvement is at the discretion of the agency and for the Duke MOA DEA, public involvement was achieved by inviting the public to review the DEA/FONSI and submitting comments through email and regular mail.

The DEA and Draft FONSI were available beginning on 27 October 2021 for public review, with an initial comment period of 30 days. The comment period was initially extended to 45 days to allow the public and agencies additional time to review the document. To enable maximum public participation, the comment period was further extended to 31 December 2021, allowing a total of 65 days of public participation in the comment process.

Comment summary: Hold public meetings in directly impacted counties; request that hybrid meeting where remote landowners and other affected parties can likewise attend, including national and local environment groups in these meeting and make public all comments from them; meeting must be well-advertised, including efforts to include the Plain Sect communities residing within this region.

Response: Various modalities (e.g., online and hard copies) were used to provide access to the DEA/FONSI to ensure that all communities that wanted to participate in the public comment process would have the opportunity. Notices of Availability and requests for comments were made online and through the publication of notices in local newspapers, including the Bradford Era, Cameron County Echo, Endeavor News, and Potter Leader Enterprise in October and November of 2021. The DEA and Draft FONSI were made available online for review at https://www.175wg.ang.af.mil/. In addition, hard copies of the document were available for review at four public libraries located in the affected area, including Bradford Area (Bradford, PA), Coudersport (Coudersport, PA), Green Free (Wellsboro, PA), and Galeton (Galeton, PA). Both electronic and hard copies of the DEA and Draft FONSI were further distributed upon request. The DEA/FONSI were available beginning on 27 October 2021 for public review, with an initial comment period of 30 days. The comment period was initially extended to 45 days to allow the public and agencies additional

time to review the document. To enable maximum public participation, the comment period was further extended to 31 December 2021, allowing a total of 65 days of public participation in the comment process.

Comments were accepted via email and regular mail. Comments received during the public comment period are addressed within the EA, as appropriate, as opposed to sending responses to each individual that provides comments. In addition, each of the comments received during the public comment period will be included in the administrative record as an appendix to the Final EA.

An extensive list of agencies were provided an opportunity to review and provide comments on the DEA/FONSI, including but not limited to U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers, U.S. Forest Service (USFS), State Historic Preservation Office, FAA, Aircraft Owners and Pilots Association (AOPA), Pennsylvania Department of Conservation and Natural Resources (PA DCNR), and representatives for each county within the proposed project area. The complete list of agencies and interested parties that were contacted in 2019 and 2021 as part of the Intergovernmental Scoping and Coordination Process is available in **Appendix A** of the EA.

Comment summary: Information posted on the installation website is inconsistent with the information provided in the Environmental Assessment; respond to all the comments received at public meetings and by mail, email and telephone.

Response: The Frequently Asked Questions (FAQs) posted on the installation's website were drafted early in the process. The DEA/FONSI provided additional detail beyond what was provided on the installation's website. FAQs will be updated to more accurately reflect the information provided in the EA so that the information will be consistent. The installation's website will be updated to address some of the comments received during the public comment period for the DEA. In addition, the DEA/FONSI is under revision to address the comments received, as appropriate, which will provide the public with a better understanding of the proposed action. Furthermore, all comments will be included in the Administrative Record.

Comment summary: Conduct a public demonstration.

Public flyovers are not completed as a part of a noise demonstration for an EA.

1.2 AGENCY AND STAKEHOLDER CONSULTATION

Comment summary: Maryland National Guard (MD ANG) has not responded to the concerns expressed by the PA DCNR in October of 2019.

Response: The DEA/FONSI were prepared in accordance with EIAP (32 CFR 989), FAA Order 1050.1F, and CEQ regulations (40 CFR 1500). Refer to **Response 1.1** for more information on the process. In August of 2020, the NGB responded to PA DCNR regarding the agency's concerns raised in October 2019. In addition, the NGB held teleconferences with PA DCNR to discuss the proposed action and attempt to incorporate potential mitigation measures to address some of the concerns. As a result of discussions with PA DCNR, the NGB and the 175 WG prepared proposed mitigation measures that would raise the floor of the proposed Duke Low MOA to minimize impacts to sensitive areas identified by PA DCNR. The mitigation measures include the Duke Low MOA altitudinal mitigation for state parks and state forests (see **Figure 2-3** in the EA) and are discussed in **Section 3.3** Land Use, **Section 3.4** Biological Resources, and

Chapter 5 Management Actions and Special Procedures in the EA. Additional correspondence with PA DCNR via email provided essential information that was incorporated into the EA. The EA has been revised to address comments and concerns raised by PA DCNR, other agencies, and the public during the review of the DEA, where appropriate.

Comment summary: Keep agencies informed as your review/decision-making progresses; some users of the airspace may not have been identified as stakeholders; outreach to stakeholders (regional airports, local government, etc.).

Response: Stakeholders were initially notified of the Proposed Action through the scoping process. The NGB and ANG notified relevant federal, state, and local (county) agencies in 2019 and 2021 to initiate communication and to identify potential environmental concerns specific to the Proposed Action. The agencies were requested to respond within 30 days to ensure their concerns were considered in the DEA. Similarly, consultation letters were sent to the federally recognized tribes to provide notification of the action and to initiate government-to-government consultation in accordance with Section 106 of the National Historic Preservation Action, *Agency and Public Coordination*. Twelve regional airports and aviation special interest groups were also contacted to notify them of the Proposed Action and to request their input. The complete list of agencies and interested parties that were contacted in 2019 and 2021 as part of the scoping process is available in **Appendix A** of the DEA.

Agencies that have requested to be informed as decisions are made will be provided with a copy of the Final EA when it becomes available.

The Notice of Availability of the DEA/FONSI was advertised and widely disseminated to all stakeholders identified and those that requested notification. Refer to **Response 1.1** for more information on the process.

1.3 PENNSYLVANIA NATURAL DIVERSITY INVENTORY (PNDI)

Comment summary: Request that the NGB access the PNDI PA Conservation Explorer and perform a PNDI environmental review.

Response: Scoping consultation was initiated in 2019 with PA DCNR, PA Department of Environmental Protection (PA DEP), PA Forestry Association, USFWS, U.S. Department of Transportation (US DOT), U.S. Geological Survey, U.S. Environmental Protection Agency (USEPA) (NY and PA), and Department of Agriculture. Additional consultation was sent to PA Ecological Services, PA DEP, PA DCNR, PA Wilds, PA Game Commission (PGC), and Western PA Conservancy, as well as several agencies within New York, and each county underlying the proposed Duke Low MOA requesting input regarding potential concerns. A list of agencies consulted was attached to the consultation letter that was distributed. Additional discussions between PA DCNR and the NGB occurred, culminating in the altitude mitigations that have been incorporated into the Proposed Action. The NGB did not receive a request by PA DCNR for a PNDI environmental review prior to the request made in correspondence dated 23 December 2021.

1.4 COORDINATION WITH PENNSYLVANIA GAME COMMISSION

Comment summary: What levels of coordination have occurred with the PGC regarding the Proposed Action and potential impacts on bat species?

Response: Scoping consultation was initiated in 2021 with the PGC, but no response was received. Prior to implementation of the Proposed Action, the ANG Eastern Area Defense Sector would coordinate with the PGC to establish a communications plan with protocols to allow for de-confliction of the airspace as needed during activities, such as annual species population surveys. This is discussed in Sections 2.2, 3.3, and Chapter 5 of the EA.

2.0 LEVEL OF DOCUMENTATION, REGULATIONS, AND IMPACTS

2.1 LEVEL OF DOCUMENTATION

Comment summary: The ANG disregards 32 CFR 989.16, Environmental Impact Statement (EIS), which provides that certain classes of environmental impacts normally require preparation of an EIS; An EIS should be completed based on the potential for significant environmental degradation, significant threat or hazard to public health or safety, and substantial environmental controversy concerning the significance or nature of the environmental impact; conduct analysis at a programmatic level.

Response: The need to complete an EIS is driven by the significance of the impacts associated with a Proposed Action. The analysis of the anticipated impacts indicates that the Proposed Action would not result in significant impacts based on the DAF and the FAA regulatory thresholds for the resource areas identified within the proposed project area. The anticipated impacts associated with the proposed action, as well as the methodology for determining the expected impacts, are discussed in depth in **Chapter 3** of the EA. The analysis concluded that the anticipated environmental impacts resulting from the implementation of the Proposed Action do not meet the criteria for conducting an EIS. The analysis conducted for the EA determined that the Proposed Action would not pose significant impacts to the environment.

As discussed in **Section 3.6** of the EA, the Proposed Action would not pose a significant threat or hazard to public health or safety. The nature of the expected environmental impacts associated with the implementation of the Proposed Action are not considered substantially controversial from an environmental standpoint.

The completion of a Programmatic EA for the Duke Low MOA is not appropriate since the Duke Low MOA EA was completed for a specific proposed action. A programmatic EA is typically completed for the analysis of a program as a whole and is often used when the specific actions under a program are routine and likely to have similar impacts that can be evaluated at a broad scale. As discussed under 40 CFR 1508.28, the completion of a programmatic document allows the lead federal agency to tier from the analysis to analyze specific actions. A programmatic analysis provides a general overview and would not provide the site-specific analysis that is required for a proposed action.

2.2 SECTION 4(F) OF THE DEPARTMENT OF TRANSPORTATION ACT OF 1966

Comment summary: Discuss applicability of Section 4(f) to the Proposed Action.

Response: Section 4(f) of the Department of Transportation Act of 1966 applies only to agencies within the US DOT. The NGB is not considered an agency within the US DOT. The Proposed Action would not require the use or modification of any publicly owned land. In addition, consistent with FAA Order 1050.1F, special use airspace (SUA) actions are exempt from the requirements of Section 4(f) (FAA 2015a). Section 4(f) of

the Department of Transportation Act is discussed in **Section 1.5**, Resources Not Carried Forward for Detailed Analysis, of the EA.

2.3 RESOURCES NOT DISCUSSED

Comment summary: Visual effects and air quality should be analyzed.

Response: There would be no construction or infrastructure development associated with the Proposed Action, and no changes to the visual or aesthetic characteristics of any area under the Proposed Action. The Proposed Action would not produce light emissions that could create annoyance or interfere with activities or contrast with, or detract from, the visual resources and/or the visual character of the existing environment. Likewise, there would be no changes in personnel, no construction, and no changes in ground-based operations or training due to the Proposed Action that would impact air quality. These effects would be negligible; therefore, visual effects and air quality were not carried forward for detailed analysis in this EA.

2.4 CHANGE IN IMPACTS

Comment summary: What actions or remedies would the NGB take to alleviate impacts that rise to the level of significant adverse impacts?

Response: A detailed analysis has been completed that has determined that the Proposed Action would not result in significant impacts. If it is determined after the implementation of the Proposed Action that significant adverse impacts to resources exist within the Duke Low MOA, the NGB and the 175 WG would be required to complete additional NEPA analysis to address and analyze those impacts.

3.0 ALTERNATIVES

3.1 SELECTION CRITERIA

Comment summary: Reason for the location of the Duke Low MOA; why was the 200 mile distance criteria established?

Response: Chapter 2, Description of Proposed Action and Alternatives, of the EA outlines the Proposed Action and the selection criteria. The selection criteria must be met in order to meet the purpose of and need for the proposed project. If any of the alternatives identified fail to meet the selection criteria, they must be eliminated from further consideration. The selection criteria include the following:

- Must be within a reasonable distance (200 nautical miles [NM]) of Martin State Airport,
- Must provide sufficient low-level airspace to accommodate A-10C pilot training requirements, and
- Must be adequate for 175 WG low level flight operations to maintain proficiency.

Flying long distances to remote or out-of-state training airspace and returning to the home base in MD would substantially limit valuable training time and increase fuel consumption and cost. The aircraft need to fly to the training airspace, conduct the specified training, and return to base with adequate fuel reserves for safety. Even with the option of aerial refueling, traveling long distances for daily training is not reasonable.

Therefore, reasonable alternatives must provide suitable training airspace within 200 nautical miles of Martin State Airport.

3.2 REASONABLE ALTERNATIVES

Comment summary: Alternative analysis is incomplete; EA failed to consider a reasonable range of alternatives; why not use Bollen Range; why not consider western MD; modification of Evers MOA; use of Davis-Monthan Air Force Base (AFB), Farmville and Pickett MOAs; why are previously used training locations no longer available?

Response: In addition to the preferred and no action alternatives, nine alternatives were considered in **Section 2.3** and a summary of the alternatives is presented in **Table 2-4** of the EA. The alternatives eliminated from further consideration did not meet one or more of the selection criteria, as illustrated in **Section 2.3** of the EA.

The FAA is the controlling agency for airspace, and it reviews and approves all airspace proposals. The establishment of a new airspace in western MD would have a significant effect on commercial airspace users. Western MD is directly within the flight paths of commercial users that access airports in the DC metropolitan area, as well as western Pennsylvania and eastern Ohio. In addition, the mountainous terrain and sparse radio coverage would prevent the expansion of any new airspace below 1,000 feet (ft) above ground level (AGL) in western MD. Therefore, western MD was removed from consideration. As discussed in Section 2.3 of the EA, R-5802, which is part of Bollen Range, does not meet the selection criteria regarding size requirements for the Proposed Action. The 175 WG does use R-5802 for other training purposes not related to the Proposed Action. The modification of the Evers MOA would not meet the criteria of the Proposed Action since the airspace cannot be expanded below 1,000 ft AGL due to mountainous terrain and the resulting sparse radio coverage. The national radio quiet zone is also beneath the Evers MOA. The training areas at Davis Monthan AFB were made available to the 175 WG for training on occasion but the frequency is not enough to meet specific training requirements. In addition, airspace associated with Davis Monthan AFB exceeds the 200 NM radius that was identified as part of the selection criteria. The Farmville and Pickett MOAs have 5,000 ft altitude weather restrictions for using the MOAs and neither MOA could be expanded to accommodate the Proposed Action as modification of the MOAs would significantly interfere with existing civilian air traffic operations. The 175 WG previously utilized R-4006 for low altitude training; however, this airspace is no longer an option due to the significantly reduced availability. The limited availability of R-4006 would not meet the 175 WG pilot training requirements. SUA access and training time within these MOAs is not controlled by the 175 WG. Operating the Duke Low MOA temporarily or placing limitations on the scheduling would not meet the training needs of the 175 WG.

3.3 ADDITIONAL ALTERNATIVES NOT CONSIDERED

Comment summary: Flight simulator as an alternative; make the Duke Low MOA a temporary or seasonal MOA; reason for the location of the Duke Low MOA.

Response: To maintain the A-10 Ready Aircrew Program (RAP) and comply with Air Force Instruction (AFI) 11-2A- 10CV1, A-10C Aircrew Training, it is critical that a year-round, realistic training environment be available to the 175 WG. The proposed Duke Low MOA meets the criteria to comply with the requirement

to provide an integrated, year-round, realistic training environment in accordance with A-10 RAP and AFI 11-2A- 10CV1 training requirements for 175 WG pilot training (**Section 2.1**, Selection Criteria).

The mission of the MD ANG is to provide air combat forces and theater airlift aircraft to America's Unified Combatant Commands. Under its federal mission, the 175 WG is assigned to the Air Combat Command and is tasked with carrying out missions compatible with training, mobilization readiness, humanitarian and contingency operations worldwide. A flight simulator does not fully provide the real-world training environment pilots need to meet the training requirements and maintain certifications. Flight simulators are used for flight training but are unable to provide all facets the training necessary for combat-ready pilots. As such, flight simulation would fail to meet the federal and state missions of the MD ANG and would not meet the purpose and need for the Proposed Action. The 100 ft AGL is required for Low Altitude Step-Down training (LASDT). A-10C pilots must be flexible when it comes to threats and mission tasking. Pilots operating the A-10C will regularly descend down to 1,000 ft AGL or lower during a simulated gun or rocket delivery. Separating the proposed Duke Low MOA into three separate MOAs would not meet the realistic training needs of the 175 WG pilot training program. A-10C aircrews must be able to train by simulating all types of weapons delivery and mission sets. Simulated diving weapon delivery profiles span the altitudes between 100 ft AGL and 18,000 ft mean sea level (MSL). Please refer to Section 1.3 of the EA, Purpose and Need. for more details.

3.4 ALTERNATIVES DISMISSED

Comment summary: The ANG provided some very brief (paragraph-long) rationales for dismissing alternatives, but the DEA lacked any detail in terms of how these sites were analyzed and vetted, in accordance with Section 102 of NEPA (42 USC 4332).

Response: Section 2.3 of the EA, Alternatives Dismissed from Further Analysis, summarizes the alternatives that were considered to accomplish the Proposed Action. Existing airspaces within 200 NM of Martin State Airport were evaluated. In accordance with 40 CFR 1501.5, an Environmental Assessment is required to briefly discuss the alternatives considered but eliminated from consideration. Each alternative and the rationale for eliminating each is discussed, as required.

3.5 NO ACTION ALTERNATIVE

Comment summary: How does No Action Alternative experience training shortfalls that negatively affect combat readiness and pilot safety?

Response: The No Action Alternative was included in the EA, in accordance with 32 CFR 989.8(d). **Chapter 3** of the EA describes the existing conditions for resources under the proposed Duke Low MOA, which serves as a baseline of conditions that would continue if the No Action Alternative were implemented. The No Action Alternative is analyzed for each resource area and included in the quantitative comparison of anticipated impacts, where necessary.

The A-10 provides many unique capabilities to the fight. These unique capabilities are the driving factor of a low altitude requirement. A-10 aircrews must be able to train effectively and accurately by simulating all types of weapons and mission sets. In a close air support environment, diving weapon delivery profiles span the altitudes between 100 ft and 15,000 ft AGL. The A-10 will regularly descend to 1,500 ft AGL during a

guns or rocket delivery. Aircrews must be proficient in the gun as it is the aircrafts primary weapon. Aircrews also regularly train for missions that have them operating below medium and low weather decks, fly at low altitudes during search patterns for isolated personnel, conduct threat reactions against simulated threats, and finding targets visually.

All A-10 pilots are trained at and qualified to fly at 500 ft AGL. As pilots gain experience, they upgrade to a flight lead, forward air controller, search and rescue pilot, and more, they train to lower altitudes. Once pilots are trained at and qualified to those lower altitudes, they still need to train to adequately meet the mission requirements. The proposed Duke Low MOA would not only be utilized to train pilots to qualify at those lower altitudes; it would be utilized to keep the skills sharp for those pilots that are already trained to those altitudes. All pilots receive the same training and constant upgrades and specialized training continue throughout a pilot's flying career. The bottom line is that the failure to create adequate training airspace to meet current and future aircrew training and qualification requirements will result in training shortfalls and a lack of combat readiness necessary in today's environment. Please see **Section 1.3** of the EA, Purpose and Need, for additional information.

3.6 MODIFICATION OR NEW MOA

Comment summary: Is the Proposed Action a modification or new MOA; the intent of the DEA is to create a new, separate MOA, rather than modify the existing MOA?

Response: The Proposed Action would include the modification of the existing Duke MOA, as opposed to creating a new MOA. Under the Proposed Action, the existing altitudes of the Duke MOA would be modified to extend from 100 ft AGL to 7,999 ft MSL. This modification would essentially split the MOA into a high and low MOA. The creation of a new MOA would indicate that a new MOA would be created where an existing MOA does not currently exist. The Proposed Action includes the modification of an existing airspace that is currently charted and utilized. Please see **Section 2.2** of the EA, Proposed Action, for more detail.

4.0 PURPOSE AND NEED

4.1 LOW ALTITUDE TRAINING

Comment summary: Why must the floor be as low as 100 ft AGL?

Response: The 100 ft AGL is required for LASDT. A-10C pilots must be flexible when it comes to threats and mission tasking. Pilots operating the A-10C will regularly descend to 1,000 ft AGL or lower during a simulated gun or rocket delivery mission. A-10C aircrews must be able to train by simulating all types of weapons delivery and mission sets. Simulated diving weapon delivery profiles span the altitudes between 100 ft AGL and 18,000 ft MSL. Please refer to **Section 1.3** of the EA for more details.

4.2 14 CFR PART 91, FAA EXEMPTION 4371

Comment Summary: 14 CFR Part 91 FAA Exemption 4371 states that flights should be no lower than 100 ft above obstacles.

Response: 14 CFR Part 91 governs general operating and flight rules for all civil, generally non-commercial aircraft. It governs situations where the pilot is directly responsible for private aircraft. Since the Proposed Action would be implemented for the operation of military aircraft at lower altitudes, 14 CFR Part 91 would not apply. FAA Exemption 4371 was granted to the DAF on 21 June 1985, which allows the DAF to "conduct low-level operations without complying with enroute minimum altitudes for flight under instrument flight rules (IFR) or direction of flight requirements for IFR enroute segments in uncontrolled airspace." The exemption is reviewed every two years to ensure that it is justified, and conditions and limitations are adjusted, if necessary. On 16 March 2022, the DAF requested that the exemption be extended. On 16 June 2022, the FAA granted the requested exemption to 31 July 2024, unless the exemption is superseded or rescinded at an earlier date. As such, flying is allowed at altitudes no lower than 100 ft above obstacles when employing visual low-level procedures. Operations under this exemption must be conducted under the procedural requirements of a letter of agreement between the 175 WG and the FAA Cleveland Air Route Traffic Control Center (ARTCC). The FAA exemption to fly below 500 ft AGL within SUAs is an operational feasibility exemption and does not address potential environmental effects. For more information, please see Section 2.2.2 of the EA, Proposed Action, Air Operations.

4.3 THE NEED FOR 100% OF PILOTS TO MEET TRAINING REQUIREMENTS

Comment Summary: MD ANG does not demonstrate why 100% of pilots must meet training requirements or why training must be as low as 100 ft AGL

Response: The A-10 provides many unique capabilities to the fight. These unique capabilities are the driving factor of a low altitude requirement. A-10 aircrews must be able to train effectively and accurately by simulating all types of weapons and mission sets. In a close air support environment, diving weapon delivery profiles span the altitudes between 100 ft and 15,000 ft AGL. Aircrews also regularly train for missions that have them operating below medium and low weather decks, fly at low altitudes during search patterns for isolated personnel, conduct threat reactions against simulated threats, and finding targets visually.

All A-10 pilots are trained at and qualified to fly at 500 ft AGL. As pilots gain experience, they upgrade to a flight lead, forward air controller, search and rescue pilot, and more, they train to lower altitudes. Once pilots are trained at and qualified to those lower altitudes, they still need to train to adequately meet the mission requirements. The proposed Duke Low MOA would not only be utilized to train pilots to qualify at those lower altitudes; it would be utilized to maintain proficiency for those pilots that are already trained to those altitudes. All pilots receive the same training and constant upgrades and specialized training continue throughout a pilot's flying career. The failure to create adequate airspace to meeting existing and future training needs will result in training shortfalls and a lack of combat readiness necessary in today's environment. This information has been added to **Section 1.3** of the EA, Purpose and Need.

5.0 PROPOSED ACTION DETAILS

5.1 MITIGATION

Comment summary: Advance public notice of scheduled flyovers should be issued to local and regional news media which could help reduce the negative impacts.

Response: The 175WG and/or the Eastern Area Defense Sector would not issue press releases when they activate and operate in the proposed airspace. Questions and concerns regarding 175 WG training operations can be emailed to the Eastern Area Defense Sector at https://www.eads.ang.af.mil/Contact-Us/. This Office will be able to address concerns regarding 175 WG operations.

5.2 OPERATION

Comment summary: What will change with the Proposed Action; how will the frequency of training operations change with the Proposed Action; why is the low altitude MOA necessary if low level Military Training Routes (MTR) exist; will MD ANG A-10s continue to use other MOAs and restricted airspace for training if the Duke Low MOA is approved; what is ANG Eastern Area Defense Sector; set up training courses at airports to achieve appropriate training.

Response: The effects of the Proposed Action would be similar to what is occurring now. For example, within the existing Duke MOA, aircraft currently fly in one direction. The implementation of the Duke Low MOA would enable aircraft to fly in other directions. However, operations along the existing MTRs would still occur. MTRs provide excellent low-level airspace below 1,500ft AGL; however, MTRs are single-direction routes. Visual Route (VR)-704 and VR-707 have legs that go down to 100 ft AGL but as single-direction routes they do not allow for full, random combat maneuvering that is necessary for realistic training for current and future needs. The projected aircraft utilization comparing the existing and proposed airspace is presented in **Table 2-2** of the EA. The Proposed Action would result in an increase in the number of missions per year within the combined existing Duke MOA and proposed Duke Low MOA.

The proposed Duke Low MOA would meet the criteria to comply with the requirement to provide an integrated, year-round, realistic training environment in accordance with A-10 RAP and AFI 11-2A--10CV1 training requirements for 175 WG pilot training (**Section 2.1** of the EA). **Section 2.3** of the EA summarizes the analysis for dismissing alternatives from further analysis.

The MD ANG would continue to use other MOAs and restricted airspace as weather and training needs dictate.

The ANG Eastern Area Defense Sector is the Air Combat Command unit assigned to the North American Aerospace Defense Command location in New York. At this time, other non-governmental entities are not involved in the protocol development process.

5.3 EXPECTED USAGE

Comment summary: What is the anticipated usage over the next five, 10, or 15 years? If usage increases beyond 170 days, will another EA be required?

Response: The expected usage of the Proposed Duke Low MOA was determined by the needed usage by the 175 WG based on training needs, as well as discussions with other potential users. The anticipated usage of the proposed Duke Low MOA is consistent with what is discussed in the EA and would not exceed those levels: two hours per day, twice per day, one hour at a time, with no more than six total aircraft on the days of activation, approximately 170 days per year. The use of the airspace is scheduled by the scheduling unit and would not exceed 170 days per year. Usage of the proposed Duke Low MOA would be monitored closely

to ensure actual usage does not exceed the levels discussed in the EA. If it is determined that additional usage of the MOA is required in the future, additional NEPA analysis would be conducted.

5.4 OTHER EXPECTED USERS

Comment summary: Who else will use the Duke Low MOA; Will MI ANG train in the Duke Low MOA; Would F-22s, F-35s, or other aircraft that operate at higher decibel levels be allowed to utilize MOA?

Response: In addition to the 175 WG, stationed at Martin State Airport, other expected users of the Duke Low MOA would include the 177th Fighter Wing, stationed at Atlantic City Air National Guard Base in New Jersey, the 193d Special Operations Wing, stationed at the Harrisburg International Airport in Pennsylvania, and the 113 WG, stationed at Joint Base Andrews in MD. The proposed annual usage by 113 WG for the existing Duke MOA and the proposed Duke Low MOA is listed in **Table 2-2**. Michigan ANG is not an expected user of the proposed Duke Low MOA given the distance to the proposed Duke Low MOA from the installation.

5.5 CUTOUT FOR N38

Comment summary: The current cutout for N38 does not take the Area Navigation (RNAV) (GPS) Runway 10 approach to Wellsboro Johnston Airport (N38).

Response: The NGB worked with the Cleveland ARTCC to determine the exclusion zone. The NGB also consulted with the AOPA. The AOPA had concerns regarding Wellsboro Johnston Airport operations and the exclusion zone is a mitigation measure provided to support the local pilots.

The Proposed Action includes an exclusion zone (cutout) for the Wellsboro Johnston Airport from surface to 6,000 ft MSL to allow for IFR traffic using the RNAV instrument approach for Runway 10. The proposed utilization is not common but is routine and would be approximately 495 hours per year spread throughout the airspace. The exclusion zone is for Class E airspace or as directed by Cleveland ARTCC for vectoring into airports southwest of the airspace. The NGB does not segregate instrument flight rules (IFR) approach procedures from military airspace. The NGB would not have access to the Runway 10 IFR approach. Cleveland ARTCC will use tools to land aircraft safely. The 175 WG continuously monitors the Cleveland ARTCC for changes and updates to airspace conditions. The 175 WG uses visual flight rules (VFR), but if IFR is needed due to poor weather conditions, the 175 WG would likely not fly on those days. Please refer to Section 3.1.2.5 of the EA for information regarding N38 in relation to the Proposed Action.

5.6 TRAVEL ROUTES

Comment summary: How is the training program air traffic getting to and from the MOA area being policed? Are the travel routes to be identified on mapping?

Response: The travel routes are within National Airspace System (NAS) and would comply with FAA regulations. The travel routes to the MOA vary and since they are not military training routes (MTR) they are not mapped. Aircraft will travel in the NAS under air traffic control.

5.7 DURATION OF EXPECTED NOISE EXPOSURE

Comment summary: Concern regarding duration of potential noise exposure from aircraft; how long will aircraft be below 1,000 ft AGL?

Response: Published activation timeframes and actual usage time are different terms. On the days that the proposed Duke Low MOA would be activated; it would normally be used in the following timeframe: one hour in the morning between the hours of 10:00 a.m. – 12:00 p.m. and one hour in the afternoon between the hours of 2:00 p.m. and 4:00 p.m. During the one hour of usage time for each sortie, the majority of flight time would be spent at higher altitudes (above 1,000 ft). The A-10 aircraft would spend approximately ten minutes or less below 1,000 ft. Overall, during each sortie, aircraft would be down in the low altitude ranges between 500 ft to 100 ft for approximately 2-3 minutes per activation. Notably, the LASDT training down to 100 ft AGL would only be several seconds in duration and less than 0.5 miles overland in the 2-3 minutes of flight in the low altitude ranges. The aircraft's radar altimeter is used to measure AGL altitude. In forested areas where the tree canopy is approaching 100 ft in height, the aircraft would be at least 100 ft above the tree canopy or 200 ft AGL over these areas. In addition, 95 percent of aircraft operations would be conducted above 1,000 ft AGL. The expected noise impacts are discussed in detail in **Section 3.2** of the EA.

5.8 ELECTRONIC COUNTERMEASURES (ECM)

Comment summary: Will ECMs be used under the Proposed Action?

Response: The release of ECMs, including chaff and flares, weapons firing, and ordnance deployment would not occur within the proposed Duke Low MOA. **Section 2.2** of the EA, Proposed Action, states that no supersonic operations, release of chaff and flares, ordnance deployment, or weapons firing would occur within the proposed Duke Low MOA.

6.0 PUBLIC SAFETY

6.1 DARK HOLES

Comment summary: Potential delay in response time due to gaps in cell phone coverage.

Response: The Duke MOA is an existing airspace with established emergency procedures that function under the cell phone coverage limitations. Currently, the 175 WG aircraft, other military aircraft, and civilian aircraft transit through this area. The risk of a mishap under the Proposed Action is very low. Refer to **Section 3.6.2.1** of the EA for more details. The existing emergency procedures would remain in place and would be updated or revised as necessary.

6.2 EMERGENCY RESPONSE

6.2.1 First Responders

Comment summary: First responders are part-time volunteers which may prolong response time; provide training to emergency response personnel; provide firefighting training simulator in the region.

Response: It is impossible to predict the precise location of an aircraft accident; therefore, the possibility for a mishap in a remote area does exist. As described in **Section 3.6.2.2** of the EA, local first responders would likely be first on the scene given the distance from the 175 WG. The NGB would consult with the appropriate land use manager to minimize direct damage and coordinate response actions. A National Defense Area would be established around the accident scene and the site would be secured during the investigation. The NGB would be responsible for site clean-up and any damage claims submitted for the incident. The NGB response to a mishap would follow the same procedures regardless of the location. As stated above, the NGB would consult with the land use manager to minimize damage or determine site-specific mitigation measures.

175 WG training operations, including A-10 training operations, currently occur within the existing Duke MOA. If an ANG aircraft is involved in an incident, local emergency responders would likely reach the site first depending on the location of the incident. An NGB safety board would convene at the nearest active duty base and would coordinate the necessary support needed. The current emergency diversion procedures that are in place would be modified as necessary under the Proposed Action. As discussed in **Section 3.6** of the EA, no recorded mishaps have occurred in or near the existing Duke MOA in the last five years. Anticipated mishap rates associated with the Proposed Action would be consistent with existing conditions. Existing emergency response procedures would continue to be implemented, and modified as appropriate, under the Proposed Action.

6.2.2 Emergency Response and Mid-Air Collision Avoidance (MACA)

Comment Summary: Divert procedures; concern regarding ability of DCNR Rangers responding to emergencies – comprehensive assessment of threats on ground, mitigation, resources provided to respond to incidents; emergency response assistance from ANG; midair collision avoidance.

Response: Military training occurring within the proposed Duke Low MOA would maintain contact with the controlling agency (FAA, Cleveland ARTCC) to ensure proper separation with all non-participating aircraft, to include non-scheduled LIFE FLIGHT helicopters enroute to UPMC Cole Hospital or other medical events. LIFE FLIGHT helicopters would not be impacted under the Proposed Action. The Duke Low MOA would only be activated and used when conditions allow pilots sufficient visibility to maintain visual separation from terrain and other aircraft. In addition, the MACA educational and outreach program (SeeAndAvoid.org website) would continue to be utilized to ensure a comprehensive online flight-safety community. This is discussed in the **Section 3.1.4.1** (Air Traffic) and **Section 5** (Management Actions and Special Procedures) of the EA.

6.2.3 Aircrew Emergency Extraction Information

Comment Summary: Request for aircrew emergency extraction information; recommend providing details to all EMS, fire departments, and police departments within 80 miles of the perimeter of the Duke MOA; Provide placards and signs to the local airports that present information on the type aircraft that operate in the MOA.

Response: The request for aircrew emergency extraction information would be incorporated into ongoing emergency response coordination. The 175WG would continue cooperation efforts with all users and nearby airports as part of the MACA program. Affected airports would be added to the existing MACA program.

6.2.4 Air Tanker Activity During Firefighting

Comment Summary: Request for aircraft information and air tanker activity during firefighting.

Response: The ANG operates in full compliance with the current DAF and FAA requirements. In the event that fire tankers were operating in the MOA, a Notice to Airmen (NOTAM) would be issued to close the area and the ANG would not schedule training. If ANG aircraft were operating during a fire event, see and avoid procedures would be used to avoid conflict with firefighting services. Further, those aircraft would be evacuated from the area.

6.3 MISHAPS

6.3.1 Safety Protocols

Comment summary: How would ANG avoid mishaps; safety protocols and procedures in place?

Response: Air crews are trained to see and avoid any risks, including in populated areas. All accidents are investigated accordingly with set procedures in place. The 175 WG would continue to follow flight safety regulations dictating emergency and accident response, and investigation as outlined in AFI 91-202, US Air Force (USAF) Mishap Prevention Program; Department of Air Force Instruction (DAFI) 91-204, Safety Investigations and Reports; AFI 91-204ANGSUP, Safety Investigation and Hazard Reporting; and DAFI 91-225, Aviation Safety Programs. In addition, flight safety regulations as described in AFI 11-202V1, Aircrew Training; AFI 11-202V3, Flight Operations; AFI 11-418, Operations Supervision; AFI 11-214, Air Operations and Procedures, all contribute the safe operation and use of aircraft.

6.3.2 ADS-B IN/OUT Equipment

Comment summary: Request for military to use ADS-B IN/OUT equipment.

Response: Dependent Surveillance-Broadcast (ADS-B) Out is a function of an aircraft's onboard avionics that periodically broadcasts the aircraft's state vector and other required information allowing the aircraft to be tracked by other users of the airspace or surveillance systems on the ground. 14 CFR 91.225 requires that after January 1, 2020 ADS-B Out equipment be installed on all aircraft in Class A airspace. An Interim Final Rule (effective July 18, 2019) modified the requirement for all aircraft to be equipped with ADS-B and to transmit at all times. Specifically, aircraft that are owned/operated by Federal, State, and local government agencies and conducting missions for national defense, homeland security, and law enforcement purposes can operate aircraft that are not equipped with ADS-B. 14 CFR 91.225(f) states that "The requirements of paragraph (b) of this section do not apply to any aircraft that was not originally certificated with an electrical system, or that has not subsequently been certified with such a system installed." The ADS-B transmission requirement could draw attention to operational vulnerabilities and expose government aircraft performing sensitive missions to immediate risk and compromise the operations security of missions for national defense. This decision was made at the Department of Defense level and the DAF does not have authority to equip the A-10 aircraft with this technology.

6.3.3 Obstruction Distance, Privately Piloted Aircraft, and Crash Prevention

Comment summary: How is 500 ft distance from person, vessel, vehicle, or structure adhered to? How will ANG aircraft avoid privately piloted aircraft; probability that low-level training would present dangerous scenarios on the ground, such as crash, injuries on the ground, property damage, forest fires, more; landing in the event of mechanical failure.

Response: Chapter 5 of the EA outlines the management actions and special procedures for the proposed Duke Low MOA, including NOTAM. Military aircraft training in the proposed Duke Low MOA would maintain contact with the controlling agency to ensure proper separation with all non-participating aircraft.

As part of preflight preparations, all obstructions within the proposed Duke Low MOA, including structures and populated areas, are identified by the pilots. In addition, pilots are professionally trained to "see and avoid" conflicts while flying within military airspace, including any structures, people, or vehicles. Pilots are responsible for complying with all FAA and Department of Defense (DoD) regulations while flying, including 14 CFR 91.119, Minimum Safe Altitudes. The DAF and NGB take seriously any claims of inappropriate or unsafe actions by our professional Airmen. Any event deemed inappropriate or unsafe would be dealt with on a case-by-case basis to ensure it is not repeated.

6.3.4 Protocol for Medical Air Transport

Comment summary: What is the protocol for medical air transport entering active MOA?

Response: International aviation laws list determine who has priority when utilizing an airspace. The first priority is aircraft in distress. The second priority is air ambulance services, or small private jets or helicopters that fly to hospitals. Air crews continually monitor communications related to air ambulance services, including Lifeguard and LIFE FLIGHT. If an A-10 is flying and receives a Lifeguard flight notice, the A-10 would leave the area immediately. Immediately upon receiving notification that air ambulance series require priority within an airspace, air traffic controllers would contact pilots within the airspace and would evacuate the area immediately.

6.4 NOTIFICATION OF ANG AIRCRAFT OPERATIONS

Comment summary: Request for communication of Duke MOA activity and type of aircraft; Hyner View State Park hang gliding activity.

Response: Chapter 5 of the EA outlines the management actions and special procedures for the proposed Duke Low MOA, including NOTAM. Military aircraft training in the proposed Duke Low MOA would maintain contact with the controlling agency to ensure proper separation with all non-participating aircraft. Procedures would be established with Cleveland ARTCC to give all air ambulance services priority access to all hospital heliports located underneath proposed airspace. In addition, pilots are professionally trained to "see and avoid" conflicts while flying within military airspace. If issues are identified, such as a fire within the area, the airspace would be closed until the situation is resolved.

As specified in **Chapter 5** of the EA, Management Actions and Special Procedures, military aircraft training occurring within the proposed Duke Low MOA would maintain contact with the controlling agency (FAA,

Cleveland ARTCC) to ensure proper separation with all non-participating aircraft, to include non-scheduled LIFE FLIGHT helicopters enroute to UPMC Cole Hospital or other medical events. LIFE FLIGHT helicopters would not be impacted under the Proposed Action. The Duke Low MOA would only be activated and used when conditions allow pilots sufficient visibility to maintain visual separation from terrain and other aircraft. In addition, the MACA educational and outreach program (SeeAndAvoid.org website) would continue to be utilized to ensure a comprehensive online flight-safety community.

The 175 WG currently communicates with the Hyner Hang Gliding Club to inform them when training activities are scheduled, and this practice would continue with the implementation of the Proposed Action.

6.5 NATURAL GAS INFRASTRUCTURE

Comment summary: Concern that low-flying aircraft noise will activate natural gas sensors used to alert operators of gas leaks; concern about incorporating impacts from fracking into analysis.

Response: The NGB is not aware of aircraft impacts on the sound detection devices referenced. The commenter was contacted for information regarding incidents of aircraft triggering the sound detection devices and indicated that none have been recorded. During the Scoping process, a map of locations where the PA DEP has issued permits in the last 16 months for drilling rigs that could exceed 100 ft in height was provided. This information is presented in **Figure 3-14** of the EA. In accordance with 14 CFR 91.119 and AFI 11-202v3, aircraft would continue to follow low-level guidance and remain 500 ft above all known or observed antennas and obstacles.

7.0 NOISE

A detailed noise analysis was completed, and a summary of the findings is presented in **Section 3.2** of the EA. The document incorporated background noise levels from biological, geophysical, climatic, and anthropogenic components into the analysis.

7.1 NOISE ANALYSIS REPORT

Comment summary: Provide the finalized Noise Study for Modification of Duke Military Operations Area; day-night Sound Average Level (DNL) is not useful for assessing impacts to wildlife.

Response: Additional information could be discovered during the public review period of a DEA, potentially requiring the completion of additional analyses. As a result, a noise analysis would not be finalized prior to the completion of a Final EA, regardless of the action. PA DCNR requested and was provided with a copy of the Draft Noise Study during their review of the DEA, including all of the relevant noise related data, and had an opportunity to review it. The Noise Study would be finalized with the Final EA and included as an attachment to the document.

7.2 LEVEL OF NOISE IMPACT

Comment summary: The DEA fails to adequately assess the broad impacts of the proposed Duke Low MOA; the noise assessment and subsequent information is presented in the DEA without modeling and accompanying documentation, rendering it difficult to evaluate the proposed impacts; noise impacts are

significant; impacts of long-term low altitude flight; short term persistent noise; impulse noise; concerns over cumulative effects.

Response: The USEPA has identified 55 decibel (dB) DNL as a level that protects public health and welfare with an adequate margin of safety (USEPA 1974). This means that 55 dB DNL is a threshold below which adverse noise effects are usually not expected to occur. 65 dB DNL is widely used as a noise criterion for airports. It represents a compromise between acceptable noise and economic practicality. According to the Federal Interagency Committee on Urban Noise, noise exposure greater than 65 dB DNL is considered generally incompatible with residential, public use (i.e., schools), or recreational and entertainment areas (Federal Interagency Committee on Urban Noise 1990).

Research continually refines our understanding of the effects of any pollutant or stressor on the human body. The studies to date continue to support the conclusion that permanent, physical harm for most people comes from chronic exposure to extreme noise (working lifetime of 40 years with exposure lasting 8 hours per day for 5 days per week). The DoD uses USEPA screening criteria for partial hearing loss risk by determining if any residences would be exposed to 80 DNL or greater. The intermittency of aircraft noise, even during training exercises with multiple aircraft at one time, makes the risk much lower than that expected to harm nearly all people. Permanent, physical harm from noise only occurs with extreme, chronic exposure. As discussed in **Section 3.2.6** of the EA, populations exposed to noise greater than 80 dB DNL would be at the greatest risk of permanent hearing loss and none of the areas beneath the existing or proposed airspace would experience noise at this level. Residents and outdoor recreationists would have no ill effects from casual, temporary exposure to expected noise levels and hearing protection would not be required.

An evaluation of expected noise impacts was completed and incorporated an analysis of both DoD and FAA noise significance criteria. Based on the EA that has been prepared, the Proposed Action would have minimal effect on the area under the MOA. On the days that the Proposed Duke Low MOA would be activated, it would normally be used for one hour in the morning between the hours of 10:00 a.m. and 12:00 p.m., and one hour in the afternoon between the hours of 2:00 p.m. and 4:00 p.m. During the one hour of usage for each sortie, the majority of flight time would be spent at higher altitudes (above 1,000 ft). The A-10 aircraft would spend approximately ten minutes or less below 1,000 ft. Overall, during each sortie, aircraft would be down in the low altitude ranges between 500 ft to 100 ft for 2-3 minutes per activation. Notably, the LASDT training down to 100 ft AGL would only last for seconds. In forested areas where the tree canopy is approaching 100 ft in height, the aircraft would be at least 100 ft above the tree canopy. In addition, 95 percent of aircraft operations would be conducted above 1,000 ft AGL.

In accordance with FAA Order 1050.1F, a land use impact would occur if noise levels increased by 1.5 dB or more at or above 65 A-weighted decibels (dBA) day-night Sound Average Level (DNL) (see Section 3.3.3 of the EA). Accordingly, for FAA purposes, a significant impact would occur if noise levels increased by 1.5 dB or more at or above 65 dBA DNL. Refer to Section 3.3 of the EA for more details. Table 3-9 of the EA provides details of the overall sound levels with and without the Proposed Action. The existing background noise under the Duke Low MOA ranges from 47.1 to 52.9 dBA DNL and would increase to a range from 47.4 to 53.0 dBA DNL under the Proposed Action, which would not exceed the significance criteria. The Proposed Action would increase overall noise by between 0.1 and 1.3 dBA onset-adjusted monthly day-night average sound level (L_{dnmr}), and 0.1 and 0.3 dBA DNL. DNL provides overall noise

impact and L_{dnmr} is a noise metric which accounts for sudden onset noise. Neither increase would be perceptible. Individually and for a few seconds, people may experience brief episodes of noise from overflights but as large as the MOA is, this would be a rare occurrence at any given point. In general, the aircraft operations would be spread throughout the 1,727 square nautical miles (SNM) proposed Duke Low MOA. The anticipated noise impacts associated with the Proposed Action would not exceed 65 dBA DNL and would be compatible with all land uses.

Impulse noise is defined as pulses of sudden onset and brief duration (less than 1 second) that usually exceed an intensity of 140 dB. Examples of impulse noise includes firing a handgun, detonating a firecracker, backfiring of a piston engine, high-volume squelching of radio equipment, and a sonic boom caused by breaking the sound barrier. The eardrum may be ruptured by intense levels (140 dB) of impulse/blast noise. A sonic boom is caused by an object moving faster than the speed of sound, or at approximately 768 miles per hour. As discussed throughout the EA, supersonic activities would not occur within the proposed Duke Low MOA. The fastest any aircraft that would be utilizing the airspace are capable of flying is approximately 450 knots, or just over 750 miles per hour. Impulse noise is not an expected consequence of the Proposed Action.

The proposed Duke Low MOA altitudinal mitigation map for state parks and state forests (see **Figure 2-3** of the EA) was prepared by the NGB and the 175 WG to address concerns for the most critical sensitive areas. Specifically, PA DCNR raised concerns regarding potential impacts to key recreational, historical, and tourist destinations, as well as the avoidance of impacts to raptor migration and elk rut. Low altitude avoidance and noise sensitive areas for the proposed airspace would be identified in the local flight instructions for pilots. Pilots would be instructed to avoid these locations by horizontal (1 NM lateral boundary) and vertical distances (500 and 1,000 ft AGL) to enhance flight safety, noise abatement, and environmental sensitivity. See **Section 3.3.4.1** of the EA for more details.

The Final Duke Low Military Operations Area Noise Assessment is included as an attachment to the Final EA.

7.3 NOISE ANALYSIS PARAMETERS

Comment summary: Perform noise analysis using a spot analysis or an average of noise over the day; recommendation to use unweighted peak sound levels and maximum sound levels.

Response: Under the Proposed Action, aircraft would not hover during operations. As such, a spot analysis is an unsuitable method to analyze noise in this case. The EA includes an assessment of both land use compatibility, using DNL, and the effects from individual overflights using the supplemental metrics, including maximum sound level (L_{max}), which is the maximum sound level when an aircraft is directly overhead, and sound exposure level (SEL), which is a measure of the total energy of an acoustic event that provides a measure of the net effect of a single event. An explanation of each of these metrics are included in **Section 3.2.1** of the EA and the methodology for using each is described in **Section 3.2.2** of the EA. The EA uses maximum sound levels (L_{max}) to assess the effects of individual overflights as indicated in the comment. The analysis summarizing potential impacts related to individual overflight noise is included in **Section 3.2.8.2** of the EA. Unweighted peak sound levels are not used to evaluate aircraft noise.

The noise analysis completed for the EA uses the MR_NMAP (v3.0) as part of the NoiseMAP computer suite to predict noise levels associated with aircraft operations beneath the proposed Duke Low MOA (USAF 2016). The noise analysis report is in **Appendix F** of the EA.

7.4 NOISE MITIGATION MEASURES

Comment summary: Noise mitigation measures other than operational measures should be considered, including measures such as trail improvements and maintenance.

Response: The analysis that was completed indicates that the Proposed Action would not have significant impacts on trails. As such, mitigation is not required. Mitigation measures such as trail improvement and maintenance are not within the scope of the Proposed Action.

7.5 NOISE ANALYSIS CONCLUSIONS

Comment summary: Factual statements in the DEA do not support the ANG's conclusion.

Response: Noise effects are addressed in Section 3.2 of the EA. The noise analysis is consistent with the operational usage outlined in Chapter 2 of the EA, Description of Proposed Action and Alternatives, specifically under Section 2.2, Proposed Action. The EA includes an assessment of both land use compatibility using DNL and the effects from individual overflights using the supplemental metrics L_{max} and SEL.

 L_{dnmr} includes a penalty for rapid onset rates in low flying aircraft. As the acoustic events from low flying aircraft are on the order of seconds, not milliseconds, L_{max} and SEL are the appropriate metrics for assessment as opposed to Peak Level. These events would be loud and have rapid onset as indicated in the EA; however, not short enough to be considered impulse noise. Notably, information on peak levels (dBP) of low flying aircraft are not available.

Areas beneath the proposed MOA would intermittently experience aircraft overflights exceeding 75 dBA L_{max} at any given point on the ground. However, any particular location on the ground would be overflown at low altitudes relatively infrequently. The airspace that is "overhead" (i.e., within 45 degrees of the horizon) increases with altitude, such that only 0.03 square miles is "overhead" at 500 ft AGL, 0.11 SM at 1,000 ft AGL, and 0.45 square miles at 2,000 ft AGL. This combined with the vast distribution of aircraft within the proposed Duke Low MOA and the limited amount of time at these altitudes, the time an aircraft was "overhead" at any given point on the ground would be extremely limited (e.g., seconds to minutes per year).

The analysis completed to determine the anticipated noise effects that would occur as a result of the Proposed Action, in combination with the literature research conducted, supports the conclusion provided in the EA.

7.6 NOISE EFFECTS ON HUMAN BEHAVIOR

Comment summary: Noise effects on human behavior; effects on tourism; would those vacationing here find other places; impacts to small businesses, real estate, those who recreate in the area.

Response: The NGB appreciates the statistics provided by some commenters on outdoor recreation and tourism in Pennsylvania and recognizes the importance of these industries to the local economy, specifically

the counties located below the proposed Duke Low MOA. While the NGB acknowledges possible impacts on tourism areas located under the loudest areas of the airspace, there is not a way to forecast a quantifiable impact on outdoor recreation and tourism from the proposed overflight activity. The statistics provided are included in **Section 3.7.2.5** of the EA and illustrate the effect tourism has on the local economy, including visitor spending within the PA Wilds. The potential impact to recreation and the economy are discussed in **Section 3.7.4** of the EA.

The distribution of proposed training would occur across a vast area of airspace (approximately 1,727 SNM). The likelihood of an individual experiencing an overflight is relatively low. Impacts to visitor experience would be intermittent, occurring only when aircraft are operating in the area. An individual's reaction to an overflight varies based on personal factors as well as factors such as proximity to the sound source, the setting of a specific recreational area, and the recreational activities in which the individual is engaged. Impacts on visitors from aircraft are only one of numerous factors that can affect visitor enjoyment (NPS 1994). It is not expected that the nature or tempo of the training would be at such a level that individuals recreating and hunting within recreational areas would experience extreme, consistent, routine, or even daily overflights.

Visitors are currently exposed to noise from existing aircraft operations, military and civilian. The NGB acknowledges the importance of these areas for tourism. However, it is not possible to predict how many individuals would have a negative response to an overflight that would cause them never to return, thereby impacting the revenue in the area. Since there are many non-noise-related factors that can affect tourism, the analysis does not attempt to quantify changes in tourism revenues or visitor numbers in individual communities directly related to military overflights.

Aircraft noise has been found to potentially affect the value of property under airspace with 65 DNL or higher noise exposure. Situations where it has been determined aircraft noise affects property values have been those that experience routine or continuous flights on a daily basis (such as housing around airports). According to the noise analysis that was completed, the noise exposures would remain far below 65 DNL throughout the proposed Duke Low MOA.

Property values are dynamic and influenced by a combination of factors, including market conditions, neighborhood characteristics, and individual real property characteristics (e.g., the age of the property, its size, home amenities, and lot size). The degree to which any factor may affect property values is influenced by many other factors that fluctuate widely with time and market conditions. These same factors enter the personal decision for people to purchase a home. The frequency of flights and the noise related to them are two of many factors that may affect changes in property values. As many non-noise related factors can affect property values, the analysis does not attempt to quantify changes in property values specifically as a result of the Proposed Action. For these reasons, the EA does not provide for specific compensation for a reduction in housing values. Questions and concerns regarding 175 WG training operations can be emailed to the Eastern Area Defense Sector at https://www.eads.ang.af.mil/Contact-Us/. This Office will be able to address concerns regarding 175 WG operations.

8.0 BIOLOGICAL RESOURCES

8.1 WILDLIFE IMPACTS

Comment summary: Sudden noise may cause deer to panic; low level flights may cause physiological or behavioral responses that reduce wildlife fitness; concerns about noise impacts on elk; visual impacts on wildlife; bat impacts are not effectively addressed; defining representative ground-dwelling species.

Response: To address concerns raised by PA DCNR while ensuring the MD ANG A-10 training mission, the NGB and the 175 WG prepared proposed mitigation measures which include limitations on nighttime operations, a 1,000 ft AGL floor over some sensitive areas located in the southern portion of the Duke Low MOA, and a 500 ft AGL floor for sensitive areas in other parts of the Duke Low MOA (see **Figure 2-3** of the EA). These altitude restrictions would reduce any potential noise effects on biological resources. Additional background information on the potential impacts of aircraft noise on biological resources was added to the EA; see **Section 3.4** of the EA for more details. The Proposed Action would not reduce the distribution or viability of species or habitats of concern, as no impacts to vegetation or habitat are expected. The intermittent aircraft noise over any given area would limit the potential effects on wildlife and domestic animals. Approximately 95 percent of aircraft operations would be conducted above 1,000 ft AGL, limiting potential effects on migratory birds.

Information was added to Section 3.4.4.1 of the EA to supplement the impact analysis of aircraft noise and visual stimuli on wildlife. Studies on ungulates (e.g., elk, pronghorn, bighorn sheep, and mule deer) show that disturbances from subsonic aircraft noise are transient and short in duration, which suggests that they habituate to the sounds. In a heavily used MOA in Alaskan caribou, military jet overflights did not cause mortality of caribou calves or result in increased cow-calf pairs 24 hours after exposure to overflights (Lawler et al. 2005, Magoun et al 2003). Caribou exhibited mild short-term responses compared to reactions to predators. At altitudes of 200 ft or less, caribou ran and panicked when fixed-wing aircraft approached and reactions decreased as flight altitudes increased; above 500 ft panic responses were not observed (Klein 1973). A study that exposed Sonoran pronghorn to direct military overflights concluded that the military jet activity did not cause changes in behavior (Krausman & Harris 2002, Krausman et al. 2004). Overflights of A-10 and F-16 aircraft military aircraft had marginal influence on Sonoran pronghorn behavior. The Sonoran pronghorn behavioral patterns were similar with and without the military aircraft stimuli and the exposed animals had similar behavior to pronghorn not exposed to regular military activity (Krausman et al. 2004). Wildlife react to visual stimuli (e.g., aircraft overflights) that are below 1,000 ft AGL (Bowles 1995). Since approximately 95 percent of the aircraft operations would be conducted above 1,000 ft AGL, visual impacts are not expected to be significant.

The impacts of the Proposed Action on bats are discussed in Sections 3.4.4.3 and 3.6.4.3 of the EA. Under the Proposed Action, there could be a limited number of overflights that occur at night when many bat species are active; however, those flights would not occur below 1,000 ft AGL due to potential safety concerns. Some species of bat migrate or hunt at altitudes of 1,100 ft AGL; however, based on the behavior of migrating bats, it is likely that they are flying just above treetop level. In addition, bats stop to forage throughout the night, indicating that they are likely flying low enough detect areas for feeding, drinking, and roosting (Peurach et al. 2009; Roby 2019). Northern long-eared bats primarily fly through the understory of forested areas while hunting make short migrations to their winter hibernacula (USFWS 2022). A study that

looked at 147 recorded bat strikes, in which the pilots reported awareness of the strikes, concluded that the average altitude of bat-aircraft strike occurrence is approximately 1,100 ft AGL (Peurach et al. 2009). Given that aircraft would spend approximately 10 minutes or less below 1,000 ft AGL during each sortie, and nighttime operations would not occur below 1,000 ft AGL, the potential for bat-aircraft strikes is negligible.

The text was revised to describe representative ground-dwelling species such as black bear and bobcat in Section 3.4.2.2 of the EA.

8.2 GROUND DISTURBING ACTIVITIES

Comment summary: Effects on wildlife would not be negligible since wildlife on the ground will be disturbed by jet noise, vibration, and air turbulence.

Response: The Proposed Action would involve establishment of permanent airspace to support aircraft activities; no ground disturbing activities would occur. There would be no construction-related impacts or changes to land use as a result of implementing the Proposed Action. Noise, vibration, and air turbulence from aircraft are not considered ground-disturbing activities in the context of the Proposed Action. Potential impacts resulting from vibration is discussed under **Response 8.4**.

8.3 BIRD IMPACT ANALYSIS

Comment summary: Request careful analysis of impacts to birds; impacts regarding migratory birds; how will the NGB mitigate bird strikes particularly during migration periods; how does the NGB plan to use real-time predictions of bird migrations; how would a bird or bat strike be determined and how will it be reported; how was the average number of air strikes per year calculated; how would breeding birds be impacted.

Response: Additional text was added to the EA to supplement the impacts analysis of the Proposed Action on birds in Section 3.4.4.1 of the EA. Noise-related effects on birds involve the masking of communications among members of the same species, reducing the detectability of biologically relevant signals including the sounds of predators and prey, and temporarily or permanently decreasing hearing sensitivity (Dooling & Popper 2007). Birds typically hear a narrower frequency bandwidth compared to humans (Dooling & Popper 2007). A study of captive zebra finches (*Taeniopygia guttata*) given a choice of foraging in noisy and quiet area found no significant difference in the amount of time birds spent in noisy and quiet areas though those foraging in noisy areas spent more time being vigilant, resulting in less efficient foraging than those in quiet areas (Evans et al. 2018). In a study of ovenbirds, Habib et al. (2007) found chronic noise exposure near compressor stations affected pairing success, attributable by masking and distorting the song of breeding males on territories. In birds, hearing loss is difficult to characterize since birds regenerate hair cells even after substantial losses that can result in temporary threshold shifts (Bowles 1995). The Proposed Action would not reduce the distribution or viability of species or habitats of concern.

Additional information on migratory birds known or expected to occur within the Proposed Duke Low MOA was added to **Section 3.4.2.3** of the EA. A table was created and includes a list of species protected under both the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act and includes each species' respective breeding seasons (**Table 3-12** in the EA). **Table 3-13** of the EA includes a list of bird species with state and federal protection status. The current Bird-Aircraft Strike Hazard (BASH) Plan and FAA preflight protocols that are currently followed for the Duke MOA would also apply under the proposed Duke

Low MOA. The DAF Bird Avoidance Model and Avian Hazard Advisory System provide information that assists pilots with scheduling flight routes that minimize the hazard of bird-aircraft strikes. The online, near real-time geographic information system data helps predict bird movement using bird habitat, migration, and breeding characteristics. Approximately 95% of aircraft operations would be conducted above 1,000 ft, which is above the level where bird-aircraft strikes would be considered high risk. Since a majority of operations would occur about 1,000 ft AGL, the potential effects on migratory birds would be limited. **Section 3.6.2.3** of the EA further details the BASH prevention program. In the event of a bird strike event, the NGB would make all possible efforts to identify the species and record incidental takes.

The calculated number of bird strikes under the Proposed Action is less than four strikes per year based on an annual rate of strikes using the 100,000 flying hours standard (Air Force Safety Center 2019). The incidence rate of bird strikes under the existing conditions is considered low and would be expected to remain low under the Proposed Action. Based on ANG records during the last five years, there have been no recorded BASH incidents in or near the Duke MOA.

Effects reported in noise-wildlife studies were temporary with no acute (i.e., sudden) effects on reproduction, mortality, or survivorship. Ellis et al. (1991) found that the impact of frequent low level jet overflights on nesting peregrine and prairie falcons were minimal and not associated with reproductive failure. A few seconds after an overflight, the birds tend to quickly resume their normal activities. Likewise, the impacts to raptors and other birds (e.g., waterfowl, grebes) from low-level aircraft flights were brief and not detrimental to reproductive success (Smith et al. 1988; Ellis et al. 1991; Grubb and Bowerman 1997). Bowels et al. (2003) also found that Mexican spotted owls do not exhibit escape flights from roost groves or nests after exposure to military jet aircraft.

8.4 INDIANA AND NORTHERN LONG EARED BAT

Comment summary: Potential impacts to Indiana and Northern Long Eared Bats as a result of the Proposed Action

Response: Additional language has been added to **Section 3.4.4.2** of the EA. While no ground disturbance would occur under the Proposed Action, possible impacts to bats could occur from ground vibrations associated with airspace use at 100 ft AGL and above. Few researchers have studied the effects of sound on Indiana Bats. The studies that have been completed have indicated that hibernating Indiana Bats and Little Brown Bats did not appear to respond to intense sound simulations, such as recordings of actual military activities played over a loudspeaker system. In addition, bats exposed to low-level flights exhibited no acute responses, such as panic flights, falling young bats, or startle responses. No significant differences in bat orienting responses were noted before, during, or after jet flights, but depressed levels of bat flights were noted for up to 30 minutes following the jet noise. See **Section 3.4.4.2** of the EA for more detail.

Under the Proposed Action, there could be a limited number of overflights that occur at night when many bat species are active; however, overflights would not occur below 1,000 ft AGL due to safety concerns. Some species of bat migrate or hunt at altitudes of 1,100 ft AGL; however, based on the behavior of migrating bats, it is likely that they are flying just above treetop level. In addition, bats stop to forage throughout the night, indicating that they are likely flying low enough detect areas for feeding, drinking, and roosting (Peurach et al. 2009; Roby 2019). Northern long-eared bats primarily fly through the understory of

forested areas while hunting make short migrations to their winter hibernacula (USFWS 2022). A study that looked at 147 recorded bat strikes, in which the pilots reported awareness of the strikes, concluded that the average altitude of bat-aircraft strike occurrence is approximately 1,100 ft AGL (Peurach et al. 2009). Given that aircraft would spend approximately 10 minutes or less below 1,000 ft AGL during each sortie, and nighttime operations would not occur below 1,000 ft AGL, the potential for bat-aircraft strikes is negligible.

8.5 BALD EAGLE AND HERON NESTS

Comment summary: Safeguarding bald eagle and heron nests through mitigation measures.

Response: Bald eagles are protected under the Bald and Golden Eagle Protection Act, which prohibits "taking" of these species and includes protection for their nests and eggs. To avoid interference with bald eagle nests and to follow recommendations from the USFWS, under the Proposed Action aircraft would maintain a 1,000 ft overflight buffer and a 0.5 NM lateral buffer around bald eagle nests beneath the Duke Low MOA, consistent with DAF directive. The Proposed Action would be consistent with National Bald Eagle Management Guidelines, as requested by USFWS.

The blue heron is protected under the Migratory Bird Treaty Act but was not identified by the USFWS Information for Planning and Consultation information as a species of particular concern in the proposed Duke Low MOA. The Armed Forces is exempt from the incidental take of migratory birds during authorized military readiness activities, provided that they confer and cooperate with the USFWS to develop and implement appropriate conservation measures for any activities that may result in a significant adverse effect on a population of a migratory bird species, as discussed in **Section 3.4.2.3** of the EA. Use of the BASH Plan, pre-flight protocols, USAF Bird Avoidance Model and Avian Hazard Advisory System, and operation of most aircraft (95%) above 1,000 ft would minimize the hazard of flight strikes.

8.6 NORTHERN GOSHAWK

Comment summary: Northern Goshawk should be added to the Pennsylvania list of endangered species.

Response: The Northern Goshawk was added to the list of endangered species within Pennsylvania after the Draft EA public comment period concluded. The species was added to the EA in **Table 3-13**, Federal and State Listed Threatened and Endangered Species, and discussed in **Section 3.4.2.3** of the EA.

8.7 MONARCH BUTTERFLIES

Comment summary: Impacts on monarch butterflies should be analyzed.

Response: There are no documented impacts to butterfly populations related to low level military overflights. On July 21, 2022, the International Union for the Conservation of Nature (IUCN), a membership union composed of government and civil society organizations, listed the monarch butterfly as endangered due to habitat loss and climate change. While the monarch butterfly is listed as endangered by IUCN, it is not currently listed as a federally or state listed endangered or threatened species by the USFWS, the agency responsible for the oversight and enforcement of the Endangered Species Act. In December 2020, the USFWS determined that listing the monarch under the Endangered Species Act is warranted but precluded by higher priority listing actions. As such, the monarch is a candidate for listing and the USFWS will review

the status each year until they are able to begin developing a proposal to list the monarch. At this time, since the monarch is not currently listed, neither Section 7 of the Endangered Species Act nor the implementing regulations for Section 7 include requirements for federal agencies with respect to candidate species. Critical habitat has not been designated for the monarch butterfly.

8.8 TREES

Comment summary: Proposed requirements for burn permits for clear cutting and controlled burning to regenerate plant life for wildlife; aircraft avoidance of trees and other obstacles.

Response: The NGB does not regulate or authorize clear-cutting or controlled burning of Pennsylvania forests and is outside the scope of this analysis. In forested areas where the tree canopy is approaching 100 ft in height, the aircraft would be at least 100 ft above the tree canopy or 200 ft AGL over the areas. In accordance with 14 CFR 91.119, Minimum Safe Altitudes and AFI 11-202v3, General Flight Rules, aircraft would continue to follow low-level guidance and remain 1,000 ft above the highest obstacle and 2,000 ft laterally when over congested or populated areas, as well as 500 ft above all known or observed antennas and obstacles.

8.9 NATURAL AREAS

Comment summary: Tamarack Swamp Natural Area should have a 1,000 ft AGL buffer like Hammersley Wild Area; state natural areas are not included in the DEA; FAA recommendation to maintain a 2,000 ft minimum safe altitude floor over state parks under FAA Advisory Circular 91-36D.

Response: In response to concerns raised regarding noise impacts to sensitive species, the NGB raised the floor to 500 ft AGL over state parks and undeveloped areas that are considered noise sensitive. These areas include Denton Hill, Lyman Run, Patterson, Prouty Place, Cherry Springs, Sinnemahoning, Ole Bull, and Sizerville state parks. The airspace floor would also be raised to 500 ft AGL over Johnson Run Natural Area, Pine Tree Trail Natural Area, Bucktail State Park Natural Area, Tamarack Swamp Natural Area, and Square Timber/Big Run Wild Area. In addition, the floor of the MOA would be raised to 1,000 ft AGL over the Forrest H. Dutlinger Natural Area, Hammersley Wild Area, and Kettle Creek State Park in an effort to minimize potential impacts to those wild and recreational areas. Based on the sporadic and infrequent change in sound level from baseline and the predicted wildlife startle response (Dufour 1980; Manci et al. 1988; Ellis et al. 1991), the potential for noise disturbance from aircraft operations would not be considered significant in terms of effects on threatened or endangered species, including state-listed species. This is discussed in Section 3.4.4.3 of the EA.

FAA Advisory Circular 91-36D, Visual Flight Rules (VFR) Flight Near Noise-Sensitive Areas, was implemented to mitigate complaints concerning low flying aircraft over federally owned noise sensitive, including areas such as National Parks, National Wildlife Refuges, Waterfowl Production Areas, and Wilderness Areas. No federally owned noise sensitive areas are located beneath the proposed Duke Low MOA. This is discussed in **Section 3.2.8.2** of the EA.

8.10 HABITAT AND UNIQUE CHARACTERISTICS

Comment Summary: Assess unique characteristics of the geographic area, such as proximity to historic or cultural resources, parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas; potential visual impacts, particularly for Cherry Springs Dark Sky Preserve; altitude mitigation over Tamarack Swamp.

Response: The Proposed Action would include no ground disturbance, so impacts to wild and scenic rivers, wetlands, and farmlands would not occur. The potential effects to cultural resources are discussed in **Section 3.5** of the EA. All previously recorded cultural resources are documented in **Appendix G** of the EA. A discussion of parklands found beneath the Duke MOA is included in **Section 3.3** of the EA. The Final Noise Analysis is included as **Appendix F** of the Final EA.

Concerns were raised during the public comment period related to potential impacts to the Cherry Springs State Park, which is also known as the Cherry Springs Dark Sky Preserve. Cherry Springs State Park is a remote and wild state park, named for the large stands of black cherry trees originally found in the area. Night sky enthusiasts flock to the park to experience dark skies and views of the Milky Way, planets, and hard to see phenomena (PA DCNR 2022). As discussed in **Section 3.3.4.1** of the EA, a 500-foot altitude mitigation buffer has been over Cherry Springs State Park, which was identified as a noise sensitive area. In addition, night operations would not occur at altitudes below 1,000 ft. Night operations currently occur within the existing Duke MOA. Given the infrequency of flights occurring over a single location, visual impacts to this area are not expected.

A 500-foot altitude mitigation would be placed over Tamarack Swamp i to minimize potential impacts.

9.0 ECONOMIC IMPACTS

9.1 TOURISM

Comment summary: the Proposed Action will disturb visitors to the region who come to experience nature and all its wonders which will threaten Pennsylvanian's livelihoods; request coordination with Pennsylvania Fish and Boat Commission to reduce impact on anglers. Acknowledges tourism, but fails to demonstrate how proposed action would have no significant impacts on outdoor recreation and tourism

Response: The NGB appreciates the concerns expressed and recognizes the importance of tourism to the local economy. The NGB acknowledges possible impacts on tourism areas located in the loudest areas of the airspace, but there is no way to forecast a quantifiable impact on outdoor recreation and tourism from the Proposed Action. There is a lack of published studies on quantifiable impact from aircraft overflights in MOAs to local economies related to outdoor recreation and tourism. While there are possible impacts on recreation and tourism in the parks and natural areas beneath the proposed Duke Low MOA airspace, there are no data to forecast a quantifiable impact on outdoor recreation and tourism from the proposed overflights. The likelihood of an individual experiencing an overflight would be low and intermittent because the distribution of proposed training would occur across a vast area of airspace (1.4 million acres), as discussed in **Section 3.7.4.3** of the EA. In addition, the Proposed Action would not alter, prohibit, or otherwise limit the public's access to the recreational areas beneath the Duke Low MOA.

Management actions and special procedures specified in **Chapter 5** of the EA would be implemented under the Proposed Action to further minimize any potential effects. In addition, the proposed Duke Low MOA altitudinal mitigation for state parks and state forests would be implemented to address concerns for the most critical sensitive areas. Pilots would be instructed to avoid these locations by horizontal and vertical distances specified on the map (500 and 1,000 ft AGL) to enhance flight safety, noise abatement, and environmental sensitivity. Considering implementation of management actions, special procedures, and altitudinal mitigation for state parks and state forests, the Proposed Action would not significantly impact tourism.

Noise from the proposed aircraft operations would have less than significant effects on the public's use and enjoyment of the state parks and forests, and other wildlife and recreational areas under the proposed Duke Low MOA. In a 1992 USFS study, the majority of wilderness users interviewed were not annoyed by overflights. The major emphasis of this study was to determine the effects of aircraft overflights on visitor enjoyment. No statistically reliable relationships were found between annoyance due to the sight or sound of overflights and respondents' reported intent to revisit. Intention to revisit was also unrelated to aspects of visits that respondents reported liking least. Refer to **Section 3.7.4.3** of the EA for more details.

The NGB and the 175 WG prepared proposed mitigation measures to address concerns raised by PA DCNR while ensuring the MD ANG A-10 training mission. Low altitude avoidance and noise sensitive areas for the proposed airspace would be identified in the local flight instructions for pilots. Pilots would be instructed to avoid these locations by horizontal (1 NM lateral boundary) and vertical distances (500 and 1,000 ft AGL) to enhance flight safety, noise abatement, and environmental sensitivity. A 1,000 ft AGL floor would be implemented over sensitive areas of concern in the southern portions of the Duke Low MOA, specifically over the Hammersley Wild Area, Forrest H. Dutlinger Natural Area and the Kettle Creek State Park. A 500 ft AGL floor would be implemented over sensitive areas of concern in the remaining portions of the Duke Low MOA, such as over the State Parks, Sinnemahoning Creek and the historical Austin Dam ruins. Tamarack Swamp, Pine Tree Trail, Ole Bull State Park were added to the areas with a 500 ft AGL floor. In forested areas where the tree canopy is approaching 100 ft in height, the aircraft would be at least 100 ft above the tree canopy or 200 ft AGL over the areas. The likelihood of an individual experiencing an overflight would be low and intermittent because the distribution of proposed training would occur across a vast area of airspace (1.4 million acres). Refer to Section 2.2 of the EA for more details.

9.2 PENNSYLVANIA WILDS

Comment summary: Concern over impacts on Pennsylvania Wilds as a premier outdoor recreation destination; one of the Commonwealth's most valuable and unique resources. The proposal threatens that wild nature by creating noise and air pollution, disturbing wildlife and visitors; training flights are detrimental to that experience and may affect Pennsylvanians' livelihoods.

Response: There is a lack of published studies on quantifiable impact from aircraft overflights in MOAs to local economies related to outdoor recreation and tourism. While there are possible impacts on recreation and tourism in the parks and natural areas beneath the proposed Duke Low MOA airspace, there are no data to forecast a quantifiable impact on outdoor recreation and tourism from the proposed overflights. Given the size of the airspace (1.4 million acres) and the distribution of proposed training, the likelihood of an individual experiencing an overflight would be low and intermittent. Every four days on average an individual on the ground may experience an individual aircraft overflight that would interfere with speech

on the ground for approximately 22 seconds. Utilization of the Duke MOA has occurred historically for decades, so to some degree, aircraft noise is not new to the region. The environmental consequences of the Proposed Action as it relates to the PA Wilds is discussed in **Sections 3.3.4** and **3.7.2.5** of the EA.

9.3 HARDWOOD INDUSTRY CONCERNS

Comment summary: Concern over detrimental impacts on hardwood industry; impacts from training flares, jet fuel spills.

Response: The hardwood industry would not be affected by the Proposed Action since it would not include construction, development, or changes in ground-based operations. The safety protocols, and management actions and special procedures would be implemented under the Proposed Action to ensure the safe use of the Duke Low MOA. To minimize interaction with civilian aircraft, military aircraft training in the proposed Duke Low MOA would maintain contact with the controlling agency to ensure proper separation with all non-participating aircraft. The Proposed Action would not involve the use of chaff or flare release. Fuel dumping would not be included as a component of any routine flight training and would only occur during in-flight emergency circumstances with a loss of life potential for the pilot.

Based on ANG records during the last five years or known previously, there have been no recorded mishaps in or near the Duke MOA. The types of aircraft training in the Proposed Duke MOA and associated mishap rates per 100,000 hours would remain unchanged when compared to existing conditions. Please refer to **Section 3.6.4.1** of the EA for more details.

9.4 FARMLAND

Comment summary: How was impact on farmland conducted?

Response: The National Land Cover Database shows that only nine percent of the land beneath the proposed Duke Low MOA is designated as crops and pastureland. There would be no short- or long-term changes in land use as a result of the implementation of the Proposed Action and it would not involve any ground disturbance or conversion to non-agricultural uses, as discussed in **Section 1.5** of the EA. As a result, an analysis of potential impacts to farmlands was not conducted. **Section 3.4.4.2** of the EA includes a discussion of the effects of noise on domestic animals. Studies indicate that domestic animals exhibit some behavioral responses to military overflights, but generally habituate to those disturbances over a period of time. Additional studies regarding the effects of aircraft overflight on domestic animals have been reviewed and discussed in further detail in **Section 3.4.4.2** of the EA.

9.5 CHANGE IN LAND USE

Comment summary: How land is used may change as a result of the Proposed Action

Response: Changes in land use would be driven by changes in noise levels beneath the proposed Duke Low MOA. As discussed in **Section 3.2** of the EA, based on the noise modeling results, the noise resulting from the proposed overflights would not exceed a level indicating a need for land use restrictions (65 DNL) or adversely affect human health (55 DNL). In addition, the flights are not expected to occur in one area with

substantial frequency given the overall size of the proposed training airspace. As a result, the Proposed Action would not result in changes to land use. See **Section 3.3** of the EA for more details.

9.6 RECOVERY FROM ADVERSE IMPACTS

Comment summary: Request to provide funds for adverse impacts from flyover event (e.g., horse injured from being frightened by flyover event).

Response: Damage or injury to property and livestock from incidents caused by 175 WG activity would be evaluated on a case-by-case basis. Questions and concerns regarding 175 WG training operations can be emailed to the Eastern Area Defense Sector at https://www.eads.ang.af.mil/Contact-Us/. This Office will be able to address concerns regarding 175 WG operations.

9.7 PROPERTY VALUES

Comment summary: Noise will affect housing values, property values

Response: There are several factors that affect property values that make estimating impacts difficult. Factors directly related to the property, such as size, improvements, and location of the property, as well as current conditions in the real estate market, interest rates, and housing sales in the area, are more likely to have a direct impact on property values. Several studies have analyzed property values as they relate to military and civilian aircraft noise. In one study, a regression analysis of property values as they relate to aircraft noise at two military installations was conducted (Fidell et al. 1996). This study found that, while aircraft noise at these installations may have had minor impacts on property values, it was difficult to quantify that impact. Other factors, such as the quality of the housing near the installations and the local real estate market, had a larger impact on property values. Therefore, the analysis was not able to predict the impact of aircraft noise on the property values of two comparable properties.

Another study examined and summarized the results of 33 studies that attempted to quantify the impact of noise on property values (Nelson 2004). It concluded that aircraft noise has the potential to adversely impact property values, specifically, property values could be discounted between 0.5 and 0.6 percent per decibel when compared to a similar property that is not affected by aircraft noise. The data indicate that noise effects on property value increases for noise levels above 75 DNL. As illustrated in **Section 3.2** (Noise) in the EA, the noise associated with training is lower than that associated with an active runway (i.e., an installation). The noise exposure would be distributed across a vast area and no single location would be expected to receive a consistently high exposure to noise. The highest DNL expected at any of the municipalities under the proposed Duke Low MOA is 53 DNL, which is an increase of 0.1 DNL when compared to existing conditions. This level is much lower than the 65 DNL threshold established for land use restrictions and significantly lower than 75 DNL which has been indicated to affect property values. Given the low expected DNL values and the distribution of the training activity across such a large area, it would not be expected that the Proposed Action would have any quantifiable impacts to the existing housing values within the region of influence.

9.8 MITIGATION FOR ECONOMIC IMPACTS

Comment summary: What mitigation measures would be implemented to alleviate significant economic impacts if they occur? Impacts to vulnerable communities and limited resources to respond to emergencies

Response: The level of impact to a local or regional economy that would result from military training is dependent on various factors, including but not limited to the frequency of flights, time of day, and local perception of military flights. Noise modeling indicates that the Proposed Action would result in an increase in overall noise levels by between 0.4 and 1.3 dBA L_{dnmr} and 0.1 to 0.3 dBA DNL for all state parks and forests, and other wildlife and recreational areas under the proposed Duke Low MOA. Within population centers, noise levels would increase by between 0.1 and 1.2 dBA L_{dnmr} and 0.1 to 0.2 dBA DNL. No area under the proposed Duke Low MOA would exceed 53.3 dBA L_{dnmr} or 53.0 dBA DNL. Given the low expected DNL values and the distribution of the training activity across such a large area, the Proposed Action is not expected to result in quantifiable impacts to the existing housing values under the proposed Duke Low MOA.

The noise analysis indicates that the average noise resulting from the Proposed Action would not be at a level that would be considered incompatible with recreational land uses. Though studies show that noise from a number of sources, including aircraft, can affect visitor experience and enjoyment of parks and forests, it is not clear how such experience affects visitation. While it is possible that noise could reduce visitation, potentially reducing contributions to local economies, it is not possible to quantify the economic impact.

The populations beneath existing airspace are currently exposed to military aircraft activity and that would continue in the future. Economic industries currently found under the proposed Duke Low MOA, such as manufacturing, government and government enterprises, retail trade, and manufacturing would continue to be important economic industries within the area.

The specific cost for responding to an accident as a result of the proposed training activity cannot be quantified since it is dependent on local conditions at the time of the incident, geographic area and distance from responders, and severity of fire. The DAF responds to all aircraft related incidents and the 175 WG maintains a detailed emergency and mishap response plan to react to an accident, should one occur (see **Section 3.6.2.1** of the EA, Safety Planning, Awareness Training, Emergency Response, and Alerts). Damage or injury to property from incidents caused by 175 WG activity would be evaluated on a case-by-case basis. Questions and concerns regarding 175 WG training operations can be emailed to the Eastern Area Defense Sector at https://www.eads.ang.af.mil/Contact-Us/. This Office will be able to address concerns regarding 175 WG operations.

9.9 AGRICULTURAL IMPACTS

Comment summary: Has ANG conducted full inventory of number of farms that maintain livestock? Will low flyovers in those areas be avoided? EA does not recognize impact on agricultural activities, production, and business; analysis of impact to fertility, reproduction, lactation, harm or injury to farm animals. The statement that livestock habituate over time is too broad of a generalization.

Response: Section 3.4.4.2 of the EA discusses the noise effects on domestic animals. The effects of aircraft noise on domestic animals indicates that they exhibit some behavioral responses to military overflights but generally seem to habituate to the disturbances over a period of time. Many studies on domestic animals suggest that some species appear to acclimate to sound disturbance (Manci et al. 1988). The effects of noise on domestic animals have been studied since the late 1950's and based on these studies, the effects from conducting low-altitude flights over agricultural areas would be small (Bowles et al. 1990). Noise generated by low-altitude, highspeed aircraft overflights normally will have no direct effect on large domestic livestock (USAF 1994). In a technical bulletin, the Department of Defense Noise Working Group published a summary of an extensive body of pertinent scientific data on domestic fowl accumulated over the past 40 years. The technical bulletin concluded that the most serious potential damages to poultry are injuries and suffocations that occur when panicked birds pile or crowd. It was noted that any type of aircraft noise of sufficient sound level can induce piling and crowding; however, only naive birds (with no prior exposure to aircraft noise) panic, and birds habituate quickly to noise. The technical bulletin noted that the likelihood of damaging panicked responses is small based on experimental studies and interviews with growers. Based on the existing experimental evidence, effects on productivity (effects on growth and egg production) were considered unlikely and predictions of the potential for effect could not be made because little is known about the physiological effects of stress, in general, on birds. The summary noted that effects of aircraft overflights on marketability are possible; however, the economic losses due to aircraft overflights would be minimal (Department of Defense Noise Working Group [DNWG] 2013). More severe responses are possible depending on the number of birds, the frequency of exposure, and environmental conditions (Wyle Laboratories 2008). Given the volume of proposed Duke Low MOA airspace, no single location would be subjected to repeated or continuous overflights. Based on the findings in the studies on the effects of aircraft noise on domestic animals, the potential for noise disturbance from aircraft operations under the Proposed Action would be less than significant effects on domestic animals and livestock. In addition, concentrated Animal Feeding Facilities (e.g., stockyards) are charted on aeronautical charts and are routinely avoided and will continue to be avoided.

The EA notes that the National Land Cover Database shows nine (9) percent of the land beneath the Duke Low MOA is designated as crops and pastureland. Farms would not specifically be avoided for low altitude flights.

Damage or injury to property and livestock from incidents caused by 175 NGB action would be evaluated on a case-by-case basis. Questions and concerns regarding 175 WG training operations can be emailed to the Eastern Area Defense Sector at https://www.eads.ang.af.mil/Contact-Us/. This Office will be able to address concerns regarding 175 WG operations.

10.0 RECREATION

10.1 CHERRY SPRINGS DARK SKY AREA, CHERRY SPRINGS STATE PARK

Comment summary: Concern over impacts on Cherry Springs Dark Area and ability of tourists to enjoy the area.

Response: Concerns were raised during the public comment period related to potential impacts to the Cherry Springs State Park, which is also known as the Cherry Springs Dark Sky Preserve. Cherry Springs State Park

is a remote and wild state park, named for the large stands of black cherry trees originally found in the area. Night sky enthusiasts flock to the park to experience dark skies and views of the Milky Way, planets, and hard to see phenomena (PA DCNR 2022). As discussed in **Section 3.4.4.3** of the EA, a 500 ft altitude mitigation buffer would be implemented over Cherry Springs State Park, which was identified as a noise sensitive area. In addition, night operations would not occur at altitudes below 1,000 ft. Night operations currently occur within the existing Duke MOA. Given the infrequency of flights occurring over a single location, visual impacts to this area are not expected.

10.2 DISTURBANCE WITHIN RECREATIONAL AREAS

Comment summary: A 100 ft ceiling is low in areas where people are recreating; impacts on anglers.

Response: In forested areas where the tree canopy is approaching 100 ft in height, the aircraft would be at least 100 ft above the tree canopy or 200 ft AGL over these areas. In accordance with 14 CFR 91.119, Minimum Safe Altitudes and AFI 11-202v3, General Flight Rules, aircraft would continue to follow low-level guidance and remain 1,000 ft above the highest obstacle and 2,000 ft laterally when over congested or populated areas, as well as 500 ft above all known or observed antennas and obstacles. This is discussed in **Section 3.2.8.2** of the EA (Individual Overflight Noise).

As discussed under **Response 7.1**, Level of Noise Impact, and **Section 3.7.4.3** of the EA, the anticipated noise associated with the Proposed Action would not be considered significant when considering the public's use and enjoyment of the state parks and forests, and other wildlife and recreational areas under the proposed Duke Low MOA. In a USFS study (1992), the majority of wilderness users interviewed were not annoyed by overflights.

Anglers would not be affected in regard to impacts on water resources since there would be no ground-disturbing activities, no infrastructure changes, no supersonic flight activities, no release of chaff and flares, no weapons firing, and no ordnance deployment, effects on water resources (i.e., wetlands, floodplains, surface waters, groundwater, or wild and scenic rivers).

10.3 HUNTING ACTIVITIES

Comment summary: The EA incorrectly states that interference with hunting activities would be avoided under the Proposed Action.

Response: **Sections 3.3.4.1** and **3.7.4.3** of the EA were revised to include language indicating that the Proposed Action would be commensurate with reducing interference with hunting activities because there would be very little use on weekends, no use on federal holidays, and the majority of hours (approximately two hours per activation day) used would occur during the mid-day, when hunting is least affected. The Proposed Action would not alter, prohibit, or otherwise limit the public's access to the recreational areas beneath the proposed Duke Low MOA.

Comment summary: Why are state parks held to a 500 ft altitude floor when FAA Advisory Circular 91-36D recommends National Parks be permitted a 2,000 ft minimum safe altitude floor? Explain the difference.

Response: FAA Advisory Circular 91-36D was issued in response to noise complaints received by FAA concerning low flights over federally managed noise sensitive areas, including National Parks, National Wildlife Refuges, Waterfowl Production Areas, and Wilderness Areas. This Advisory Circular references the Noise Policy for Management of Airspace over Federally Managed Areas and provides additional recommendations for minimizing noise impacts over those specific areas referenced. State parks are managed by state agencies. The recommendations provided within this Advisory Circular are voluntary and adherence is not required. Within the proposed Duke Low MOA, raising the floor to 2,000 ft AGL over state managed lands would eliminate more than half of the proposed training area, limiting the ability of the 175 WG to train effectively.

11.0 ENVIRONMENTAL JUSTICE

11.1 ENVIRONMENTAL JUSTICE AREAS

Comment summary: Outreach to communities; methodology used to evaluate impacts from Proposed Action on environmental justice areas; how will impacts be limited

Response: The proposed airspace was identified through a systematic process outlined in **Section 2.1** of the EA. All public involvement and outreach activities are described in **Section 1.4.4** of the EA and presented in **Appendix H**. No requests to translate materials were received through written or electronic communications.

Individual communities were not contacted regarding the Proposed Action. A Notice of Availability for public review of the Draft EA was published in four regional newspapers and made available in local libraries. The DEA/FONSI was made available and distributed upon request to federal, state, and local agencies, as well as regional libraries to invite public participation. More information is available on the 175 WG's webpage at https://www.175wg.ang.af.mil/. See **Section 1.4.4** of the EA for more details.

Impacts to low-income, minority, and youth populations are assessed in **Section 3.8**, a new section that was added to the EA to address Environmental Justice. The Proposed Action would not result in significant impacts to any resources that would adversely impact the health or environment of minority or low-income populations or children living beneath the ROI. Impacts to low-income and/or minority populations or children would not be considered significant based on the significance criteria that was used to evaluate anticipated impacts during the analysis. All populations under the proposed Duke Low MOA would experience the same effects from the Proposed Action, which means that disproportionate impacts would not occur. For more details, please see **Section 3.8** of the EA.

11.2 EXECUTIVE ORDER 14008

Comment Summary: In light of Executive Order 14008, Tackling Climate Crisis at Home and Abroad, perform a more in-depth analysis regarding impacts of this proposal on the 22 environmental justice and otherwise distressed communities under the proposed Duke Low MOA.

Criteria and guidelines for addressing environmental justice impacts are provided in **Section 3.8** (Environmental Justice) of the EA. The noise analysis presented in **Section 3.2** (Noise) of the EA illustrates that the Proposed Action would result in an overall increase in noise levels by between 0.1 and 1.3 dBA

L_{dnmr} and 0.1 and 0.3 dBA DNL for areas beneath the proposed Duke Low MOA. These changes in noise levels would not be perceptible when compared to existing conditions, and noise from aircraft would continue not to contribute appreciably to the overall background levels throughout the region. These changes in noise would not be "reportable" under FAA guidance (FAA Order 1050.1F), and these effects would not be considered significant. This would constitute a negligible increase in the annual average noise when compared to existing conditions. Overall, noise levels associated with the Proposed Action would be relatively consistent with existing conditions and in populated areas would remain below recommended land use thresholds. Therefore, potential impacts associated with noise to any low income, minority, children, or elderly living beneath proposed Duke Low MOA would be expected to be insignificant. The impacts associated with environmental justice and protection of children with respect to airspace is discussed in further detail in **Section 3.8** of the EA. Consideration of cumulative effects identified in **Chapter 4** of the EA would be expected to result no significant impacts to environmental justice populations. Respective future actions would require independent NEPA analysis by respective lead agencies to assess potential environmental justice impacts.

12.0 PUBLIC HEALTH AND QUALITY OF LIFE

12.1 NOISE IMPACTS, NON-AUDITORY CONCERNS

Comment summary: Concerns that residents with post-traumatic stress disorder (PTSD), including veterans, will react adversely to aircraft noise

Response: There is public concern that aircraft noise has non-auditory health effects, which are physiological effects on health and well-being (i.e., stress response and cardiovascular effects) that are caused by exposure to aircraft noise. While there is a substantial amount of research on the topic, most of the studies concern chronic exposure to high levels of noise, like that experienced in an airport environment with hundreds of flights per day. The impacts of aircraft noise on human health are unclear and the majority of the research on this topic focuses on chronic exposure of high levels of noise, which would not occur under the Proposed Action. The DNWG stated that the current state of scientific knowledge cannot yet support inference of a causal or consistent relationship between military aircraft noise exposure and non-auditory health consequences for exposed residents. The results of published studies of aircraft noise on human health are unclear. There is a lack of scientific basis to conclude that aircraft noise has negative non-auditory health consequences on exposed residents (DNWG 2013).

Post-traumatic stress disorder (PTSD) is a serious, life-altering condition that affects six to eight percent of the population. Triggering events vary widely for each individual, from military combat and natural disasters to car accidents and assaults. It is not possible to predict how individuals will react or the severity of the response to the Proposed Action given the diverse causation and success rate of individual treatment. The National Institute of Mental Health (NIMH) offers guidance to understand the symptoms and reactions as well as information to find treatment. NIMH has specific links on their website at https://www.nimh.nih.gov/health/topics/post-traumatic-stress-disorderptsd/ index.shtml. The NGB recognizes the effects that PTSD can have on an individual. Data does not currently exist that identifies where patients with PTSD may be located within the proposed Duke Low MOA, as the Department of Veterans Affairs would not publish information on patients unless they volunteer to be a member of a study, due to potential violations of the Health Insurance Portability and Accountability Act of 1996 (associated

with publishing such information. Such studies do not currently exist within the proposed Duke Low MOA. If there is an issue that is raised, concerns would be mitigated after the implementation of the Proposed Action. Any issues identified would be addressed on a case-by-case basis as they arise.

12.2 RESIDENTS OF THE AREA

Comment summary: Proposed modification is completely unacceptable as it will have a detrimental impact on the residents of the area; impacts to quality of life.

Response: Utilization of Duke MOA has occurred historically for decades, so to some degree, aircraft noise is not new to the region. The proposed Duke Low MOA would introduce intermittent operations occurring at lower altitudes than what is currently conducted. Refer to **Section 3.2** of the EA for more information on the noise impacts. An evaluation of expected noise impacts was completed and incorporated an analysis of both the DoD and FAA noise significance criteria. Based on the EA that has been prepared, the Proposed Action would have minimal effect on the area under the MOA.

Quality of life is a subjective determination based on personal experiences and preferences. Some of the community characteristics that affect quality of life include population density; educational, recreational, and cultural opportunities; housing characteristics; and access to community and health care services. The preferences and values attributed to these characteristics will vary by the individual as well as the form in which these characteristics are presented in the community. Therefore, the EA does not analyze the effects on a specific individuals' quality of life.

12.3 QUALITY OF LIFE

Comment summary: How will pilots avoid congested areas of cities, towns, and open-air assemblies of people (including state parks, festivals); degradation of quality of life.

Response: As part of preflight preparations, pilots identify any populated areas and avoid them. Training would not occur over congested areas. Air Force Manual 11-202v3, Flight Operations, specifically prohibits flying over any congested area of a city, town, or settlement, as well as over any open-air assembly of persons during military training. Pilots must maintain an altitude of at least 1,000 ft above the highest obstacle within a horizontal radius of 2,000 ft of the aircraft. See **Section 3.3.4** of the EA for further discussion. Studies have been conducted to determine the effects on health as associated with military overflights. Studies have been cited throughout the EA.

In addition to avoiding cities and towns, an altitude mitigation map has been developed to avoid flyovers below 500 ft AGL over state parks under the proposed Duke Low MOA, as discussed in **Section 3.2.8.2** of the EA.

13.0 MITIGATION AND RESTRICTIONS

13.1 PUBLIC NOTICE OF SCHEDULED FLYOVERS

Comment summary: Advance public notice of scheduled flyovers should be issued to local and regional news media which could help reduce the negative impacts; establish no-fly days around federal holidays

Response: The 175 WG will not issue press releases to notify the public of activation or operation in the airspace. Questions and concerns regarding 175 WG training operations can be emailed to the Eastern Area Defense Sector at https://www.eads.ang.af.mil/Contact-Us/. This Office will be able to address concerns regarding 175 WG operations.

The purpose of the Proposed Action is to establish low-level airspace beneath the existing Duke MOA to train and prepare military pilots and aircrews for current and future conflicts. The action would provide reasonable flexibility for aircrew usage and air traffic control de-confliction. As discussed in **Section 2.2** of the EA, the MD ANG is a federal entity that would not typically fly on federal holidays outside of wartime; however, the training requirements could not be met with restrictions, such as no-fly days.

13.2 NATURAL AREA MITIGATION BUFFERS

Comment summary: Tamarack Swamp Natural Area and Pine Tree Natural Area are not on the mitigation map, but should be; which areas will have mitigation buffers

Response: As illustrated on **Figure 2-3** in the EA, a 500 ft AGL buffer has been added around the Tamarack Swamp Natural Area, Pine Tree Trail Natural Area, and Ole Bull State Park. A 500 ft AGL floor would be implemented over sensitive areas of concern in the remaining portions of the Duke Low MOA, such as over the State Parks, Sinnemahoning Creek and the historical Austin Dam ruins. In addition, a 1,000 ft AGL floor would be implemented over Hammersley Wild Area, Forrest H. Dutlinger National Area, and Kettle Creek.

13.3 AGRICULTURAL ZONES

Comment summary: Agricultural zones with livestock should be protected with mitigation buffers

Response: Concentrated Animal Feeding Facilities, such as stockyards, are charted on aeronautical charts and are routinely avoided during flyovers. Pilots would continue to avoid flying over these facilities under the Proposed Action.

14.0 CLOSE CAUSAL RELATIONSHIPS AND CUMULATIVE IMPACTS

14.1 COUNCIL ON ENVIRONMENTAL QUALITY REGULATIONS

Comment summary: CEQ regulations are under review, request consideration of cumulative impacts, environmental justice, climate change, and public interest

Response: Effective 20 May 2022, the CEQ's NEPA Implementing Regulations have been updated. The language in the EA has been updated accordingly to reflect the change in the regulations. See **Section 1.4.1**, NEPA, in the EA for details on how NEPA and CEQ regulations are implemented. **Chapter 4** of the EA has been updated to change the discussion related to "close causal relationships and reasonably foreseeable actions" to a discussion related to the expected cumulative effects. **Section 4.1** of the EA includes the approach to the cumulative effects analysis, which includes the scope of the analysis, a list of past, present, and reasonably foreseeable actions, and the cumulative effects analysis.

As discussed under Response 11.0, Environmental Justice, the Proposed Action is not expected to result in disproportionate impacts to environmental justice communities and populations based on the findings of

no significant adverse impacts on the other resources evaluated. Impacts to low-income and/or minority populations or children would not be considered significant based on the significance criteria that was used to evaluate anticipated impacts during the analysis. All populations under the proposed Duke Low MOA would experience the same effects from the Proposed Action, which means that disproportionate impacts would not occur. Therefore, the resource area for environmental justice and children's environmental health and safety risks was not carried forward for detailed analysis in the EA.

Additional language has been added to **Section 1.5** of the EA to discuss climate change. The DAF, in keeping with the mandate of Executive Order 13834, Efficient Federal Programs, operates with the following goals to reduce energy consumption and as a result reduce greenhouse gas (GHG) emissions:

- Achieve and maintain annual reductions in building energy use and implement energy efficiency measures that reduce costs.
- Meet statutory requirements relating to the consumption of renewable energy and electricity.
- Ensure that new construction and major renovations conform to applicable building energy efficiency requirements and sustainable design principles and annually assess and report on building conformance to sustainability metrics.
- Track and report on energy management activities, performance improvements, cost reductions, greenhouse gas emissions, energy and water savings, and other appropriate performance measures.

At this time, climate change presents a global problem caused by increasing concentrations of GHG emissions. While climate change results from the incremental addition of GHG emissions from millions of individual sources, the significance of an individual source alone is impossible to assess on a global scale beyond the overall need for global GHG emission reductions to avoid catastrophic global outcomes.

A GHG analysis is a global analysis and since all sorties under existing conditions and the Proposed Action are already occurring somewhere globally, there would be no increase in GHGs. While the training syllabus is currently reduced within the existing airspace, this training is still accomplished once the pilot reaches their operational squadron at other installations. Thus, there is no increase in GHGs since all sorties currently occur globally. As noted in the EA, climate change represents a global problem resulting from the incremental addition of emissions from millions of individual sources.

Under 40 CFR 1506.6, agencies are required to involve the public in implementing their NEPA procedures, and this includes public involvement in the preparation of EAs and FONSIs. These are public "environmental documents" under Section 1506.6(b), and, therefore, agencies must give public notice of their availability. Appropriate notification of the availability of the EA was provided prior to the release of the document for public review.

15.0 CULTURAL RESOURCES

15.1 NATIONAL REGISTER OF HISTORIC PLACES (NRHP)

Comment summary: Are the state parks and forests listed or eligible for listing in the NRHP; Phase I and II evaluations of cultural resources under the proposed Duke Low MOA is required; tables in DEA only include previously recorded and listed; not complete list of resources in the Area of Potential Effect; provide Austin Dam with an opportunity to review the EA.

Response: According to Pennsylvania's Historic and Archeological Resource Exchange, the following state parks that fall within the Proposed Duke Low MOA have an "undetermined" eligibility status for listing in the NRHP: Cherry Springs, Denton Hill, Kettle Creek, Lyman Run, Ole Bull, and Sinnemahoning (PASHARE 2022). The following state parks: Bendigo, Elk, Hyner Run, Hyner View, Patterson, Prouty Place, and Sizerville; and state forests: Elk, Sproul, Susquehannock, and Tioga do not have eligibility status records.

Effects resulting from the introduction of noise into historic property settings are expected from the Proposed Action, but those effects would not significantly affect the features of properties that make them eligible for listing in the NRHP; therefore, the proposed action would have no adverse effects to historic properties or culturally significant places making further evaluation of this resource unnecessary.

The DEA was provided to Austin Dam for their review. No comments were received.

16.0 OTHER QUESTIONS AND COMMENTS RECEIVED

16.1 COMMENTS FROM FORM LETTERS

Comment summary: While using an air tanker on a wildfire, our plane was flying in a generally easterly direction from the Moshannon air tanker base, approaching the side hill fire header. Airspace was closed to all other traffic, but a Warthog was flying just above the west branch of Susquehanna River. The air tanker was diverted just in time to avoid a disastrous mid-air collision. The Air operations manager for the Bureau of Forestry (BOF) made an official complaint.

Previous training flights in Pennsylvania were at tree-top level and had resulted in extremely dangerous situations. Where a power line crosses the West Branch of the Susquehanna River in the vicinity of the village of Keating in western Clinton County, an A-10 was flying low above the river and the tail sections of the aircraft severed a power line which crossed the river. The high voltage power line whipped across PA Route 120.

While BOF crews were planting tree seedlings by using mechanized tree planters pulled by small dozers, National Guard Warthogs would practice strafing by using the active tree planter as targets. This was totally unsafe and frightening.

Response: When the USFS is dispatched to fight a forest fire, they will set up a Temporary Flight Restriction (TFR). The National Firefighting Center (NFC) in Boise, ID is responsible for working with the FAA and establishing these TFRs as needed. When the NFC maps the TFRs and discovers that it is within a MTR

corridor, the NFC will contact the unit scheduling desk to advise them of the TFR and determine if there are any flights currently scheduled or operating on the route. In the event of a conflict and the TFR is set up after the pilot has initiated training, both the pilots and the firefighting teams will ensure that there is no conflict. Furthermore, the NFC is aware of the location of each MTR. If a TFR is issued within a MTR, they will continue to observe the airspace throughout the firefighting events to ensure safety. Pilots check TFRs and NOTAMs before each flight. Pilots are notified if a TFR or NOTAM is issued and will avoid the airspace as necessary. In addition, if there is an active wildfire under the airspace, pilots would not utilize the airspace in order to de-conflict ongoing emergency response efforts.

Within the proposed Duke Low MOA, the potential for this type of conflict would not exist. All MOAs have a controlling agency, which is the ARTCC, with the FAA. The ARTCC is also responsible for establishing the TFR. When the USFS requires the establishment of a TFR, the NFC will contact the applicable ARTCC to have it established. Any military aircraft that needs to utilize an established MOA requires the permission of the applicable ARTCC before they are allowed to access the MOA. If a TFR has been established, the ARTCC will inform the pilot of the TFR and they will have the ability to monitor for avoidance.

There is no record that supports the claim that an A-10 was responsible for severing a power line in the area that is mentioned. If a military aircraft was responsible, an incident would have been filed. In addition, during training activities, no live weapons are carried and all training is simulated.

The U.S. Congress has directed the FAA to manage the NAS on behalf of the People of the United States of America. As such, the FAA and the appropriate ARTCC act as the controlling agency for all airspace activity in a region to include military aircraft operations. Any reports of inappropriate activity are investigated by the FAA and reported to the appropriate military authority to execute any disciplinary or corrective action as needed.

The DAF and the ANG take seriously any claims of inappropriate or unsafe actions by our professional Airmen. Any properly investigated event would have been dealt with on a case-by-case basis to ensure it is not repeated.

16.2 ADDITIONAL QUESTIONS RAISED

Comment summary: Where can complaints be sent and how will complaints be addressed if received?

Response: Questions and concerns regarding 175 WG training operations can be emailed to the Eastern Area Defense Sector at https://www.eads.ang.af.mil/Contact-Us/. This Office will be able to address concerns regarding 175 WG operations. Complaints will be reviewed to determine the appropriate response.

16.3 REFERENCES

Comment summary: References are outdated in several sections; analysis dismisses how low-level training could impact the number of visitors and money spent; how was analysis conducted?

Response: The EA was revisited to review the references that were used and to determine if there were more accurate and up to date references that would be applicable. All of the references were reviewed, and additional research was conducted to ensure that the analysis was accurate, and the appropriate references

are incorporated into the document. that support the analysis.	Updated references	have been incorporate	d throughout the document

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